Esteem in the Moral Economy of Oppression

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<td><a href="http://dx.doi.org/10.1111/j.1520-8583.2009.00171.x">http://dx.doi.org/10.1111/j.1520-8583.2009.00171.x</a></td>
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<tr>
<td>Publisher</td>
<td>Wiley Periodicals, Inc.</td>
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<tr>
<td>Version</td>
<td>Final published version</td>
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<tr>
<td>Accessed</td>
<td>Fri Jan 25 12:03:06 EST 2019</td>
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<td>Citable Link</td>
<td><a href="http://hdl.handle.net/1721.1/67323">http://hdl.handle.net/1721.1/67323</a></td>
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1. On the Beach

Once, on a sunny coast, there was a beautiful beach, blessed with fine golden sands, waving coconut palms, gentle surf, and a gratifying absence of sharks, stingers and jellyfish. People enjoyed the beach, brought picnics, basked, and swam when the mood took them. One day, towards evening, when people began to head for home, a young man got up, leaving the remains of his picnic on the otherwise pristine beach. Two philosophers watched. ‘Alas,’ said one, ‘this young man is a free rider. He enjoys the benefits of a clean beach, but is unwilling to shoulder his share of the burden. And the others won’t make him do his bit. Enforcement has two components: violators must be identified; and violators must be punished. Both components have costs for the enforcers.’ Her friend said, ‘There’s only one thing for it. Let’s tell the mayor, and get him to set up a fine for littering.’ ‘Not so fast’, said the first. ‘The iron hand of state sanction is a last resort. State sanctions are demeaning, and undermine an individual’s sense that he is running his own life.’

The young man looked around and met the eyes of his neighbor, who looked at him, looked at the trash, and raised an eyebrow. The young man hesitated, then, with studied nonchalance, packed up his trash, and left. ‘Ah’, said the first theorist, with relief. ‘You see? He cares what the others think of him. People can police his actions just through their attitudes.’

All was well, until some people took to having wild parties on the beach at night, leaving the beach strewn with beer bottles, cigarette butts, and needles. The sun-baskers were unhappy. Well, not all: some were secret night-partiers, and didn’t mind the mess. The virtues of cleaning up were not prominent among the night-partiers’ norms, expressible in such mottos as ‘Always look out for number one’, ‘Live fast, die young, leave a beautiful corpse’, and ‘Carpe noctem’. ‘Hm,’ said the first philosopher, ‘the clean beach is a public good, and everyone is better off if everyone puts in the effort to keep it clean.’ ‘Yes’, said her friend, ‘but
since the night-partiers do their partying in the dark, our attitudinal sanctions can't reach them. And I suspect they don’t disapprove of each other's behaviour.’

‘You're right’, said the second, ‘our attitudinal sanctions can’t have free play.’ She looked pensive.

Time went on. The beach became strewn with broken glass, rotting food, bent needles. One basker said there were serious risks of harm. Another (a secret partier) called him a ‘party-pooper’, and said that the harm was avoidable, all you had to was to look where you were going. Another said, tolerantly, that while he preferred the old, pristine beach, he appreciated some might value a beach strewn with glass and needles. After all, these days a pile of dung, a bottle of urine, or a carcass, could be Art. Perhaps a beach strewn with trash could be Art as well.

Unhappy baskers went to the mayor. ‘Alas’, he said, ‘my hands are tied. Our Constitution governs Freedom of Possession: each citizen has a fundamental right to put his possessions where he wants. I cannot impose sanctions without infringing this fundamental liberty.’ In vain the citizens pressed their arguments about the risks of injury and disease. In vain the vulnerable ones — the shoeless ones, the ones prone to illness from exposure to rotting food — argued that the present arrangement, while bad for many people, was especially bad for them. Eventually people gave up complaining. They came to think that the state of their beach was a small price to pay in compensation for their glorious right of Freedom of Possession. Some gave up sun-basking, and joined the partiers. The movement for Trash as Art grew. Having a clean beach was no longer an agreed-upon public good. ‘Ah,’ said the first political philosopher. ‘Problem solved’. They turned away. ‘Let's go for a holiday’, said the second. ‘I hear there are some good beaches in Australia.’ ‘Yes’, said her friend. ‘I believe there’s one in Sydney. They call it Bondi.’

2. Esteem and the Intangible Hand

The story illustrates a simple idea about how social behavior can be regulated, and how that regulation might fail. The idea is familiar: we care about how we look in the eyes of others. We care so much about the attitudes of others, that a degree of social order can be maintained merely through expression of the positive or negative regard of our fellows. Philip Pettit and Geoffrey Brennan have argued, with elegance and optimism, that this simple fact promises to resolve a number of long-standing problems about the enforcement of moral and social norms. Adam Smith described an ‘invisible hand’, whereby the common good is served, and the social order regulated, by the voluntary actions of selfish individuals who are not aiming to achieve those ends. Pettit and Brennan describe an analogous ‘intangible hand’, whereby the common good is served, and the social order spontaneously regulated, through the involuntary attitudes of individuals who are not aiming to achieve those ends:
[W]e may sanction one another, and perhaps police one another into a given pattern of behavior — even into keeping the streets clean — without lifting a finger. We may reward and punish each other just by being there and registering the character of one another’s behavior. And the expectation of such rewards and punishments may lead us each to adjust our behavior accordingly. The unorchestrated esteem and disesteem that we give on another may put in play forces that serve, as silently as gravity, to fix our behavior in certain patterns. (Pettit and Brennan 2000, 78)

Pettit and Brennan don’t mean that we are always actively pursuing esteem for its own sake, which would be in many circumstances a self-defeating exercise. But our interest in how we appear in the eyes of others can exercise what they call ‘virtual control’, providing a standby incentive in case our ordinary virtuous motivations fail — just as, for most law-abiding folk, the criminal justice system provides us with back-up incentives to virtue, should we be tempted to stray. Attitudes of approbation and disapprobation are, on their account, involuntary. Our attitudes exert control over others, but we do not exert control over our attitudes. When we encounter what we take to be wrong-doing, we don’t calculate the cost of choosing to police wrong-doing with our disapproval. Calculation and choice don’t come into it: we can’t help disapproving. Pettit and Brennan take the involuntariness of evaluative looking to have implications for cost: since we don’t calculate cost before disapproving, it is effectively (they think) cost-free. They show convincingly that an economy of esteem, thus understood, has hitherto unnoticed potential to address all kinds of difficulties about the enforcement of moral and social norms. This is the magic of the system: it works without our even trying.

The mechanism of the ‘intangible hand’ is a familiar one, picking up on a phenomenon we also know under less complimentary labels. Caring a great deal about the regard of others also goes by the name of peer pressure, narcissism, and plain old keeping up with the Joneses. Sartre famously described the Look as part of the very structure of human consciousness, and on this way of thinking, he was not far wrong. The human agent is the curious Subject, peering through the keyhole, who suddenly realizes with shame that he is also the Object of the gaze of an Other. We cannot help looking at others, and cannot help caring about how we look to others. For the existentialists, this is no cause for celebration: it is a sinister business, one of the many ways in which we somehow objectify each other. The idea of the intangible hand also has affinities with the amour propre that Rousseau described — a kind of slavery to the good opinions of others, a vice which he took to be the root of many of the ills of civilization. Well, a vice for men at least; as for the rest of us:

By the law of nature women, for their own sakes as well as for the sake of their children, are at the mercy of the judgment of men. Worth alone will not suffice, a woman must be thought worthy; nor beauty, she must be admired; nor wisdom,
she must be respected. Their honor is not only in their conduct but in their reputation, and it is not possible that one who lets herself be seen as disreputable can ever be good. When a man does the right thing he only depends on himself and can defy public judgment, but when a woman does the right thing she has done only half of her task, and what people think of her is not less important than what she in effect is. Hence her education must, in this respect, be the contrary of our’s.

This brings us to an important issue. Historically women have needed to be especially careful about the good opinion of others, as Rousseau observes so accurately. His point generalizes beyond the case of gender. Some people, by virtue of their place in a social hierarchy, and regardless of their helpful or hindering behavior, are winners in an economy of esteem: they get plenty of esteem for free, and they don’t need it so much anyway. Others, because of relations of dependence, need esteem much more, and have to do much more to get it. That is all fine by Rousseau, for women at any rate. What would be vice in a man is virtue in a woman. His perceptive description stiffens into prescription, and concludes with that infamous proclamation of double standard:

‘What will people think?’ is the grave of a man’s virtue, and the throne of a woman’s.4

Mary Wollstonecraft famously abandoned Rousseau’s double standard: ‘what will people think?’ is the grave of virtue not just for men, but for women too.5 Pettit and Brennan follow in Wollstonecraft’s footsteps, throwing out Rousseau’s double standard — but in quite the opposite direction. ‘What will people think?’ becomes, for them, the throne of virtue for us all.6

My interest here is not in this system’s success, but in its failure. Wollstonecraft’s critique of Rousseau was an external, moral one: being bound to the opinions of others is, she argued, no way for a rational human being to live. Whether or not she is right about this, the critique I shall offer here is an internal one. The ‘intangible hand’ is a failure, when it comes to addressing the moral economy of oppression — and it is a failure by its own lights. Now Pettit and Brennan concede that the opinions of others can sometimes work for ill rather than for good, a phenomenon they dub ‘the intangible backhand’. I shall try to show that this is more significant than they allow, and that it should darken their optimism. Oppression can, like the intangible hand itself, work without anyone even trying — sometimes because it actually exploits the intangible hand, in the way it works. The intangible hand sometimes not only fails to prevent oppression, but helps to create and perpetuate it.

The problems arise from two features, which are evident enough, though they may have received insufficient attention. First, the helpful workings of attitude depend on publicity. Actions need to be public, to be visible to the eye of public esteem. But publicity is precisely what is lacking in certain aspects of oppression.
Second, the helpful workings of attitude depend on subtleties of group dynamics. There are, as Rousseau noted, deep asymmetries between groups, when it comes to questions about who needs esteem, and whose esteem counts. We care about esteem, yes. But some of us care more about esteem than others do. And we care about the esteem of some people more than that of others. We care more about esteem from members of an in-group, and from members of a dominant group.

The features that interest us here are distinctive of oppression, but of course are by no means unique to it. So a focus on oppression will also serve to illustrate other, more mundane, circumstances in which the intangible hand will work for ill.

In thinking about the workings of esteem, I shall be drawing in particular on the example of sexual oppression, looking at norms relating to sexual violence, and to pornography. The reader will have noticed that there were echoes, in my story, of arguments feminists have sometimes encountered on these topics. I will be making use, along the way, of a certain pragmatic account of how pornographic speech works, which I find plausible for independent reasons. But my chief and overall aim is simply to illustrate the limitations and dangers of the intangible hand. Pettit and Brennan see a silver lining, and take it for a new dawn; but they should take note of the thunderclouds.

3. Four Conditions for the Intangible Hand

Under what circumstances can the intangible hand do its useful work in helping to regulate behaviour? Four conditions are central to Pettit and Brennan’s proposal, and I shall call them the condition of normativity, the condition of publicity, the condition of low cost disapproval, and the condition of low cost compliance. The norm of keeping the beach clean can be spontaneously enforced by attitudes and their manifestation, because these four conditions hold: nearly everyone recognizes it to be a norm; nearly everyone recognizes that violations will be public — that they will be mostly noticed, and will provoke disapproval when noticed; the cost of feeling and expressing disapproval is low; and the cost of complying is low enough to make it rational to comply.

The first two conditions, when spelled out, invoke a notion of common belief. Take normativity first. On this proposal the imperative in question must be a norm, and it must be a matter of common belief that it is a norm. And now take publicity. Violations must, for the most part, be public, and it must be a matter of common belief that they are public. Violations must, when publicized, be subject to the penalty of disapprobation, and it must be a matter of common belief that they will be so penalized. Pettit makes use of an iterative conception of common belief, developed by David Lewis and Robert Stalnaker (with roots in Grice): a belief that \( p \) counts as a common belief in a community when everybody in that community believes \( p \), and everybody believes that everybody believes \( p \), and so on. The main point is that, to count as common belief, it’s not enough
that everyone believes it — what’s also needed is that everyone is aware that everyone believes it, and that too is in turn something everyone is aware of.

What is a norm? In this context, it is a kind of socially approved regularity, which is maintained as a regularity by the social approval. A regularity is a norm for a community just in case (i) nearly everyone in the community conforms to the regularity; (ii) nearly everyone in the community approves of nearly anyone else conforming to it, and disapproves of nearly anyone else deviating from it; and (iii) the pattern of approval and disapproval helps to ensure that everyone in the community conforms. The normativity requirement, then, is about a kind of approval-maintained regularity: the normativity requirement says that such a regularity exists, and that it is a matter of common belief that it exists.8

Some comment on the normativity condition is in order. This usage of ‘norm’ is generous, building as it does on Lewis’s work on convention, and taking in activities as wide-ranging as driving on the right hand side of the road, speaking English, voting, keeping streets tidy, and telling the truth. Norms of ethics, politics, language, etiquette, and many others can meet these conditions. And there are unresolved issues here about the connection of ‘norms’ satisfying these conditions, with norms that are genuinely normative. There was a time when ‘Keep slaves’ was a norm in certain circles, by the above definition, and ‘don’t keep slaves’ was not. Yet the first norm was wrong, and the second right. These are important issues, but I shall not resolve them here.

Comment on the third condition, of low-cost disapproval, is also in order. We all agree that expressing disapproval is sometimes costly, and can be inhibited: think of the political dissident in Maoist China.9 I should like to add that merely feeling disapproval can also be costly, and here I part with Pettit and Brennan, who regard the feeling of disapproval as involuntary and (therefore) cost free.10 In any case, I want the condition of low-cost disapproval to cover both disapproval, and its expression.

Four conditions, then, to keep in mind: normativity, publicity, low cost disapproval, and low cost compliance.

4. Four Conditions, on the Beach

With these conditions in place, the occasional raising of an eyebrow can keep the beach pristine. Everyone does their bit to keep the beach clean, and is disposed to disapprove of violators; and everyone knows that this is the norm. Violations are easy to see on a public beach in broad daylight, and would readily be noticed and frowned upon. Merely disapproving of the litterbug’s action takes no effort. Expressing disapproval by raising that eyebrow takes a little more, but not much. And as for compliance, it doesn’t cost that young man much effort to pack his trash away. So how could it all go wrong?

The publicity condition breaks down first: the beach parties take place under cover of darkness. Although most people disapprove of the night-partiers’
behaviour, that disapproval fails to motivate the partiers, partly because the disapprovers don’t know who they are, except under a general description. The publicity requirement, to be fully effective, involves identification of the individual: disapproval that explicitly targets Joe Smith will bother Joe more than disapproval that vaguely targets the night-partiers.

At the same time the normativity condition breaks down, because of new and competing norms that apply in the break-away sub-community. Here the issue of group dynamics comes in. While it remains true for the beach community as whole that most people disapprove of the night-partiers behavior, when we look to the smaller community consisting of just the night-partiers, disapproval evaporates. They endorse a different norm. ‘Who gives a damn?’ they ask. It is a matter of common belief among the partiers that littering matters not one whit. The disapproval of day-time beach baskers is not only remote: it has become the disapproval of an out-group, and therefore matters less. What matters most are the attitudes of the in-group partiers.

What happens to the compliance condition? Compliance with the wider norm remains relatively low cost in terms of terms of its physical effort — it still wouldn’t take much for a partier to pack his trash. But the existence of the subculture’s competing norm raises that cost. ‘Why bother lugging that junk?’ his friends ask. No day-time beach-baskers would notice if he started clearing just his own stuff, so he isn’t the target of even the vague, impersonal approval that might help motivate compliance. And he perhaps is the target of individual disapproval — a dimly seen raised eyebrow, a curled lip — from his partying friends. So compliance with the wider norm costs more than it did before.

Does the cost of disapproving any violations go up as well? Yes. Beforehand, a mere raised eyebrow was adequate as an effective manifestation of disapproval. Now the disapprover needs to invest in a lot of loud argument, and run the risk of being called a party-pooper or worse. The presence of competing norms raises the cost of expressing disapproval, since disapprovers become disapproved themselves. Moreover, it’s disheartening, wearying, to continue to express disapproval with no effect at all. Even feeling disapproval becomes, in these circumstances, a cost. This is, as we noted, contrary to Pettit’s assumption that feeling approval and disapproval is cost-free. How miserable to always have one’s spirits lowered when one comes to the beach. How miserable to feel so uselessly sour about it all. Better to learn to look on the bright side: learn to see Trash as Art. Or, if you can’t beat ‘em, join ‘em: give up basking, and become a party animal yourself.

All four conditions, then, break down in the end. But two features were especially responsible for the problem. First, and most importantly, it was the breakdown of publicity, which started the whole thing off. And I want to suggest that this is not just an accident: Pettit and Brennan’s four conditions are interdependent, and publicity has a special role among them. When publicity breaks down, that tends to create conditions for the breakdown of normativity,
since a second, competing norm can emerge more readily. When a second, competing norm emerges, the cost of compliance with the first norm will go up; and the cost of expressing disapproval towards violators of the first norm will also go up. Second, the breakdown of publicity is also responsible for the emergence of a new group, and a group-oriented pattern of esteem: the group whose actions are not visible to the wider community becomes the in-group whose esteem matters most to its members. This in turn reinforces all the effects just described. This may, of course, work for good or ill, depending on whether the first norm was — by some normative standard more objective than any we have so far described — a good one. The point is that the publicity condition presents a special structural vulnerability, which can work hand in intangible hand with the dynamics of group norms.

5. Esteem, and the Personal as Political

The economy of esteem can do an excellent job of regulating social norms, without anyone needing to invoke the invasive, autonomy-denying coercive power of the state: that, at any rate, is the hope of Pettit and Brennan. The esteem of our fellows can keep us on the straight and narrow, the ‘intangible hand’ can do its helpful work — just as long as the condition of publicity is fulfilled.

Now this should bother us a little, even in principle, before we start looking at practice. If there is one thing we learned from the feminist movement of the 60’s and 70’s, it is that ‘the personal can be political’. That slogan can mean a number of things, all highly relevant to our enquiry about esteem. Activities traditionally considered individual and private, can express and enact social oppression. Norms traditionally considered a matter of personal morality have political significance. The personal and private is, by definition, not public. Things that go on in the personal domain are unlikely to meet the usual standards for publicity. The ‘intangible hand’ might well remedy problems, when they are public, just as the ‘iron hand’ of the law can do. But how can the ‘intangible hand’ remedy problems, when they are private? Feminists sometimes invoke the slogan, when confronting the ‘iron hand’ of the law, looking at the law’s relative blindness to ‘personal’ enactments of oppression, such as domestic violence, when they occur in a private domain. But it should be equally invoked when, as here, we are thinking about the ‘intangible hand’ of esteem.

This can be readily illustrated when we turn from the abstract in-principle worry, to a concrete in-practice case. Pornography exemplifies the thesis that personal can be political. Liberals have traditionally thought that pornography is a matter of personal morality: a matter of what an individual reads or watches in the privacy of his home, and a matter of private sexual morality, comparable to ethics governing sexual preference. Feminists have, over recent decades, offered a different perspective, arguing that pornography is political. Catharine MacKinnon and Andrea Dworkin defined pornography as a civil
rights violation: ‘the graphic, sexually explicit subordination of women in pictures or words’ that also depicts women —

derhumanized as sexual objects, things or commodities; enjoying pain or humiliation or rape; being tied up, cut up, mutilated, bruised, or physically hurt; in postures of sexual submission or servility or display; reduced to body parts, penetrated by objects or animals, or presented in scenarios of degradation, injury, torture; shown as filthy or inferior; bleeding, bruised or hurt in a context which makes these conditions sexual.11

Efforts to put anti-pornography laws into effect have failed in the United States, because pornography is speech in the eyes of the courts, and subject to First Amendment protection.12 My aim here is not to pursue prospects for a particular legal strategy, but to consider whether pornography presents a problem that can be addressed within ‘the economy of esteem’. Before doing so, I would like to pause for a moment, to review how things have changed, since liberals and feminists first started debating this issue back in the 1970’s and 80’s.


Back at the dawn of controversy, the pornographer was cast by liberals as a member of a persecuted minority. He held ‘unpopular opinions’, and was vulnerable to the moralistic opinions of a conservative majority. Leading liberal political philosophers defended a right to free speech that included a right to pornography, and they took special measures to protect pornographers from the disapproving attitudes of others. Ronald Dworkin identified a ‘right to moral independence’, designed to insulate pornographers from the preferences others might have about his way of life. The level of detailed concern for the pornographer was striking: Dworkin recommended the use of brown paper bags for pornographic material at the newsagent — not of course to shield bystanders from pornography, but to shield pornographers from disapprobation. Dworkin wanted to make sure that pornographers don’t lose out in the economy of esteem.13

Liberals were happy then to countenance some modest restrictions on pornography. Liberals thought pornography should keep in its place. Outlets selling or showing pornography should be subject to zoning restrictions (effects on real estate values being a nice quantifiable harm).14 Liberals also thought that, on the whole, it would be a good thing to keep pornography out of the hands of children. And liberals thought that the First Amendment did not protect child pornography.

Now we live in a world in which pornography has gone mainstream. The pornography industry across the world — or rather the portion of the world for which statistics are available — had revenues in 2006 of more than $97 billion dollars, larger than the combined revenues of the top 8 technology companies.15
The biggest single factor has been the advent of the internet, which has created instant accessibility and privacy of access to pornography (together with massive public broadcasting of what was traditionally considered private). One in four search engine requests is a request for pornographic material. An estimated 42.7% of internet users view pornography on-line. Back at the dawn of controversy, the question was whether some people could have the option of having pornography. Now the question is whether some people can have the option of not having pornography. Now we are in the world of pornography, unless we opt out. Attempting to opt out takes thought, and money, and even then is only moderately effective. Anyone who routinely scans their spam filter confronts hate speech disguised as sexual liberation (‘Pound her into submission!’) Pornography weasels its way past all attempts to block it. Pornographers play tricks, lie about who they are. They buy domain names that have accidentally expired (belonging to, among others, the United Nations and the US Department of Education) and reroute the URL to their pornography site. They buy neutral domain names, so that someone looking for information on the White House can find themselves at a porn-site named whitehouse.com. They buy names whose spellings are common mis-keyings of non-pornographic sites. They infiltrate themselves with ‘Trojan horse’ devices, hiding in a downloaded image or puzzle, and link themselves to apparently neutral topics, so that a mundane search for ‘livestock’ can turn up bestiality. It is tempting to think that liberals’ respect for the ‘choice’ of pornographers back in the ‘80s has ended up, two decades later, constraining the choices for everybody.

In the past, childhood encounters with pornography were a matter of discovering a pile of magazines in the back of a relative’s closet. Now it is a matter of a mouse-click, perhaps curious, perhaps accidental, while doing homework, or visiting a schoolfriend. That one click can take the user through an ever-proliferating jungle of sites, inviting the curious to try out ever more exotic scenarios. The average age of first Internet exposure to pornography is 11 years old. According to some current estimates, 90% of 8–16 year olds have viewed pornography on-line, with 80% of 15–17 year olds having had repeated exposures to hard-core material.

I am going to take for granted that certain kinds of pornography present a serious moral, social and political problem, as feminist critics have argued. There is tremendous direct cost for the women and children trafficked and exploited in the industry itself, whether in the US, or elsewhere in the world. It has a well-documented role to play in grooming children for sexual abuse, and in recruiting vulnerable women to the sex industry. What I am going to focus on, however, are the costs arising from the fact that pornography changes norms, changes its consumers, and changes our culture in ways that enact and perpetuate women’s oppression.

Pornography of certain kinds makes consumers more likely to be accepting of rape myths, for example that women who say no don’t mean no. It makes men more disposed to view rape leniently, and more likely to say that they would
Concern that French children’s attitude to sex is being warped by early exposure to hardcore pornography was exacerbated yesterday when eight adolescent boys were placed under formal judicial investigation for the gang rape of a 15-year-old classmate. Details of the alleged crime, in a relatively upmarket district of France’s second city, Lyons, emerged the day after the publication of a survey estimating that nearly half of France’s children had seen an adults-only sex film by the time they were 11. Claude Rozier, the school doctor who headed the government-sponsored survey, said: ‘Hardcore porn has become the principal vehicle for quite young children’s understanding of everything to do with love and sexuality, sometimes their only point of reference.’

It found that 89.6% of boys aged 16 or 17 had seen one or more porn films, for girls, the figure was 81.1%. Most of the teenagers questioned said they watched pornography ‘to find out about sex’ [...]

Benoît Felix, who runs an Aids hotline for teenagers in the Paris area, described the situation as ‘worrying in the extreme’. In the past five years, he said, it had become ‘patently obvious’ that the majority of questions adolescents asked the hotline’s staff were inspired by the pornography they were watching. ‘They want to talk about sodomy, threesomes, group sex, gang rape, bondage,’ he said. ‘The language they use is that of the porn world.’ The eight boys detained in Lyons, aged 14 and 15, are part of a group of 11 who allegedly took it in turns on a Saturday afternoon several weeks ago to rape one of their classmates in an alley not far from their school, the College Georges Clemenceau. Traumatized, the unidentified girl did not tell the school’s pastoral assistant for more than a month. ‘One boy has confessed’ a Lyons public prosecutor, Robert Esch, said yesterday. ‘The rest still insist the girl was willing and the sex was fully consensual. It’s quite extraordinary. Clearly, in their minds, it’s as if what happened was some kind of virtual game. They seem to have no idea of the gravity of the acts they are accused of.’

Michela Marzano, a philosopher and psychologist, said it was becoming increasingly difficult not to relate French children’s increasing exposure to pornography to the recent surge in cases of teenage collective rape.

‘Pornography is supposed to be reality, it imposes a norm that will lead many young consumers to construct a world where sexual relations are those of these films,’ she said. ‘When they discover the real world, some of them will inevitably be disappointed and decide to stick with porn. Some will accept reality. And some will refuse the real and react in the way pornography has taught them: with sexual violence.’

Jon Henley, Guardian, May 25, 2002

Pornography affects a variety of attitudes — factual beliefs, normative beliefs, and desires. Pornography changes consumers’ factual beliefs about what women
are likely to want, and about the statistical normality of certain sexual behaviour. It changes their normative beliefs about the value of women, and the legitimacy of certain sexual behaviour. It changes their desires, so that they are more likely to want sexual experiences they did not want before, and want to act differently, in sexual contexts, than they did before. I am well aware that many, within and beyond the academy, doubt the empirical evidence about pornography’s effects, but I shall at least put these claims out in the open, and encourage readers to check for themselves.

How does pornography change people? This is an empirical question, and there are some different candidate pictures. One might adopt an argument model, in which pornography is viewed as a kind of political speech that offers reasons for conclusions about women. One might offer a speech act model, according to which pornography enacts the subordination of women. One might at the other extreme adopt a conditioning model: pornography, as MacKinnon puts it, ‘works as primitive conditioning, with pictures and words as sexual stimuli’. One might adopt an imitation model, in which consumers of pornography come to imitate the mental states and behavior represented in pornography, as indicated in recent research on the general role of imitation and simulation in our cognitive lives. Or one might adopt a pragmatic model, a natural development of the speech act model. Pornography changes factual and normative beliefs in subtle ways, comparable to mechanisms occurring in ordinary conversations, through implicitly presupposing — rather than explicitly advocating — certain facts about women, and norms about how to behave towards them. Pornography sets up a certain ‘conversational score’, or ‘common ground’, which consumers then take for granted in what goes on thereafter.

The five models just described deserve further attention. I shall not explore or evaluate them further here, but for present purposes assume the pragmatic model as we go on. We’ve looked at how pornography presents a problem: it helps to create and perpetuate the oppression of women. It is time to ask whether the economy of esteem help to address it.

Let us begin with another make-believe story, to connect the lessons of the beach with the problem of pornography. Readers will see that my storyteller has been reading his Guardian, but is idealizing freely.

7. Pornography and the Economy of Esteem

Once upon a time, on another sunny coast, there was a community that lived happily without pornography and without sexual violence. Everyone took it for granted that nobody would ever take part in gang-raping a teenage girl; and nobody ever did. There also happened to be a law that reinforced that norm, but the norm was sustained without help of the law. The norm was, in fact, sustained at least in part by the intangible hand of approval and disapproval.
Everyone conformed to the regularity in question; everyone approved of everybody conforming to it, and would have disapproved of anyone deviating from it; and this pattern of approval and disapproval helped to ensure that everyone continued to conform. And everyone was aware of all that. It was a matter of common belief in the community. The normativity condition was satisfied.

The publicity condition was also satisfied. Although, in this community, sexual encounters usually took place in private, it was also the case that women and girls were generally considered credible witnesses. If there had been any violations of this norm, they would have been made public. Any girl who was gang raped would have readily reported that fact to the wider community, and would have been believed. Extreme social disapproval and ostracism would have then descended on the violator. And everyone was aware of all that; it was a matter of common belief in the community.

The low-cost disapproval condition was also satisfied. There were no inhibitions on the expression of disapproval; nor was there any special cost to feeling disapproval — other than the basic fact that it is not much fun to disapprove of something.

Finally, the low-cost compliance condition was satisfied. It was easy not to take part in the gang rape of a teenager. Indeed, in this community, no one could imagine why anyone could want to do such a thing. The prospect was on a par with other unthinkable deeds: drinking a can of paint, or eating a baby.

A second norm also operated in this community. Members of the community had heard traveller’s tales about the existence of a certain kind of film, containing graphic depictions of sexual violence, which they called pornography. Nobody in the community used pornography, and this regularity was maintained partly because nobody had any desire to use it, and also by a pattern of approval and disapproval. If you had wanted to watch pornography, you would have had to go to special drive-in cinemas, which some enterprising but ill-advised immigrants were just trying to start up. But that would have been noticed, and would have been a matter of public disgrace.

In the community, there were thus two norms relevant to our story: the ‘don’t rape teenage girls’ norm, or ‘no rape’ for short; and the ‘don’t watch violent pornography’ norm, or ‘no porn’ for short.

One day, thanks to new technology, it came about that some members of this community began to have access to pornography, in private, and began to enjoy what they saw. The pornography was of various kinds, some mild, some more extreme. At the more extreme end there was material that legitimized gang rape. Access was available through the internet, also through cable television and a system of anonymized video/DVD rentals. Each consumer had access to pornography in private, as an individual. Pornography was watched in private, and there was no reliable way for the others to know it is being watched.

First, the intangible hand reinforcing the ‘no porn’ norm began to break down. The publicity condition broke down: pornography consumption was taking
place in private. The normativity condition broke down. The norm ceased to be a norm, because it was no longer a regularity, and no longer a believed regularity. The disapproval condition broke down. Violation of the norm met with no disapproval, because it went unnoticed by those who would otherwise disapprove of it. And the cost of complying with the norm went up, once the users had developed a taste for pornography. Furthermore, a competing norm evolved. In this sub-community there came into being an approved regularity of watching violent pornography, and the approval helped maintain the regularity.

Second, the intangible hand reinforcing the ‘no rape’ norm began to break down. It was damaged by the absence of publicity regarding violations of the ‘no porn’ norm. One part of the normativity condition was that everyone believed that everyone conformed to the regularity: everyone believed that nobody gang raped teenage girls. The pornography, however, presupposed that quite a few men did gang rape teenage girls. This proposition became part of the shared ‘conversational score’, part of the ‘common ground’ between speaker and hearer. When the consumers of pornography came to believe it, the normativity condition broke down.

In representing this behaviour as normal, the pornography presupposed that in the real world, there were a fair number of men who took part in gang rape. This facilitated the next step, the gradual emergence of a competing norm, which contradicted the ‘no rape’ norm. The domain of this norm was a sub-community consisting of the real world pornography consumers, together with the claimed real-world rapists presupposed by the pornography. Since the rapists were perhaps merely claimed to exist, this was an ersatz community, and the norm was an ersatz norm. But though the community and the norm were ersatz, they were believed by the consumers to be real. In this ersatz community, there was an ersatz norm, because there was an approved regularity, maintained by the approval. Gang rapes were frequent, and were believed to be frequent. When people engaged in gang rape, their behaviour met with no disapprobation. The girls did not complain. On the contrary, they were grateful and ecstatic. Members of the ersatz community esteemed each other for their behaviour. Raping someone together in this way made them perhaps feel ‘good and glorious and strong and free’\(^{27}\) So much for the ersatz community.

The pornography consumers were also members of the wider ordinary community, so far rape-free. But one day the youths who had been using pornography got together, and raped a 15-year-old girl in an alley. Why did the intangible hand not prevent it? Because the conditions for its working were not met. Strictly speaking, the normativity condition was already absent, since it was no longer true that nobody believed that nobody raped. The publicity condition was not met, at least not through direct observation: the event occurred in a dark alley, unnoticed by others. The publicity condition could have been met by testimony, even if not by observation: though events occurred in a dark alley, the girl could have complained. But she did not. The reason the publicity
condition was not met in this testimonial way is because the cost of disapproval was too high for her. This brings us to the disapproval condition. This condition was not met. The cost, to the girl, of expressing public disapproval — disapproval directed at the youths, but in the public eye of the police station or courtroom — was very high. Perhaps she would not be believed; perhaps she would be branded forever. As for the other components of the esteem economy, well it was true that girl did not seem as ecstatic and grateful towards them as they had expected. But still, the youths approved of each other’s actions. They were still ahead in the esteem stakes.

My story teller could go on with this depressing story, and tell how the pro-rape ersatz norm governing the ersatz community gradually became the norm governing the real community, and how all the girls greatly wished they could go away on a permanent holiday to Australia, and spend their days on a pristine Bondi Beach. But I think readers might have had enough. On a more cheerful note, we can remind ourselves that, on the Guardian account, the real girl who inspired this did in the end complain, albeit a month later. Alas, we don’t know how it has turned out for her, in the esteem stakes — or in other stakes, even more significant.

9. Concluding Reflections

The first point to emphasize here is the special role of privacy, in the breakdown and creation of norms relating to gender oppression. The privacy of pornography consumption undermined not only the ‘no pornography’ norm, but also, more importantly, the ‘no rape’ norm. The privacy of pornography consumption created a context walled off from the wider norm opposed to sexual violence, and walled off from the intangible hand of esteem and disesteem that might have sustained that wider norm.

The second point to emphasize is that the privacy of pornography consumption helped to create a new group, or ersatz group, and with that, a new pattern of esteem-sensitivity. Pornography helped to create an ersatz community and an ersatz norm, which consumers took to be real, with devastating, and self-fulfilling, effect.28 In helping to set up a new group norm, the economy of esteem not only failed to sustain the original good norm, but also helped to create the bad one.

This thought about the community, and its competing norm, should make us think more generally about the role of groups in the economy of esteem. Yes, we do care about whether we are objects of esteem or disesteem. But it’s not as if our interest in the esteem of others is evenly distributed. We care much more about the esteem of our own group. We tend to want approval, we tend to want to be members of a group, and we are much more interested in getting approval from members of that group. If we are willing to take a lesson from the existentialists who made us alert to the power of the Look, we should not forget
what Simone de Beauvoir said about the delight we take in becoming part of an Us, opposed to a Them.

Otherness is a fundamental category of human thought. Thus it is that no group ever sets itself up as the One without at once setting up the Other over against itself. If three travellers chance to occupy the same compartment, that is enough to make vaguely hostile ‘others’ out of all the rest of the passengers on the train [. . .] The most mediocre of males feels himself a demigod as compared with women. [. . .] In September 1948, in one of his articles in the Figaro littéraire, Claude Mauriac — whose great originality is admired by all — could write regarding woman: ‘We listen on a tone of polite indifference … to the most brilliant among them, well knowing that her wit reflects more or less luminously ideas that come from us.’ Evidently the speaker referred to is not reflecting the ideas of Mauriac himself, for no one knows of his having any. [. . .] What is really remarkable is that by using the questionable we he identifies himself with St Paul, Hegel, Lenin, and Nietzsche, and from the lofty eminence of their grandeur looks down disdainfully upon the bevy of women who make bold to converse with him on a footing of equality.

Beauvoir’s insight is that we care as much about being members of an in-group, as we care about approval and disapproval in the abstract; indeed being members of an in-group helps us get the sort of esteem we want. Membership of an in-group brings with it the rewards of approval from other insiders — and that itself is achieved in part through contempt for outsiders. Hence Mauriac’s contempt for women, and the youths’ contempt for the girl. Mauriac, simply by virtue of being a man, got to associate himself with all the virtues of the most outstanding members of that club. The youths, by virtue of identifying as members of their ersatz pornographic community, achieved in addition to momentary sexual satisfaction, the esteem benefits of ersatz group membership, and with it the rewards, to them, of contempt for women. Wanting to be in a group is closely connected with wanting esteem. Wanting to be in a group often involves wanting others to be out. Beauvoir argues that the group membership, and the esteem, are bought by barring the gate to outsiders, and treating outsiders with contempt. She is at least partly right. This bleaker side to the economy of esteem undermines the rosy picture with which we began.

The mechanism of the intangible hand is offered as a potential solution to the problem of enforcing norms — problems that are resistant to solution by the invisible hand described by Adam Smith, and problems for which the iron hand of the law seems too harsh. I have tried to show how it fails, for norms associated with pornography and sexual violence. One possible response to this is, of course, to think again about the iron hand of the law, as MacKinnon advocates. A version of that option is being considered by the UK government at present, as they contemplate legislation restricting access (via filters on all internet servers) to ‘extreme pornography’, which normalizes violent rape, cruelty, and life-threatening behavior. Considering the ‘iron hand’ seriously would mean
visiting again the question about whether freedom of speech means freedom of pornography. It would involve visiting all of those basic questions about the importance of speech in the first place — for equality, for autonomy, for democracy — and whether restrictions on pornography would in any way threaten those values.

Another option is to decide that it isn’t a problem. Pornography, even at its most violent, might be a harmless expression of sexual liberation.

Yes, and a beach strewn with rotting food, glass, and needles might, after all, be Art.

Whatever we consider, I hope it is clear that, in addressing problems of oppression, the intangible hand is not quite so helpful a hand, after all. It is apparently impotent, in its failure to address ‘private’ aspects of oppression; pathological, its capacity to create new problems. Its power can readily be harnessed for ill. Whether it might also be harnessed for good, given the right context, is a question I have not so far addressed. The answer may in the end be a cautious affirmative. Let us hope it is. But that is a topic for another day.

Notes

1. Earlier versions of this paper have been presented at colloquia at Princeton, Oxford, and Wesleyan. I am grateful to audiences at all these venues for comments that helped to improve it, and especially to Philip Pettit.
4. This and the previous quotation from Jean-Jacques Rousseau, Emile (1762) trans. Barbara Foxley (Bibliobazaar LLC, 2008), 450–451.
6. One important difference is that Pettit is at pains to emphasize that our valuing of esteem is unlikely to be an explicit, deliberate motivator — ‘Nothing is so unimpressive as behaviour designed to impress’, says Pettit, quoting Jon Elster (Pettit, The Common Mind 332; Elster, Sour Grapes (Cambridge: Cambridge University Press, 1983), 66). Which may be why Rousseau, while paying lip service to it as a ‘virtue’ in women, is himself patently unimpressed.
7. These are garnered together and simplified from a variety of sources: see Pettit and Brennan, ‘Virtus Normativa’; ‘Hands Invisible and Intangible’; The Economy of Esteem; Pettit, ‘Enfranchising Silence’; The Common Mind, especially ch. 6.
8. This characterization is based on Pettit and Brennan’s first proposal in ‘Virtus Normativa’, p. 315; and in The Common Mind, 336. Ultimately the authors
(drawing on Lewis) want to build common belief, or common knowledge, into the very idea of a norm (‘Virtus Normativa’, p. 338). I find it simpler (and more plausible) to use their initial formulation, and then say that the normativity condition requires common belief about the norm.

9. This is the topic of Pettit’s essay ‘Enfranchising Silence’, where he stresses the importance of free speech in facilitating the unfettered expression of approval and disapproval.


12. Versions of the ordinance were proposed in Indianapolis and Minneapolis. The ordinance did not aim to censor pornography, but to make it civilly actionable, thus differing substantially from obscenity law.


15. Jerry Ropelato, ‘Internet Pornography Statistics’, http://internet-filter-review.toptenreviews.com/internet-pornography-statistics.html. The technology companies mentioned are Microsoft, Google, Amazon, eBay, Yahoo, Apple, Netflix and Earthlink. According to the website, revenue figures are available for only 16 nations (with combined revenue 97.06 billion), and are unavailable for the other 212. Note that not all of this material would count as pornography by MacKinnon’s definition.

16. Some of the new issues about privacy posed by the internet have been addressed by Pettit, in two interesting papers which connect with some issues I discuss here: ‘Trust, Reliance and the Internet’, Analyse und Kritik 26 (2004), 108–21; ‘Esteem and Internet Identities’ (with Geoffrey Brennan), Analyse und Kritik 26 (2004), 139–57.


18. See ‘Internet Pornography Statistics’; I believe the figures are for the USA, but it isn’t completely clear.

19. Pornography needn’t work alone — there may be other factors which can work independently from pornography, or interactively with pornography. For example, some studies suggest that pornography is about four times as effective at producing these sorts of changes in consumers who scored highly on a promiscuity scale, or on a scale measuring hostility to women. Neil Malamuth et al. reviews the meta-analyses of existing studies, in Malamuth, Addison and Koss, Pornography and sexual aggression: Are there reliable effects and can we understand them?, Annual Review of Sex Research 11 (2000). See also Edward Donnerstein, Daniel Linz, and Steven Penrod, The Question of Pornography: Research Findings and Policy Implications (New York: Free Press; London: Collier Macmillan, 1987); and Pamela Paul, Pornified: How Pornography is Transforming Our Lives, Our Relationships, Our Families (NY: Henry Holt, 2005).
21. Ronald Dworkin says the pornographer contributes to the ‘moral environment, by expressing his political or social convictions or tastes or prejudices informally’, that pornography ‘seeks to deliver’ a ‘message’ that ‘women are submissive, or enjoy being dominated, or should be treated as if they did’, and is comparable to political speech ‘advocating that women occupy inferior roles’; see ‘A New Map of Censorship’, *Index on Censorship* 1/2 (1994) p. 13, and ‘Two Concepts of Liberty’, in *Isaiah Berlin: A Celebration*, ed. Edna and Avishai Margalit (London: Hogarth Press, 1991).
27. Ian McEwan’s description of the impression of a man engaged in a rape fantasy, though not a gang rape, see *The Innocent* (London: Picador, 1990). For a discussion of what the social scientists call a ‘favorable rape depiction’, see an example from Hustler discussed in Langton and West, ‘Scorekeeping’. Other examples, mostly from Hustler, are quoted at the anti-pornography resource center ‘OneAngryGirl’ (see oneangrygirl.net).
28. This self-fulfillingness is part of the very idea of objectification, as it appears in MacKinnon’s work; and it is the topic of Langton, ‘Speaker’s Freedom and Maker’s Knowledge’, in *Sexual Solipsism: Philosophical Essays on Pornography and Objectification* (Oxford: Oxford University Press, 2009).
30. Criminal Justice and Immigration Bill, House of Commons, Session 2007–8, Vol. I Part 7, pp. 94–101. The projected law is a response, in part, to a campaign and some serious communal soul-searching, following the rape and murder by strangling of a teacher, Jane Longhurst, by Graham Coutts (in 2004). Coutts was described as ‘addicted to internet porn’, having an obsession with necrophilia and strangulation, of which he had downloaded many hundreds of images (see e.g. Rosie Cowan, ‘I want to stop another murder’, *The Guardian*, 13 September 2004).