

HEDONISTIC UTILITARIANISM AND FEMINIST POLITICS

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ABSTRACT: Hedonistic utilitarianism – the theory that one should act so as to maximize pleasure and minimize pain – has not attracted much interest from feminist scholars. In this article, however, it is claimed that many policies advocated by feminists could also reasonably be advocated by hedonists. Thus, hedonism can normally not be called a non-feminist (much less an anti-feminist) moral theory, and this is not surprising since hedonism avoids many of the critical points that have been directed at other "malestream" theories.

KEYWORDS: Utilitarianism; Feminism

INTRODUCTION

Hedonistic utilitarianism (from now on I will simply refer to it as "hedonism") is the ethical position that pleasure is the only thing that is good in itself (non-instrumentally good) and that pain is the only thing that is bad in itself (non-instrumentally bad), and that one should always act so as to maximize the pleasure (and minimize the pain) of everyone affected by our actions. The *locus classicus* of hedonism is the opening chapters of Jeremy Bentham's *An Introduction to the Principles of Morals and Legislation* ([1789] 1907). Although this position was once popular among moral philosophers, it seems nowadays to be very much a minority position. And it seems to be even less popular among feminist scholars and thinkers. But the reason for the non-endorsement of hedonism among feminists is mainly because they seem to have been uninterested in studying it very much in the first place, and on the rare occasions when utilitarianism is discussed it is not in its hedonistic form, but rather some 'economistic' version of preference utilitarianism, which some people connect with neoclassical economics or 'neoliberalism'. Tännsjö (1998: 159) speculates that the reason for this lack of interest, and for the frequent misunderstandings about hedonism among feminists, may be that utilitarianism has not been in fashion during the time that modern feminist theories were developed (roughly since the beginning of the 1970s). More popular politico-

philosophical theories, like that of John Rawls, have been thoroughly analyzed by feminist scholars.

Are there good reasons to reject hedonism on feminist grounds? Well, that depends on what one means by feminism. If feminism is coequal with a substantial ethical position (such as ethics of care), then feminism is indeed a *rival* to the ethical position of hedonism; and if the feminist ethical theory simply has better philosophical arguments in its favor than hedonism then the latter should be rejected. If feminism entails that one must reject deductive "enlightenment thinking", because it is based on a male cognitive style, then one must probably reject hedonism too. Even though I do not think that hedonism should be rejected on these grounds, I do not intend to argue for that in this paper.¹

One could also reject hedonism on the grounds that on the level of *application* it has non-feminist (or maybe even anti-feminist) consequences. This means that no criticism is aimed directly at the *theory* of hedonism. This style of critique is, rather, based on the idea that an ethical theory must be rejected if it has certain applications that are (intuitively) perceived as bad. However, I believe this is a problematic way of reasoning. The foremost purpose of endorsing an ethical theory is to give you a tool to decide which actions or policies are good and bad. To decide first that some action or policy is good or bad and then reject an ethical theory because it endorses the wrong actions or policies, is to get things the wrong way around. An honest ethical reasoner who has endorsed some ethical theory must be able to realize that one could previously have been wrong about which actions should be done or which policies should be realized. Thus, if one wholeheartedly endorses hedonism because one believes it is the most defensible ethical theory and then finds out that, *when applied*, hedonism entails non-feminist policies, then one should stop being a feminist; just like one should stop lying to save innocent people from the Gestapo if one, on philosophical grounds, have been convinced that lying is *always* wrong. All this could, of course, be rejected if one believes that ethical theorizing in itself is wrong, and that one should simply decide normative questions on a case-by-case basis, aided by immediate intuitions (although I don't see how one could coherently *argue* for that position).²

¹ I have addressed common critiques against hedonism in Olsson (2016).

² Of course, hedonism is also based on intuition, but it is *one* foundational intuition, which, so to speak, overrules all other intuitions. This way of subordinating other intuitions to one "master" intuition has the advantage of always (at least in principle) resolving ethical dilemmas – something which could not be accomplished if one has many intuitions of the same "dignity" that tell one to do contradictory things. Again, the hedonist (or "hierarchical") way of reasoning could be rejected if one does not believe that the purpose of ethics is to resolve ethical dilemmas in a systematic (and falsifiable) way.

So even if I do not believe that hedonism can be rejected simply because it has non-feminist consequences on the level of application, I will nevertheless make an internal analysis of that position, accepting the normative feminist premise as given. Thus, the pertinent question is: could it be the case that hedonism entails non-feminism on the level of application? In a straightforward sense it may seem obvious that hedonism cannot be anti-feminist, because the doctrine is based on the idea that everyone's pleasure is of equal worth. However, it seems that it would be possible to argue that men gain more pleasure from living in a patriarchal system than what women lose, and that in a more equal society (from the point of view of gender relations) women's gains in pleasure would be quite modest, compared to the increases in pain among men. Nevertheless, my argument will be that this is not the case. Many policies that are put forward under a feminist banner can also be seen as hedonist policies.

Concretely, I will examine a few visions about what a feminist society or polity should look like and assess whether those visions are incompatible with hedonistic visions of society or not. That is not a very easy task, since hedonistic politics is a question of empirical assessment: does a certain policy as a matter of fact increase the sum of pleasure or not? To some degree we can rely on the more and more flourishing field of happiness research; but those studies must generally be taken with a grain of salt, because they are not usually focused on pleasure *per se*, but rather self-reported life satisfaction or the like. Such retrospective assessments of "global" life satisfaction tend to have limited reliability (especially when they are to be used for normative hedonistic purposes, as opposed to, for instance, prediction of behavior), compared to more direct measurements of pain and pleasure (for instance by letting test subjects fill out continuous reports about their state of mind) or qualitative interviews.³ Therefore, one must also put one's own judgments about reality in the mix, which might include such things as introspection, anecdotal observations and folk psychology. These quasi-scientific accounts of what would be hedonistically desirable must then be confronted with other accounts, and, in the end, it must be up to the reader or listener to assess which accounts seem reasonable and in accordance with reality as they perceive it. This is especially important to stress in the present context, since my own search (admittedly not extremely thorough) for reliable and generalizable studies regarding differences in men's and women's (hedonic) happiness have been rather fruitless.

Regarding the question of how to define feminism, so as to find genuine "feminist" texts to refer to, I have taken the easy way out. I simply chose texts whose authors

³ These problems are discussed in Kahneman & Kreuger (2006) and Ponocny et al. (2016).

describe themselves as feminists or contribute to publications (journals, anthologies, and book series) that are obviously based on feminist perspectives, and whose views can be sorted in under commonly accepted conceptions of feminism (as established by, for instance, introductory works about feminism). This method (which one might call the "textbook method") accommodates the fact that there are different kinds of feminism, but it also lets the researcher disregard conceptions that are too unorthodox to be of much interest in a general discussion about what is *generally* meant by "feminist politics".

One more introductory note seems to be in order: I have abstained from discussing the political agenda of first-wave feminism, since first-wave demands of equal political and legal rights (primarily the right to vote) are relatively uncontroversial today. Indeed, those who support those demands (and those demands only) seem reluctant to call themselves feminists at all, lest they be mixed up with second- or third-wave feminists. Furthermore, it is obvious that first-wave demands are compatible with hedonism, since – this is at least my conviction – any substantial moral theory must be realized in a setting of democracy and equal formal rights. The following sections will, thus, proceed with discussions about contemporary and more controversial issues in "applied feminism" in the context of countries that have achieved the goals of first-wave feminism. Of course, there are other parts of the world where feminist struggles still must focus on these basic rights for women, and these struggles we should all take an interest in, whether we be hedonists or not.

MARRIAGE AND FAMILY LIFE

Among feminists it is common to argue that the institution of marriage is more harmful to women than to men, even if we disregard outdated modes of marriage where women were like the husband's property and deprived of the civic rights that the husband enjoyed. Some critics point out that the difficulty for women to exit from a marriage – due to social pressure and economic dependency – facilitates abuse. A study, quoted by Elizabeth Brake, found that "90 percent of wives who stayed with their husbands following a rape depended on the husband for money, whereas only 24 percent of those who left faced this financial constraint [...] *100 percent* of those women who were the sole providers for their households at the time of the rape left their husbands following the act" (Brake 2012: 115f). The economic dependence that women face is mostly due to the division of labor within marriage. If the woman does not work at all or only works part time, it is obvious that an economic dependence of the husband will arise (this kind of dependence usually falls on married women who have children). Besides the risks of physical abuse that this dependence brings with it, there

are also psychological drawbacks. The wife is often expected to take a larger share of responsibility for the children's needs, the maintenance of the home (including doing laundry for the husband etc.), and contacts with the extended family (even if she is working full time). It also seems to be the case that things like depression, nervous breakdowns, insomnia, low self-esteem is much more common among married than unmarried women. But marriage as a social ideal also exerts pressure on unmarried women. "The wedding-industrial complex [...] fuels women's vulnerability by anticipation of marriage by intensifying pressures to marry, and, even worse, obscuring the unglamorous side of marriage and its costs". The fueling of this "desire for romantic love and marriage may lead women to make disadvantageous life choices" (Ibid: 117f).

Feminists do, however, disagree about what should be done about traditional marriage,⁴ i.e., whether reform or abolition is the best way forward. Some believe that the important thing is to reduce economic dependence within the marriage, while others believe that marriage itself has so strong patriarchal roots that reform is not really possible. Brake argues (on "liberal feminist" grounds) for something she calls "minimal marriage", an institution that "set[s] no principled restrictions on the sex or number of spouses and the nature and purpose of their relationships, except that they be caring relationships" (Ibid: 2012: 158).

It seems hard to argue on hedonist grounds against those who argue that the institution of marriage needs to be reformed (or even abolished). Two main arguments can be made in support of marriage reform: (i) the direct negative physical and psychological consequences (mostly for women) that arise from economic dependency;⁵ (ii) the social and psychological consequences of holding out marriage (and family life) as the most "natural" or "proper" way of living. The first argument is rather straightforward, and it seems hard for a "patriarchal" hedonist to argue that men's pleasure in being abusive or controlling far outweigh the pains of women in such relationships. Firstly, it is hard to imagine that abusive husbands get much genuine pleasure out of their behavior – there are probably other psychological driving forces at work than pleasure seeking. Secondly, I do not think I have ever heard anyone make that argument, because such a "conservative" stance on marriage is usually part of a larger bundle of conservative opinions about society, many of which are clearly not compatible with hedonism.

The second argument (ii) is more abstract, since it is about unrealized potentialities,

⁴ Keep in mind that what is usually called "traditional" marriage and family life, where the man works full-time outside the home and the woman full-time at home, is a relatively recent way of living among common people (Barker & Finer 2004: 31).

⁵ Of course, one could mitigate the consequences of economic dependency by having a robust welfare system, which makes sure that a divorce from an abusive spouse will not cause economic disaster.

namely a society where social institutions and norms are less fixed and where people are encouraged to seek out their own way in life. I would argue that a great obstacle to increasing happiness is that people generally do not reflect much about how human existence could be happier. They simply continue living in established ways, because the social and psychological costs to go against engrained practices are usually high. Perhaps this is especially pertinent in the case of family formation and child rearing. For some reason a great majority of women seems to make the same choice in this context, namely the choice to let family cohesion and maintenance take precedence over other roles. Barring a complete genetic-biological explanation for this, this must, at least in part, be due to changeable gender norms (cf. Diduck & O'Donovan 2006: 6). Again, the correct long term solution might be to question the assumption that a woman should devote more time than a man to child rearing and domestic chores, rather than to make the situation less stressful and more economically rewarding. A hedonist argument against this must reasonably consist in an assertion that the anxiety of having to find one's own way in life is, in reality, rather painful, and that it is better if social norms, so to speak, make our big life decisions for us. This question is hard to settle by appeal to empirical evidence, but at least it is not obvious that either side is correct, so it cannot really be wrong for a hedonist to argue for the non-conservative side if that is how she perceives the world. The latter position also has the advantage that it takes account of adaptive preferences. Serene Khader defines adaptive preferences as "preferences inconsistent with basic flourishing that a person developed under conditions nonconducive to basic flourishing and that we expect her to change under conditions conducive to basic flourishing". Perhaps Khader is wrong to claim that it is "*uncontroversial* that women's adaptive preferences are part of the reason that patriarchal practices persist in the West" (as well as in the "third world") Khader (2011: 17, 8, emphasis added); but controversial or not, the idea probably contains a lot of truth.⁶

My own perception is that there are more people suffering from the strictures of social norms than from too much freedom, and this is in line with those who believe that "[f]eminism proposes ways of knowing and being in which a self is developed – a self that is not produced entirely by socialisation" (O'Donovan & Marshall 2006: 101). Of course, this does not mean that one should subscribe to an abstract notion of autonomy, perceived as a "quality of an independent, isolated, 'atomistic',

⁶ Although Khader rejects hedonism and endorses another consequentialist theory, namely a form of perfectionism (which focuses on *basic* flourishing), I still believe her theory has many affinities with hedonism (at least the kind of hedonism I wish to endorse). And Khader's rejection of hedonism (on p. 50) is based on extremely brief comments (unlike the thorough discussion of preferentialist utilitarianism).

'unencumbered' individual" (Ibid: 103). Such an understanding of autonomy has rightly been criticized by many feminists, and as a hedonist one can agree with this criticism, since autonomy by itself cannot have any value unless it has positive consequences. Thus, to a hedonist, a type of feminism that claims that "individuals must aim to transcend the social and the physical" and that for women, "this means transcending female biology and instead entering into public life, engaging in our own projects and exploits" (Ibid: 105) cannot be justified unless this "transcendence" is believed to bring more pleasure than non-transcendence. I happen to believe that, for many people, such transcendence can bring more pleasure than non-transcendence, but I leave for the reader to decide whether that is just a sort "intellectualist" (or perhaps existentialist) bias, caused by too much introspection. To some very radical feminists this has meant that one should, for instance, reject pregnancy and motherhood and that women cannot be completely free until human reproduction has become wholly artificial (Ibid: 105f). A more sensible response would perhaps be that one should reject pregnancy and motherhood unless one can achieve this with a partner who is against the traditional sexual division of labor within a relationship (of course, the analysis would be different for thoroughly "essentialist" feminists). It is unclear, however, what politics can achieve to make sure that women choose the right kind of partner.

THE WELFARE STATE

Many feminists have defended the welfare state and have resisted "neoliberal" attempts to reduce its scope. Nancy Fraser, for instance, has criticized "neoliberalism's marriage of convenience with cultural conservatism," which entails that "it is fine for a woman to be dependent on her husband because it is private dependence, and because women should be married and heterosexual. By contrast, illegitimate dependence is dependence on the state, on the public purse." At the same time, Fraser has stressed that the welfare state should not just promote women's employment by enabling services like day care or support informal care work through state allowances; the state must also change gender roles, and induce men to do primary care work – in other words, "aim to overcome the gender division of labour, to soften the public-private distinction, and to scramble the care-work distinction." She also claims that we "need to further broaden the venerable feminist insight that welfare is not a self-enclosed topic that can be understood in isolation from major social-structural forces" (Fraser & Bedford 2008: 228, 229, 239). What is needed in the future is a "post-industrial" welfare state that effectively insures people against uncertainties in a world of less stable employment and more diverse families. Fraser proposes five normative principles that should lead a feminist reshaping of the welfare state: anti-poverty, anti-exploitation, anti-inequality (in income, leisure-time, and respect), anti-marginalization, and anti-

androcentrism (Fraser 1994).

I cannot discuss Fraser's conception of the post-industrial welfare state in detail. Suffice it to say that it is, in many respects, compatible with a hedonist conception of the welfare state. That a welfare state should reduce poverty and economic inequality (and inequality in leisure-time) is fairly obvious from a hedonist perspective. Most hedonists agree that an extra dollar to a poor person brings more happiness than an extra dollar to a rich person; and if it is the case that women in general are poorer than men (or more stressed due to lack of time), the implications of a hedonist politics will also have feminist results. The anti-exploitation principle is also in line with hedonism, since by exploitation Fraser means potentially harmful dependency on other people. Equality of respect, anti-marginalization, and anti-androcentrism have more remote consequences when it comes to maximization of pleasure in society, although personally I believe that the more "material" bad consequences of gender inequality are, in large part, caused by these more "abstract" or cultural factors, so as a hedonist I cannot object to a welfare state that addresses these as well. Fraser writes that "[t]he trick is to imagine a social world in which citizens' lives integrate wage earning, caregiving, community activism, political participation, and involvement in associational life of civil society – while also leaving time for some fun" (Fraser 1994: 613). It is hard to see why this vision could not also be quoted by someone who believes that the aim of politics is to maximize pleasure and minimize pain. The same could be said about a statement from feminist economists Barker & Feiner (2004: 2) who argue that an economic system should (besides "fairness") provide an improved quality of life, a concept that "explicitly include [...] criteria as leisure, health, education, and the conditions of work so that this metric goes far beyond the traditional market basket of goods and services as a measure of well-being". They also discuss such things as economic security and meaningful work, and they are sympathetic to Fraser's "universal caregiver" ideal.

It is hard to see how a hedonist could argue against some kind of welfare state. It is true that many of the classical utilitarians endorsed economic *laissez-faire*, but most modern philosophers (whether they be hedonists or not) think that this endorsement is very contingent on the economic situation of the 19th century, and that some of the classical utilitarians would probably have endorsed the welfare state if they could have predicted how much resources would be available for redistribution in a productive economy of the 20th century kind. I am not aware of any contemporary hedonist philosopher who argues for a minimal state or the like (but there are preference-utilitarians who do, i.e., those who believe that the aim of politics is to maximize preference satisfaction, sometimes interpreted as revealed through market behavior).

EMPLOYMENT AND WAGES

It is often noticed that there is a gender-based division of labor in society. Before you walk into any place of business you can quite well guess whether there will be a majority of men or women working there, and what positions in the hierarchy people of the respective gender will have. We can always observe "gendered patterns of employment," which "are neither natural nor coincidental." Those patterns "reflect deeply entrenched social hierarchies based on gender, race, ethnicity, and class" (Barker & Feiner 2004: 56). The fact that women more often work part-time, and in jobs with lower wages than typically male jobs, leads to the so-called gender wage gap. This gap has been *slowly* closing over time in many countries, but there are great disparities between countries. Again, much of this depends on occupational segregation, and a typical feminist standpoint is that this segregation "reflects social stereotypes about women's roles and abilities" (Ibid: 63). There is also a vertical segregation, generally called the glass ceiling, which refers to difficulties for women to advance up the corporate ladder. While, for instance, human capital theory would explain the gendered division of labor by claiming that men and women simply make rational, self-interested decisions regarding what education and line of work is most appropriate for them, feminists would typically claim that expectations about proper gender roles has a part in making those decisions. This might explain why there are few women in some occupations that require fairly small investments in human capital (for instance, among carpenters or electricians). When trying to enter such occupations, women "are often subject to subtle and not so subtle hints that their presence is unwelcome" (Ibid: 70).

While some governments have tried to address the wage gap problem by outlawing wage discrimination, i.e., demanding equal pay for equal work, Barker & Feiner point out that this does not affect the wage difference between male-dominated and female-dominated occupations. Affirmative action has enabled more women to enter into male-dominated occupations, although men's employment in traditionally female occupations has not risen correspondingly. To address the shortcomings of such measures some feminists have advocated policies known as pay equity or comparable worth policies, which requires employers to evaluate and compare different jobs. Jobs are "assigned points that reflect the jobs' required level of education, skills, effort, working conditions, and responsibility. They are then ranked according to the number of points. [...] Implementing pay equity requires that jobs with the same score receive the same pay" (Barker & Feiner 2004: 73). However, the pay equity movement "has been eclipsed by living wage campaigns [...], arguing instead that wages should be conceived of in terms of how much money people need to live decent lives" (Ibid: 74).

I see no clear reasons to oppose anti-discriminations laws (equal pay for equal

work) or affirmative action on hedonist grounds. But more ambitious attempts to micromanage wages appear problematic. Wages are a part of the system of price signals that are necessary to allocate resources in an efficient way, which means that the possibilities for politicians to decide who should be paid what are limited.⁷ Even if it seems iniquitous that, for instance, maintenance workers should be paid more than secretaries, even though they score the same when it comes to comparable worth (as described above), their wages must still reflect such things as supply and demand. Otherwise resources (which might be tax payers' money) will be wasted – resources which could be used in more efficient ways to combat the gender wage gap. Living wage policies appear more in line with (economically efficient) hedonism, provided that the wages needed to live a decent life are accomplished not by direct wage controls, but by a state unemployment insurance (perhaps in the form of a basic income) which sets a *de facto* floor for wages. Although feminists and hedonists alike can endorse a large welfare state, one must be frank about the limited possibilities of closing the gender wage gap by the aid of politics alone. To a large extent the fight seems to be a cultural one, won by increased feminist awareness among the public, reflected in life choices.⁸ Furthermore, a policy that aims to raise the wages of traditionally female occupations does not really question the gendered division of labor in itself, which I believe must be the ultimate aim of feminism.

CRIMINAL LAW

Roughly in the 1970s feminists began to point to gender biases in criminal law, noting, for instance, that "while rape was a widespread social phenomenon and an important element in patriarchal power, criminal law did little to protect women against one of the most invasive physical and psychological violations of their being" (Nicolson 2000a: 1). Later, issues that had no obvious connection to sex (like rape and prostitution) began to be discussed. Law that is supposed to be gender-neutral might have different consequences in practice for women and men. For instance, when it comes to domestic violence "[f]eminists began to realise that, not only did women faced with domestic

⁷ This is not a concession to some form of "neoliberalism" or the like. Every society, even one with a large welfare state, needs prices established by supply and demand to allocate resources. This means that although you can have large sections of society planned by politics, an economy cannot be totally planned. Even a country like the Soviet Union needed some market prices established by the world economy (or the black market) to function.

⁸ An interesting example of the limits of political means is the system of parental leave in Sweden. Although economic incentives have made it very feasible for fathers to take half of the parental leave period, they still stay at home with children much less than mothers.

violence gain little from a resort to criminal law, but that, when battered women themselves used violence in a desperate attempt to escape years of violence, fear, humiliation and degradation, they found it difficult to use criminal law defences which were based on paradigmatic male responses to violence" (Ibid: 2; see further McColgan 2000).

There are few cases of *direct* discrimination in the law today, i.e., where criminal law rules overtly distinguish between male and female offenders or victims. But *informal* discrimination is more frequent. For example, women are less likely to be suspected of being criminals than men and are more leniently treated by the police on arrest (for instance, in cases of shoplifting) – at least if they are "respectable" women; prostitutes, lesbians or political activists tend to be treated harsher (Keenan 2000: 37-44). There is also *indirect* discrimination, whereby the assumptions of the law create different practical consequences for different genders. There is, for instance, the accusation that "when applying the 'reasonable person' test, the law will tend to have male standards of behaviour in mind, [...] making it difficult for women to establish the reasonableness of their behaviour" (Nicolson 2000a: 10f). In practice, this has – at least in the past – rendered it more difficult for women to use the provocation defense to reduce their sentence, since while women generally have felt provoked by different things, the typical male perception of provocation has been enshrined in the law.

Pat Carlen (2000: 72) notes that during the 1990s more and more women were incarcerated and that "there appears to be a consensus amongst informed commentators that the steep increases in the numbers of women imprisoned [...] can arguably be explained by the increased numbers of women in economic need [...] and by the increased punitiveness of the criminal justice system towards female offenders in general and women from ethnic minority groups in particular". Carlen goes on to claim that such punitiveness is hard to justify, both in terms of safety and cost. Women's crimes tend to be the results of misfortunes associated with poverty and damaged childhoods or of psychiatric conditions. Furthermore, "incalculable costs are annually incurred as thousands of children under 16 are made vulnerable to severe emotional, psychological and material deprivation while their mothers are in prison" (Ibid: 73). In order to reduce the number of women in prison (and, incidentally, also the number of men) Carlen calls for a new approach to sentencing. She does not think that women *qua* women should be sentenced differently than men, but, rather, that sentencing should be based on four main criteria: the level of threat to society that the punished poses, the shape of the criminal career, additional social sanctions that the punished will face, and what social roles the punished play in relation to other people.

Carlen's argument seems extraordinarily compatible with a hedonist outlook, since the latter takes no account about abstract notions of criminal justice (or retribution).

The only important thing is the consequences (in terms of pain and pleasure – keeping in mind that the pain of the punished is a part of the calculus) for society. Opening up sentencing to additional criteria that seem to have nothing to do with the crime itself is wholly compatible with hedonism. If it were possible all punishments should be meted out by all-knowing judges who could assess the felicific consequences of each separate sentence. But since such judges do not exist, certain guidelines (democratically decided) are necessary, and those guidelines might very well open up for the sorts of considerations discussed by Carlen. It seems very reasonable to assume that a hedonist policy towards crime would indeed reduce the number of women in prison.

The "postmodernist turn" in feminism led to a turning away from the issues discussed above and towards a focus on gender construction and how the law "helps construct stereotypical and frequently harmful notions of masculinity and femininity". The gender constructions built into the law reinforces social conceptions of appropriate gender behavior and "filters through to general public knowledge, via the media and various forms of popular culture" This, in turn, may help "shape the thoughts and actions of women and men, if not construct their very beings" (Nicolson 2000a: 14). If this perspective is adopted feminist lawyers face a dilemma: should they plead that the law does not take equal account of women's particular problems and circumstances, and thus confirm that men and women are two clear categories of person with their own distinct traits, or should they seek to combat the stereotypes and presumptions about gender roles about men and women on which the law is based? There are, for instance, certain potential criminal defenses (such as being under the influence of premenstrual syndrome or battered woman syndrome), which may "reinforce notions of female inferiority, passivity and weakness" (Nicolson 2000b: 170).

This seems to be a general dilemma for feminist politics. Should one simply accept that women have certain roles in society (i.e., a sort of "essentialism") and strive to make those roles as rewarding and respectable as male roles (for instance by raising wages in traditional female occupations) or should one try to change the culture by, for instance, encouraging children to seek paths in life that do not confirm traditional gender roles? The answer to this question depends on the degree to which one believes gender roles are socially constructed or, conversely, rooted in biological facts; and this is a question about which hedonists can have different opinions. Since hedonism does not rule out economic redistribution between groups or changes in criminal law to favor certain groups over others, policies that favor women (never mind if they act in ways that follow stereotypical conceptions about men and women) over men cannot be ruled out either. If it is the case that the present system disfavors women when it comes to happiness then such policies should be encouraged. But if it is the case that

happiness can be raised more (at least in the long run) by combatting the stereotypes that make people conform to traditional gender roles (including criminal behavior) then the hedonist cannot be opposed to such feminist policies either.

PROSTITUTION AND PORNOGRAPHY

Feminists are divided on the questions of prostitution and pornography, regarding, for instance, whether or to what degree these activities should be regulated or criminalized. When it comes to prostitution, feminists have generally focused on harms to prostitutes themselves or the impact the existence of prostitution has on women in general. The first group points, for instance, to the numbers of prostitutes who have suffered physical abuse at the hands of clients and pimps or who incur health or drug problems. The second group usually argues that the main problem is not the working conditions of prostitutes, but the idea itself that sex can be bought and sold like other commodities. The working conditions of prostitutes could theoretically be improved, but that does not alter the fact that the "choice" (it can hardly be seen as a genuine choice at all) to be a prostitute is made in the context of oppression and domination. According to Carole Pateman, prostitution is "the public recognition of men as sexual masters," and a similar position has been held by Catharine MacKinnon. Others have claimed that if sex is commodified, the meaning of the uncommodified version of sex (based on freely chosen love) will be distorted and damaged. As for political practice, the disagreement among feminists regarding the nature of prostitution means that one can find proponents for legalization (with regulation and control by the state), intensified prosecution, and decriminalization (Childs 2000: 205, 221-227).

There is, then (like in most policy areas), no *one* feminist position on prostitution, except perhaps that prostitution as it exists today is problematic and that if prostitution is to be illegal it is not the prostitutes that should be punished (the position described above as "intensified prosecution" is, rather, directed at pimps and johns). The position that existing forms of prostitution is problematic is something that a hedonist can easily agree to. Prostitution brings much suffering with it, mostly due to the fact that people are driven into it by economic necessity; and if someone were to argue that this is outweighed by the pleasure that the johns receive, the burden of proof must certainly lay on him or her. Common sense seems to indicate that the a few moments of sexual satisfaction cannot compensate the constant loss of life quality of the prostitute. Besides, is it really the case that sex buyers are generally much happier people than everyone else? Anyway, there must be some (probably very few) people who would prefer being a prostitute before other available occupations, provided that it is well paid and takes place in a safe environment. The best way to make sure that only those people choose to become prostitutes seems to be to make sure that no one has to choose it due to

economic necessity, i.e., to provide economic security to all citizens (on the level that one's society can afford). Providing universal economic security seems to be a better remedy than an all out prohibition on prostitution, since it "is widely believed to exacerbate its harms, especially in the United States. It contributes significantly to the hardships of prostitutes because it places them outside of legal protection, making them extremely vulnerable to predators who would exploit their relative powerlessness" (Anderson 2002: 749).⁹

The circumstances of production of pornography has many similarities to prostitution, and as a moral issue the same logic as above applies, namely that the suffering that occur in these circumstances (see Waltman 2014, chap. 2 for a description of this physical and psychological suffering) can be reduced a great deal (but not entirely) if no one is forced by economic necessity to participate in it. Indeed, empirical research has shown that poverty or "financial need" is the most frequently cited reason for entering into the industry. Many prostitutes and performers in pornography have also had troubled childhoods, including sexual abuse and homelessness (Ibid.). These harms should, of course, also be pertinent for a hedonist. But there are further dimensions to pornography, which do not apply to the same degree to prostitution. Many feminists have argued that pornography – at least the "violent" kind – contributes to the prevalence of rape and abuse of women (and perhaps also of children) (Keith 2001: 123). For the hedonist, the important thing will be to find out whether this causal relationship actually exists or not. The jury might still be out on this question, so it would not be surprising if hedonists disagree among themselves regarding it (just as feminists disagree among themselves).¹⁰ Nevertheless, it is hard to argue that a ban (or severe restrictions) on pornography¹¹ would cause more pain than universal and unconditional toleration of it; although one could, of course, think of alternative futures where this argument would be weakened – for instance, if

⁹ In Sweden, the prevalence of prostitution seems to have remained more or less constant since the criminalization of sex purchases in 1999, although initial contacts between sellers and buyers do not take place directly on the street as much as before (nowadays the Internet is the primary method of contact). Furthermore, a majority of the prostitutes are non-Swedes, staying temporarily in the country, which underscores the importance of access to the welfare system to reduce the prevalence of prostitution (Mujaj & Netscher 2015).

¹⁰ Waltman (2014: chap. 3) presents extensive research supporting the position that the typical forms of pornography causes gender-based violence.

¹¹ I assume that most anti-pornography feminists would not subject "nonsexist erotica" to the same restrictions (cf. Scoccia 1996: 778). It should also be added that I personally think that pornography is not (unless it is entirely written) covered by the democratic right of expression, since pictures are not necessary to discuss politics and criticize the government. Therefore, pornography is a legitimate target for state regulation if there are good reasons to regulate it (cf. Gastil 1976: 233f).

psychological and sociological research were to show that we have grossly underestimated the pleasure that people get from watching pornography or overestimated the pain the befalls those who participate in the production of pornography. According to hedonism, no actions or activities are absolutely good or bad in themselves – it all depends on our empirical assessments of the relevant contexts. Naturally, such assessments can change when new information comes along.

CONCLUSIONS

My aim with this article has been fairly modest. I have tentatively argued that a politics based on hedonism cannot reasonably be conceived as anti-feminist, and probably not non-feminist either (if one can conceive of such a "neutral" position). Indeed, there are many similarities between the hedonist viewpoint and many forms of feminist theory. Feminists often criticize different political philosophies for being focused on context-independent abstract rules of justice. Hedonism, however, is all about empirical context, and there are no absolute rules that must always be followed (other than that you should act to maximize pleasure and minimize pain), and there is no principled aversion to blending the "personal" and the "political". If a group in society appears to have less chances of leading a happy life than other groups then the hedonist must consider that fact seriously. If women, who make up half the population on this earth, generally face larger risks of suffering in life than men, then the hedonist must lean in a feminist direction. What this feminism will look like will differ depending on one's theory of gender (do, for instance, men find pleasure in fundamentally different ways than women?), but no particular theory of gender is assumed in hedonism.

Now there are different ways of doing feminist politics, and in this article I have looked at a few concrete proposals from feminist thinkers. Many of those policy proposals might well be endorsed by hedonists. The only clear objection I made was regarding suggestions that lean too much toward extensive state regulation of wages, since there are limits to what economic planning (and especially price controls) can achieve (although the defense of a robust – and, of course, gender-aware – welfare state is consistent with both hedonism and most forms of feminism). In the end, political and economic means must be combined with social and cultural means if one wants to achieve a society where gender does not to a large degree predetermine where one will end up in life.

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