

#metoo and #shoutyourabortion:

Claiming Standing and Exploding the Private Sphere¹

Introduction

Catherine MacKinnon famously holds that feminists should explode the private sphere.² MacKinnon doesn't explain what 'exploding the private sphere' would or could be. But she raises various concerns about the private sphere. The private sphere is perhaps best understood in contrast to the public sphere. Matters kept or done in the private sphere should be regarded as personal or intimate, as secret from outsiders unless the person chooses to disclose it, and free from outside interference. By examining the #metoo and #shoutyourabortion campaigns, I will argue for what exploding the private sphere might look like, and why one might have good feminist reasons for doing it. These campaigns adopted an explosive – dramatic, large-scale, unsubtle, highly public and high-profile – way of publicizing what was previously private. #metoo and #shoutyourabortion asked women to share their personal and private experiences around sexual assault and abortion. The aims of these campaigns were to use these shared stories and the power of collective action to challenge pernicious myths that still have a strong grip on society. Myths like – A short skirt or a few drinks means yes. Or the body shuts down pregnancy if it's a 'legitimate' rape. Or women who are sexually harassed just can't take a joke. Or only *that kind of women* need abortions. Instead of raising new arguments against sexual harassment or in favour of abortion rights and access or revealing new statistical studies about the numbers and varied types of women who are harassed or assaulted or the numbers and varied types of women and people who get abortions, these campaigns asked women to share their personal stories and they called upon the public to confront the publicly proclaimed experiences of individual women. In doing so, they sought to effect real political change in areas where reasoned argument had failed to do so.

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² MacKinnon (1987) writes, 'This is why feminism has had to explode the private' (p.100).

The myths these campaigns aimed to counter suggest that women are to blame or at least partly responsible for whatever unfortunate situation they find themselves in. As such this paper contends that one of the things these myths did is imply that women did not have standing to blame and criticise people or policy about sexual harassment and assault and abortion access. This paper argues that these campaigns set out to debunk the view that women didn't have standing to blame, criticise, advocate, and agitate with respect to these wrongs and that in order to do so they exploded the private sphere.

These myths can and do contribute to the oppression of women in at least these two ways. First, they can unjustly undermine women's *credibility*, i.e. make it less likely that women will be believed, when they share their stories of sexual harassment, or of positive experiences of abortion. This is a form what Miranda Fricker calls *testimonial injustice*, which is now widely recognized. Second, they can unjustly undermine women's *standing*, i.e. make it less likely that women will be granted the right to speak on these subjects, which can forestall the question of whether to believe what they say or not. This phenomenon has not been fully recognized or theorized about; it is a counterpart to, or perhaps a hitherto-underappreciated form of, testimonial injustice. In this paper, my main interest is the second of these phenomena – the one that concerns women's standing – and the ways in which the #metoo and #shoutyourabortion campaigns worked to redress it. However, it is entirely possible, and consistent with what I say, that the myths have both effects, and hence work as a one-two punch: they license the response, 'I don't believe you [a denial of women's credibility], and even if I did, you've no right to be saying it [a denial of women's standing]'. I'll return to these two effects of the myths, and their relationship, in *Section 2*.

This paper has three overall tasks: 1. Show that part of what the #metoo and #shoutyourabortion campaigns aimed to do was debunk the view that women did not have standing with respect to matters concerning sexual harassment and assault and abortion. 2. Use my analysis of these campaigns and their debunking strategy to vindicate a version of MacKinnon's view that we should explode the private sphere. 3. Use my analysis of these campaigns to show that there is not a meaningful conflict between (i) this view of MacKinnon's, and (ii) Gavison's (1992) (among others)³ view that privacy is valuable for women. Moreover, this paper aims to reveal a hitherto-unnoticed way in which women are oppressed – that is by having standing norms weaponized against them. Having standing norms used against women wrongs them in their capacity as

³ Annabelle Lever (2000).

testifiers⁴, but not strictly by undermining their credibility, rather, by undermining their standing to be testifiers.

The paper proceeds as follows. It begins by laying out and developing MacKinnon's criticisms of the private sphere as set out in her discussion and critique of the *Roe* decision. Section 2 takes up task (1) and argues that by revealing what was private women proved that they had standing to blame and criticise. This interpretation of the campaigns also provides an explanation why the bare anonymised statistics about sexual harassment and abortion were (seemingly) not enough to change hearts and minds. Section 3 is dedicated to tasks (2) and (3). It argues that women's collective revelation of their personal experiences is plausibly a form of exploding the private sphere. It also analyses the campaigns to show that privacy is valuable to women, but that does not speak against MacKinnon's view that we should explode the private sphere.

Section I MacKinnon and Exploding the Private Sphere

MacKinnon's famous criticism of the private sphere comes through her criticism and discussion of the previous legal regulation of abortion in the United States, specifically the *Roe v. Wade*⁵ decision and the subsequent *Harris v. McRae*⁶ decision. She argues that the decision by the US Supreme Court to grant the right to abortion as part of the right to privacy was not the feminist victory many thought. The justification for the decision was that the right to privacy protected women's decisional right to choose whether or not to abort their fetus. Before *Roe* the concept of privacy had been used in the United States to decriminalize contraceptives between married couples and privacy existed as a constitutional principle.⁷ MacKinnon argues that one reason we can tell that the decision in *Roe* was not the feminist victory we wanted, is partly because the later decision in *Harris* was, she contends, completely in keeping with the decision in *Roe*. And *Harris* on MacKinnon's view is a clear loss for the feminists. So if the decision in *Harris* is in keeping with *Roe* then *Roe* cannot be a feminist victory. The *Roe* decision protected women's right to choose abortion. However, in the *Harris* decision the Supreme Court decided that the State did not need to provide funding through Medicaid for abortions. As MacKinnon points out, the decision in *Roe* is not based on women's right to equality and so abortion access is not recognised as fundamental to women gaining equality in the United States. And so, at least MacKinnon thinks, the court was

⁴ See Dotson (2011) on epistemic violence; Fricker (2007) on epistemic injustice.

⁵ *Roe v. Wade*, 410 U.S. 113 (1973).

⁶ *Harris v. McRae*, 448 U.S. 297 (1980).

⁷ MacKinnon (1987) p.96; *Griswold v. Connecticut*, 381 U.S. 479 (1965).

destined to decide the way it did in *Harris*. The State, said *Roe*, needed to protect the privacy of women deciding, but did not need to help or support women in accessing abortion. And so came *Harris*.

But it is not just that *Roe* was decided on grounds of privacy rather than a more substantive understanding of equality or freedom. MacKinnon goes further in her criticism and seems to suggest that deciding abortion under the auspices of privacy actually benefits men (perhaps even more than women?) because now powerful men can get women abortions. She situates the discussion of abortion access within the patriarchal context, claiming that most liberal discussions of abortion proceed ‘as if the woman just happened on the fetus’ (MacKinnon 94). She wants us to see that sexual interactions between men and women do not happen on an equal playing field of power. Sex and abortion often occur in contexts where women feel coerced or pressured to have sex with men because say, their dates bought them dinner or they went to back to their date’s place after dinner.⁸ This part of her analysis is important because she sees the privacy justification in the *Roe* decision as another of way of making women available for sex because men will not have to deal with the consequences of sex because the man can get the woman an abortion. Girlfriends and mistresses can access abortions via the wealthy and powerful men in their lives. And this eliminates the consequences of sex for powerful men.

For MacKinnon (1987) the law of privacy protects ‘... the individual bodily integrity, personal exercises of moral intelligence and freedom of intimacy’ (97) of *men*, but she stresses no one seems interested in those guarantees for women. She goes on, ‘the right of privacy is a right of men ‘to be let alone’ to oppress women one at a time’ (102). Men’s privacy and men’s private sphere are in tension with women’s privacy and women’s private sphere. In many ways this is similar to MacKinnon’s criticism of pornography – men’s and pornographers’ free speech is promoted and protected at the expense of women’s free speech. That’s why she says pornography silences women, literally.⁹ In the case of privacy, she thinks, in a patriarchal society women need to not be let alone.

MacKinnon has two types of criticisms against privacy. First, there is the concern that the existence

⁸ I am reminded of the viral 2017 short story *Cat Person* by Kristen Roupenian published in *The New Yorker*. The story describes similar concerns despite the 30 years between MacKinnon and the story. <https://www.newyorker.com/magazine/2017/12/11/cat-person>

⁹ MacKinnon (1987) in Chapter 11, p. 130. Rae Langton (1993) offers a philosophical defence of MacKinnon’s silencing arguments.

of a private sphere brings with it the opportunity for and a vulnerability to particular kinds of harm. This is the classic feminist critique of the private sphere, which recognized that the protection of privacy enables certain kinds of harms to women to occur.¹⁰ Thus the assertion that the family belongs to the private sphere – meaning a space in which what happens is personal (the responsibility and interest only of the family), inaccessible to outsiders, and free from interference (both regulation by the State and accountability to the State and society generally) – has exposed women to particular harms, such as domestic violence, marital rape, and the costs of unequal domestic labour, and has left women with no obvious recourse in the face of such harms (“it’s a family matter – best not ask about it, best let them sort it out”). Consider domestic labour. Classifying domestic labour as a private matter or a public one doesn’t necessarily entail a particular division of that labour – if the decision is a private family matter, an individual family may choose to divvy up the household responsibilities in a variety of ways. But if the decision is a private matter, outsiders (including the State) are less likely to interfere with it or hold the family accountable for it. The very nature of privacy makes private matters difficult to reform except on an individual case-by-case basis. The only way to address the unequal burden placed on women is to hope that individual persons will make different decisions. That in turn means that the same old gendered division of labour is often adopted (if only out of tradition or habit) and then (as a private decision) protected. If, in contrast, the division of domestic labour is a public matter, the unequal burden placed on women can be addressed by calling people to account for their division of domestic labour, by regulating to alleviate some of the burdens placed on women (e.g. by offering financial incentives to men to take paternity leave, a model adopted in Sweden), and by promoting public discussion, review, and criticism of the issue. The call to re-classify a private matter as public can be a powerful way of challenging the injustice of the status quo and makes good on MacKinnon’s criticism. The move from private to public forces a reckoning on a wider scale. That may stigmatise conduct that has hitherto been considered normal (such as the sexual harassment of women in the workplace) or it may normalise conduct that had been considered shameful (such as abortion). And so the push into the public forum can change society’s attitudes and approaches towards conduct once thought to be none of its business. Notably this concern applies however we define the content of the private sphere – that is, by designating a sphere as personal, inaccessible, and free from interference, it follows that persons’ conduct within that sphere will be unknown, unobserved, and invisible, and not controlled by, or accountable to, the State or public

¹⁰ Gavison (1992); MacKinnon (1989; 1991); Okin (1991) *inter alia*.

opinion.¹¹

The second concern is one about how we define the content of the private and public spheres and, specifically, a concern that the selection and presentation of the division between private and public is problematic. It has to do with the way we think and talk about the sort of thing the private sphere is and what is implied and communicated when someone says that abortion (or anything) is a private matter. Privacy is classically understood to protect our interest in controlling our image and the use of our property¹² and having our privacy protected ensures our ability to form intimate and trusting relationships¹³. And so what's private calls for a presumption of non-interference.¹⁴ The choice between what belongs in the public sphere and the private sphere is often presented as carving nature at its joints (as though the private could be discovered at the end of our microscopes), which has the consequence that the division is not up for discussion (and thus it is not for us to decide what should be personal, inaccessible, and non-interfered with, or not). But of course, there is no natural and self-announcing division into public and private. This is what the famous feminist battle-cry 'the personal is political' means. Yes, the choices we make in our personal lives are political and the personal *is* a matter of justice. For example, where we buy clothing from – shopping second hand and participating in 'no buy' months could be a protest against fast fashion, consumerism, bad labour practices, environmental degradation and so on. We clearly do not have to be in the public square to be engaged in politics. But perhaps more importantly 'the personal is political' reminds us that the choice about *what is* personal is political in that it reflects political values. Thus, the decision, for example, to characterise the allocation of domestic labour as private (one for individual families to make) reflects a political choice not to interfere with, observe, or hold to account matters that happen inside the family with a particular notion of the family in mind.¹⁵

MacKinnon contends that the parts of our lives that are shunted to the private sphere are lost to secrecy, shame, and isolation. Women and pregnant people will not be able to get together and talk – discuss their experiences of pregnancy, abortion, and sexual assault among other things. The

¹¹ To be clear, as above, these features may not necessarily come together. One could designate the family as a private sphere in the sense of intimate and inaccessible, and then conclude that – because of the special opportunity for harm in such circumstances – that the State should interfere. But notice there that is an instance in which the sphere is private in one sense but made public in another. See Gavison (1992).

¹² Marmor (2015), Shoeman (2007).

¹³ Fried (1968), Marmor (2015), Rachels (1975).

¹⁴ Gavison (1992).

¹⁵ See Okin (1991) for analysis of notions of family.

private sphere keeps women from each other. It precludes women and pregnant people from having that ‘A-ha’ moment with each other where they confirm each other’s experiences and validate their choices. ‘Yes, my abortion was good for me. I do not regret my decision.’ Instead, women are left on their own to grapple with how they felt about their choices and what society seems to say about abortions: that they are immoral and shameful, perhaps *sometimes* permissible but always regrettable. And this isolation not only prevents women and pregnant people who have had abortions from connecting with each other, it also prevents them from acting collectively to challenge the legal regulation and pernicious norms surrounding abortion. So, the private sphere lets the harms to women fester and remain out of reach for mutual aid and bonding. And it leaves them to the mercy of the men in their lives - the men in their private spheres. This is why MacKinnon says that the *Roe* decision only gives women what the men in their lives will give them. There is the assumption that relationships in the private sphere are founded on intimacy and the intimacy is protective and means just, good, kind, relationships.¹⁶ But of course this is not necessarily the case.

Classifying abortion as a private matter – one that is not to be interfered with by the state – protects the right to choose, but it does so in a very specific (and limited) sense. The treatment of abortion as a private matter has also had other effects. Abortion has long been surrounded in secrecy, not least because of the shaming, criticism, and dehumanization of women and persons who have chosen to speak out about their experiences of abortion. The same is true of sexual harassment and assault. Many women refrain from sharing their experiences in these areas publicly (or even amongst friends). That silence is understandable, but it has allowed many pernicious views to persist or go unchallenged – that only careless or loose women need abortions; that only easy women get assaulted; that those who complain about sexual harassment are uptight and can’t take a joke. And so the feminist critique and even the more radical claim of explosion from MacKinnon is powerful. In what follows I aim to bolster those claims.

It is important to be precise about the aspects of MacKinnon’s argument against privacy I want to bolster and how I see MacKinnon and Gavison as not in tension. I take it that part of MacKinnon’s project is to make a legal argument about using the right to privacy to ground abortion access in the United States.¹⁷ Specifically, she seems to be contending that had the courts made their decision

¹⁶ This is why one of the myths is that strangers can rape women but the people they live with, the people they date, the people they have sexual relationships with cannot.

¹⁷ MacKinnon (1987) p.93.

on the basis of equality then abortion would have had better legal protection in the United States rather than the flimsy protection offered by privacy. So legally speaking abortion rights would have been better off in the United States if the court had gone another way, specifically via equality, and seemingly *Harris* would have been decided differently. As Gavison (1992) points out in her analysis of MacKinnon it seems unlikely that basing abortion protection in equality rights would have offered more protection. Here I agree with Gavison in her criticism – it wasn't exactly privacy's fault that abortion got such feeble protection; it seems almost inevitable in the context of the United States. A large issue seems to be that abortion is not an enumerated right and is a highly political issue.¹⁸ But MacKinnon is also making a moral/political point about privacy and the private sphere which justify her claims that we ought to explode it. It is this aspect of MacKinnon's argument that I want to support. I want to show that this part of her argument is not in tension with Gavison's claim that privacy is important for women, and – moreover – that MacKinnon's argument relies on the value and importance of privacy for women. That is, if privacy weren't valuable for women we could not explode the private sphere.

Section 2: #metoo, #shoutyourabortion and Standing

In this section I argue that part of what the #metoo and #shoutyourabortion campaigns did was set out to debunk the view that women did not have standing with respect to matters concerning sexual harassment and assault and abortion. This section uses the campaigns to demonstrate how standing norms have been used to oppress women. By thinking about standing in relation to the myths and the campaigns we can make sense of why the campaigns appeared to have had more impact than the statistics surrounding these matters did. And so this analysis has explanatory power. Now it may also be the case that these sorts of stories just in and of themselves have more political purchase and that, given the type of beings we are, stories from people we know do more to move and motivate us. Moreover, #metoo, in some of the more high-profile cases resulted in multiple complaints against the same man, for example Weinstein. Repeated complaints make each complaint more credible and so makes each woman more likely to be believed and less likely to face retaliation. It also increases the likelihood that third-parties will take action against these men and has even resulted in the charge and conviction of a few men. However, the convictions of Weinstein¹⁹ and Cosby²⁰ have recently been overturned.

¹⁸ Thanks to Andrew Botterell.

¹⁹ <https://www.cbc.ca/news/entertainment/harvey-weinstein-rape-conviction-new-york-court-overturned-metoo-1.7184493>

²⁰ <https://www.nytimes.com/2021/06/30/arts/television/bill-cosby-release-conviction.html>.

#shoutyourabortion was largely a twitter campaign led by the journalist and political commentator Lindy West and activists Amelia Bonow and Kimberly Morrison.²¹ The campaign, as one might guess, asked women to publicly acknowledge – shout – that they had had an abortion and to provide some details of the experience. The motivation behind the campaign was, in large part, an effort to normalize abortion and to undermine the stigma and shame that still largely surrounds the procedure.²² The campaign also set out to undermine the idea that only a certain kind of woman chooses to have an abortion and that their experiences of abortion are largely negative. The tactics of this campaign were a positive attempt to change the way the public regards, and how the State regulates, abortion.

The phrase “Me Too” was first used on social media by activist Tarana Burke in 2006 to empower women, particularly women of colour, who were victims of sexual violence and assault.²³ In 2017 #metoo became a viral hashtag when it was tweeted by Alyssa Milano and other women. It asked women to identify themselves as “metoo” insofar as they had experienced sexual assault and harassment, particularly in the workplace. Much like the #shoutyourabortion campaign, the #metoo movement aimed to alter society’s perception, in this case of sexual harassment and assault, including its perception of the types of women who are harassed or assaulted, and the frequency of these experiences, and to shift that perception to better reflect reality.

MacKinnon observed that the #metoo campaign had achieved what sexual harassment laws had thus far failed to.²⁴ According to MacKinnon, the #metoo campaign worked to wear down two big barriers in ‘life and law’ to ending sexual harassment: “the disbelief”; and the “trivializing dehumanization of its victims”.²⁵ How did the campaign do this? By forcing society to confront the experiences of women on mass in respect of a matter that hitherto had largely been regarded as private. And in doing so attempt to debunk myths that denied women standing on these matters.

What is it to say that women don’t have standing? What is standing? Questions about standing are, roughly, about which persons occupy the correct position to rightfully perform some act or make some judgment of another’s action.²⁶ Such questions arise in law, in philosophy, and in everyday

²¹ <https://shoutyourabortion.com/>

²² See Carol Sanger (2017) for discussion of abortion in the US and the shame that still surrounds it.

²³ <https://metoomvmt.org/get-to-know-us/tarana-burke-founder/>

²⁴ <https://www.nytimes.com/2018/02/04/opinion/metoo-law-legal-system.html>

²⁵ Ibid.

²⁶ Some authors on standing to blame/criticise: Bell (2013), Cohen (2006), Dover (2019), Duff (2010), Edwards (2019), Herstein (2017), O’Brien (2022) Tadros (2017) and Todd (2019, MS), Todd and Rabern

situations. The law asks who has the standing to bring a constitutional challenge. Moral philosophers ask who is in a position to blame or forgive. A person may reply to their judgmental friend ‘Look who’s talking. Are you really in any position to criticize me?’ These issues of standing are separate questions from that of whether or not the challenge has merit, that of whether the action is blameworthy or forgivable, or that of whether the friend’s criticism is valid. Questions about standing are not concerned directly with such matters but with the speaker’s right to speak to such matters. The point of questions about standing is that not just anyone can bring the claim, or blame, or forgive, or criticize. We need to find the right person, the person with standing.

The philosophical literature has examined standing to blame, criticise, call to account, as well as standing to praise and forgive. What I have in mind here is a similarly capacious category of action that seems to require standing. Women – so the myths imply – don’t have standing to blame their assaulter, don’t have standing to criticise legal regulation of abortion services, don’t have standing to ask the state to intervene, don’t have standing to criticize rape culture and so on. Standardly philosophers argue that someone loses standing to blame or criticise for these reasons: 1. One’s blame would be hypocritical. 2. One was involved in the person’s wrongdoing. 3. The person’s wrongdoing is none of one’s business.²⁷ As we will see all three standing norms have been used against women. The myths paint a picture of women as hypocrites or co-defendants such that they don’t have standing. Moreover, the myths suggest that things aren’t morally straightforward and so the public should stay out of it – it’s not our business. The precise version of the claim will depend on the specifics of the case. For example, someone who insists that a woman who accuses her boss of sexual harassment continued to work for him and accept raises as way to undermine the woman implies (among other things) that the woman benefitted from the attention she received at work and so cannot complain about it now. That woman’s criticism would be hypocritical and so she does not have standing.

Broadly, I contend that one of things the myths surrounding abortion and sexual assault did was deny that women have standing to complain about abortion access or sexual assault.²⁸ Standardly,

(2022), Wallace (2010). There is also a literature discussing who has standing to forgive: see Rosalind Chaplin (2019), Alice MacLachlan (2017), Kathryn Norlock (2008) Glen Pettigrove (2009), Margaret Urban Walker (2013) Lippert-Rasmussen (2023).

²⁷ For discussion of each individual norm see Bell (2013), Herstein (2017), O’Brien (2022).

²⁸ Of course, I think that these myths did more than this. Much of what these myths do is attempt to muddy the waters and to make matters seem more complicated than they are so that we think we can’t identify the wrongdoer and the victim or so that we think we can’t blame someone. One of the ways the myths muddied the waters deny women standing. Thanks to Manish Oza for discussion.

the norms around standing have to do with one's moral record – as a hypocrite, busybody, or a complicit actor, you don't have standing to criticise or blame. Consider some of the myths around abortion and sexual harassment and assault: Only sluts and *women of a certain type* need abortions.²⁹ Women dress provocatively at work and like the attention. Women use their sexual power to get ahead. The body will shut down pregnancy if it's a 'legitimate' rape.³⁰ What these myths accuse women of is being somehow complicit in any wrongdoing that may have happened, responsible for whatever situation they find themselves in, and of being hypocrites with questionable moral records.³¹ And therefore not in a position to rightfully complain about it. The #shoutyourabortion and #metoo campaigns attempted to undo these myths – with personal stories from all sorts of women in all sorts of situations – and thereby set out to debunk the view that women don't have standing.³²

It is worth pausing here and reflecting on why it might be beneficial to deny that women have standing on these matters. Remember, when someone's standing is questioned, one is able to skirt discussion of the substance of the debate.³³ Undermining and questioning standing can be a useful strategy in moral and political arguments and debates. To begin with, it tends to be far easier to attack a political opponent's standing to speak than it is to disprove or discredit their claims.³⁴ This can be a particularly valuable tool where there is deep and divisive disagreement and where it seems futile to try to convince dissenters and even good faith opponents that their position is incorrect or based on a mistake. Attacking the standing of those on the opposing side, however, offers a different strategy and a different kind of critique. One can ignore the substance of the question or debate, call into question some advocate's standing, and thereby attack the speaker's right to speak and undermine whatever they might say or even have said in the past.³⁵ An example of debate that seems characterized by this sort of polarization is abortion access and reproductive rights. Those

²⁹ Here I use slut in the pejorative sense. But I don't think there's anything wrong with being a slut or perhaps there aren't actually any sluts in our world.

³⁰ Said US politician Todd Akin - 'Legitimate rape' rarely leads to pregnancy. <https://www.theguardian.com/world/2012/aug/19/republican-todd-akin-rape-pregnancy>

³¹ Kimberley Ferzan is developing a similar argument in her work on victim blaming. That part of what's wrong with victim blaming is that it contends that the victim does not have standing. (MS; correspondence with AU).

³² One might worry that this grants too much to the misogynist myths because of course even if only sluts needed abortions or only women who dressed in short skirts were sexually harassed, they should still have access to reproductive care and legal recourse respectively. But I think part of what these campaigns strove to do is dismantle the notion that sluts are *bad* or *morally corrupt* women or that women in short skirts or 'provocative' dress are *bad* or *morally corrupt*. Thanks to Steve Coyne.

³³ O'Brien (2022), O'Brien and Whelan (2023).

³⁴ O'Brien and Whelan (2023), Shklar (1984).

³⁵ Cohen (2006); O'Brien and Whelan (2023).

on the pro-choice side may never convince some anti-choice believers that abortion is permissible, but we may be able to dismiss, undermine, and even silence, a conservative politician who condemns abortion – *including in the eyes of the politician’s supporters* – by exposing that politician’s hypocrisy (say, by revealing that they recently paid for a girlfriend’s abortion) and thereby attacking their standing to speak. The thought is that while we may never agree about the moral permissibility of abortion, we can all agree that hypocrisy is intolerable and the hypocrite has no standing to tell us what to do. Another strategic benefit of *merely* questioning someone’s standing is that we don’t engage with the substance of what is being said and can therefore stay at arm’s length from it and not commit ourselves to any particular view on the matter and maintain plausible deniability should some unsavoury view be attributed to us.³⁶ The benefit of this type of criticism is perhaps especially valuable with respect to matters of sexual assault and harassment as well as abortion access. One needn’t reveal that one has perhaps extremely misogynistic views about rape or abortion. Rather one can just point out that we all agree that if you’re a hypocrite – like the woman who dresses ‘provocatively’ at work for advantages and then complains when she gets unwanted attention – you can’t rightfully complain. True, this is also a sexist view, but its anti-hypocrisy flavour makes it more palatable.³⁷ There is surely a spectrum of out-and-out sexist views to the more subtly so. There are perhaps some views that even seriously regressive groups wouldn’t publicly endorse, but there are others – like the versions of these myths I’ve been discussing – that people will publicly endorse.

In politics and in daily life we are familiar with criticisms that question standing – accusations of hypocrisy and/or complicity (surely part of what some of these myths did) and claims that the topic is none of our business are all claims that call into question the target’s standing. And when our standing is questioned a potentially successful reply is to demonstrate that one does in fact have standing. I with Whelan (2023) discuss this aspect of standing in the context of the accusation of hypocrisy to support a feminist case against attacking a supposed hypocrite’s standing. Consider our example: Imagine a woman who publicly advocates for the normalization of abortion and the breakdown of secrecy around abortion. Is she required to disclose her own reproductive history

³⁶ For discussion on figleaves and dogwhistles which give the utterer plausible deniability see Saul (2024).

³⁷ The advantage here seems to be in tension with my earlier claim that attacking credibility and standing act as a one-two punch. But this tension dissolves when we are attentive to the different audiences one might have. Sometimes one may want to (or in fact only be) understood as only questioning standing and other times one might want to be understood as delivering the one-two punch-‘I don’t believe you. And if even if I did you wouldn’t have standing.’ Thanks to Adam Slavny for this objection and discussion. This reply also draws on Saul’s (2024) work on using dogwhistles or figleaves having plausible deniability for different audiences.

in order to make this claim? If she refuses to do so, she may well be accused of hypocrisy. And thus her standing to advocate on reproductive rights impugned.³⁸ In order to prove that she has standing she would have to reveal what she had kept private, namely her reproductive history. The point is more general: when our standing is questioned – say because we are accused of hypocrisy – a way to regain our standing or prove that we never lost it is to make some personal revelation that responds to the accusation or acts as an explanation. When we consider how being candid or making public revelations is often a way to demonstrate that we have standing we can see better how #metoo and #shoutyourabortion are partly responses to having women’s standing questioned. The parallels between the individual case and the collective case should become apparent.

Sometimes revealing what was private to prove one has standing is not that difficult, but other times it can be quite onerous. The #metoo and #shoutyourabortion asked women to reveal what was previously private in an attempt, I argue, to prove women had standing. And this was an onerous ask. Indeed, undoubtedly the collective action aspect of the campaigns was intended to protect the women and people who participated. There is safety in numbers. I am suggesting that many of the myths surrounding abortion and sexual harassment had a similar effect to an accusation of hypocrisy, in that they that undermined women’s standing. And the campaigns involved women collectively revealing what was private to prove their standing. But the point is broader – women are often called upon, or required, to give up their privacy and expose themselves in ways that make them more vulnerable even where there is no valuable political movement. They are required to expose information that is typically regarded as personal and intimate so that we can decide if they are trustworthy, reliable, and worthy of respect. This is often reflected in the way the media approaches politician’s “family lives”. A female politician who doesn’t have children (surely a private matter) is called to account for this; a male politician with many affairs and heirs doesn’t have to answer for this because it’s a private matter.³⁹ A female politician with children is asked how she will handle her childcare arrangements; whereas no inquiries are made into a male politician’s arrangements. Privacy is a privilege and one that women are often pressured to give up. Thus women are forced to forgo the protections that privacy can offer.

The myths that #metoo and #shoutyourabortion set out to dislodge from public consciousness painted women as complicit and hypocritical, and thereby questioned women’s standing to blame

³⁸ O’Brien and Whelan (2023).

³⁹I am not saying that he should be required to answer for this, but merely pointing out the double standard. See: <<http://www.smh.com.au/comment/the-remarkable-privilege-of-being-a-male-politician-20180209-h0vtwc>>.

and criticise with respect to issues of sexual harassment and assault and abortion access. The tweets of #metoo and #shoutyourabortion aimed at exposing them for just what they were – pernicious myths. And they set out prove that women had standing, just like an individual woman who advocates for abortion normalization may have to reveal her own reproductive history to prove she has standing.

#metoo and #shoutyourabortion also gave the public standing. Traditionally, reproductive choices and sexual activity were and often are considered private matters. And as we saw in Section 1 what is private is often considered out of bounds for strangers and the state intervention. This famously is what kept the state and criminal law from intervening in cases of domestic violence. It was a matter between a man and his wife to sort out. It was their private business. Now, we might all agree that violence where a wrongdoer physically harms their victim is a clear case where the state should intervene and so insofar as women were experiencing violence then it is not a private matter and so everyone has standing. But we have to remember the work of these myths is to muddy the water so it doesn't seem so straightforward. And sometimes the myths work to highlight all sins and missteps of the victim so we care less about them or think the perpetrator may have been justified. And so we might come to conclude that any particular situation is actually too complicated for us to assess one way or the other so we will just stay out of it. And so, the myths themselves use the shield of the private sphere to keep intervention and questioning at bay. But when these campaigns put a spotlight on the issues and put personal stories in the public square, they made them everyone's business. And they thereby gave everyone standing. Women were thought to lack standing because they were thought to flunk the non-hypocrisy and/or non-complicity conditions; and the public lacked standing because they were thought to flunk the business condition (but now they explicitly satisfy it).

I want to return now to the relationship between the credibility tactic of the myths and the standing tactic of the myths that I briefly mentioned in the introduction. Certainly, part of what the myths around sexual assault and harassment and abortion did is contribute to a culture in which women won't be believed should they speak up about their experiences and/or assault and generally undermine women's credibility. And my arguments here about standing should not be understood as challenging this view. Rather, examining the role of suppressing women by attacking their standing is complementary to examining how the myths undermine their credibility. Perhaps the later is/was the main goal, so to-speak, of these myths. But I would press that much of what these myths did was victim blame, and part of what we do when we victim blame is say that what

happened is the victim's fault – and hence lack the standing to blame or criticize the person who wronged them. Consider some victim blame-y responses to a report of a sexual assault: 'Why did you go back to his apartment?' 'Had you been drinking?' 'Why were you alone with him?' 'What did you do to get him to stop?' One interpretation of these question seems to be that the inquirer is suggesting via their question that they suspect that the woman really did consent and so there was no assault. This interpretation claims that the questions go to the truth of the woman's accusation. There is, however, another interpretation of the questions where they don't so much go to the truth of the woman's testimony but rather the role the woman played in the events. For example, the questions might be suggesting that because, say the woman went to his hotel room, that it was reasonable for the man to think that the woman was consenting. And so, his actions while regrettable are actually her fault and she therefore can't now rightfully blame him or ask for legal intervention. Another plausible interpretation of the question is that they see the woman contributing to the man's actions although perhaps not making it reasonable for him to think she consented, but that she engaged in risky behaviour herself and so now has to deal with the consequences. The idea seems to be that 'you've been playing with fire and so can't complain about getting burnt.'⁴⁰ It would be hypocritical for you to now object to the man's behaviour. One can see how the strategy of undermining a woman's credibility and denying her standing work together to silence her. This reiterates the importance of my project which sets out to show how undermining women's standing and denying women's credibility work together to undermine women's capacity as testifiers which silences and excludes them.

Section 3: Exploding the Private Sphere

The previous section argued that one of the aims of the #metoo and #shoutyourabortion campaigns was to quash the idea that women did not have standing. And that the pernicious myths surrounding sexual harassment and assault and abortion were an obstacle to recognition of women's standing. The first half of this section argues that women's collective revelation of personal experiences was a form of exploding the private sphere. The second portion of the section contends that advocating for the explosion the private sphere, like I and MacKinnon have done, does not entail denying the value of privacy. In fact, it's because privacy is valuable that the explosion worked! In making this argument this section shows that MacKinnon (1987) and Gavison (1992) are not in substantial disagreement about the value of privacy for women.

⁴⁰ Thanks, in particular to Alison Hills for these possible questions and responses women might receive and how they might be interpreted as claims about standing.

A) Exploding the private sphere

The subject matters of both these campaigns have long been regarded as largely private matters. Sexual activities and experiences, and abortion, have been seen to be matters which are, and should be, personal, inaccessible, and free from the interference of outsiders. And moreover, there was (and likely still is at least to some extent) a societal expectation that these matters would and should be kept private. Indeed, these are matters in respect of which we often desire privacy. But, as the feminist critique identified, this privacy made women vulnerable to peculiar kinds of harms and it obscured the nature and scale of those harms allowing such harms to continue and the victims to go without redress. Both the #shoutyourabortion campaign and the #metoo campaign are powerful examples of the way in which making private matters public can shift public debate and shift the public's approach to, and the State's regulation of, such matters.⁴¹

The power of the #metoo and #shoutyourabortion campaigns lay in the demand to end this silence and upend the expectation of silence. These campaigns rightly recognised that the secrecy around these matters and the lack of public interference was harmful. There is, as feminists have long recognised, great power in bringing private matters into the public forum and demanding that the public face the reality of women's experiences. The campaigns sought to use women's personal stories to make private matters public, to force society to reckon with women's experiences of sexual harassment and assault and their experiences of abortion, and to call on society to treat these matters differently. They also provided a forum for redress. The hope was that when confronted with these personal stories *en masse*, society would not be able to discount these women (unless they were all liars or all the exception) and society would be forced to overhaul its understanding and perceptions of these issues.

Having women participate in these campaigns challenges the norms and expectations surrounding these experiences and caused a reckoning. And just as keeping things private and out of bounds for intervention maintains and supports the status quo, dragging things into the public square challenges and may even be able to upend the status quo. If people thought that sexual harassment was not that common, if that was the status quo belief or view, then #metoo *personally* contested that. And these campaigns were able to demand change and give women standing in a way that

⁴¹ This is not to deny plausible worries about backlash to these movements, in particular #metoo. <https://www.vox.com/culture/23581859/me-too-backlash-susan-faludi-weinstein-roe-dobbs-depp-heard>. Thanks to Zoë Sinel for pressing this worry.

the bare statistics, for example the fact that 1 in 4 women in Canada experience sexual harassment in the workplace, did not (maybe could not?).⁴²

Why should we think of the collective revelations from women as exploding the private sphere?

There are a few reasons this interpretation makes sense:

1. The flouting of the norms of ‘keeping quiet’ about these sorts of things.
2. The aims of these campaigns themselves – alleviate shame, stamp out pernicious norms, challenge the status quo. All these aims are bold and if successful would-be paradigm shifts.
3. The particularly public nature of these disclosures: They weren’t one-on-one in person disclosures. They were tweets or Facebook status updates. They were shared indiscriminately, permanently, and recorded in a way to make them readily accessible
4. The call for public and state intervention.
5. The voluntary nature of these campaigns
6. The collective action of them.

What unites these reasons is the way they mirror and respond to MacKinnon’s criticism of the *Roe* decision – everything she was worried the private sphere would deny women, these campaigns sought to give back to women. Remember, MacKinnon argued that putting abortion in the private sphere would isolate women from each other, prevent them from affirming each other’s experiences, leave them susceptible to shame and isolation, and inhibit collective action. The strategy of these campaigns acknowledges and exposes the dangers lurking in the protection of privacy and directly challenged them. Women and pregnant people came together (at least virtually) to share their stories and claim their abortions. As many feminist critiques point out, the veneration of privacy has made women vulnerable to peculiar kinds of harms and obscured the nature and scale of those harms. These campaigns exploded the private sphere and exploded the shared illusion of the perception of the private sphere.

Sometimes what we mean when we say things are private is that there is an expectation that we will keep those things secret or to ourselves. This is especially true when the matter in question is one often thoughtful to be shameful. Being a victim of sexual assault and a person who needs or wants an abortion is one of these things – they are both experiences surrounded in shame and both experiences where the societal narrative is that we should keep it to ourselves. While the

⁴² <https://www.canada.ca/en/women-gender-equality/campaigns/gender-based-violence-its-not-just/infographic-sexual-violence-how-things-are.html>

women who participated in #metoo and #shoutyourabortion gave up privacy in all of its senses. These matters were no longer *just* personal, inaccessible, or free from interference. Indeed, these campaigns were calls for public and state intervention. State and public intervention with respect to redress for victims of sexual harassment and assault and state and public intervention for the choice architecture surrounding access to reproductive care and abortion.⁴³ It is the notion of private bound up with shameful and secret that was the target for lasting explosion. Indeed, it is plausible to think that one goal of the #shoutyourabortion campaign was for abortion care to be seen as healthcare such that it comes to be seen as on a par with having knee replacement surgery – some people will be comfortable sharing and some won't. But it will depend on the person rather than on an presumption in favour of keeping abortions secret.

We should thus see that along with undermining women as testifiers, these myths also undermined women's standing. And this latter effect of the myths is an undertheorized component of women's oppression. Additionally, I have argued that women's collective revelation of personal experiences challenged and countered these myths and that these personal revelations were a form of exploding the private sphere. And so, MacKinnon was right that we feminists should explode the private sphere. But concluding that we should explode the private sphere is not to deny the value of privacy. That is what I will argue in the next subsection.

B) The value of privacy

Ruth Gavison (1992) in her own article about feminism and privacy criticises MacKinnon's views on *Roe* and privacy and the private sphere. Gavison's argument seems to rest on the claim that privacy is important and is even, perhaps especially, important for women. Gavison suggests that only if one thinks that privacy isn't valuable for women would one urge exploding of the private sphere. But this is a mistake. Indeed, it is because privacy is valuable that there is any possibility of exploding the privacy sphere. The value of privacy helps cause the explosion. The point is made clearer by considering privacy in the context of these campaigns.

The #shoutyourabortion and #metoo campaigns turned women's private experiences into a kind of capital. That is a powerful thing – the campaigns gave women the power to wield their personal experience to effect real change. But it also required women to decide whether to employ that capital in the service of the movement or not. This created a choice where previously there had

⁴³ Thanks to Ruth Chang for putting it this way.

been none and a burden to justify that choice even if only to oneself. Women were not explicitly pressured into making disclosures of their private experiences – but they were called upon to decide whether to disclose or not. These campaigns posited that silence and cover-ups are part of the problem and they sought to address that problem by calling on women to speak up. In that context, the decision to remain silent takes on new significance. When silence is part of that problem, there is a kind of normative pressure to come forward so as to help advance the laudable goals of the movement. Deciding whether or not to participate, and if so how and when, was a weighty decision for many women. Uma Thurman, who had not (then) participated in the #metoo movement, was asked on television for her thoughts on it and refused to comment (beyond stating that such women were commendable): she said that she would say what she had to say when she felt less angry (undoubtedly recognising how angry women are often dismissed in the media and by the public). While many women posted on Facebook short descriptions of their experiences with the caption #metoo, this, in turn, prompted other women to explain why they had decided not to make their experiences public. Many women undoubtedly felt that it was too emotionally and practically risky for them to come forward, no matter their sympathy for the movement. And no doubt some simply felt that women shouldn't have to expose themselves in this way.

The goals of these campaigns were laudable. And their strategy was certainly not to pressure women into disclosing their personal experiences, but rather to empower them to do so as part of a movement of solidarity and sisterhood. Nevertheless, each campaign was a call for women to sacrifice their privacy and to do so about matters that remain contentious and often attract stigma and shame (albeit that the campaigns themselves might help to change that). Only two weeks after shouting her abortion, co-founder of the campaign, Amelia Bonow, was doxed and received death threats over what was then Twitter (now X). Lindy West, another co-founder, received hate mail from those who are anti-abortion. The decision to shout their abortions made women vulnerable. Similarly, #metoo asked women to bear the public scrutiny that attends public revelation (including claims that the woman ought not to be believed or that what happened doesn't count as sexual harassment, or when a woman accuses someone famous, that she's just after her 15 minutes of fame or is a gold-digger) and also to re-live their encounter. These are not trivial burdens to bear in aid of a political movement.

It is also worth noting that pushing for social change with the sharing of personal stories tends to be especially costly for those who have little power or visibility. They are often the ones with the stories to tell. Cis men who want to be part of the pro-choice movement cannot shout their

abortions. No matter how much they endorse a woman's and pregnant person's right to choose, they will not be asked to reveal whether they have had an abortion and they will not risk the stigmatization that comes with revealing they have had one. Modern society still stigmatises abortions and the people who have them. Pregnant people who publicly acknowledge that they have had this procedure face the risk of public shaming and censure from anonymous mobs online. What's more, in many communities abortion remains a contentious issue and so people who are willing to shout their abortions risk hostile personal encounters and judgement. They also risk expulsion from communities where abortions are considered deeply wrong. We should not assume, for example, that a woman who has had an abortion cannot also find great value and importance in the tradition and relationships within her religious community even if her religious community would not accept her abortion. 'Outing' herself as someone who has had an abortion could sever that important connection and result in a serious loss for that person.⁴⁴ The woman who shouts her abortion, or tweets #metoo, loses the protection that privacy would afford her. She loses control over whether she is seen as a woman who has had an abortion or been the victim of a sexual assault. Indeed, she risks what Alice MacLachlan (2012) calls 'excerption'.⁴⁵ That is, she risks having her whole self and personality reduced or equated to this one fact about her – that she had an abortion or that she is a victim of sexual harassment. Excerption can undermine our sense of dignity and self. Monica Lewinsky in the late 1990s had her identity excerpted as a 'sex-scandal' and footnote to the Clinton Presidency. Further, being known as a woman 'of that sort' has significant costs in many social groups in our world (albeit that it should not) – once publicly disclosed, her abortion or sexual harassment isn't something she gets to choose to reveal, instead it is available to everyone, permanently. And the world feels entitled to scrutinize, comment, chastise and sometimes even commend her in return. This may all be worthwhile in the service of a good campaign but it is worth noting that it is a feature of the campaign and a risk for its participants.⁴⁶

Given the high costs of participating in these campaigns it is unsurprising that those who readily did so had a certain amount of privilege. The recent viral #metoo campaign was started and mostly participated in by famous, wealthy women who were in a stronger position to deal with the public scrutiny than many other women who face sexual harassment and abuse. They face the lowest risk

⁴⁴ Alice MacLachlan (2012) discusses this risk in her arguments against a strict duty to come out as gay p.312.

⁴⁵ Card (1995) pp. 194-297 and MacLachlan (2012) p.312.

⁴⁶ See Ashiwini Vasanthkumar (2018) who argues that victims of oppression have a duty to testify based on their duty to aid. See also Boxill (2010) and Hay (2011) for arguments about victims' duties to resist their own oppression.

of stigmatisation and censure and have more resources to deal with attacks should they occur. Lindy West is a high-profile progressive writer who writes about herself confessionally for a living and, as she herself acknowledged, already participated in a space in which most people she knew were pro-choice. The cost for her shouting her abortion is significantly lower than the cost for a woman working at a religious school. The Roman Catholic Church runs large school systems in Canada and other countries. A woman who shouted her abortion while working for one of these institutions could likely be shouting on her way out the door and out of a job. The costs involved in participation are compounded by existing vulnerabilities. Pregnant people risk conflict (including censure, stigma, and criticism) and the burden of exposing emotionally complex matters and likely exposing oneself to unfair demands for explanation and justification.

No one could deny that having privacy with respect to these matters was valuable for women. And it is because these matters are sensitive, personal, intimate that it was explosive when women and pregnant people voluntarily shared their experiences publicly on the internet. When someone voluntarily gives up a possession that they don't really care about, it is not that surprising or even interesting.⁴⁷ If, on the other hand, someone gives up a possession that is extraordinarily valuable, that is surprising and noteworthy. And if hundreds of people give up something valuable that is even more surprising (perhaps explosive) and noteworthy. These campaigns attempted to explode the private sphere and used the value of privacy to that end. They did not deny the value of privacy.

Privacy provides a space in which an individual can act free from the judgment and interference of others. Of course, this space may be abused and privacy used as a cover for reprehensible acts. But privacy also gives people space to experiment and to engage in countercultural and rebellious activities. Privacy also allows women to control how they present themselves to different persons by choosing what to reveal to whom.⁴⁸ In a world that is often critical of women's choices, the value of privacy for women should not be undervalued. Normally, we consider carefully to whom we disclose matters of emotional complexity – feelings about an unfaithful partner, an abortion, sex life. Sharing these experiences creates intimacy with a particular person and also invites criticism, praise, and advice. We don't want that kind of relationship with just anyone and certainly not with everyone. Privacy enables us to form and maintain close personal relationships and, just as importantly, to keep other people at a distance. Our relationships with partners, close friends,

⁴⁷ The voluntary nature of the participation in the campaigns is also important. Consider a contrast case where the same information is leaked. This would likely still create waves but the valence is different. It matters that it was the women themselves. Thanks to Jonathan Parry for this insight.

⁴⁸ Marmor (2015).

and mentors bears this out. These persons are able to hurt us in unique ways but they are also responsible for, and accountable to, us in unique ways (and vice versa). The woman who shouts her abortion, or tweets #metoo, loses some of the protection that privacy would afford her. She loses control over whether she is seen as a woman who has had an abortion or been the victim of a sexual assault, and she exposes herself to public comment and criticism on these matters. Further, being a woman ‘of that sort’ has significant costs in many social groups in our world (albeit that it should not) – once publicly disclosed, her abortion or sexual harassment isn’t something she gets to choose to reveal, instead it is available to everyone, permanently. And the world feels entitled to scrutinize, comment, chastise and sometimes even commend her in return.

Privacy might be even more important now. *Roe* has been overturned. And the right to decisional privacy no longer protects the right to choose abortion in the United States. Now women and menstruating persons can have their privacy invaded even more through subpoenas into their Facebook chats and femmetech apps like Flo. Big Data even means that Target might know you’re pregnant before you even realize it: arguably already one violation of your privacy.⁴⁹ It seems plausible to think that the type of surveillance required to know that someone is pregnant based on their purchasing habits is a violation of one’s privacy, and that knowledge of that fact could be further abused by the state.

It is worth emphasizing that many women have felt empowered by these campaigns.⁵⁰ Whether they participated or not, their own experiences were affirmed and a real feeling of solidarity was created. These are valuable effects that are to be celebrated, whether or not the campaigns themselves ultimately bring about legal or political change. None of that shows, however, that there aren’t also significant costs to participation in these campaigns. It is a fairly everyday observation that decisions and actions are often complicated and have good and bad aspects. The very success of these campaigns behoves us to understand them properly and to obtain a complete picture of their benefits and risks. A mere tweet may seem an easy and relatively safe way to participate, but that is at best a naïve view. Before society pats itself on the back for a job well done, it must confront what it took to get there. Women were by and large the victims of the pernicious myths, and they were required to risk more harm to dislodge these myths from the public’s consciousness. Reasoned arguments and statistical studies were not enough. Show us your

⁴⁹ Pan (2016).

⁵⁰ For example, see philosophical discussion in the American Philosophical Association Newsletter ‘Feminism and Philosophy’.

scars, the public said, and then maybe we'll hear from you.

MacKinnon urged us to explode the private sphere, but in doing so she did not deny that privacy is valuable for women. I suggest that a promising reading of MacKinnon is that she meant us to blow up a version of the private sphere, the one we have – one that is gendered (and classist and racist). Indeed part of MacKinnon's point is that the right to privacy and the private sphere as they have so far been structured do not serve women's right to privacy or a woman's private sphere. The #metoo and #shoutyourabortion campaigns are evidence of this. Privacy is valuable but it is not equally accessible across genders. So we should explode it and start again.

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