

Spinoza, Feminism and Privacy: Exploring an Immanent Ethics of Privacy

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Abstract In this article I explore the usefulness of Spinoza’s ethics for feminism by considering ways in which it allows feminists to rethink privacy. I draw upon some of Spinoza’s central ideas to address the following question: when should information be classed as private and when should it be communicated? This is a question that is considered by the common law courts. Attempts to find a moral underpinning for such a tortious action against invasions of privacy have tended to draw upon Kant’s categorical imperative. In contrast, I want to consider how Spinoza provides an immanent ethics that reconfigures how privacy is understood.

Keywords Spinoza · Feminist theory · Privacy · Adequate knowledge · Philosophy of information · Immanent ethics

Introduction

In this article I explore the usefulness of Spinoza’s ethics for feminism by considering ways in which it allows feminists to rethink privacy. I draw upon some of Spinoza’s central ideas to address the following question: when should information be classed as private and when should it be communicated? This is a question that is considered by the common law courts. Attempts to find a moral underpinning for such a tortious action against invasions of privacy have tended to draw upon Kant’s categorical imperative. In contrast, I want to consider how Spinoza provides an immanent ethics that reconfigures how privacy is understood.

I recognise that informational privacy is only one area of privacy and so mine is a narrow focus. Before considering this question (of when information should be

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classed as private and when should it be communicated), it is important to understand it within the context of privacy more generally and to explain the reasons why privacy continues to be an important area of concern for feminists. This context will be addressed in the first section in which I will outline two major changes that contribute to the changing experience of privacy and some of the ways in which they intersect: the feminist attack on the idea that ‘women’s place is in the home’ (the public/private divide) and the impact of computer mediated communication. I will then outline Spinoza’s ontology before applying it.

Spinoza’s philosophy was shocking when the *Ethics* (Spinoza 1985) was posthumously published in 1677 and still appears alien when compared with familiar Kantian moral claims such as the need to treat others with respect as free and equal persons. In contrast, Spinoza is concerned with what allows both individuals and societies to increase their powers of acting and to reduce sad passions in favour of joyful ones. Spinoza does not focus upon persons as autonomous individuals who make moral decisions but as ‘trans-individuals’ (Balibar 1997). Balibar employs the term ‘trans-individual’ to describe Spinoza’s conception of human beings as always making up parts of other bodies, such as organisations and states, while also being composed of other bodies, such as bacteria in our guts.

In the *Ethics*, Spinoza provides a framework which is not anthropomorphic in its analysis of what allows bodies (such as societies, as well as parts of societies, humans, animals, stones) to thrive. In the case of persons, this thriving denotes an increase in our body’s ability to act which in turn denotes an increase in our ‘adequate knowledge’. Someone with adequate knowledge, which refers to our understanding of why some bodily encounters produce sadness or joy, is able to live a different way of life from someone who simply reacts to encounters.

For Spinoza, something’s ‘essence’ is defined as what it does on a daily basis in order to survive and thrive. Hence, essence is not a fixed underlying definition of the thing (whether it is a stone, dog, human being or social organisation) but alters depending upon what that thing can understand of the world and the encounters this produces; hence, its ability to survive and thrive. This means that the dissemination of adequate knowledge—or information which helps its production—is central to Spinoza’s ethics. As such, Balibar concludes:

Spinoza’s philosophy is, in a strong sense of the term, a philosophy of communication – or, even better, modes of communication – in which the theory of knowledge and theory of sociability are closely intertwined (1998, 101).

I will explain the way in which knowledge and sociability are ‘intertwined’ below. I also position Spinoza retrospectively within the growing field of philosophy of information because of the centrality of ‘adequate knowledge’ to both his ethics and his view of what it is to be human. I will also discuss the difference between adequate and inadequate knowledge further in the second section and then apply Spinoza’s work to the question of privacy, focusing upon the question stated above: when should information be classed as private and when should it be communicated?

Having defined my aim narrowly and asked how an immanent ethics can be applied to a question that comes before the courts, I should emphasise that there is more to privacy than can be subsumed under liberal rights discourse (just as there is more to privacy than informational privacy and the question being addressed, mentioned above). As Warren Montag (1989, 1999) argues, Spinoza's work alerts us to the myth of juridical transcendence. Spinoza's immanent ethics starts with bodily encounters and is concerned with what is necessary for bodies to thrive. I have already distinguished this approach from Kantian questions that rely upon an image of free and equal persons. It is obvious today that we should be suspicious of the claim that the state knows best as to what information about its citizens should be both collected and released based merely upon a fantasy of what they could agree to if given the chance.

My claim is that, as feminists, we need to rethink intersecting gendered, social, political and personal dynamics and practices of privacy and publicity and that one approach can be informed by Spinozist ethics. This ethics provides a coherent way of dividing between information that should be in the public domain and that which is private. It is not possible to 'err on the side of caution' in drawing this line because there is information that *should* be circulated just as there is information that should remain private. One example of information that should remain private, i.e. that should not be disseminated, is that of revenge porn. It can be argued that such communication fails to respect the woman concerned as a free and equal person. However, Spinoza provides a different argument. I chose the example of revenge porn, when other examples are also appropriate, because revenge porn is at the far end of a continuum between what should and should not be published at this time. This is because its publication clearly depends upon and reinforces 'sad passions', based upon misogyny that is situated within a particular history. Given Spinoza's view of essence, which is not fixed but denotes what anything does to thrive, it is not inevitable that this will always be the case nor that revenge porn would be meaningful in other societies.

Background on Privacy

There has been much feminist work¹ on both privacy and the public/private divide, which Carole Pateman famously described in the following terms:

The dichotomy between the private and public is central to almost two centuries of feminist writing and political struggle; it is ultimately what the feminist movement is about (1989, 118).

In political and legal theory, the public/private divide is most associated with the liberal tradition, which envisages the use of private property as a bulwark against the state. Feminists have made some progress, at least in theory, in convincing

¹ A few examples include: Allen (1988, 2011), Pateman (1989a), Okin (1989), MacKinnon (1989), Landes (1998), Elshstain (1981), Gavison (1980), Cohen (1992, 2002), Goldfarb (2000), Higgins (1999), Rössler (2004, 2005), Scott and Keates (2004), Richardson (2011, 2012, 2014).

others of the argument that the state should interfere with the family and *within* the family home to try to prevent violence (for example MacKinnon 1989; Allen 1988). The private sphere was defined against the public sphere in ways that made it appear non-political and natural (Pateman 1989a). This definition allowed women's struggles to be largely ignored by mainstream political theory in the early twentieth century up to the 1970s feminist movement. The political position of the family was not always marginalised in modern political theory, however. Both the classic social contract theorists and Hegel integrate an analysis of the family in their political theories. For example, Hobbes treated the family as a mini state (Brennan and Pateman 1979; Pateman 1989b), and yet this aspect of his analyses was then ignored as the family fell from view in later politico-legal theory.

A similar move seems to be occurring with regard to the meaning of privacy. The liberal claim is that problems of women's abuse within the home have now been rectified in law; that this element of the public/private divide has been dealt with and bears no relationship to other meanings of privacy, in particular the problems that arise as a result of ubiquitous computing and the analysis of big data. However, I argue that whilst these factors may be viewed as *conceptually* distinct both impact upon the *experience* we have of privacy. In assessing what information should remain private, courts continue to emphasise the importance of intimacy, the body, sex and the home; the areas that are central to feminist critiques of abuse of power that has taken place behind closed doors. The way in which the public/private divide is conceptualised still remains a core problem with liberalism from a feminist perspective, as illustrated by liberal feminists' engagements with the canon (Okin 1989; Nussbaum 2000).

This problem can also be illustrated with regard to the history of the common law, for example, by an examination of the way that the husband's prerogative to beat his wife was rejected in the nineteenth century only to be replaced by a husband's 'immunity' against wife battery. This continuation of the husband's prerogative to beat his wife, by another means, was argued on the basis that the need for privacy was greater than the need to set a precedent against such battery. In a criminal case in which a wife was whipped three times by a switch "about the size of one of his fingers", the judgement in North Carolina Supreme Court in *State v Rhodes* (1868)² stated:

The courts have been loath to take cognizance of trivial complaints arising out of the domestic relations—such as master and apprentice, teacher and pupil, parent and child, husband and wife. Not because those relations are not subject to law, but **because the evil of publicity would be greater than the evil involved in the trifles complained of**, and because they ought to be left to family government.

Attempts to define privacy reflect the politics of theorists, often without acknowledgement. This is certainly the case when analytic philosophers aim to define privacy ahistorically. For example, from the US, there were debates in which

² *State v Rhodes* (1868) 61 N.C. (Phil. Law) 453; as cited in Siegel (1996, 2154), Siegel's emphasis added.

both sides reflected a view of privacy that commodified it. Judith Jarvis Thomson (1984) argued that privacy rights did not stand independently but could be reduced to property rights. Similarly, an opponent Charles Fried (1984), who argued that privacy rights could not be reduced in such a manner, nevertheless held a commodified view of privacy. He argued that privacy is a fundamental right that is necessary in order to safeguard some secrets, which we need in order to exchange with others (as a sort of commodity) to form the basis of intimacy (Richardson 2012, 155).

In part, what was (and is) at stake for some analytic theorists is the perceived need for the courts to have a definition of privacy in order to draw (and enforce) the line between what may be published and what may not. However, the common law courts tend to ignore analytic definitions of privacy in favour of circular definitions that allow for greater judicial discretion. The legal test for privacy in the UK is from *Campbell v Mirror Group Newspapers* (2004)³ and provides a typical example. The test is:

1. Would a reasonable person in the position of the claimant have a reasonable expectation of privacy? If this test is passed then
2. Is it outweighed by other factors, such as a public interest in freedom of expression?

This means that judges can use their discretion and build up precedent. So, for example, we now know from UK case law that claimants are treated as having a reasonable expectation that medical details and information about sexual relationships will be viewed as private. This has not stopped the government from selling its citizens' medical information, which is then leaked, or GCHQ from collecting their personal information, but has enabled rich footballers to injunct newspapers.

An alternative from the traditional analytic definitions (and those open definitions employed by the courts) has more recently been provided in the developing area of philosophy of information: that privacy can be understood as inversely related to the extent to which information can be transmitted. In other words, the harder it is to communicate information, the easier it is to have privacy. To use an example from Floridi (2006), if you imagine a student house then the privacy decreases if there are certain environmental changes that allow information to flow more easily, e.g. the walls are suddenly transparent and the students are not visually impaired. Computer mediated communication is then envisaged as 'greasing' the flow of information. As Floridi notes, the change brought about by technological progress does not necessarily work straightforwardly to diminish privacy. It can sometimes increase the control that some individuals can exercise. The example he gives is that of men (and it was mainly men) visiting seedy Macau who used to turn off their mobile phones because the dialling tone was unique and would give away their location. When the phone company realised that it was losing custom it changed the dialling tone to be the same as that of Hong Kong, thereby increasing the men's privacy (for discussion see Richardson 2012).

³ *Campbell v Mirror Group Newspapers* [2004] UKHL 22.

This image of information flow (Floridi 2006), differs greatly from some of the traditional definitions in the 1970s and 1980s prior to ubiquitous personal computing, which tended to be analytic attempts to fix a definition of the term ‘privacy’ (for example, Fried 1984) and which often relied upon a particularly individualistic view of what it is to be human. In contrast, I want to draw upon Spinoza’s work—and his rather different view of humanity—to focus upon privacy today.⁴

Spinoza: Background

Spinoza’s work has been employed to think progressive politics by Louis Althusser (1997), Gilles Deleuze (1990), Etienne Balibar (1994, 1997, 1998), Warren Montag (1989, 1999) and contemporary feminist philosophers: Moira Gatens (2004), Genevieve Lloyd (1994) and Susan James (1996, 2008, 2012), James et al. 2000). It is their analysis that I think opens up the possibility of useful applications of Spinoza to privacy. I will focus upon Spinoza’s analysis of knowledge in order to re-situate it in the context of the vastly increased ability to transfer information, which arises in the age of ubiquitous computing. What a Spinozist understanding brings to my question: “when should information be classed as private and when should it be disseminated?” draws upon his analysis of the importance of the dissemination of ‘adequate knowledge’. This raises two areas of his thought that are particularly useful: (1) what qualifies as ‘adequate knowledge’?; and (2) how does society promote such knowledge?

As a result of the growing areas of philosophy of information, it is necessary to briefly distinguish information from knowledge before then distinguishing ‘adequate’ from ‘inadequate’ knowledge. Spinoza refers to ‘adequate knowledge’ and not ‘information’ and so the two terms should not be elided. Floridi (2010) defines semantic information as well-formed, meaningful and veridical data. It is more meaningful than mere ‘data’ that needs analysis in order to become meaningful. He argues that information as true semantic content is a necessary condition for knowledge; it allows us to build information into a web of knowledge with explanations and accounts that make sense of the available information. Other mathematical definitions of information transmission, such as that by Shannon (Shannon 1948; Shannon and Weaver 1949), do not imply that the data is well-formed or truthful. Irrespective of the debates within this area of philosophy and in epistemology more broadly, I think it is fair to claim, for the purposes of this paper, that the circulation of some types of information will facilitate an increase in Spinozist ‘adequate knowledge’ of the world.

For Spinoza, adequate knowledge about the world changes how we live our lives and ‘who we are’ and is not simply about what we can know. This idea is captured by the following image:

⁴ Both Floridi and Spinoza are useful for thinking about privacy and its relation to ontology and conceptions of self (Richardson, forthcoming). There is insufficient space here to compare these approaches.

[For Spinoza] knowledge is more a mode of being than having, not something we possess but some thing we are or become. As Monique Schneider notes, in attaining knowledge we do not attain an acquisition, as if something new were added to an inventory of our possessions, but rather we exist differently (Yovel 1989, 159; see also Gatens and Lloyd 1999, 127; Richardson 2009, 63).

To explain the meaning of ‘adequate knowledge’, it is necessary to start by explaining the different types of knowledge in Spinoza’s framework. Spinoza envisages three kinds of knowledge but I will concentrate upon the first two because it is the transition between these two stages of knowledge that is most relevant to the problem of discerning what information should be shared and what should be kept private. I will start with the first stage of knowledge: that of the imagination, which entails our emotional responses to an encounter with another body or mind. To understand this involves a brief explanation of Spinozist ontology and the way in which he understands what it is to be human. For Spinoza, all that exists is one substance, which he refers to as God *or* nature by which he means that the two are synonymous. By viewing God and nature as synonymous, Spinoza thereby loses the idea of a God as external legislator, or something that judges us from a separate realm, because he closes down the idea that there is anything outside of nature/God.

In addition, for Spinoza, there is no Cartesian mind/body split. Substance can be fully expressed as any of its infinite attributes, which include Thought and Extension. At the level of an individual human being, this means that both our mind and body are modes perceived through different attributes of the same substance. There is no mind/body split because both Thought and Extension are different attributes of the same substance. “The object of the idea constituting the human mind is the body” (Spinoza 1985, 123).⁵ Put simply, a human mind and human body are just expressions of the same thing, the human being. As part of what exists, we are affected by other bodies and other minds, without which we could not survive.

A useful starting point in understanding Spinoza’s thought is by considering how he envisages encounters between bodies: both other human beings and other objects in the world. These encounters with other bodies can be sad or joyful for us depending upon whether they decrease or increase our *conatus* (in other words: our powers of acting or ability to thrive, our essence). So, very simply, my encounter with the body of a lion that chews off my arm would be sad for me, in that it diminishes my powers of acting, but would be joyful for the lion. Similarly, my encounter with ideas (others’ minds) may be sad, if it carries the message that women’s bodies are disgusting, for example, and has the effect of diminishing my powers of acting. Both mind and body are attributes of the same thing and so both mind and body will, in parallel, be affected by anything that increases my powers or diminishes me.

At the first stage of knowledge, our imaginative impression of another body or idea is accompanied by an emotion. We tend to assume mistakenly that the reason we react with sadness or joy to an encounter is that the other party to the encounter

⁵ *Ethics* II, P13.

is evil or good. These feelings stay with us and are real impressions even when we are able to move to a higher stage of knowledge, employing reason to understand the encounter. The use of understanding allows us to go beyond labelling something good or evil in itself and to work out *why* it either increases or decreases our powers of acting.⁶ Spinoza refers to this use of reason as a move to the second stage of knowledge by gaining ‘adequate knowledge’ of the encounter. This increase in adequate knowledge about the world also gives us joy in itself. This is in addition to the fact that such knowledge increases our ability to avoid those things that are bad for us and to increase our joyful encounters. Spinoza’s thought opens up a framework in which to consider not only initial encounters but also the importance of the transmission of adequate knowledge, or information that promotes it, within society.

Spinoza’s politics are based upon the idea that human bodies are similar enough to each other that what people know (adequately) of their encounters with the world is useful for one another. As Spinoza states:

There is no singular thing in nature which is more useful to man than a man who lives in accordance to the guidance of reason (1985, 216).⁷

The logic of the argument includes women. I may be a tyrant, having fun oppressing you and keeping you in fear of me (i.e. at the emotional first stage of knowledge, that of the imagination) but this makes me worse off because I lose the benefit of your ability to reason; to understand your encounters. For example, I lose the chance that your ability, with others and a decent laboratory, will produce a medical cure to some of my more scrofulous diseases. So, for Spinoza, when it comes to the transfer of information that increases our adequate knowledge of the world we are not dealing with a zero sum game. My adequate knowledge of the world is not diminished by increasing your knowledge—rather it is likely to be enhanced by what you can then contribute to my adequate knowledge of my bodily encounters, given the similarities of our bodies.

Spinoza used his analysis to produce an argument for free speech against religious attempts to curtail it, which employed blasphemy laws, for example. Today, the idea that information is a commodity can also reduce the sharing of information that could result in adequate knowledge. This idea can end up functioning in the same way as blasphemy laws—albeit that the aim of laws such as patent law was originally to facilitate the communication of trade secrets and not to “feed the patent trolls”. This is something of a banality of which we are painfully aware. Spinoza’s framework is useful beyond providing a means to criticise such laws. I think that re-framing the question of what information or knowledge should and should not be made public in terms of Spinoza’s thought on communication produces an immanent ethics, that can be applied in the area of privacy more broadly.

⁶ Unlike the later Kantian view which sharply distinguished between the faculties of reason and understanding, Spinoza sees the two as basically synonymous, and not a faculty.

⁷ *Ethics* 4: P.35, C. 1.

An Immanent Ethics of Privacy

It is necessary to explain what it means to claim that some information *should* be shared or *should* be kept private, when understood within a Spinozist framework. As discussed, there is no transcendent God or universal moral law within Spinoza's ontology by which this normative demand can be framed. In addition, different societies develop knowledge and culture in diverse ways. These different ways of life cannot be rated in a hierarchy in accordance with a universal rule—a point that prompts moral pluralism. It does not produce relativism because for Spinoza, it is still possible to judge that some societies are more virtuous than others because oppressive societies would not thrive as well as those that allow their members to thrive. I will examine this further, in comparison to Kant and to Hobbes, below.

Deleuze (1988) draws attention to Spinoza's helpful illustration of immanent ethics, that appears within Chapter Four of *The Theologico-Political Treatise* (Spinoza 2007). In the story of the Old Testament, it may appear as if God, acting as an external legislator, commands Adam not to eat the apple. However, there is no transcendent claim to morality involved in Spinozist ethics. Instead, Spinoza's interpretation is that this 'command' is actually simply *advice* that eating the apple would disagree with Adam's constitution, that it would make him ill. To say that it *should not* be eaten does not mean that there is an anthropomorphic God, external to nature, who forbids eating the apple but serves as a warning that doing so would reduce Adam's powers of acting.

For Spinoza, a social body can be analysed in exactly the same way as an individual body. So, as above, there is no punishment meted out by an external God for failures to increase powers of acting. It is simply that some bodies will fail to survive or at least to thrive as well as others. The progressive element that is drawn out by Moira Gatens (1995) with regard to criminal law, for example, depends upon Spinoza's view that any society that oppresses parts of itself will be less likely to survive. From Gatens' position, the oppressive society will also be deprived of 'better fictions'—progressive images of the world derived from the initial encounters of those who are in a subordinate position. I agree, but would stress that Spinoza would emphasise the need to use reason in order to thrive, by working out why some encounters are joyful and some sad. This is a view of reason that differs from reason as a Kantian faculty because our analysis is always situated, concerned with understanding a particular encounter in terms of what allows us to thrive. For this reason, Spinoza avoids a 'view from nowhere' and yet is not relativist because it is possible to judge between the ethics of different societies or parts of society, as discussed. Encounters are 'perspectival' in the sense that some encounters may be a joyful for one party (the lion) and sad for the other (me).

At the level of society, if women are deprived of education, ultimately this will weaken that society. This is a re-working of Spinoza's own, much more hostile, position on women in the final pages of the unfinished *Political Treatise* (Spinoza 2000). This progressive argument is central to Spinoza's politics and represents a reversal of the usual conservative image that accompanies the use of the metaphor of society or state as a human body. As I will discuss below, the link between the human body and body politic can be viewed as more than a metaphor in Spinoza's work.

In the social contract tradition, feminist philosopher Jean Hampton contrasts two approaches to ethics: what she calls Hobbes' quasi-ethics and Kantian ethics (Hampton 1997, 2002, 2007). Spinoza falls outside both positions but a comparison with both is useful to illustrate his originality. Kantians employ the categorical imperative ('Act only according to the maxim whereby you can, at the same time, will that it should become a universal law') to answer the question as to what must be kept private, based upon respect for personhood. In comparison, for Spinoza there are no rights or rules that separate someone from his/her power. He does view might as right.

Spinozist ethics therefore appear closer to Hobbes' image of all individuals calculating what is in their best interests and acting accordingly and therefore appears to be an inauspicious theory on which to base an ethics. In Spinozist ethics, the question in relation to privacy becomes: whether the communication increases or decreases our powers of acting. This sounds Hobbesian but the difference in approach to ethics lies in the ontology; the meaning of 'our' in this sentence. Rather than starting with an assumption that there are separate individuals who are the sole cause and explanation of their own actions, Spinoza considers what Balibar (1997) terms the 'trans-individual'.

Balibar uses the term in order to highlight that persons can be viewed as both individuals and as part of society. In this second case, society itself is treated as an individual. Spinoza's 'trans-individuals', in common with everything that exists, are parts of substance. As discussed, they are comprised of other parts of substance (such as other bodies that hitch a ride in the human gut) but they are also themselves parts of larger wholes, such as corporations, universities and societies. The same arguments about individual striving can be applied in the same way at each level of analysis. This is the strong sense in which the individual is actually *part* of society that is not accepted within the methodological individualism of Anglo-American readings of Spinoza, which view any reference to a social body as merely a metaphor (critiqued by Montag 1999).

Application of Immanent Ethics

Spinoza's immanent ethics can be illustrated by taking an example of a disturbing new phenomenon: revenge porn, in which a man publishes intimate pictures or video of his ex-partner with a view to humiliating her (assuming a heterosexual relationship, given the history of sexuality). In order for revenge porn to have any meaning, the viewer must be situated within a particular history of heterosexuality and the sexual double standard. To understand the encounter requires a broader understanding of the history of sexuality (that also includes homosexuality). There are many valid arguments against the dissemination of revenge porn. However, I want to use it as an example to illustrate a Spinozist approach to privacy in the hope that this will provide guidance in other areas. At the very least, this approach is suggestive of a novel framework in which to address the question of what should and should not be disseminated.

When the act of revenge porn is considered in Spinozist terms, it could be claimed, at first glance, that the release into the public domain of graphic pictures or other intimate information is only a sad encounter for the woman concerned; that the man is gratified in his urge to hurt and humiliate his ex-partner. As discussed, Spinozist ethics does recognise a difference in perspective: that the same encounter may be bad for the minnow and good for the pike. However, in the case of revenge porn, the man who releases revenge porn does not increase his powers of acting, his *conatus*, by that act. In other words, he does not increase his knowledge of *his* sad initial encounter: his relationship with the woman concerned. He remains at the first stage of knowledge, that of the imagination, in which he labels his ex-partner as evil because she has hurt him, without any better insight into why this occurred. To understand his bitterness, his disappointed expectations, it would be necessary to understand something of the gendered history of his culture, of women's oppression and their relatively recent change in status. In other words, his action in publishing revenge porn maintains and perpetuates his sad passions, as well as hers. Spinoza captures something of this motivation, albeit from a male viewpoint, when he comments that,

One who has been badly received by his lover thinks of nothing but the inconstancy and deceptiveness of women and their other, often sung vices. All of these he immediately forgets as soon as his lover receives him again. (Spinoza 1985, 252)⁸

Such publication also undermines society's *conatus*, when society is considered as a whole, by maintaining sad passions by drawing upon and reinforcing gender oppression. This undermines women's ability to thrive and hence improve society, as discussed above. The act of publishing revenge porn, which perpetuates sad passions, can be starkly contrasted with the sharing of knowledge (or information that allows us to increase our adequate knowledge of the world) such as cures for diseases (or information from which a cure can be derived).

I want to explain this application of Spinoza's framework further by drawing out a comparison between this Spinozist approach and that of Judith Butler in her analysis of hate speech in her book *Excitable Speech* (Butler 1996). Butler has a very different ontology to Spinoza and the understanding of hate speech differs in terms of the political question: what is to be done? Central to Butler's analysis is the fact that language is not fixed and that it can never completely define us; that it is possible to reinterpret the meaning of hate speech. For Butler, this offers a better way forward for feminists than appeals to law. Such appeals only further empower discourses of law, in which judges have the opportunity to re-enact the hate speech. We should not just accept a misogynist and racist judiciary as inevitable but I will leave aside this additional concern regarding the need for better methods of selection of the judiciary (and problems of legal education that produces such judges) to focus upon highlighting my application of Spinoza.

An application of Spinoza's framework provides a different answer to the question: "what is to be done?" than that of reworking the meaning of language. For

⁸ *Ethics*, V P.10 S.

Spinoza, it is necessary to move from the first to the second stage of knowledge (in other words to work out why some encounters are joyful or sad). This is an ontological and not merely an epistemological change because, as the Yovel quotation above (this article p. 7) illustrates, we live different lives as a result of what we know. An increase in ‘adequate knowledge’ is not simply like adding books to a library but changes ‘who we are’.

This contrast in approach to the problem of ‘what is to be done?’ between Butler and the application of Spinoza is stark. However, there is some argument that, as an interim measure, the production of ‘better fictions’ is progressive (Gatens 1995; see also James 2012; James et al. 2000⁹). For me, these ‘better fictions’ can be understood in Spinoza’s terms, as the dissemination of the imaginative and emotional (inadequate) knowledge gained by subordinate groups rather than the usual cultural production based upon the imaginations (again, inadequate knowledge) of those who dominate. The production of better fictions does not involve understanding why encounters have been sad but at least publicises the impact of sad encounters as imagined and felt by those who are subordinate. This need for ‘better fictions’ comes slightly closer to Butler’s solution, than the emphasis upon the need for ‘adequate knowledge’. This is because Butler wants to change the meaning of oppressive language to reflect the view of the subordinate. Additionally, if ‘better fictions’ reduce sad passions and increase joyful ones (even though these fictions are not in themselves ‘adequate knowledge’) their dissemination may help us to achieve ‘adequate knowledge’. For example, consciousness-raising groups may claim that ‘sexual harassers are evil’ (which is inadequate knowledge), but this may be progressive if it shifts women from self-blame and opens the way to a more in depth analysis.

Butler’s major problem with the way in which pornography as hate speech is conceptualised is based upon her reading of Catherine MacKinnon. Butler worries that women are portrayed as helpless victims who look to law for their defence, a practice that Wendy Brown refers to as a ‘protection racket’ (Brown 1995). This has been the subject of much feminist legal analysis (see, for example, Cornell 1995).

I will illustrate my Spinozist response by drawing a comparison with another feminist theory in answer to Butler’s concern that women are portrayed as helpless victims by seeking legal redress. Both Drucilla Cornell’s radical reworking of Kant and my employment of Spinoza avoid reinforcing this image of female victims in need of legal protection, in different ways. Cornell argues that, when women make a claim not to be sexually harassed, for example, this is a demand that they be treated with respect as free and equal persons and not as victims. Against Butler’s worry (that judges will use this claim in order to reinforce negative stereotypes about women) Cornell argues that women should be viewed as demanding that the judges behave reasonably; that the imposition of judges’ images of women upon them is to

⁹ In a fascinating interview Gatens has an original re-reading of Spinoza in which there is a position in between Spinoza’s first two stages of knowledge, i.e. part of the imagination comes closer to reason. She also argues that better fictions are necessary because we cannot form adequate knowledge of the social body as a whole. I cannot do justice to these arguments in this paper but think that they raise important issues in the area of philosophy of information as well as Spinozist studies. She also situates this move within the context of re-thinking ideology, with which I agree (James et al. 2000).

be understood as unreasonable behaviour.¹⁰ As discussed above, Spinoza's immanent ethics differs from such a Kantian position. Instead, the question to be addressed is whether the release of information serves to perpetuate sad passions or whether the circulation of such information increases our powers of acting. This does not rely upon an image of women as victims, but, in common with all other entities, as trying to increase their powers of acting.

Spinoza and Ideology

Spinoza also alerts us to power relationships and the way in which some communications can repeat inadequate knowledge in ways that maintain sad passions and the status quo. In some ways, a Spinozist framework offers a way of considering what in Marxist terms is viewed as ideology and includes (but is not limited to) concerns about commodification. Ideas—such as those reproduced by blasphemy laws and potentially by patenting and copyright laws, when they inhibit the transmission of adequate knowledge—can be understood in Spinozist terms as themselves producing sad encounters when they are communicated. This sad encounter (between an individual mind and the idea that scientific information should be restricted, for example) is more pernicious than a straightforward sad encounter. In other words, it operates at a different level from my body encountering another (a sad encounter, such as my encounter with a lion, when viewed from my perspective) or my mind with an idea (that I should be disgusted by my own body, for example, though I will qualify this example in a moment). Ideas that undermine the ability of individuals to spread adequate knowledge block the move from the first stage to the second stage of knowledge within society. This means that they effect both individual and society. Again, this idea is captured by Balibar's (1997) term 'the trans-individual'. The effect is not limited to either the individual or society because they are not opposed. Increases of adequate knowledge denote that both individual and society are thriving. Hence, anything that blocks such communication is a serious problem.

There are a number of examples of ideas and social processes that will undermine the transfer of adequate ideas within a society. I have used the examples of some religious beliefs and some ways of treating knowledge as a commodity within a capitalist society. There are less obvious ways in which the flow of adequate knowledge can be curtailed, such as the way that certain groups are treated as lacking credibility, for example. In this context, Miranda Fricker's (2007) work on how racial and gender stereotypes can lead to members of these groups being treated as less credible than others, either because they are stereotyped as ignorant or as liars or both, is useful. This 'epistemological injustice' is epitomised by sexist expressions such as, 'old wives' tales'. It is problematic for members of these groups because it may erode their own confidence in their judgement and even their willingness to judge, both epistemologically and morally (see Richardson 2011). It may lead to them deferring to the judgement of others in both interpretations of

¹⁰ For an analysis of the relationship between imagination in Spinozist thought and Cornell's psychoanalytic reading of the imaginary see James (2002). Nothing rests upon James' argument here.

events and in making moral decisions. Applying Spinoza, such an erosion of confidence also deprives others of women's adequate knowledge or their potential to ascertain it. I would therefore like to qualify my example about my sad encounter with ideas that convey contempt for women's bodies, mentioned above. If these ideas also reinforce a view that women lack credibility then these ideas could be classified as also inhibiting the creation and transmission of adequate knowledge within society and are not just sad encounters for the women concerned.

Another way of thinking about my application of Spinoza and the example of revenge porn is to employ a thought experiment by Ian Hacking. Hacking (2002) has illustrated the difference between our knowledge of human culture and of technology, both of which are human products. He points out that if humanity suddenly lost its memory then technology, such as battery-operated devices, would (at least for a time) continue to work. Prisons would not. So the question I want to ask is: if we apply Hacking's scenario and imagine what would happen if we collectively lost our memories, would revenge porn lose its meaning? The answer must be yes because the harm derived from the publicity is associated with other's reactions to it and based upon a sexual double standard. It is knowledge of this stigma and the social context that allows us to recognise this act as a betrayal. However, the emotional reaction and the recognition of betrayal do not constitute adequate knowledge. In Spinozist terms the encounter between the woman and an intimate image of herself portrayed online remains at the first stage of inadequate knowledge: producing sad passions. A move to the second stage of knowledge involves understanding why this sad encounter has occurred.

Understanding the historical meaning of revenge porn does not diminish the pain of a sad encounter itself. However, such understanding is useful in recognising the social origin of the meaning of revenge porn and that it is an act of hate speech against women as a group—as well as the social psychology of the individual man and the problems of his encounter with the woman concerned. This is in contrast with the individual woman blaming herself, which tends to happen in areas such as sexual harassment cases. Hence, feminist analysis itself can be viewed as creating ideas that increase women's powers of acting in this situation. This is not to treat feminist analysis as a type of idealism. On the contrary, it is employed to understand a specific encounter.

When the focus shifts to that of society, ideas that associate women's sexuality with degradation, can be best understood by a genealogy. At different historical periods this has ranged from the portrayal of women's sexuality as so great that it is out of control (and hence to be controlled by men) and as negligible, as in the angel in the household (and hence to be controlled by men). Women's input into culture is therefore important in Spinozist terms because it can provide information necessary to produce 'adequate knowledge' of the encounters that produce revenge porn.

Conclusion

An application of Spinoza's framework, in particular his work on the first and second stages of knowledge and its relation to our thriving, prompts us to reframe

our approach to the question of privacy: “What information should be kept private and conversely what information should be communicated?” This focuses upon the question of whether the transfer of knowledge (or information on which it can be built) simply increases sad passions or whether it can potentially increase our ‘adequate knowledge’, through the use of embodied reason. This is an approach that is sensitive to the context but does not simply associate privacy with certain places (such as the home) or certain activities (such as those pertaining to the body).

Spinoza also alerts us to power relationships and the way in which some communications can repeat inadequate knowledge in ways that maintain the status quo. The problem of cultures that predominantly reflect men’s imaginations has been well analysed, particularly from a psychoanalytic framework. Spinoza’s view of the imagination as the first stage of knowledge can be understood differently. When the images, associated with the first stage of knowledge, can be shown to perpetuate negative views of women, one way forward is to appeal to the imagination to show different images or change our perception of such images. Another—in Spinozist terms, a better—solution would be to understand the subtle (and crude) mechanisms of the social subordination of women; to ask: “what needs to be in place such that revenge porn can exist and make any sense?” for example. Hence, feminism is not simply concerned with changing the imagination but also with producing adequate knowledge.

This Spinozist analysis also explains why there is a ground to feminism without the need to think about a fixed underlying essence of woman, given that, for Spinoza, anything’s essence is defined as its ‘powers of acting’ (or *conatus*), i.e. what it does to survive and thrive. It is possible to understand the ways in which those who are classified as having female bodies with specific—often degrading—meanings (which differ in diverse cultures) can increase their powers of acting. This increase in women’s *conatus* denotes their greater understanding of their sad and joyful encounters, an understanding that necessarily entails a historical, social and economic analysis of society.

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