

**Crossing the Divide: Revisiting the Tensions
Between Libertarianism and Feminism in Light of
Fourth Wave Feminism**

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Content Warning

This thesis will engage with subjects that some readers might find upsetting. This includes discussions of sexual harassment, sexual violence, and domestic abuse. Care has been taken to interact with these subjects delicately and respectfully. Descriptions of instances of violence have been avoided. Readers are nevertheless advised to proceed with care.

Abstract

Since 2013, some academics have noted a surge in feminist activity in Britain; leading them to announce the arrival of fourth wave feminism. A defining feature of fourth wave feminism is social media activism; though which women have begun to ‘call out’ individuals and institutions who perpetuate sexist and discriminatory practices and ideologies. While there appears to have been a recurrence of the collectivist attitudes that dominated second wave feminism, the fourth wave has a complex relationship with neoliberalism and neoconserviticism; both of which encourage individualism and free markets. It is therefore interesting to consider how pro-market feminist theories relate to the aims and concerns of fourth wave feminists. In this thesis, I explore whether the pro-market discipline of libertarian feminism can be part of the fourth wave. In particular, I explore whether it is able to address the concerns of fourth wave feminists.

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1 Introduction

Pervasive rhetoric in the media and wider society has had a significant impact on society's perception of feminism. Research shows that more people associate feminism with negative labels, such as *irrelevant* and *bitchy*, than positive labels, such as *powerful* and *strength* (Fawcett, 2016: pg. 12). Since 2013, however, some academics have noted a surge in feminist activity in Britain; leading them to announce the arrival of fourth wave feminism.

The arrival of fourth wave feminism was prompted by dramatic shifts in Britain's political landscape. Over a relatively short period, Britain has faced an economic recession, austerity, riots, political scandals, Brexit, and more. These contentious issues impacted British feminism in two important ways. Firstly, the apparent barrage of social injustices and controversies generated a culture of 'stepping back'. In her book, *All the Rebel Women* (2013), Kira Cochrane the term 'stepping back' to describe a process by which people step back from their daily lives and take stock of their political mistreatment. This generated a culture of heightened political awareness and social activism, as people began to question their political situation; respond to social injustices; turn against authority; and campaign for a better future. Women naturally began analysing and confront specifically gendered experiences.

Secondly, the culture of austerity in British politics has had a disproportionate effect on women. Austerity also contributed towards a rise in domestic violence, despite the fact that violent crime rates were falling at the time (Chamberlain, 2017: pg. 114). This is credited to the disappearance of women-specific services; as well as a rise in sexism and mental health issues amongst men (ibid.). In recent years, women's financial security has been further threatened Brexit¹. Research has shown, for example, that a 'Hard Brexit', in which the UK exits the EU without a trade treaty, would likely have a severe impact on women's economic and political security (The Fawcett Society and Women's Budget Group, 2018). These factors, along with many others, have contributed toward a surge in British feminism.

Social media activism is the defining feature of fourth wave feminism. It has facilitated, what is referred to as, 'call out culture'; in which women take to social media to name and shame individuals and organisations that have affronted or caused harm to women. By removing geographical barriers, social media has allowed fourth

wave feminists to organise transnationally; making it far more inclusive and diverse in its aims. Social media's widespread accessibility and use has also allowed movements to spread nationally, or even globally, almost overnight. As a result, fourth wave feminism's objectives are evolving rapidly and in response to the most immediate concerns.

Since the impact that social media has had on contemporary feminism is so significant, it is imperative that academic enquiries into fourth wave feminism explore how this has affected its underlying aims and motivations. One way to explore this is to consider how the attitudes and interests that motivate fourth wave feminism interact with, compare to, and contrast with those of previous waves. Nichola Rivers has commented on this in her book, *Postfeminism(s) and the Arrival of the Fourth Wave* (2017). Here, Rivers identifies a recurrence of collectivist attitudes in fourth wave feminism which resemble those prevalent during the second wave. At the same time, however, she observes that contemporary feminism has a complex relationship with neoliberalism and neoconservatism that distances it from second wave attitudes:

Despite perhaps not identifying with earlier waves of feminism, Laura Bates' *Everyday Sexism* project, could be seen as a return to the kind of collective identity politics that characterized much of the second wave. However, the fourth wave is clearly not characterized solely by a newly galvanized 'left-wing' intent on dismantling neoconservatism and neo-liberalism. Indeed, contemporary feminisms' relationship with neoliberal and neoconservative principles has become ever more entwined. (Rivers, 2017: pg. 24)

With this in mind, fourth wave feminism is also being influenced by individualist and free-market ideologies. It is therefore interesting to consider how pro-market feminist theories relate to the aims and concerns of fourth wave feminists.

In this thesis, I will explore whether pro-market discipline of libertarian feminism can be part of the fourth wave. In particular, I want to know if it is able to address the concerns of fourth wave feminists. I will begin by providing clarity on the terminology used in this paper. I will then evaluate libertarian feminism with attention to the libertarian thesis of atomised self-ownership and separation of public and private spheres. The criticisms raised will then be evaluated in light of a central

concern to fourth wave feminists: sexual harassment. In particular, I will explore how Joan Kennedy Taylor, a third wave libertarian feminist, approaches the issue of sexual harassment, and evaluate whether her account is able to acknowledge, address, and resolve this social issue. Finding this approach to be seriously flawed, I will examine a possible solution to the tensions between libertarian feminists and fourth wave feminists in order to determine whether libertarian feminism can contribute to contemporary discussions surrounding fourth wave feminism. Namely, I will explore whether the forgotten tradition of cultural libertarian feminism is able to address feminist's concerns relating to female autonomy and patriarchal coercion.

2 Definitions and Assumptions

The purpose of this section is to provide clarity on the terminology used in this paper. In what follows, some key definitions and assumptions will be outlined.

First, I understand *feminism* to be a body of political, cultural, and economic theories that aim to establish equal rights and legal protections for women. Alison Jagger, an extremely influential feminist scholar, has identified four primary categories of feminist thought: *Liberal Feminism*², *Traditional Marxist Feminism*, *Socialist Feminism*, and *Radical Feminism* (Jagger, 1983: pg. 8)³. In this thesis, I will assume that these four categories are accurate. In this paper, I will contrast libertarian feminism with other feminists, where other feminists represent a singular group. I do this in order to juxtapose libertarian feminism with wider feminist thought. For this purpose, I also assume that other feminists agree on certain key ideologies, such as the existence of patriarchy; although I recognise that there are a multitude of beliefs and ideologies within the feminist body.

I understand *patriarchy* to refer to a complex web of cultural and institutional structures that perpetuate the subordination and oppression of women.

I understand *waves of feminism* or *feminist waves* as being bursts of feminist activity that are mapped onto a historical understanding of the corresponding cultural context of the time. In other words, waves of feminism represent surges of activity which correlate to changes in contemporary culture (Chamberlain, 2017: pg. 10). I shall adopt the terminology ‘first wave’, ‘second wave’, ‘third wave’, and ‘fourth wave’ to refer to each iteration⁴. The specific dates and content of each wave is debated among authors. Some consider the narrative to be controversial since it omits aspects of feminist history and scholarship. In particular, it is thought to elevate the voices of a small group of white heroes to the detriment of non-white activists and grassroots campaigners. However, the simplicity of the wave narrative makes it instrumental in explaining how feminist thought developed and changed over time. It is for this reason that I adopt the wave narrative in this paper.

I understand *libertarianism* to refer to a family of related views on politics, justice, and economics. Libertarianism is closely related to the classical liberal tradition, ‘as embodied by John Locke, David Hume, Adam Smith, and Immanuel Kant’ (van der Vosse, 2019: pg. 1). For the most part, my discussion will focus on a

variation of libertarian thought that understands the human self through the lens of self-ownership. The concept of full self-ownership was popularised by Robert Nozick in his 1974 book, *Anarchy, State, and Utopia*⁵. On this account, human beings possess a stringent and inalienable set of negative rights over their person and property that resemble those one might think to have over their possessions. Libertarians often defend civil liberties, like equal rights for homosexuals, and endorse liberal policies, such as drug decriminalisation. Most libertarians endorse free-market economics: ‘an economic order based on private property and voluntary market relationships among agents’ (ibid.). Finally, libertarian theory ‘...affirms a strong distinction between the public and the private spheres of life... (ibid.)

Finally, I understand *libertarian feminism* to refer to a category of feminist thought that endorses the libertarian philosophy yet recognises the existence of gendered inequalities⁶. Libertarian feminism ‘conceives of freedom as freedom from coercive interference...[and] holds that women, as well as men, have a right to such freedom due to their status as self-owners’ (Baehr, 2018: pg. 27). For the most part, my discussion will focus on a hard-line variant of libertarian feminism. In her Stanford Encyclopaedia of Philosophy entry, *Liberal Feminism* (2018), Amy Baehr distinguishes between *libertarian equity feminism* and *libertarian cultural feminism*. Libertarian equity feminists hold that, in modern societies like the USA and UK, ‘the only morally significant source of oppression of women is the state’ (ibid.) As such, ‘They hold that feminism’s political role is to bring about an end to laws that limit women’s liberty in particular, but also laws that grant special privileges to women’ (ibid). On the converse of this approach sits *Libertarian Cultural Feminism*, which recognises the existence of patriarchal oppression and advocates non-political remedies to dismantle cultural oppression.

3 A History of Libertarian Feminism

Libertarian feminism was popularised by first wave feminists in the 19th century, who used the tenants of libertarianism to analyse their situation. Since then, its reception and use among feminists has changed in relation to the wider socio-political context of the second, third, and fourth waves. In what follows, I will provide an account of the history of feminist activity Britain. I will pay particular attention to libertarian feminism; explaining how its central philosophy was interpreted and received by the feminists in each movement. My discussion of each wave will be structured around a description of the political and social context; the demographics of its supporters; what philosophies grounded their activism; and what they aimed to achieve. British feminism is the focus of this discussion. However, where relevant and necessary I will refer to corresponding activity in the USA.

3.1 Libertarian feminism in the first wave

The first wave of feminism is generally thought to have spanned the late 19th to early 20th centuries. It is roughly dated between 1840 to 1920 - although sources vary. In fact, the first unmistakably feminist texts were produced during the 17th century. Over the next 200 years, the number of feminist publications grew steadily in the United Kingdom, United States, and France until the Women's Movement was born in the 19th century. Most experts cite the abolitionist movement as a key starting point for women's movement. Judith Hole and Ellen Levine, for example, tell us in *The First Feminists (1979)*, that the women's movement moved into the political sphere during the 1830's after the women working in earnest for the abolition of slavery learned that they 'could not function as equals with their male abolitionist friends' (pg. 4)⁷. In Britain the trajectory was different, with feminists responding to industrial capitalism and the political systems of representative democracy that emerged in response (Jagger, 1983: pg. 3). Alison Jagger explains, 'These economic and political changes drastically altered women's situation and also the way in which women perceived their situation. Much of this alteration was a result of the transformation in the economic and political significance of the family' (ibid.).

According to Jagger, aristocratic women who previously held considerable political and economic power due to their familial status were undermined by the rise of democracy and the fall of feudal privilege. Similarly, women in lower classes had previously held essential roles within the household where they were, in effect, responsible for the wellbeing and survival of the household by sourcing food and producing wool, cotton, soap, candles and herbal remedies. The power these women held was removed by industrialisation, which relocated much of their traditional work from the household and into factories; thus, reducing their previously essential contributions to and power within the household and forcing them to depend on their husbands.

Importantly, while the economic and political shifts of the 19th century harmed women's position, they also paved the way for liberation and independence. Jagger explains,

At the same time as the decline in the economic and political significance of the family tended to undercut women's economic and political status, it held at least the promise of a new status for women, one not predicated on their family membership' (Jagger, 1983: pg. 4).

The advent of wage labour, for example, provided women with the opportunity to achieve financial independence outside of the household - although many early feminists opposed wage labour in favour of organised self-employment (Davies, 1987: pg. 3⁸). Further, Jagger describes how the new democratic values of equality and liberty naturally conflicted with traditional assumptions about women's subordinate position in society and provided the framework for people to question the proper and just place for women in this new world. In Jagger's words, organised feminism emerged as women's answer to these questions. And so, what would later be referred to as the first wave of feminism began.

Most of the earliest feminists were middle class white women who had experienced some (limited) form of education. First wave feminists (FWF) adopted the classical liberal philosophy which dominated late 18th and 19th century philosophy. As libertarians⁹, they took individual liberty to be the primary political value; where freedom was conceived as freedom from coercive interference (Baehr, 2018: pg. 27).

Further, they held that ‘women, as well as men, have a right to maximal freedom due to their status of self-owners’ (ibid.) FWF were radical individualists in that they ‘defined the oppression of women in individual terms, as the denial of self-realisation and self-ownership to the individual woman, the individual human person being ontologically primary’ (Davis, 1987: pg. 2). FWF believed that ‘coercive state power is justified only to the extent necessary to protect the right to freedom from coercive interference (Baehr, 2018: pg. 27. As such, they perceived the government as having a limited role in protecting certain inalienable rights; including the right to life, liberty and private property; freedom of conscience, expression, speech and association; freedom of worship, the right to be governed by consent and consent alone; equality under the law; the freedom to acquire, transfer and be compensated for the theft of property; and freedom to pursue one’s own conception of the ‘good life’. Most FWF battles were framed in terms of eradicating state-imposed or legal subordinations that infringed considerably on women’s rights to person and property.

FWF main focus was the issue of ‘suffrage’ or the right to vote - for which many women gave their lives and freedom. By being denied their invaluable right to elective franchise (to vote), women were unable to be represented in government and were therefore compelled to submit to laws which they had no voice in forming; many of which favoured men and oppressed women. According to historian Stephen Davies, the issue of suffrage was also directly related to women’s personhood. He explains,

‘Firstly, it was argued that to assume a woman’s interests were subsumed in those of her husband or father was to deny her full personhood and to violate her personal individual sovereignty. In a very real sense she was enslaved, as she was in law; subjected to a rule and authority to which she had not consented as a sovereign individual. Secondly, [the early feminists] argued that to deny women the vote was to assert in effect that they were not of equal worth to men. The classic counter argument of ‘separate spheres’ [widely used within the andro-political community] (private and domestic of women, public and political for men) was strongly rebutted.’ (Davies, 1987: pg. 3)

Although the first wave is commonly discussed only in relation to the suffrage movement, it is important to understand that activists fought against many other social and political restrictions imposed on them. Firstly, FWF campaigned to remove legal and cultural restrictions that barred women from education and employment. At the time, men monopolised almost all profitable careers, as well as the financial security and distinction they could provide. FWF wanted the freedom to pursue the same security and distinction. On an intimate level, the restrictions imposed against women hindered their personal development. It also perpetuated the dominant idea of their being inferior to men and of feeble mind. As such, FWF also campaigned against restrictive laws, such as the Factory Acts, which aimed to ‘protect’ women but were based on the discriminatory ‘twin ideals of domesticity and helpless, irresponsible femininity (Davis, 1987: pg. 4).

Second, FWF actively organised to establish independent, women-only institutions which could provide women with the opportunity to receive an education and develop employment skills. For example, FWF established *The Society for Promoting the Employment of Women* which allowed women to access education, training and, information without interacting with the state.

Thirdly, FWF were fought property acts which denied women the right to own property, including wages, and instead transferred it to the husband. Since these laws were based on the idea that the husband and wife constitute a single agent, yet recognised the man as dominant, they completely denied women’s personhood, individual autonomy, and indeed existence their own right. While minimal protections existed for accumulated capital held by the wealthy, no protections existed for the middle and lower classes and for wages. Davies expresses that, ‘it was clearly an appalling abuse of any concept of natural equity that a profligate husband, could, quite legally, spend all his wife’s money and leave her penniless’ (Davies, 1987: pg. 3). He continues that, ‘married women’s lack of property rights made them ciphers in economic and social terms, entirely subservient to their husband’s will’ (ibid.). Thus, women fought to have their individual property rights recognised by the state and independently of marriage.

The first wave lasted a staggering 80-90 years until women were finally granted equal suffrage rights to men with the passing of the Representation of the People Act 1928 (also known as the Fifth Reform Act or Equal Suffrage Act)¹⁰.

3.2 Libertarian feminism in the second wave

The second wave of feminism is generally thought to span the 1960s to 1980s. Again, it consisted primarily of white middle class women, despite being heavily informed by the Civil Rights Movement (CRM) occurring in the US at the time. Second wave feminists (SWF) had the same aims of FWF but differed in that they denied ‘that according women equal civil, political and economic rights suffices to provide them with equal opportunity to participate in the extra-domestic life of their societies’ (Conway, 1998: pg. 10). The slogan of the second wave, ‘The Personal is Political’, was taken from the CRM and expressed how the cultural inequalities experienced by women were inextricably linked to an oppressive and patriarchal political system (Druker, 2018). In their view, the subordination of women was maintained by a complex structure of sex-discrimination that endured beyond the eradication of sexist legislation; known as (the) patriarchy.

Another concept adopted from the CRM is ‘consciousness raising’; which encouraged women to become ‘woke’ or awakened to patriarchal oppression, of which many were thought to be oblivious (Binard, 2017: pg. 2). SWF saw the state as having an important role in dismantling the patriarchy and, as such, they advocated legal protections (such as favourable divorce laws that forced men to pay alimony for child support) and market manipulations (such as affirmative action). All of these are measures that FWF would likely have opposed, since they saw the state as the primary source of female oppression. SWF broadly focused on the issues of reproductive rights, including contraception and abortion; better rights for married women; and altering society’s restrictive understanding of sexuality and love.

While the second wave of feminism is generally thought to span the 1960s to 1980s, some academics argue that the second wave didn't begin in Britain until 1970s (Binard, 2017: pg. 1). The 1960s saw many positive changes and advancements for British women which, in turn, allowed them to reflect on and rebel against their limited positions within society. In the early 1960s, medical and legal advancements related to contraception and abortion enabled women to have more control over their fertility. The introduction and legalisation of the contraceptive pill for married women in 1961, coupled with technological advancements that allowed

machines to perform a large bulk of housework, liberated many women from their restrictive roles of mother and housewife. Legislation surrounding the contraceptive pill was relaxed in 1967 which allowed its use amongst non-married women, thus sparking a sexual revolution that allowed women to explore sexuality and pleasure beyond the traditional framework of reproduction. The Abortion Act of 1967, which allowed women to access medical abortions in specific cases of mental or physical illness in the mother or child, also contributed to this end. These advancements in law, reproduction and technology all contributed to an even greater change for women: it 'altered the impact of biology thus enabling a redefinition of the concepts of femininity and masculinity' (Binard, 2017: pg. 3). It was during the 1970s, when women were no-longer chained to the household by housework and motherhood, that feminism began to permeate scholastic spheres. Women began to analyse the issues raised by the women's liberation movement, such as abortion, affirmative action, equal opportunity, the institutions of marriage, sexuality gender, love, sex and sexual violence, through the lens of analytic disciplines like philosophy, sociology, psychology, and political studies. For example, Betty Friedan's book, *The Feminist Mystique* (1963), had a profound impact on feminism in the United States and Britain. Other key texts include *Sexual Politics* by Kate Millet (1970); *The Female Eunuch* by Germaine Greer (1970); *The Dialectic of Sex* by Shulamith Firestone (1970); *Against Our Will: Men, Women and Rape* by Susan Brownmiller (1975); and *The Gyne/Ecology* by Mary Daly (1979).

Beyond feminism, the 1960s saw a diverse range of contestation movements in Britain and beyond including the Campaign for Nuclear Disarmament, Civil Rights Movement, Hippie Movement, and Gay Rights Movement. These all contributed in some way or another to a culture of hope, determination, and protest. In 1970, two major events are said to have magnified British feminism¹¹. The first was the National Women's Liberation Movement Conference was held at Oxford University's Ruskin College from 27th February to 1st March. Here, some 500-600 participants spent three days discussing key issues which came to represent the core objectives of the WLM. These were equal pay for equal work; Equal educational and equal opportunities; free contraception and abortion on demand; and free 24-hour nurseries (ibid.). This event both triggered and shaped a chain of women's conferences, meetings, organisations and rallies across Britain. Three further objectives of WLM were later developed as a result: legal and financial independence for all women; the

right to self-defined sexuality, an end to discrimination against lesbians; and freedom for all women from intimidation by threat or use of male violence, an end to the laws assumptions and institutions that perpetuate male dominance and men's aggression towards women' (Binard, 2017: pg. 6). The second event which sparked the second woman's movement was the Miss World beauty competition held in London on 20th November. Feminist protesters joined the audience before disrupting the event with noise, banners, and flour bombs. The commotion was broadcast on live television across the nation, thereby bringing the issues of objectification and commodification of femininity into the public eye and enraging existing feminists and inspiring many more women to join the cause.

During the second wave, the libertarian feminism that had defined the first wave was virtually non-existent. This is because a schism occurred amongst feminist ranks at the end of the first wave; causing socialist feminism to become the dominant ideology, and libertarian feminism to be pushed to the side-lines. In her book, *Feminist Politics and Human Nature* (1983), Alison Jagger developed a highly influential and widely accepted account of modern feminist philosophy. According to Jagger, while new feminist perspectives that developed during the second wave inherited the interests and aims of FWF (such as their interest in freedom, justice, and equality), their approach was radically different. Where capitalism had once been thought of as an important means to liberation, Liberal, Marxist, Socialist and Radical Feminists all 'characterized women as doubly alienated in capitalism because of the public/private split that relegates their work as mothers and houseworkers to the home, and psychologically denies them full personhood, citizenship and human rights (Ferguson, Hennessy and Nagel, 2019: pg. 9). As such, the minority of individualist feminists that were active during the second wave were marginalised by mainstream feminists who condemned them as bourgeois supporters of capitalist exploitation - due to their pro-market beliefs.

3.3 Libertarian feminism in the third wave

In Britain, the third wave is thought to have begun around the year 2000. There is disagreement amongst scholars as to whether this wave has ended. Some argue that

the third wave is ongoing in Britain; others argue that it ended in 2010; and others argue that it ended in 2013 because that is when Britain ended into a fourth wave.

Third wave feminism (TWF) could be seen as a reaction, or even a backlash, to second wave feminism. TWF is often seen as a backlash against second wave feminism. TWF argued that race, ethnicity, class, religion, gender, and nationality are all significant factors when discussing feminism (Druker, 2018). As such, they criticised SWF for prioritising white middle-class perspectives and marginalising other voices. One of the most influential books of the third wave was bell hook's, *Ain't I A Woman?* The book, titled after Sojourner Truth's 1827 speech, described how black femininity had been devalued and side-lined throughout the first and second waves of feminism. This, she argued, reinforced racism and classism within the movement, and the only ones who suffered were women themselves. Hooks' book was pivotal in the development of the third wave of feminism, as it drew attention to the need for multiple feminisms.

TWF are notable for calling for a more holistic view of oppression built around the concept of 'Intersectionality'. The term, Intersectionality, was coined by civil rights activist Kimberlé Crenshaw in 1989. It refers to a theoretical approach to analysing oppression which recognises 'the interconnected nature of social categorisations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage' (Oxford English Dictionary, 2015, Intersectionality entry).

A key message of TWF is that by taking the experience of all women seriously, the treatment of minority women by the state can be identified and the systematic abuse tackled. Angela Davis, for example, brought awareness to the fact that, while white women were subjected to unwanted pregnancies through state-imposed restrictions to their reproductive rights, Afro-American women were being systematically sterilised without their consent or knowledge (Davis, 1981)¹². Thanks to the third wave, such extreme violations of female autonomy were finally recognised as essential to any dialogue about reproductive justice.

During the third wave, new attention was paid to individualist feminism. Joan Kennedy Taylor and Wendy McElroy can be credited for this renewed interest. McElroy is particularly notable for researching and documenting the history of radical individualist feminism in books such as, *Freedom Feminism and the State: An Overview of Individualist Feminism* (1991). Both can also be credited with reuniting

feminism the wider libertarian community, and their work was published and supported by influential radical individualist and free-market think-tanks in the USA and UK, such as the Cato Institute and the Institute of Economic Affairs. Before this, individualist feminism had been severely overlooked and neglected by the libertarian community. The Institute of Economic Affairs, for example, has released just two books about feminism since its foundation in 1955. The first of these, written in 1994, explores how to “liberate” women from the dangers of modern feminism. The second, written in 1998, provides support for free-market feminism.

While Taylor and McElroy’s contributions paved the way for a new alliance between libertarian and contemporary individualist feminism, their attitudes towards many of contemporary feminism’s central concerns left a deep schism between their views and those of other contemporary feminists. In their paper, *Libertarianism and Feminists: Can This Marriage Be Saved?* (2005)¹³, Roderick Long and Charles Johnson posit that the conflict between feminism and libertarianism can, to some degree, be linked to the alliance that developed between libertarians and conservatives during the 20th century. In their words, ‘libertarians allowed the advance of state socialism in the early 20th century to drive them into an alliance with conservatives, an alliance from which libertarians could not hope to emerge unmarked’ (pg. 20). Contemporary work on individualist feminism often takes a rather conservative approach to feminist issues. It is reasonable to assume that this has contributed to continued tensions between individualist and contemporary mainstream feminism; the latter of which is extremely socially liberal.

4 Criticisms of Libertarian Feminism

One cannot deny the patriarchal history of libertarianism. The philosophy was constructed by privileged, educated, white males and therefore it is natural that it orbits the interests and preferences of that specific group. As the dominant philosophy of the 19th century women used libertarianism to analyse their situation. This helped them to develop a philosophical account of their subordination in society and the rights and freedoms of which they were being denied. However, some contemporary feminists believe that the libertarian philosophy was never properly adapted to encompass women and, therefore, it contains some serious conceptional errors; errors that become apparent only when one *does* consider gender and the family.

In this section, I will be evaluating libertarian feminism with attention to the libertarian thesis of atomised self-ownership and separation of public and private spheres, to see what is salvageable for contemporary thinking.

4.1 Feminist critiques of atomised self-ownership

The thesis of atomised self-ownership sits at the heart of libertarianism's radically individualist approach to politics and ethics. On this metaphysical account of the self, human beings are essentially 'autonomous, basically equal, unattached rational individuals' (Okin, 1989a: pg. 41). The self is therefore said to be "atomised", in the sense that while the actual identity of an agent might be influenced by its interactions in society and with other selves, it is ultimately self-determined and entirely independent from other selves. Thus, for example, Thomas Hobbes described men as coming into the world like mushrooms springing up from the earth (Okin, 1989: pg. 41). This understanding of human agency and development is also central to the libertarian account of human autonomy and rights. According to libertarians, human beings are born with the capacity to reason, and it is the exercise of this capacity, through the process of free choice, that promotes self-development. When one's choices are limited or restricted, the opportunities for development are also limited. As such, libertarians place stringent negative rights on the individual freedoms. The most popular account of negative rights is thesis of (full) self-ownership, which

libertarians assert as both a moral and political ideal (Cudd, 2018: pg. 127). The thesis of self-ownership provides individuals with inalienable rights over one's person and property.

Feminists criticise atomised self-ownership on the basis that it is informed by an andropocentric view of the world that undervalues care and connection. A key figure in this discussion is Susan Moller Okin; a liberal feminist whose work is influenced by Rawlsian theory. In her paper, *Humanist Liberalism* (1989a), Okin argues that the thesis of the atomised self-owner perpetuates a seriously flawed understanding of human development:

With women's status left ambiguous and the family assumed but not discussed, contemporary liberal theory has yet to take account of the fact that men are not mushrooms. It pays remarkably little attention to how we become the adults who form the subject matter of political theories (Okin, 1989a: pg. 41)

Feminists like Okin recognise that dependence and care are fundamental aspects of the human condition. When children are born, they must be nurtured and cared for until they reach adulthood. Similarly, unwell, disabled, and elderly people within our communities require care and support. These duties towards others connects us with external beings in an almost inseparable way. Moreover, care is an essential prerequisite to individuals having any form of autonomy and human dignity. As such, libertarians must provide an account of how care is dispensed and who is responsible. Feminists rightly presume that early libertarians, who presumably had little involvement in caring for children and loved ones, overlook the magnitude of these responsibilities. Nonetheless, feminists insist that human beings are not atomised in the libertarian sense; since human beings both receive and have duties to provide care due to our connectedness.

As well as criticising the thesis of atomised self-ownership on the basis that it undervalues care and connectedness, feminists argue that it overlooks the power of cultural constraints. Most feminists agree that, despite the eradication of legal barriers, traditional sex roles are perpetuated and dispensed the perpetuation of patriarchy. The patriarchy is thought to be particularly regulatory with regard to parenting and contributes to the continued denial of women's equal opportunity to participate in

extra-domestic life (Conway, 1998: pg. 6). Upon having children, traditional sex roles demand that women, not men, withdraw from the public sphere, wholly or at least in part, in order to care for them (ibid.).

Feminists argue that the libertarian thesis of atomised self-ownership rests on assumptions about traditional female gender roles; that women should (and typically do) satisfy others' interests in receiving care. It also rests on the assumption that women dispense this obligation without question, without pay and to the sacrifice of their own interests and ambitions. Without this sacrifice, human beings would not develop into the autonomous, dignified agents that are subject to libertarian theory. It is therefore a necessary aspect of the libertarian account of human development. Thus, libertarian theory is not only 'blind to the nature of obligations to, and the entitlements of, children and others who require care' (ibid.) But, this careless oversight leaves the libertarian conception of the self with a troubling but necessary conceptual error: for one to be free in the libertarian sense, another must live in bondage.

As these arguments demonstrate, libertarianism's patriarchal past has resulted in a serious misapprehension of the human condition. Libertarian feminism is consequently blind to the impact that familial relationships and cultural expectations have on individual female autonomy. This makes it incompatible with wider feminist thought.

4.2 Feminist critiques of the public/private divide

4.2.1 Recognising the injustice of patriarchal coercion

Another conceptual error within the libertarian framework that reveals itself when one properly considers gender and the family is that distinction between public and private spheres prevents libertarianism from acknowledging or addressing injustices that prevent female autonomy, such as the coercive impact of traditional gender roles.

The concept of distinct public and private spheres was introduced by libertarians in an effort to clarify the function and limits of the state. Politics and the state are contained within the public sphere, whereas personal and domestic life is contained within the private sphere. According to Okin, 'The world of wage-work and the marketplace is sometimes included in the public sphere (and contrasted with the domestic), but sometimes it is paced in the private (and contrasted with the state or

governmental)' (Okin, 1989a: pg. 1). The idea of public/private spheres is designed to limit the arm of the government and prevent illegitimate interference in the private sphere.

For LF, the state is the enemy, and institutional harm exists solely in government-sanctioned oppression (Soorshyari, 2011: pg. 167). As such, they believe that patriarchy once existed in the form of legislative inequalities, or circumstances in which the state's reach has crossed into the boundary of the private sphere. They argue that since most of the legal constraints against women have been eradicated, the state no longer poses a threat to female autonomy and the patriarchy no longer exists. Therefore, LF 'see the persisting disparities [between men and women] as the culmination of individual choices' (ibid). Moreover, 'since these individual choices are the product of a free system, their culmination is valid and should not be questioned' (ibid). In other words, existing gender inequalities are not politically salient for libertarians. Conversely, feminists insist that patriarchy continues to pose a severe threat to female autonomy because it has a corrupting influence on their choices. Further, this institutional system of discrimination and subordination prevents women from achieving their concept of the good life, say, by making it difficult to enter the labour market. This disagreement makes libertarianism and feminism seemingly incompatible.

Moreover, this disagreement can have a severe impact in the way that libertarians and feminists' approach ethical concerns. Carisa Showden points out that 'the desire to remove the state as far from the 'personal' sphere as possible...can mean anything from legalising prostitution to radically downscaling the state-level response to sexual harassment and domestic violence' (Showden, 2009: pg. 169). In other words, the public/private divide pushes libertarians to oppose government measures that might ameliorate threats to female autonomy on the grounds that they violate this sacred separation. In fact, this opposition is evident in contemporary libertarian responses to feminist issues. Kate Andrews, Associate Director at the Institute of Economic Affairs (IEA), actively campaigned against Gender Pay Gap Reporting legislation that was introduced in 2017 to force companies to reveal gendered disparities in their employment practices.

Finally, feminists are concerned about the way in which the public/private divide leaves care work hidden from public scrutiny and analysis. This entails that, as well as failing to capture what human dignity requires, the libertarian model is unable

to evaluate the justice or injustice of the ‘arrangements under which the interest in receiving care is commonly satisfied’ (Baehr, 2019: pg. 43). Such evaluations must also go beyond the questions of equality and freedom within the household. As Baehr argues, ‘at the very least...human dignity requires the right to care when one is unable to care for oneself and the right to a share of resources if one is charged with providing care for those who require it’ (ibid.). As such, LF is unable to sanction government probes into the safety and security of patients, nor is it able to sanction remuneration to exploited carers.

As these arguments have shown, the libertarian separation between public and private spheres prevents LF from acknowledging and addressing cultural barriers to individual female autonomy.

4.2.2 Patriarchy as the principle threat to female autonomy

The disagreement between feminists and LF on the existence of the patriarchy is compounded by feminists’ insistence that patriarchal constraints pose the principle threat to female autonomy. Two popular arguments made to this effect reveal further conceptual errors or problems within the libertarian framework.

Firstly, feminists argue that cultural constraints are more detrimental to female autonomy than state coercion. For example, many libertarians insist that state-funded childcare programmes are unacceptable since they require funding from tax-revenue. Taxation, in their view, amounts to theft; since the state coerces individuals to relinquish their private earnings. On the other hand, feminists insist that traditional gender roles are far more coercive than taxation and have a far greater impact on a woman’s ability to achieve the good life or self-realisation. As we have seen, by overlooking the duties we owe to loved ones and the role that women play in satisfying these duties; the libertarian understanding of autonomy requires the sacrifice of female autonomy in exchange for male autonomy. If the state could intervene to liberate women from the confines of the domestic sphere, then surely any libertarian – who professes to be the champion of human freedom – should be keen to volunteer their money.

Secondly, feminists argue that private power constitutes the principal threat to women’s liberty by pointing to the prevalence of violence against women. The historic

and systematic abuse of women must be a serious concern for anybody who takes female autonomy and integrity seriously. Despite being illegal, violence against women is systematic and pervasive. Recent figures showed that domestic violence killings are at a five-year high; with one in three women experiencing domestic violence in their lifetimes (Mackintosh and Swann, 2019 and Refuge, *no date*). Violence against women does more than damage them physically, it also has a severe impact on their psychological wellbeing. It causes women to cower and shrink, to avoid attention and confrontation, and to generally exist within a narrow sphere of safety. How can women expect to achieve autonomy in the face of such psychological barriers? How are they supposed to pursue their conception of the good life while so restricted? If libertarians are truly the champions of liberty and autonomy, then they must identify a route to engage with these issues politically. As Johnson and Long argue,

‘Male supremacy has its own ideological rationalizations, its own propaganda, its own expropriation, and its own violent enforcement; although it is often in league with the male-dominated state, male violence is older, more invasive, closer to home, and harder to escape than most forms of statism. This means that libertarians who are serious about ending all forms of political violence need to fight, at least, a two-front war, against both statism and male supremacy...’
(Johnson and Long, 2005: pg. 5-6).

What’s more, some contemporary libertarian philosophers, such as Hans Herman Hoppe and others from the paleolibertarian tradition¹⁴, have defended positions that amount ‘to little more than outright denial of male violence’ (Johnson and Long, 2005: pg. 6). Hoppe, for example, argued that traditional hierarchical households are important social structures that divide labour so as to allow male-heads-of-households to act as ‘bulwarks’ of resistance against the state (Johnson and Long, 2005: pg. 6). Johnson and Long make the excellent point that ‘...the fact that [the traditional family structure] is so widely enforced by the threat or practice of male violence means that trying to enlist it in the struggle against statism is much like enlisting Stalin in order to fight Hitler...’ (ibid.). Even self-professed LF, Jennifer Roback Morse, has advocated raising the cost of divorce in order to discourage

families from separating. Such a claim suggests that, not only does Morse seriously underestimate the harms that befall women in marriages, but that while such danger and inequality is not a sufficient cause for government intervention, preserving traditional family structures is.

Finally, feminists have argued that patriarchal families, as the principle source of violence against women, must be recognised as political entities since they inform public attitudes towards women. Susan Moller Okin makes this point in her paper, *Towards a Humanist Liberalism* (1989a). Okin points out that mothers (or other carers) do more than nurture their children. They also inform and instruct them on the traditions, manners, and attitudes of their communities. Such education goes well beyond basic ‘P’s and Q’s’. Carers must instruct children to understand the complex political systems and institutional structures present in their environments. They must also be instructed on their community’s political and moral attitudes; for every child must be taught that ‘murder is wrong’. After establishing this point, Okin argues that ‘feminist scholars have shown how the characteristics required of men and women in societies structured by gender are reproduced, not only through the more obvious devices of sex-role socialization, but largely through the maintenance of female parenting’ (Okin, 1989a: pg. 41). Thus, if children are raised in a household and community in which their women are oppressed, subordinate, or abused, then this will have a serious impact their attitudes towards women later in life. With this in mind, motherhood becomes an important political issue since it is instrumental in maintaining and reproducing political structures. If LF want to fully address the issue of equality within the public sphere, then they must pay full attention to how this is developed and maintained through the private sphere of the family. For Okin, this requires taking seriously the idea that ‘the personal is political’ (Okin, 1989a: pg. 41).

As these arguments have shown, the libertarian separation between public and private spheres prevents LF from addressing some of the most powerful sources of female oppression.

5 Libertarian Feminism and Contemporary Issues

In the previous section, I evaluated LF with attention to the libertarian thesis of atomised self-ownership and separation of public and private spheres. In what follows, I will evaluate these criticisms in light of a central concern to fourth wave feminists: sexual harassment. In particular, I will explore how Joan Kennedy Taylor, a third wave libertarian feminist, approaches the issue of sexual harassment, and evaluate whether her account is able to acknowledge, address, and resolve this pressing issue.

5.1 Sexual harassment in fourth wave feminism

Sexual harassment is undoubtedly a pressing concern for fourth wave feminists. It seems that women are increasingly cognisant of the multitude of ways in which they are objectified and violated by men and institutions. In recent years, women have highlighted the ways that school dress codes objectify and sexualise female students; staged walk-outs to protest the mishandling of sexual assault in schools; protested against politician's openly sexual remarks about female professionals; and fought to criminalise new forms of sexual harassment, such as upskirting¹⁵.

Sexual harassment has also been addressed through social media campaigns. Perhaps the most famous of these is the #MeToo Movement. The #MeToo hashtag erupted in 2017 after allegations of sexual assault made against Harvey Weinstein were made public. The hashtag was used by other victims to signify that they had also experienced sexual harassment. It became a symbol of solidarity against male aggression.

Another successful online campaign is The Everyday Sexism Project (TESP). Laura Bates, a journalist and activist, launched TESP in 2012 after she realised how frequently she experienced sexual harassment in public. It acted as a platform through which women and girls could voice upsetting experiences that are often thought to be too trivial or unsubstantial to report to the authorities. The number of submissions highlighted just how widespread, yet normalised sexual harassment is.

Prudence Chamberlain has discussed the benefits of collecting and grouping experiences of sexual harassment through social media campaigns. In her book, *The*

Feminist Fourth Wave: Affective Temporalities (2017), Chamberlain describes how social media campaigns like TESP act as an archive. Importantly, TESP collected experiences that are overlooked and trivialised by both victims and perpetrators. As Chamberlain says, ‘when placed in dialogue with numerous other incidents, all testament to the same kind of experiences, it is impossible to ignore the grinding and heavy burden of small incidents of sexism’ (ibid. pg. 159). In this sense, small yet uncomfortable experiences are able to become politicised: thus, bringing a whole new meaning to the idea that ‘the personal is political’.

TESP also facilitated important research. In 2019, Sophie Melville, Kathryn Eccles, and Taha Yasseri released a study that analysed TESP data to identify trends. The authors argued that little research had been conducted on ‘...the different and overlapping ways in which sexism is experienced by women, or the sites in which these experiences occur, beyond an identification of the workplace and the education system as contexts in which sexism often manifests’ (Melville, Eccles, and Yasseri, 2019: pg. 3). The authors conclusions supported existing suppositions and unearthed new information about the sites and experiences of sexual harassment. In their conclusion, the authors state that ‘Sexism penetrates all aspects of our lives, it can be subtle and small, and it can be violent and traumatising, but it is rarely an isolated experience’ (ibid. pg. 10).

As this discussion has shown, sexual harassment is a subject of great concern for fourth wave feminists. As such, LF must possess the tools to acknowledge, address, and resolve this social issue.

5.2 Contemporary libertarian feminism and sexual harassment

Joan Kennedy Taylor, a contemporary LF, is perhaps best known for her work on sexual harassment. Over the turn of the new century, Taylor published two controversial books on the topic: *What to Do When You Don’t Want to Call the Cops* (1999) and *Sexual Harassment: A Non-Adversarial Approach* (2001). In both books, Taylor sets out a critical opinion of the rise in sexual harassment litigation and outlines a communicative approach that would enable women to address sexual harassment without turning to the state for support. Her books employ a mixture of surveys; articles from different fields, including business studies, psychology, sociology, and

gender studies; anecdotes from a range friends and professionals; and material on rape and sexual discrimination law¹⁶.

Taylor's concerns about sexual harassment legislation have unmistakably libertarian origins. Her concern is that sexual harassment has been politicised; leading to an increase of legislation that controls people's private interactions. In her view, such legislation infringes upon inalienable rights such as freedom of speech and freedom of association. For example, by encouraging a company to prohibit certain speech or 'office relationships' in order to avoid lawsuits. In addition, sexual harassment accusations too frequently end up in costly litigation; which can be costly for companies but profitable for victims and lawyers. As such, SHC represent an area where state intervention impacts the market. This, in Taylor's staunchly libertarian view, is an example of state encroachment on the private sphere. Taylor does not necessarily deny that sexual harassment exists (hence her criticisms focus on sexual harassment lawsuits and legislation, as opposed to sexual harassment in itself) but prefers to identify the prevalence of tension and hostility within the modern workplace, as opposed to sex-specific rights violations. She asks why working environments have become so hostile and what should the solution should be. One answer, which reflects feminist views, is that 'American culture is deeply misogynist, and the cure for this behaviour is lawsuits or the threat of lawsuits. Only the possibility of legal penalty will scare companies into taking proper action' (Taylor, 2001: pg. 24). Dismissing this diagnosis, Taylor responds by claiming that,

Two things have happened in the American workplace that are helping to create the problem, and they have nothing to do with general misogyny. The first is that more and more women are starting to work in high-paying, non-traditional jobs that have previously been male enclaves...as well as flooding professions such as law and medicine in which they used to be a small minority. The second factor is that American society now widely proscribes "sexual harassment," but we have no generally accepted definition of what sexual harassment *is*. As with obscenity, we're supposed to know it when we see it. Women are told, in books and articles and courses, that the final definition is their *feelings*: anything that makes them uncomfortable is illegal sexual harassment and therefore potentially actionable. (Taylor, 2001: pg. 17)

For Taylor, then, ‘male behaviour that may seem directed at women in a hostile way may just be treating them as women often say they wish to be treated – like men’ (Taylor, 2001: pg. 7). Moreover, since it is women who are seeking to enter the male domain, they should expect that it should be ‘permeated by male culture’ and consequently ‘it should be the woman, not the man, whose behaviour is modified’ (Taylor, 2001: pg. 200). Taylor blames both genders for the prevalence of hostility in the workplace. In her view, it results from the clash between women’s fears about rape and men’s fears about false accusations (Taylor, 2001: pg. 25). In chapter five of her 2001 book, Taylor suggests ways in which women can learn to approach sexual harassment. For example, she advises that women would do well to inform themselves on male culture before entering male-dominated workplaces (Taylor, 2001: pg. 74). Additionally, women would do well to approach uncomfortable situations by employing non-accusatory communication in order to convey their feelings without hostility (ibid. pg. 76).

5.3 Evaluating conflicts between fourth wave and libertarian feminist approaches to sexual harassment

In light of fourth wave feminist’s concerns about sexual harassment, Taylor’s approach is likely to offend. In her article, *Sex Sceptics: Speech is Free but Thought Remains in Chains* (2000), Elizabeth Brake, strongly criticises Taylor’s 1999 book (her 2001 book not yet written); pointing out that some of Taylor’s claims are precisely those ‘that drive a feminist (which Taylor claims to be) crazy’ (ibid. pg. 200).

Taylor’s account focuses on a legal understanding of sexual harassment; as acts that are ‘actionable under sexual harassment law’ (Brake, 2000: pg. 105). This is perhaps due to the fact that her primary aim is to criticise sexual harassment legislation. However, while Taylor need not support legal and political interventions, she is mistaken to ignore the moral components of sexual harassment. The most frustrating thing about Taylor’s analysis is that her desperation to protect libertarian holy grails caused her to overlook the important ways in which the classical-liberal framework could and should be used to understand the immorality of sexual harassment.

A feminist account of sexual harassment 'should see its roots in the oppressive gender-sex system of our society...and should see its contribution to this system' (Brake, 2000: pg. 108). This is because analysing sexual harassment with attention to patriarchy uncovers the reality that sexual harassment is an anti-female behaviour that results, not from men's uncontrollable sex drive and pack behaviour, but from the dominance-submission dynamic that is woven into our understanding of sex difference. In other words, it reveals how '...sexual harassment is not just joking, or a natural expression of desire: it is an assertion of male dominance' over women (ibid.). In this sense, it both from and contributes to a deeply engrained system of sex inequality.

As stated previously, the earliest feminists fought for suffrage on the basis that '...to assume that a woman's interests were subsumed in those of her husband or father was to deny her full personhood...' (Davies, 1987: pg. 3). In the same sense, when men objectify women, they are denying their full personhood or self-ownership. In her essay, Brake makes this point by referring to Kantian theory. She explains that, '...from a Kantian standpoint, harassment treats someone as a means only. The victim's needs and well-being are not considered; instead, he is seen as an object to be used for the harasser's satisfaction' (Brake, 2000: pg. 109-110)¹⁷. Brake argues that this argument is made very clear when applied to 'quid pro quo' harassment, or instances of sexual harassment that extort sexual favours through the threat of punishment (such as continued harassment, being demoted or being sacked) or the withholding of a reward (such as withholding a promotion). In this instance, the harasser limits the choices available to women, thus dismantling their autonomy and removing their ability to act with autonomy. Further, when women do engage with the harasser, the principle of consent has usually been undermined by the fact that their autonomy has been removed.

It is not just the immediate act of sexual harassment that limits female autonomy. It can also be psychologically and socially limiting. This is due to the fact that women's discomfort when confronted with unwanted advances is informed by the wider context of prevalent sexual and physical violence against women. To Taylor's credit, she does acknowledge that 'the reason sexual harassment is such an explosive issue for both sexes is that, at bottom, it dredges up these deeply embedded fears and assumptions of both men and women concerning rape' (Taylor, 2000: pg. 61). And

she is correct to explore how communication can prevent escalation to sexual harassment and how communication failures can leave women fearful of more sinister motives and men ignorant to a woman's discomfort. Yet this acknowledgement stops short when she comments that

Women in revealing clothing rarely intend to be making a sexual offer and are insulted at the suggestion, but perhaps they should see that a woman who habitually wears revealing dress can be reacted to as giving the same message as the man who leers at every woman and calls her "darling." I think it possible that both men and women sometimes resent someone who they think is putting sex on the table, so to speak, as a general, indiscriminate offer. It's not flattering to be viewed as one of a crowd. This is not to say in any way that women "ask" for assault. Rather, both men and women can fear the power that the other sex has to make them behave against their will: men, to compel compliance by their strength, and women, to compel sexual awareness and involuntary response by their looks and manner (Taylor, 2001: pg. 69)

With this comment, Taylor overlooks an important difference between women wearing clothes and men that are leering. Namely, when men leer at women they are contributing towards, what radical feminists characterised as, male supremacy. This supremacy rests in large part on the fact of rape and women's fear of it. Susan Brownmiller illustrates this point well in her characterisation of rape; as 'a conscious process of intimidation by which *all* men keep *all* women in a state of fear' (Johnson and Long, 2005: pg. 5). While I would prefer not to conflate sexual harassment with rape, the point is that sexual harassment feeds into this process of intimidation which is grounded by the fact that men can and do rape women. This, in turn, causes women to feel uncomfortable and/or fearful. This has a direct impact on their autonomy by causing women to shrink themselves in order to avoid unwanted and distressing attention. Thus, as Taylor seems to advocate, they alter their physical appearance to avoid unwanted attention; or they choose not to pursue positive opportunities that would support their self-realisation, such as a promotion that would require them to

interact with a harasser more frequently. If libertarians, such as Taylor, are sincere in their conviction that full self-ownership, autonomy and freedom must be defended then they must take sexual harassment more seriously than does Taylor.

Finally, Taylor's account of sexual harassment can easily be thought to trivialise and dismiss women's concerns. At several points in her book, she makes inappropriate comments that negatively characterise women's attitudes about sexual harassment or dismiss the severity of their claims. For example, despite acknowledging the rarity of false claims, Taylor reports that women are saying things to the effect of, 'Nyah, nyah. I can talk dirty to you, but I'll take you to court if you talk dirty to me' (Taylor, 2001: pg. 25). Regardless of the severity of women's experiences, if they cause discomfort or fear then it is often difficult to speak out. I assume that Taylor is not referring to serious acts of sexual violence against women in her discussion. Acts which involve maltreatment or penetration are surely condemned on any reasonable libertarian framework. But I would urge Taylor to consider how sexual harassment is a multifaceted phenomenon that manifests in an array of activities and expressions. If we trivialise women's reports of sexual harassment, then it will discourage victims from reporting their experiences. In which instance, women will continue to be subordinated because the system will fail to recognise and address abuses against them.

While legislation does not have to be the solution, fourth wave campaigns show that sexual harassment is still prevalent 45 years after it was criminalised. In light of this, Taylor's suggestion that women could address the issue by changing their behaviour, clothing, and mannerisms seems to seriously feeble. If we support a social order in which 'boys will be boys' but women must adapt themselves to the status quo then women will forever be the subordinate sex. Perhaps it is precisely because modern society has yet to dismantle the social order which prioritises male biology (and their lack of sexual control) over female autonomy that it has remained blind to the severity of abuse. Perhaps if men were socialised to see women as equals and women were instructed on their intrinsic worth and sacrosanct rights then men would be apprehended the first time they abused women. A society which instructs the female sex that sexual harassment is their fault or due to their misinterpretation of male behaviour is one which enables predators to systematically abuse women. It robs women of their autonomy, their safety, and their voice. Only a society which takes

sexual harassment seriously, as an attack against the personhood and inalienable rights of the female sex, can address the problem. Only in such a society can we hope to have a future where not one single woman or child can say #MeToo.

6 Cultural Libertarian Feminism: A Path to Unity?

In the last section, I demonstrated how third wave LF accounts are incompatible with the aims and concerns of fourth wave feminists. In particular, the account of sexual harassment provided by LF, Joan Kennedy Taylor, in refusing to acknowledge the existence of private power in the form of patriarchy, failed to present an appropriate response to the pressing issue of sexual harassment. In other words, the libertarian feminist approach to sexual harassment is incompatible with the aims and concerns of fourth wave feminists. In this section, I will examine a possible solution to the tensions between LF and fourth wave feminists in order to determine whether LF can contribute to contemporary discussions surrounding fourth wave feminism. Namely, I will explore whether the forgotten tradition of cultural libertarian feminism is able to address feminists' concerns relating to female autonomy and patriarchal coercion.

It is not the case that libertarian thought has always been so at odds with the feminist aims. A body of 19th century libertarians recognised patriarchy as a fundamental element of state oppression. Chris Schiabarra can be credited with developing a detailed and influential account of this important yet often overlooked school of libertarian thought; which he calls the *Radical or Dialectical Tradition*. DT was supported by a range of influential 19th century libertarians and first wave radical feminists; including Angela Heywood, Helen Blackburn, Voltairine de Cleyre, Charles Dunoyer, Josiah Warren, and Herbert Spencer¹⁸. I will refer to this position as libertarian cultural feminism (LCF)¹⁹.

Schiabarra defines the dialectical approach as '...an orientation toward contextual analysis of the systemic and dynamic relations of components within a totality' (Long, 2001: pg. 398). LCF observes a system of interlocking and mutually reinforcing components of a whole and singular sphere. This contrasts with the LEF view the world contains a dichotomy between public and private spheres, or coercion and freedom. Instead of a dualistic view, LCF proposes a monistic view of the world. Statism, or state coercion, is therefore taken to represent a single component of a wider narrative. It informs and is informed by a range of other components, including patriarchy. LCF maintained that this understanding is important because one cannot properly understand one component of social evil without understanding it within this wider picture. Spencer illustrates this point by describing how the '...fragment of a

sentence, if not unintelligible, is wrongly interpreted in the absence of its remainder...’ (Johnson and Long, 2001: pg. 10). For LCF, culture is inseparable from this context, since it greatly informs our social institutions. Dunoyer, for example, remarked that ‘... nations are the material from which governments are made; that it is from their bosom that governments emerge...’ (ibid.). Governments are therefore built upon and informed by the context of the nation; which includes the people’s ideologies, attitudes, and values. Without examining how this context informs the state, one can never fully understand its evils. Moreover, one can never put them right.

While this holistic approach still exists in some contemporary libertarian academia, 19th century libertarians were far more likely explore how the patriarchy is an important component of social evil (Johnson and Long, 2001: pg. 10). In fact, many LCF viewed patriarchy as the original form of class-oppression and the font for all subsequent forms (ibid. pp. 10-11). In this sense, statism and patriarchy were thought to be fundamentally connected; each informs and is informed by the other. As an example, Spencer argues that ‘Where the life is permanently peaceful, definite class-divisions do not exist...[In war, t]he domestic relation between the sexes passes into a political relation, such that men and women become, in militant groups, the ruling class and the subject class’ (ibid., pg. 11). LCF believed that women’s subordination must be addressed; partly this aim is good in itself, and partly because it is a crucial step for addressing statism and social evil as a whole. As anti-authoritarians, LCF thought that change must come through social activism and voluntary uptake. The state was to have no role in their campaign for political, cultural, and economic reforms.

To summarise, this radically overlooked 19th century libertarian tradition holds great promise for ameliorating present-day tensions between libertarians and feminists. LEF are well advised to revisit the honourable yet overlooked tradition. Unfortunately, however, LEF have shown indifference towards the theory. McElroy, for example, commented: ‘I understand that there is a cultural form of [libertarian] feminism and many women would still fight for improved prestige or status, and I wouldn't criticis[e] them for doing so. It just wouldn't grip me. Guess I'm a political animal after all’ (Baehr, 2005: pg. 37). However, by asserting the existence of patriarchy beyond state-imposed inequalities, LCF show that the patriarchy is fundamentally political; in that it is an integral to dismantling statism and other forms of oppression. Accordingly, LCF is able to accept and address fourth wave feminist’s concerns about the

prevalence and harms of sexual harassment. Moreover, the fight against sexual harassment becomes an essential component of the wider fight against statism.

While LCF is an important step towards reuniting libertarianism with contemporary feminism, there is a flaw within the framework that needs to be addressed. As liberal feminists have pointed out, LCF rejection of state intervention means that its usefulness is limited. The plurality of social ideologies suggests that a more forceful mechanism is needed to ensure that all women can be liberated from the domestic sphere (provided this is their desire). For example, some feminists insist that it is not sufficient to encourage communities to pool their resources in order to set up a community day-care centre so that mothers can work. Rather, the state needs to be implemented and enforce wide-scale solutions so that no woman is left behind. Accordingly, while LCF does well to assert the existence and significance of patriarchy, their refusal to accept more forceful solutions could leave tension between their view and contemporary feminists' views.

A good solution to this problem can be found in the work of Ann E. Cudd. In her essay, *Feminism and Libertarian Self Ownership* (2017), Cudd attempts to overcome the feminist challenges against the libertarian thesis of atomised self-ownership. Cudd's discussion is particularly illuminating since she applies the usual feminist charges against self-ownership (most of which have been outlined in this paper) but takes her discussion a step further by explicitly describing them in relation to the metaphysics of the theory. Towards the end of her paper, Cudd outlines an alternative metaphysical account of the self which is able to encompass their connectedness. She calls this thesis *connected self-ownership* (as opposed to atomised).

The thesis of connected self-ownership is defined as '... the claim that...individuals, who are inevitably enmeshed in their social relations, have the maximal set of rights over their bodies that is consistent with maintaining social connection, and with other selves having like rights over their bodies' (Cudd, 2018: pg. 136). This account recognises the debts that connected selves owe to others for their physical development; for without this support, they would not have the means to control their person from interference. Due to this debt, Cudd proposes, the self 'cannot have an unassailable claim right against others using it' (ibid.). While Cudd thinks that selves should be free to choose how this duty is discharged, she suggests enforcement would be justified. However, this enforcement could be controlled and

discharge through the community rather than the state. For example, Cudd suggests that ‘A long period of free-riding on the contributions of others should garner one social opprobrium at the least, and quite possibly taxes or fines, though perhaps not directly forced labour out of respect for bodily autonomy’ (ibid., pg. 137).

Cudd’s theory compliments LCF well by providing a more concrete avenue to women’s liberation. By establishing enforceable moral duties towards others, while respecting the autonomy of the individual, Cudd’s metaphysical account of connected self-ownership would support LCF to have a more forceful impact that goes beyond social activism. This amalgamation would result in a variation of libertarian feminism that takes cultural constraints seriously and respects the duties owed to others due the metaphysical connections between beings.

7 Conclusion

In this thesis, I have explored whether the pro-market discipline of LF can be part of the fourth wave. After providing clarity on the terminology used in the paper, I evaluated LF with attention to the libertarian thesis of atomised self-ownership and separation of public and private spheres. The criticisms raised in this section were then evaluated in light of a central concern to fourth wave feminists: sexual harassment. In particular, I explored how Joan Kennedy Taylor's approach to sexual harassment fails to present an appropriate response to the pressing issue of sexual harassment. Through this evaluation, I concluded that the LF approach to sexual harassment is incompatible with the aims and concerns of fourth wave feminists. In the final section, I examined a possible solution to the tensions between LF and fourth wave feminists in order to determine whether LF can contribute to contemporary discussions surrounding fourth wave feminism. Namely, I explored whether the forgotten tradition of CLF is able to address feminists' concerns relating to female autonomy and patriarchal coercion.

The tensions between LF and fourth wave feminists can be ameliorated significantly by turning to the CLF tradition. This tradition not only recognises the existence of patriarchy but observes its abolition as crucial to the wider aims of libertarian philosophy. Nevertheless, by rejecting state support in the reformation of political, cultural, and economic barriers to female autonomy, it is possible that the theory does not go far enough. Cudd's theory complements LCF well by providing a more concrete avenue to women's liberation. By establishing enforceable moral duties towards others, while respecting the autonomy of the individual, Cudd's metaphysical account of connected self-ownership would support LCF to have a more forceful impact that goes beyond social activism. This amalgamation would result in a variation of libertarian feminism that takes cultural constraints seriously and respects the duties owed to others due to the metaphysical connections between beings.

It is necessary to explore what the results of this amalgamation would be. However, such a discussion would require far more consideration than could be provided within the parameters of this paper and thus is best left for future work. For now, it seems sufficient to propose that this option holds the possibility for a libertarian feminist theory that is able to address the concerns of contemporary feminists and feminists to come.

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Notes

- 1 'Brexit' is the term attributed to the act of the UK ending its membership to the EU.
- 2 While it is common to group liberal and libertarian theories, there are important differences between libertarian feminism and liberal feminism. Liberal feminism, advocated most famously by Susan Moller Okin and Eva Kittay, explores how contemporary liberal theory could be expanded to encompass feminist concerns. John Rawl's political theory, as outlined in *A Theory of Justice* (1971), is usually the focus of liberal feminism. Where libertarians conceive of freedom as the absence of coercive interference, liberal feminism conceives of freedom as personal autonomy and political autonomy.
- 3 For an in-depth discussion of these categories, see (Jagger, 1983).
- 4 There is some controversy surrounding the number of waves. Feminist scholars generally agree that the first and second wave occurred. Most feminist scholars agree that the third wave occurred in the USA from 1990-2000. Less agree that a third wave occurred in Britain, however. Where it is thought to have occurred, there is further disagreement on the dates. Most who support the notion of a British third wave agree that it occurred from 2000 onwards. The idea of the fourth wave is similarly controversial. Some suggest that the USA entered into a fourth wave sometime between 2000-2010. In Britain, the term was first adopted 2013. For example, Kira Cochrane, a journalist for the Guardian newspaper and author, 'welcomes her readers 'to the fourth wave of feminism' in a 2013 article (Rivers, 2017: pg. 8). In this paper, I will assume that British feminism entered into a fourth wave in 2013; when significant changes in the political, cultural, and technological land scape occurred.
- 5 For more information about the work of Robert Nozick, see (van der Vossen, 2019: Pp. 2-9).
- 6 Many names are given to this school of thought, including individualist feminism, ifeminism, lfeminism, classical liberal feminism, and free-market feminism. I have chosen to adopt the term libertarian feminism.
- 7 One of the most influential texts to be developed by the American first wave movement is the Declaration of Sentiments, developed by Elizabeth Cady Stanton and her peers at the conclusion of the 1848 Seneca Falls Convention (the first woman's

rights convention to take place in America). The Declaration of Sentiments lists the usurpations and abuses experienced by women at the time, as well as the intentions of the feminist movement.

8 Note that this source has not been peer-reviewed as it was produced as an informational pamphlet. Information taken from this source has been cross referenced with other internet sources.

9 As discussed in chapter 2, first wave feminists were influenced by the classical liberal tradition. Due to the similarities between this and libertarianism, I am adopting the term libertarianism in order to facilitate consistency.

10 In the United Kingdom, John Stewart Mill first entered an equal voting reform bill in 1867 which was defeated along with subsequent bills entered almost annually. It took over 50 years until the Representation of the People Act 1918 (also known as the Fourth Reform Act) was passed on February 6th 1918; thus extending the right to vote in parliamentary elections to all men aged 21 and over and certain women aged 30 and over who met specific conditions. The law, which was designed to be more palatable to those who strongly opposed women's suffrage, obviously fell short of women's expectations and 3 in 5 still found themselves without the right to vote. It was not for 10 years, on July 2nd 1928, that women finally gained equal voting rights to men when the Representation of the People Act 1928 (also known as the Fifth Reform Act or Equal Suffrage Act) was passed to allow all citizens aged 21 and over to vote. Similarly, in the United States, the so-called 'Anthony Amendment', which had been entered into every session of congress from 1878 onwards, was finally ratified on August 26th 1920.

11 Some argue that these events marked beginning of the British Women's Liberation Movement (BWLM or WLM) (Binard, 2017: pg. 1).

12 For a discussion of forced sterilisation, see (Davis, 1981: Pp, 202-221).

13 Note that this source has not been peer-reviewed. Information taken from this source has been cross referenced with other internet sources.

¹⁴ Paleolibertarianism is a variant of libertarianism developed by anarcho-capitalists Murray Rothbard and Lew Rockwell. Paleolibertarians advocate returning to the roots of classical-liberal philosophies. They advocate conservative cultural values and stand in opposition to neo- philosophies (see Rockwell, 1990).

¹⁵ Upskirting refers to someone taking a picture of another person's clothing without their knowledge or consent. This is usually done with the intention of viewing the person's genitalia or underwear. After campaigns, it was criminalised in 2019, with the passing of The Voyeurism (Offences) Act, commonly known as the Upskirting Bill.

¹⁶ American sexual harassment legislation is grounded in Title VII of the 1964 Civil Rights Act, 'which forbids discrimination in employment on the basis of sex (as well as race, colour, religion, and national origin)' (Brake, 2000: pg. 104). In 1972, the (federal) Equal Employment Opportunity Commission was established to enforce this statute. The first sexual harassment suit to be brought, *Barnes v. Train*, was dismissed in 1974. Two years later, in 1976, *Williams v. Saxby* became the first federal court case that recognized 'quid pro quo' sexual harassment as a violation of Title VII. Interestingly, Catherine MacKinnon, a prominent feminist scholar and legal activist, was one of the prosecutors for this case.

In the United Kingdom, sexual discrimination has been unlawful under the Sex Discrimination Act 1975 for some time, but sexual harassment was not addressed specifically until the 2010 Equality Act was introduced. While this law covers sexual harassment, the Harvey Weinstein Scandal and #MeToo Movement has prompted discussions on whether sexual harassment should become a specific criminal offence.

¹⁷ This comment is made with reference to 'quid quo pro' sexual harassment. The same argument stands for all other forms of sexual harassment, however.

¹⁸ Herbert Spencer is credited for a variation of libertarian thought known as *Spencarian Libertariansim* which emphasises the right to maximum equal negative liberty; conceived as freedom from coercive interference, see (van der Vossen, 2018: pg. 1)

¹⁹ In her Stanford Encyclopaedia Entry, *Liberal Feminism*, Amy Baehr provides an informative account of this dialectic tradition which she contrasts with libertarian equity feminism. Baehr refers to the discipline as *classical liberal cultural feminism*, *libertarian cultural feminism*, or as *cultural libertarian feminism*, see (Baehr, 2005: pg. 36). Since this designation contrasts well with the libertarian equity feminism discussed throughout this paper, I will adopt it in what follows. Note, Sharon Presley has also provided useful commentary on this theory, which she refers to as *anarchist feminism*, see (ibid., pg. 37)