

Chapter 3:

Emancipatory Amelioration

Chapter 3 puts forward the method of “emancipatory amelioration”, which combines social theory and prescriptive conceptual analysis to fully explain the phenomenon of rape, while at the same time aiming at an altered and emancipation-enabling conceptual understanding. The chapter presents Haslanger’s idea of conceptual amelioration and develops it into its own version of emancipatory amelioration, which identifies emancipation as the purpose of amelioration. It defends the proposal against two objections, namely the problem of asymmetry (How to be a critic of a structure if at the same time subject to the structure?) and the problem of emancipation (How to know whether what one is doing is in fact emancipatory?).

3.1 INTRODUCTION

So far, I have argued that the concept of rape should be treated as a cluster concept and I have provided an analysis that tracks the various existing forms of rape in the world. But the proposed conceptual analysis does not result in a reflective equilibrium between the external reality of rape and the intuitions that speakers have about the concept. Instead, the dominant working understanding of rape is not at all in line with the various existing forms of rape in the world. I have therefore suggested that we do not need a conceptual analysis by way of a reflective equilibrium but a prescriptive analysis of the concept based on a more inclusive social theory of rape. To do so, I have specified five desiderata that a theory of rape needs to fulfill. I suggest, and argue accordingly in the following, that part of what is wrong about rape (the normative question)—besides its immediate harm to the individual raped—is that it contributes to structural injustice. Not only is it the case that the overwhelming majority of perpetrators are men, but also that most victims of rape are women and gender non-conforming people. The normative dimension cannot be adequately explained

without a social theory of how rape is located in the social context. And part of that theory is to explicate the distorted understandings that individuals have and why they enjoy popularity.

As feminists, we have an obligation to dismantle the social and unjust workings of rape and to develop an understanding of the concept that has emancipatory potential.¹ For example, if rape contributes to social and structural injustice, then it has direct and unjust consequences for some persons that go beyond the obvious harm and moral wrong inflicted on victims of rape per se. A theory of rape should thus also aim at unmasking and putting an end to such injustices. In this chapter, I propose a method that is itself emancipatory and can yield an emancipatory understanding of the concept. Therefore, I attempt to undergird the proposed cluster account of rape given so far with normative insights. The method will then be put to use (Chapter 4 and 5) and will result in a unified model of rape—an inclusive social theory of the phenomenon of rape and a prescriptive conceptual analysis that aims for an understanding of rape in line with the social theory.

Before I propose said method, let me raise some points of why the choice of method is important. After all, I will spend a whole chapter on developing a particular method and one might think that this is a waste of time. However, rape is a complex phenomenon and the way we go about investigating it is not at all obvious or self-explanatory. First, theories try answer specific questions. A social theory of rape—like every social theory—is guided by specific questions and aims at specific purposes. I have already argued that a conceptual analysis tracking speaker's intuitions is distorted because of rape myths. Furthermore, I have shown that a conceptual analysis which aims at a reflective equilibrium between speaker's intuitions and the phenomenon of rape in the world is doomed to fail because the dominant working understanding tracks only a small portion of existing forms of rape. For that reason, we need a social theory of rape that not only maps the diverse forms of rape but can also explain the mismatch between the phenomenon and the dominant working understanding of the phenomenon. It should explain the social embeddedness of rape, its relations to injustice, and its entanglement with other (sexist) phenomena. And, it should do so from a feminist point of view. Its main purpose is to unmask forms of rape that are not tracked by the dominant working understandings and to explain why this happens. A feminist social theory of rape should illustrate how this failure to track experiences reproduces deeply problematic social practices against victims of rape. A theory that does this can then be used

1 | For now, I understand *emancipation* roughly as exposing and correcting defects in the status quo that are due to moral bias and confusion. Compare to Anderson's pragmatic theory of moral progress: Anderson (2014).

as the framework for a prescriptive conceptual analysis that aims at countering the dominant working understanding and does justice to victims of rape.

Second, I proposed five desiderata at the end of the last chapter which a social theory of rape needs to fulfill. It should (a) adequately map the phenomenon in a way that explicates its structural embeddedness, (b) explicate speaker's intuitions, (distorted) understandings, and actual usage of the concept, (c) be normatively adequate and explain the gap between false or misguided understandings and the existing phenomenon as well as provide explanations of how such misguided or false understandings come about and enjoy popularity, (d) explain the injustice of it, and (e) be able to ground a prescriptive conceptual analysis that adequately tracks the phenomenon and strives for conceptual change. The adequacy of the theory is, thus, not merely about mapping the phenomenon accurately, but about drawing connections between the phenomenon and the social structure we live in by its responsiveness to our experience, and its usefulness for our purposes.

Third, the method should yield a social theory that maps the morally complex experience in all its different facets. This is mainly an empirical endeavor and so we have to consult victims of rape as well as others, e.g., psychologists, social workers, medical professionals, social scientists, historians, legal scholars, etc. However, the main purpose of the theory is to shed light on the injustice of rape and to give insights into the deeply complex phenomena that surround rape. We should avoid being paternalistic, for example, by explaining to victims how they "should" feel or how they "should" understand their own experience. (cf. Alcoff 1991) It is far from obvious that every victim can access their epistemic privilege without being influenced by the dominant schemas of rape and sexist practices in a given society. Since victims of rape are themselves social agents situated in social practices that contribute to sexist injustices, not all victims understand their experiences as experiences of rape (even if according to our theory that would be an adequate description of what happened) and it is not always beneficial for them to do so. Victims of rape are not a homogenous group; they have different and opposing viewpoints on what rape is. When we engage in a social theory of rape, we have to keep this in mind. And, of course, we have to avoid asking victims of rape to "explain" their experiences to others without them offering to do so², but nevertheless not ignore their perspectives.

Furthermore, as philosophers, we are not outside of the social practices that we aim to understand and change. Rather, we are situated within these practices and we are influenced by them. Our endeavor to better understand

2 | Doing so can be described as epistemic exploitation. Epistemic exploitation is the problematic practice of privileged individuals asking marginalized persons to educate them about the nature of their oppression. (cf. Berenstain 2016) I contend that a similar claim could be made about asking rape victims to define the meaning of 'rape'.

them is always also an endeavor to better understand what we are doing, and to make it possible to change these practices. This change is not merely a conceptual one, but it also includes material changes, legal changes, political changes, and so on. However, as I have remarked before what we can and cannot do as philosophers is limited. While as activists, we can work towards material changes, as social philosophers we are mainly in the business of advocating conceptual change. By better grasping the phenomenon and its social embeddedness, we can see how other understandings are misguided and we can formulate a better concept ourselves. How we understand things influences our social practices and vice versa. Hence, one part of changing the unjust practices surrounding the phenomenon of rape is to change our understandings of the phenomenon.

This chapter develops a method that is partly social theory and partly prescriptive conceptual analysis. I proceed in the following way. First, I develop Haslanger's idea that we should concentrate not on how a concept is understood, but on how it ought to be to understood—that is on a prescriptive conceptual analysis. (Section 3.2) I then propose a form of conceptual amelioration that highlights the emancipatory force that the project of amelioration can take: emancipatory amelioration. When applied, the method of emancipatory amelioration yields a social theory of the phenomenon of rape as well as a prescriptive conceptual analysis that aims towards conceptual change. (Section 3.3) I then argue in detail for the two main aspects involved in the method of emancipatory amelioration: social theory (Section 3.3.2) and conceptual amelioration (Section 3.3.3). Finally, I present two possible objections against the method of emancipatory amelioration (Section 3.4): the problem of asymmetry (Section 3.4.1) and the problem of emancipation (3.4.2). I argue that the method of emancipatory amelioration can counter both objections and, therefore, it is an attractive tool for a prescriptive conceptual analysis of rape that is based on an inclusive social theory of the phenomenon.

3.2 CONCEPTUAL AMELIORATION

In Chapter 1, I illustrated how Sally Haslanger distinguishes between manifests and operative concepts. This is a distinction between the formal definition of a concept (the manifest concept) and the working understanding of it (the operative concept). Furthermore, I argued that the formal definition (the manifest concepts) and the working understanding of the concept (the operative concepts) do not necessarily match and that this is of particular relevance for the concept of rape, e.g., it can lead to the failure of the legal system to prosecute cases of rape adequately, it can lead to epistemic failures of perpetrators, and so on. In addition to the manifest and operative concepts, we

can further distinguish the concept we should be employing, that is, the target concept. To arrive at a target concept, we have to engage in, what Haslanger calls, ‘ameliorative’ analysis. Ameliorative analysis aims at elucidating “‘our’ legitimate purposes and what concept of F-ness (if any) would serve them best (the target concept).” (2012: 376) The motivation for engaging in ameliorative analysis stems from a dissatisfaction of the descriptive inquiry and the conceptual analysis; in other words, it arises when we are satisfied neither with the manifest concept nor the operative one.

Dissatisfaction with something and how it is understood can trigger a critique of a given concept and an impulse for ameliorating it, i.e., for finding a new understanding of a given concept. To criticize a concept does not mean to reject it. On the contrary, it can open up space for alternative understandings. Understanding a concept anew or introducing a new understanding exposes the limits of the old.³ Although the new concept has a different content, it is not arbitrary—it still is applicable in similar ways to the old. In Elizabeth Anderson’s words:

A critique of a concept is not a rejection of that concept, but an exploration of its various meanings and limitations. One way to expose the limitations of a concept is by introducing new concepts that have different meanings but can plausibly contend for some of the same uses to which the criticized concept is typically put. The introduction of such new concepts gives us choices about how to think that we did not clearly envision before. Before envisioning these alternatives, our use of the concept under question is dogmatic. We employ it automatically, unquestioningly, because it seems as if it is the inevitable conceptual framework within which inquiry must proceed. But envisioning alternatives, we convert dogmas into tools; ideas that we can choose to use or not, depending on how well the use of these ideas suits our investigative purposes. (2001: 22, emphasis in original)

As social agents, we are part of a social structure, which can affect the actual usage and formal definition of a term or concept. Thus, the use of the term ‘rape’ and its definition are influenced by false or distorted schemas of what rape is (e.g., by rape myths, as I have shown in Chapter 1). Accordingly, our actual usage and / or the formal definition might fail to adequately track the phenomenon of rape as it exists in the world, e.g., it might track instances of physically forced sexual penetration, but not instances of non-consensual sex. Concepts can fail us in many ways. They can, for example, be misguided, distorted, non-existent, or false. For lack of a better word, let us call this set of

3 | While Anderson talks about “introducing new concepts” (2001: 22), Haslanger adds that it suffices to introduce a revision of a concept or a new understanding of a concept. (2012: 18)

failures ‘dysfunctions’. Dysfunctions of concepts have practical consequences; they can produce or reproduce inequalities, they can silence, discriminate, and so on. When a concept dysfunctions, it calls for replacing, rejecting, or ameliorating the concept in question.

One way to detect dysfunctions of concepts is to see whether our actual usage tracks the phenomenon adequately or whether different analyses of a concept in question line up. As we have seen in Chapter 1, our operative and our manifest concept of rape do not match up. The actual usage is neither in line with the phenomenon of rape nor with the formal definition of rape. Dysfunctions can occur with regard to the actual usage or the concept in general. Haslanger (2012: 390) argues that we have at least three options to bring our manifest and operative concept in line with each other:

1. We can bring our actual usage in line with our manifest concepts;
2. we can replace our manifest concepts with our operative concepts; or
3. we can modify our manifest concepts in light of new cases that have emerged in the real world and change our (manifest and operative) understandings of rape.

In all of these cases, we have to contemplate what we want the concept to track in the world. However, the last case (3) makes this most explicit and requires a deeper conceptual engagement.

Let us consider each of these solutions in light of the examples given in Chapter 1: the police case, the court case, and the rapist case. First, bringing our actual usage (our operative concept) in line with the formal definitions (our manifest concepts) would result in preferable outcomes in these cases. If Sgt. Jeffrey Mason and Jerry Rittgarn’s assumptions had not blocked them from applying the formal definition of rape to the case at hand, Marie would have been treated fairly. If Juror Kirkland had applied the formal definition instead of the dominant working understanding, he would not have favored officer Moreno’s acquittal. And, if the Australian rapist had judged his acts according to the formal definition of rape, he would have seen them for what they are and might not have committed them (although, this is purely speculative). In these cases, the fallible character of the dominant working understanding is resolved by bringing the operative concept in line with the manifest concept.

However, what happens when not only the dominant working understanding fails to track the phenomenon adequately, but neither does the formal definition? Consider again the case of the alleged rape described in Kirkland’s essay, but imagine that this time officer Moreno is not employed by the New York State police force, but instead somewhere, where the formal definition of rape is in terms of force instead of consent. Nothing changes in the course of events from what was described already; the alleged victim is escorted home

by officer Moreno and officer Mata, they come back to her apartment twice that night, and at one of these visits the alleged victim wakes up to being penetrated by officer Moreno. The formal definition for rape however reads: Whoever with physical violence or with threat of grave and direct danger forces another to intercourse or to tolerance or action of an indecent act, commits an act of rape. In this example, neither according to the dominant working understanding nor the formal definition would officer Moreno be charged guilty. The manifest concept does not capture what happened as an act of rape because no physical violence was used and no threat of grave and direct danger forced the victim to submit (she was sleeping). Hence, bringing our language practices in line with our manifest concept does not always mean that we track the phenomenon more adequately. A better outcome depends on the fairness of the manifest concepts in question.⁴ But replacing our formal definition with our dominant language practice can obviously not be the solution in the cases in question, since the actual usage was equally defective in the examples considered above. In a case where both, the operative and the manifest concept, are insufficient or flawed (in the sense that they do not track the actual phenomenon adequately), neither one can be made better by using the other. Thus, what we are left with as a solution is option (3): to modify our manifest concepts in light of the new cases that have emerged in practice and change our (manifest and operative) understanding of rape.

In this third case, we have to ask ourselves not only why there is a mismatch and how to fix it, but also: What do we want the concept of rape to track in light of the cases in question? According to Haslanger, that concept—the concept we should be employing, all things considered—is the target concept. (2012: 388-9) And we can come to find such a target concept through the project of amelioration:

Ameliorative projects, in contrast [to other conceptual projects], begin by asking: What is the point of having the concept in question; [...] What concept (if any) would do the work best? In the limit case a theoretical concept is introduced by stipulating the meaning of a new term, and its content is determined entirely by the role it plays in the theory. If we allow that our everyday vocabularies serve both cognitive and practical purposes that might be well served by our theorizing, then those pursuing an ameliorative approach might reasonably represent themselves as providing an account of our concept—or perhaps the concept we are reaching for—by enhancing our

4 | As I have explained in Chapter 1, our operative concepts can influence our manifest concepts and *vice versa*. The actual usage of a term and its respective understanding have implications for the laws we make and the laws we have influence what we understand rape to be.

conceptual resources to serve our (critically examined) purposes. (Haslanger 2012: 386)

Amelioration is guided by the question of what we need the concept for and which concept would do the work best regarding our legitimate aims. I contend that Haslanger's method of amelioration is a conceptual analysis that is both normative and pragmatic. It is pragmatic because it considers which concept could do the work best, e.g., which concept of rape actually tracks the phenomenon adequately and acknowledges its social embeddedness. And it is normative because it is directed at a (morally and politically) legitimate aim.

- A. A conceptual analysis is ameliorative iff it satisfies the following two conditions
1. Normative Condition: it is directed at a legitimate goal;
 2. Pragmatic Condition: it pursues the question of which concept could do the work best in regard to the given goal?⁵

Remember again the three aforementioned cases. As I have argued, what is especially problematic about the dominant working understanding failing to track the phenomenon of rape adequately is that it leads to unfair treatment of the victims, i.e., they are raped, disbelieved, and hindered in their attempts to get justice. Hence, regarding these three cases, a legitimate goal to have would be the feminist aim to stop the unfair treatment of rape victims. Ameliorating the concept of rape in light of this specific and legitimate feminist aim could (ideally) result in the following favorable outcomes: Marie would no longer be disbelieved and charged with filing a false report, Juror Kirkland would not argue for the acquittal of officer Moreno, and the Australian rapist would be able to make his experience intelligible as what it is: an act of rape.⁶ However, Haslanger's project of amelioration is deliberately broad and does not specify what counts as a legitimate purpose. For the task at hand—conceptually

5 | Speaker's intuitions as to which condition is better described as normative or pragmatic differ. After all, one could argue that an 'ought-condition' should be called normative instead of pragmatic. I have here decided to specify the first as normative for the reason that it asks for 'legitimate' aims and concerns our normative commitments, and the second as pragmatic in line with traditional pragmatists who focus on the notion of 'what works for us'.

6 | Of course, as I have said before, a conceptual change does not immediately and by itself result in better outcomes. The material, legal, institutional, etc., settings would need to change accordingly. However, assuming that our dominant working understandings influence our law- and policy-making (and *vice versa*), a conceptual change could start a process that ideally ends in the necessary conceptual *and* material changes.

ameliorating rape—I propose that we should develop a specific form of amelioration concerned with ‘emancipatory purposes’. I explain what I intend in the next section and develop this specific form of amelioration—emancipatory amelioration—in Section 3.3.

3.2.1 Reconsidering Amelioration

I have argued that the proposed cluster of rape fails to account for the mismatch between the phenomenon of rape and the dominant working understanding. It does not explain why the dominant working understanding is misguided and why it enjoys popularity. Since it cannot explain these issues, it cannot be useful for finding a strategy that can counter the distorted working understanding. What we need is a method that offers both: a social theory that maps the phenomenon and explicates the distorted actual usage of the term ‘rape’ as well as an ameliorative conceptual analysis that can counter the distorted working understanding. The specific purpose of ameliorative analysis with regard to rape is to counter distorted understandings that lead to deeply problematic practices. What I intend to do is offer a form of amelioration that specifies the legitimate purposes as emancipatory ones. Furthermore, different to Haslanger’s ameliorative project that is strictly conceptual analysis, the method of emancipatory amelioration that I develop in the next section, yields a social theory as well as a prescriptive conceptual analysis.

The term ‘amelioration’ describes an improvement, the act of making something better. The idea is to change the understanding of concepts and the way we think about the world. The form of amelioration that would be fruitful for the concept of rape needs to take into account the broader framework of social practices and the possibility that we, as social agents, are distorted about our understandings of the concept. The impact of unjust social relations is twofold. We, as social actors, are not only living within an unjust state of affairs, but also that we have a false understanding of this condition—we do not see it as unjust.⁷ This implies the following for a method of amelioration that is adequately equipped to track phenomena such as rape: (1) In order to have emancipatory potential, it needs to be grounded in a social theory of the phenomenon in question and the unjust status quo, and (2) it needs to take seriously the problem that social agents have a distorted working understanding of the concept in question.

Before I develop an adequate method to analyze the phenomenon of rape, let me briefly raise the following question. The idea put forth is to develop a method that can yield a social theory and a conceptual amelioration that

7 | Compare to Althusser (1970), who famously argued that ideology should be understood as “lived conditions.”

has emancipatory force. Emancipation requires structural change. But why would we assume that we can arrive at structural change by ameliorating a concept? After all, this is what the method of emancipatory amelioration aims at: to conceptually ameliorate the concept of rape on the grounds of a given social theory. I do not take it that conceptual change is structural change or that conceptual change is enough for proper emancipation. However, for emancipation to be successful, we need changes on all levels, i.e., material changes, legal changes, social changes, and conceptual changes. And all of these are interdependent. Material or social change can lead to conceptual changes when we realize that our social practices are not in line with our understandings of the object in question, and conceptual changes can lead to material or social change when we see that our understanding of certain concepts is not in line with our practices or material conditions. While it is therefore not enough to advocate for one kind of change, it is pragmatically required to start somewhere. As activists, we are much better equipped to fight for social or material changes and we should continue doing so, but as philosophers we are much better equipped to start by changing our distorted dominant working understandings of particular phenomena. As philosophers, we can determine how we need a conceptual change so that our concept in question tracks the phenomena under investigation. However, this implies that we acknowledge that conceptual change has to be adequate to the phenomenon and has to track the embeddedness of the phenomenon in the social structure.

3.3 DEVELOPING EMANCIPATORY AMELIORATION

A project of amelioration (A), as we have seen, has two decisive moments: it is necessarily normative as well as pragmatic. In this sense, it is a specific way of engaging in conceptual analysis; it does not simply ask for stipulating a concept in line with our intuitions or our language practices, but rather asks us to consider the reasons why we need such a concept. It therewith includes our specific purposes, our commitments, and our aims. However, as I have argued above, we need a different form of amelioration for the concept of rape, one based on an inclusive social theory which is explicitly emancipatory. Hence, in the following, I propose the project of emancipatory amelioration (EA). Roughly, emancipatory amelioration consists of two different but interdependent endeavors: embedding the concept within a social theory and the task of amelioration. Furthermore, the amelioration-part of the method includes emancipatory purposes. Before I start developing the method, I explain in detail what I understand emancipation to be.

3.3.1 Emancipation and Emancipatory Amelioration

Conceptual ameliorative analysis in Haslanger's sense, is governed by two main underlying ideas: it is necessarily normative and pragmatic. The pragmatic-condition of amelioration (A) holds that the resulting analysis of the concept in question is judged by how well it works in regard to our specific purposes. This is a classically pragmatist endeavor. The explanatory priority lies with what "works for us" or, in other words, what sheds the most light on the phenomenon in question. Furthermore, as Robert Brandom argues, this pragmatic endeavor is already normative. In its focus of "what works best", pragmatism brings certain norms to the table according to which we can evaluate what works best. (2002: 50) While classical pragmatism focuses on instrumental norms—better or worse methods, correct or incorrect assessments, achieving aims or failing to achieve them—the idea of an emancipatory project needs to specify the relevant commitment in terms of emancipation. What is best will depend on our purposes since we cannot take a neutral stance towards the social world, but already bring certain commitments and attitudes to the table.⁸ (cf. Brandom 2002; Fraser 1995)

While, according to Haslanger's conceptual amelioration (A), the normative condition is specified as legitimate purposes, in the emancipatory version of conceptual analysis, it should be specified as emancipatory purposes or aims. What we thus need to develop is a form of amelioration that strives towards emancipation. To do so, we need to first understand what emancipation is. Although many theorists (including advocates of Critical Theory as well as

8 | Note that Charles Taylor distinguishes between the core meaning of pragmatism and the radical sense of pragmatism. The former is the idea that our knowledge of the world is not made of neutral facts but of evaluative attitudes of those facts, thus, we should give primacy to practical reason and acknowledge our goals and purposes. In his words, "our entire understanding of things comes to be framed only within this committed and active perspective." (2004: 74) The latter consists of the insight that truth is not about "characterizing things according to the way they are" either understood in terms of the notion of correspondance or in terms of ridding ourselves of illusion, but "what we call truth is what works for us, in the sense of what lets our crucial activities go forward in the most successful and unimpeded way." (2004: 75-6) The insight that I want to take on board lies somewhere in the middle. I think that Taylor is right in saying that our understanding is always necessarily shaped by our perspective—this is the claim of situated knowledge. I also want to adopt a stance where we make explicit our commitments and analyze our concept of *rape* according to what works best in regard to our emancipative commitments. However, I do not adopt the idea that this is necessarily the case, rather, I here (for various reasons) choose to take on emancipative commitments.

critical race scholars and feminist philosophers) use the notion of emancipation, very few actually specify what it is. Among the Frankfurt School's theorists, it is often understood in opposition to oppression or domination. Thus, to overcome oppression or domination, we need emancipation. In fact, the specific practical purpose of Critical Theory is to seek human emancipation, meaning "to liberate human beings from the circumstances that enslave them" (Horkheimer 1982: 244). Or, in Raymond Geuss' words, "critical theories have special standing as guides for human action in that: [...] they are inherently emancipatory." (1981: 1-2, my emphasis) The underlying idea is that a critique of the oppressive or dominating structures can lead to human emancipation. Emancipation is thus specified as the overcoming of oppression and domination. This suggests that it has to do with the procurement of certain economic, political and/or social rights or, in general, equality for those who were oppressed or dominated. However, this is very vague.

I propose that we can gain some insights by considering historical paradigms of emancipation. The following are all cases in which social groups are emancipated from oppression and domination in specific ways: emancipation from slavery, women's emancipation, and Jewish emancipation. I will consider each case respectively. First, emancipation from slavery: Slaves fought for their own emancipation by revolts, escaping, etc., and the social movement of abolitionism helped to fight for the emancipation from slavery. (cf. Anderson 2014) In the U.S., the Emancipation Proclamation, signed and issued by President Lincoln on January 1, 1863, was an executive order of the U.S. government that changed the legal status of three million slaves to free persons.⁹ Slaves became actually free by escaping to federal lines or by advances of federal troops during the American Civil War. By June 19, 1865, the Union Army controlled the land of the Confederacy and liberated its slaves. The 13th Amendment to the U.S. Constitution finally ended slavery throughout the U.S. in December 1865.¹⁰ However, the fight for emancipation of the abolitionist movement was not over when they reached legal emancipation. In fact, the struggle for social emancipation continued (and, we should say, still continues today).

Second, women's emancipation: The women's suffrage movement was a movement for the emancipation of women in terms of the right to vote in

9 | In comparison, the abolitionist civil movement in the British Empire began in 1783 and on March 25, 1807, the British Parliament passed the Slave Trade Act, which made the slave trade illegal throughout the British Empire.

10 | See the following Encyclopaedia entries on 'emancipation': Ahrens, T. and Finkelman, P. 2008, in the Online Encyclopaedia of African American History, 1619-1895: <http://www.oxfordaasc.com/article/opr/t0004/e0184>, accessed June 26, 2017; and Walvin (2008).

elections. Later, it developed into the struggle for equal civil rights for women. Women gained limited voting rights first in Finland, Iceland, Sweden, some Australian colonies and some western U.S. states in the late 19th century. Women's suffrage organizations formed around the world to coordinate the social movement, e.g., the International Woman Suffrage Alliance which was founded in 1904 in Berlin. The suffrage movement included suffragists as well as suffragettes; the former wanted to create change constitutionally, the latter were the more militant branch of the movement and, led by activist Emmeline Pankhurst, formed the Women's Social and Political Union in 1903. In the United Kingdom, women were enfranchised in 1918. The Representation of the People Act 1918 was passed on February 6 and granted the vote to 8.4 million women over the age of 30 who met minimum property qualifications. In November the same year, the right to be elected followed. In Germany, women were given the right to vote and be elected on November 12, 1918. Switzerland was the last Western country to grant the right to vote and be elected to women in 1971. However, it took until 1991 before women were allowed to vote on local issues in each Swiss canton. Starting in the 1890s, African American women in the U.S. started their own clubs and societies and, thus, their own suffrage movement for political rights. The Nineteenth Amendment, prohibiting state or federal sex-based restrictions on voting was decided on June 4, 1919. However, only with the Voting Rights Act of 1965 were women of color (including African American women and Native American women) enfranchised. (cf. Bolt 1993; DuBois 1998; Sneider 2010)

Third, Jewish emancipation: For a long time, Jews were subject to restrictions in Europe. For example, Jewish quotas, separated communities, requirement to wear special clothing, restriction to practice Jewish religion, disenfranchisement, prohibition of entry into some countries, and so on. Jewish emancipation fought against these restrictions and for equality and citizenship rights. Depending on the historical context and the location, the struggle for emancipation took different forms. As a result, during the late 19th century and the early 20th century, communities started to make an effort to integrate Jewish individuals into their communities, and nations started to repeal previous discriminatory laws against Jewish residents. The first countries to grant freedom and rights to its Jewish residents were Poland in 1264 (!) and France 500 years later in 1791. The last country to do so was Romania in 1923. However, Germany reversed the emancipation of Jews in 1933 (through World War II) and some countries (e.g., Yemen, Iraq, Libya, Egypt) have still not granted equal rights to Jews. (cf. Barnavi 2003; Ben-Sasson 1985; Sharfman 2005)

All three are cases of historical (and, unfortunately, ongoing) struggle, in which specific social groups are emancipated from conditions of oppression or domination. In the case of emancipation from slavery, the aim was to be granted

equality and the change in legal status from unfree to free persons, in the case of women's emancipation the aim was the legal right to vote and full equality, in the case of the Jewish emancipation the aim was social and legal equality. The struggle for full legal equality included social respect as well as demands for material things like land and housing. They all share the following features: the fight for social and legal equality. Often the voiced aims of the social movements focused on the legal rights that had been denied to the marginalized group so far. However, in all cases, the struggle exceeded the granting of legal rights and demanded further social equality—to take part in the social life of the communities without being shunned or having to fear discrimination and violence. Thus, we can say that the struggle of emancipation is about being granted equality and justice in legal and social terms. Being granted equality and / or justice requires structural changes. The struggle for emancipation is necessarily about the social structure. Certain individuals occupy specific social positions due to their social group membership. And depending on which social position individuals occupy, their behavior is governed by constraints that are defined by the overall structure and the structure's internal relations. (cf. Haslanger 2015; Young 1990) Being constrained in certain respects—and more so than others—calls for emancipation of the social group and the social structure in general. As Robin Celikates argues, emancipation is twofold: it is emancipation from the unjust and unequal status quo and emancipation of a social group (and its individuals) in the sense that they can take part in political and social life. (2012: 105) Unless emancipation is about social structures, it falls short of being useful in the case of rape (as well as the cases of emancipation from slavery, women's emancipation, and the Jewish emancipation). Thus, when we speak of emancipation we are speaking about structural change and not individual change. On the basis of the paradigm cases, I propose the following definition for emancipation:

Emancipation is a social and legal transformation to a more equal and just social structure.

Understanding emancipation in terms of structural change implies the following. There might be a case of emancipation in which the social structure is socially and legally transformed to be more equal and just, but a single individual loses some rights because of it. Consider the case of the rapist who feels that he is entitled to use women's and gender non-conforming people's bodies as he pleases and has so far not experienced any legal and social sanctions for doing so. After the social structure is changed towards being more equal and just in regard to women and gender non-conforming people's rights over their own bodies, he is sanctioned for his acts of rape. Thus, his state of being worsens because the social structure is more equal and just. I do not think that

this is a relevant counterexample to the proposed definition. Indeed, it is often the case that some individuals (or social groups) lose power that they enjoyed primarily because of an unequal and unjust social structure once the social structure (and the marginalized groups) are emancipated.

Taking the project of amelioration (A) as a starting point and the aforementioned insights (spelled out in the form of emancipation above), I propose the following method:

(EA) Emancipatory Amelioration yields a social theory and a conceptual analysis that each satisfies one of the following two conditions:

1. Normative Condition: it is directed at exposing defects in the status quo (social theory);
2. Pragmatic Condition: it pursues the question of which concept works best to bring about emancipatory transformation (in the sense of a social and legal transformation to a more equal and just social structure) taking into account the structural analysis of the status quo (conceptual analysis).

The proposed method of emancipatory amelioration (EA) works in two steps: (1) social theory, and (2) conceptual amelioration. While the first step brings about the satisfaction of the normative condition, the second brings about the satisfaction of the pragmatic condition. However, the second step cannot stand on its own, it is necessarily dependent on the first step—as much as any pragmatic endeavor is dependent on a purpose or function.¹¹ The first step is guided by the insight of explanatory potential—it provides a rich social theory of the phenomenon of rape as it exists in the world. It explains the workings of the status quo. The second step is guided by the insight of the acknowledgement of our commitments. It spells out the normative element as emancipatory transformation in the way defined above. Furthermore, it brings in the issue of practicability. While conceptual change needs to be paired with material changes, it provides a starting point for philosophical action. Finally, the success of emancipatory amelioration—including both steps—can only be known retrospectively. I say more about the method's retrospectivity in Section 3.4.

Before I turn to analyze the phenomenon of rape (Chapter 4) and ameliorate the concept of rape (Chapter 5), I explicate in more detail the two-step structure that any project of emancipatory amelioration (EA) takes. To systematically map the phenomenon of rape, the first step of the method of emancipatory amelioration is to engage in a social theory of the phenomenon. This social theory is a structural analysis and critique such that it not only

11 | The idea that the second step follows only after the first step closely mirrors Critical Theory's immanent critique, as I show in more detail below.

maps the phenomenon adequately but also exposes the defects in the status quo. This step takes its guidance from the normative condition: it works to map the phenomenon and expose defects in the status quo with the aim of correcting these defects. In a second step, it can conceptually ameliorate the concept of rape on the basis of the social theory and aim at an emancipatory understanding of the concept—one that conceptually counters the problematic dominant working understanding. This second step takes its clues from the pragmatic condition: taking into account the social theory of the first step, it pursues the question of which concept could do the work best. I explicate the first step in the next section. To do so, I take into account insights from Critical Theory, pragmatism, and non-ideal theorizing.¹² In Section 3.3.3, I turn to explain how the method of emancipatory amelioration (EA) proceeds from the step of social theory.

3.3.2 Step 1: Social Theory

The first step of emancipatory amelioration (EA) is to systematically map the phenomenon of rape and expose the defects in the status quo by engaging in a structural analysis and critique of the given situation. This step takes its clues from the normative condition: it works to expose defects in the status quo with the idea that these defects need to be corrected. In Chapter 2, I proposed the following desiderata for such a social theory. A social theory of rape has to:

Desideratum 1: adequately map the phenomenon in a way that explicates its structural embeddedness;

Desideratum 2: explicate speaker's intuitions, (distorted) understandings, and actual usage of the concept;

Desideratum 3: be normatively adequate and explain the gap between false or misguided understandings and the existing phenomenon as well as provide explanations of how such misguided or false understandings come about and enjoy popularity;

Desideratum 4: explain the injustice of it; and

Desideratum 5: be able to ground a prescriptive conceptual analysis that adequately tracks the phenomenon and strives for conceptual change.

12 | Naturally, the insights of the three schools of thought overlap profoundly. By treating the insights from the different schools as partly overlapping, we can—for the purpose of developing a new variant of conceptual analysis—bring on board the following central ideas: the method needs to be practical (in so far as it needs to be concerned with actual real-life phenomena, e.g., social practices, conflicts, and their interdependent social agents), it needs to be explanatory, it needs to acknowledge our commitments (and identify ideological commitments), it needs to be normative (e.g., emancipatory), and its consequences need to be tested retrospectively.

Note that while desiderata (1)-(4) specify the social theory of rape, desideratum (5) is concerned with the second step of the method of emancipatory amelioration (EA); it specifies what a conceptual analysis of rape needs to fulfill. I come to this in the next section.

Remember that I have argued that despite the contestedness of the concept of rape, its dominant working understanding is distorted by rape myths. And, furthermore, we have seen that to counter such distorted understandings effectively, we need to strive for a structural change—it is not enough to change one individual's misguided understanding, we need to change the material and conceptual conditions. For emancipatory amelioration (EA) to be a useful method in contexts where structural conditions promote misguided practices, the social theory needs to be free from said distortions itself. For many, immanent critique is the tool of choice for investigating social conditions that are (prone to be) distorted. According to Rahel Jaeggi (2009), Critical Theory's immanent critique is a methodological tool whose purpose it is to strip meanings of their ideological input. But what does immanent critique stand for? Celikates (2012) argues that Marx's project of immanent critique exhibits the following elements: it is a critique of forms of knowledge as well as social practices, it is practical and emancipatory in explicating social reality and aiming at a transformation of it. It is neither internal nor external critique. According to Jaeggi, internal critique is a form of critique that "holds that certain ideals and norms may be part of a particular community but are not *de facto* realized in this community" (Jaeggi 2009: 74). For example, a feminist community might have the ideal of gender equality, but their everyday practices are more beneficial for men than for women and gender non-conforming people. Such a community could be internally criticized by showing that their social practices do not live up to their ideal of equality. External critique, on the other hand, is a form of critique that evaluates a given context by reference to an external theory, for example, a theory of justice. Immanent critique is an alternative to both—internal and external—forms of critique. As such, it neither follows the view that the criteria of critique are external to a given context (a claim that is also made by non-ideal theorists) nor the view that takes a community's own normative standards as tools to criticize said community. Instead, immanent critique focuses on the contradictions and crises of social reality. (Celikates 2012: 101)

In general, all forms of immanent critique share the assumption that a critique of the social structures of the modern world has to amount to more than merely moral condemnation. In other words, the social structure can not be approached by a normative standard that is justified independently of the social practices within said structure. (cf. Stahl 2013a) Karl Marx famously rejected such a normative standard, stating:

This does not mean that we shall confront the world with new doctrinaire principles and proclaim: Here is the truth, on your knees before it! It means that we shall develop for the world new principles from the existing principles of the world. We shall not say: Abandon your struggles, they are mere folly; let us provide you with true campaign slogans. Instead, we shall simply show the world why it is struggling, and consciousness of this is a thing it must acquire whether it wishes or not. (1992: 208-9)

We do not have to turn to Marx or Marxist theory to find forms of immanent critique. In fact, many other scholars have taken to some form of immanent critique in a stance against so-called ideal theories. A common ideal theory is brought forward in *The Theory of Justice* (1971) in which John Rawls assumes that we can critique social structures by basic principles of justice without taking into account the particular norms of the social practice in question. Walzer (1987, 1988, 1994), Taylor (1985a,c, 1993), and Honneth (2000, 2001) (to name only a few) have distanced themselves from this approach and argued for a form of immanent critique instead. They argue that a normative critique has to be attentive to existing social practices. The general idea is that a critique should not merely say that certain structures or practices are not what we want them to be, but that they fail on their own terms. This is why, most forms of immanent critique take it that we can criticize social practices once they turn into crises or contradictions. Titus Stahl proposes the following general understanding of immanent critique:

[A]n immanent critique of society is a critique which derives the standards it employs from the object criticized, that is, the society in question, rather than approaching that society with independently justified standards. (Stahl 2013b: 2, emphasis in original)

Let us for now say that immanent critique is a social theory of the given status quo that reveals existing problems as they appear in the world. Max Horkheimer stipulates that a critical theory has the following adequacy conditions: it must be explanatory, practical, and normative at the same time. Explanatory in the sense of being able to explain what is wrong with the status quo of social reality, practical in the sense that it must identify the actors to change it, and normative in the sense that it needs to provide norms and goals for social transformation. (Horkheimer 1982: 21) Similar to non-ideal theorizing, this is only possible by taking empirical research into account. And, in aiming at a transformation of the problematic status quo with the help of immanent standards, it has a “straightforwardly political character” (Fraser 2013: 19). Thus, roughly, immanent critique analyzes the wrong state of a given social structure that makes oppression and injustice possible.

In the following, I understand immanent critique according to Jaeggi's pragmatist take on it (in comparison to a more Hegelian understanding).¹³ (Jaeggi 2009, 2013) This pragmatic understanding of immanent critique presupposes a specific relation between analysis and critique. Jaeggi (2013: 269-70) identifies four aspects that constitute an immanent critique in this sense:

1. It is based on a "hermeneutics of suspicion" (cf. Ricoeur 1970);
2. it is a critique of the internal contradictions of a given context;
3. it criticizes certain mechanisms that make domination, oppression, and injustice possible;
4. it draws a strong link between analysis and critique.

An immanent critique, first, uses the hermeneutics of suspicion to, second, observe distortions and internal contradictions and in doing so, third, analyzes the mechanisms that make domination in a given context possible. Fourth, this reveals how the norms and schemas of the social structure are not what they seem; it therefore provides a way to criticize a given context by analyzing it. Following the structure of immanent critique, a social theory can systematically map the phenomenon in question as well as explicate and critique what is problematic about it.¹⁴

When we engage in a social theory of a phenomenon, how do we know what is presumably problematic and worth analyzing? The important insight from immanent critique seems to be that a social theory of the status quo results from practical contradictions. Problematic states often show themselves by using contradicting norms or by facing a crisis. These contradictions and crises can then give rise to an analysis and critique; they are like a red flashing light that draws our attention. While the notion of internal crises and contradictions works well when we theorize phenomena that encompass all social practices and experiences in some ways, such as capitalism, it works less well when

13 | Note that, according to Jaeggi, the pragmatist understanding of immanent critique that I present is different to Haslanger's view. According to Haslanger, the point of immanent critique is to embed the critic in the social context and by doing so, the critic can draw upon the shared commitments of the different parties of the debate. (2016: 6) However, this view comes closer to what I have explicated as internal critique drawing on Jaeggi (2009): the idea that a community can be criticized on the basis of not fulfilling its own ideals.

14 | Interestingly, as Celikates points out, according to this view, immanent critique becomes a social practice as well. It is embedded in the social structure in a similar way to the social practices. Immanent critique is effective because it does not locate itself outside of the given situation or the epistemic standpoint. (2006: 33)

we attempt to theorize more limited phenomena. Hence, I propose to widen the idea of internal contradictions in a way that allows us to fruitfully apply the method to other phenomena. Let us say that a social theory of the given phenomenon is required because of internal contradictions (for example, in the case of capitalism) or because of fragmented experiences in a given context.

While many societies have some unified norms (the norms of capitalism are only one example), they are also fragmented. Not all communities and / or social groups within them follow the same norms or have the same experiences when they do. We can, thus, have experiences that are not in line with the given norms of our own community or that question the norms of our community or other communities. Hence, I propose that we speak of practical contradictions to make intelligible the various ways in which contradictions can arise. Consider an example from Elizabeth Anderson: “Three hundred years ago, few people claimed that slavery was wrong. [...] Slavery stands today as a paradigmatic moral wrong. The transformation of moral consciousness that underwrote the abolition of slavery represents perhaps the most profound instance of moral progress the world has ever seen.” (2014: 2) Anderson shows how our moral consciousness—what we perceive as morally permissible or morally false—is influenced by the social norms of the time and place we live in. And while the norms that made slavery acceptable were indeed far reaching, we should add that, whether we accept these norms or not depends on our social position in said culture or society. For instance, even though three hundred years ago, most people who owned slaves, were involved in the slave trade, or benefitted from it did not think that slavery was wrong, the slaves surely did. In other words, while the slaver owners did not see the practical contradictions of the social structure, the slaves did—indeed, they experienced them first-hand. Thus, different social positions can create tension between different norms, practices, and structures, which have to be navigated in the given society.

One way then to think about practical contradictions is that they arise in the confrontation between our normative frameworks and our experiences of failure or limitation of those frameworks. The potential of social theory stems from a moment of practical contradiction, a moment in which we fail to make intelligible our lived experiences, i.e., a rupture of intelligibility. On this reading, what we aim at is making intelligible our experiences in contexts of crisis.¹⁵ The moment of practical contradiction is like “banging our head against a wall”. We cannot go further. When we come to a moment of rupture in which we fail to make intelligible our lived experiences, we can come to a point of suspicion, where we think of the unintelligibility of our lived experiences not as an individual problem but as a motivation to analyze what restricts us. For example, think of the case of a young girl who is psychologically pressured to

15 | A moment that Honneth calls “moral experiences of disrespect.” (1995: 133)

engage in sex by her boyfriend. While the dominant working understanding assumes this to be a case of unproblematic sex, she feels morally wronged. Her experience is a practical contradiction in so far as she is torn between the dominant understanding and her feeling of being wronged.¹⁶

We have now seen how practical contradictions can motivate us to engage in a social theory of the phenomenon that sparked the contradiction. One way a practical contradiction in a person's life can become fruitful is by seeing the structural component of that experience. If a person gains the insight that what masked her experience also masks other person's experiences in similar ways, then this can trigger an analysis. Catharine MacKinnon (1989b) raises a similar point in her discussion of feminist awareness groups on sexual harassment. She provides an interesting account of how we can come to the point of theorizing by arguing for consciousness raising groups as moments in which we can come to realize our shared consciousness. Consciousness raising groups transform our individual dissatisfaction or anger into shared collective knowledge. They can help us see that our individual experience is not individual in character, but rather a collective experience of members of a certain group. On this view, gaining knowledge through different experiences (and sharing such knowledge) can provide a starting point for emancipatory amelioration.

The dominant working understanding of rape can give rise to practical contradictions because it does not track most forms of rape in the world. By experiencing an act of rape—either first-hand or second-hand by hearing or reading about it—that cannot be made intelligible by the working understanding, we are challenged to distance ourselves from this understanding and find ways to make intelligible what happened to us. When we find others who share our experience, we can come to understand its structural character. This also highlights that a social theory is necessarily a theory of social structures and not of individuals. The shared experience is not shared in the sense that the perpetrator is the same person (even though this might of course be possible), but in the sense that it is masked by the same social practices, norms, and understandings and made possible by the same structures and social positions. This is the difference between a social theory and a critique of an individual or a moral critique.¹⁷ The idea is not to criticize the perpetrator for what he did, but to map and critique the social practices, understandings, collective actions, etc., that enabled him. The social theory could come to the conclusion that

16 | I come back to examples like this one in the last chapter (Chapter 6).

17 | According to Stahl (2013b: 4), a moral critique is “directed at both individual actions and social processes”.

the perpetrator's wrongful act was part of a social practice or conditioned by a social practice.¹⁸

Similar insights have been brought forward by pragmatism. Pragmatism is guided by the idea that we are relational beings and that our social and moral norms come into existence through shared practices. Interpersonal conflicts or changed conditions can then give rise to uncertainty or disagreement about our social and moral norms. Social actors can point to objectionable features of a given norm which can then lead to moral theorizing about how to proceed. This highlights the flexible character of our social and moral norms. As Elizabeth Anderson writes:

Whatever the occasion for moral reflection or moral theorizing, it arises from something that causes uncertainty or disagreement as to how to proceed. The reflective resolution of uncertainty or disagreement typically involves investigation into the point of the moral norm or principle at issue, whether it is justified, and whether revised principles could fulfill the original point better, or whether people's conduct should be coordinated around some different point. In other words, uncertainty and disagreement prompt an investigation into the justification of disputed norms. It is possible for people to conform to a social or moral norm from habit or custom alone, without any idea of its point, as in the case of taboos, where people conform to a norm, the original reason for which was forgotten. However, when doubts arise as to how or whether to continue to conform, some reflective decision is needed to move forward. (2014: 4)

What I want to take on board is that, first, social (and moral) norms are part of our social practices, and, second, conflicts or doubts can give rise to reflection and investigation into the problematic aspects of given norms. These claims are based on the idea that knowledge arises from distinctive experiences. As relational social actors, our knowledge is always situated in at least two ways: we have limited access to knowledge because what we know depends on our social position and lived experience, and what we know is tinted by our view of the world, our commitments, and our aims. In Anderson's words, "knowledge of the right arises from certain distinctive experiences" (2014: 7). But because we are relational beings, we can be held responsible or accountable for our theorizing, which can work as a corrective on our theories.

Furthermore, Anderson implies that we come to the point of conflict quicker when we are in marginalized social positions and can use that particular knowledge to reflect upon our theories. People in powerful positions, on the other hand, lack the experience of conflict and, thus, fail to see what might be wrong with certain practices or theories: "People in powerful positions tend to insulate themselves from the claims of those over whom they exercise power,

18 | I say more about this in Chapter 4 and the last chapter (Chapter 6).

to censor, discount, or misunderstand the claims of those beneath them, and to construct systems of law and moral accountability filled with loopholes through which they but not others can escape. So they rarely have the characteristic experiences through which they would learn that what they are doing to social inferiors is wrong.” (Anderson 2014: 8) The general idea of situated knowledge and the more radical assumption that some social positions give rise to conflict with existing practices, norms, or theories sooner than others is a recurring theme in pragmatism, Critical Theory, and in non-ideal philosophy in general. And it is in line with what I am arguing: experiencing practical contradictions can give rise to social theorizing and we are far more likely to experience and acknowledge such contradictions when harm is done to us than when we are the ones doing the harm.

Of course, experiencing such a practical contradiction does not necessarily lead to a critical social theory. A person might not have the epistemic tools or the material resources to engage in analysis. Furthermore, a person might deliberately or unconsciously choose to not pursue the problem further. For example, to work through the trauma of what they experienced, it can sometimes help rape victims to mask what happened to them as a different experience or to blame themselves. As Brison (2002) recounts, it can be an essential part of the healing process to blame oneself for what happened instead of holding the perpetrator responsible and analyzing the structures that make rape a real option for some persons. Blaming oneself for the rape implies that what happened can be stopped from happening again if one changes one’s own behavior and takes more care in the future. Acknowledging that rape is never the fault of the victim, on the other hand, means acknowledging that there are no ways (or very few, if self-defense counts as a tool against rape) to prevent future attacks.

We are now in a position to see that the first step of the method of emancipatory amelioration (EA)—the step of social theory—consists of several small steps or rules:

1. Experiencing a moment of rupture or practical contradiction;
2. failing to make intelligible said moment of rupture in our lived experiences;
3. coming to realize the structural dimension (as argued above, by shared experiences, for example);
4. engaging in a social theory of the phenomenon that brought about the practical contradiction and made it unintelligible in our given frameworks.

By systematically mapping the phenomenon in question, the first step of emancipatory amelioration (EA) criticizes the social practices and schemas that bring about the phenomena. It shows what is problematic and—besides analyzing and criticizing the status quo—thus it opens up the possibility for

emancipatory change. Emancipatory amelioration (EA) is a critique of the social practices and their respective understandings that strives for an emancipatory change of the given context; it opens up possibilities for new schemas and new social practices.

One could question whether the social theory I advance really is a theory in the traditional sense of the word. Commonly, a theory is taken to be a system of ideas, intended to explain something, based on general principles and rules independent of the thing to be explained. Hence, a social theory of rape requires a system of self-standing or independent principles that are formulated in order to explain the social reality of rape. I agree with the idea that a theory is a system of ideas intended to explain something. I do not agree with the idea that a theory is necessarily based on general principles and rules independent of the thing to be explained. In this book I am guided by thoughts from pragmatism, Critical Theory, and non-ideal theorizing and neither one of these schools thinks of theories as based on general principles and rules independent of the thing to be explained. For example, pragmatism—similarly to the rules of the theory that I bring forward—argues that we begin in a situation where we do not know our way around and theoretical inquiry comes to an end when we do. Theoretical inquiries are simply problem solving processes that work with the help of empirical studies and arguments. Such an inquiry is an explanation of the thing under investigation. Strictly speaking, merely the last rule above concerns the part of investigation. The other rules pave the way for a social theory, such that the theory is not based solely on our prior commitments, attitudes, or beliefs. Furthermore, pragmatism relies on the idea that whether something is a good theory or not is defined retrospectively by the outcome—for example, does it explain the subject matter well and does it fulfill the stipulated desiderata? I now turn to the second step of the method of emancipatory amelioration (EA): emancipatory conceptual transformation and amelioration.

3.3.3 Step 2: Amelioration

The last desideratum of the social theory specified that the theory has to be accompanied by a conceptual analysis that adequately tracks the phenomenon in question. I wrote:

Desideratum 5: The social theory has to be able to ground a prescriptive conceptual analysis that adequately tracks the phenomenon and strives for conceptual change; and this conceptual analysis should be flexible in a way that allows for changes when we gain further information about the phenomenon; be constrained enough to allow for proper judgements; account for different degrees; acknowledge the concept's contestability, gray area, and neighboring categories; be non-paternalistic; and have heuristic utility.

In the second step, the method of emancipatory amelioration (EA) ameliorates a given concept on the basis of the social theory of the phenomenon (as outlined in the last section) and aims at an emancipatory understanding of the concept such that it adequately tracks the phenomenon. This second step takes its clues from the pragmatic condition: it pursues the question of which concept could work best, taking into account the social theory that was done in the first step. This second step of the method of emancipatory amelioration (EA) closely mirrors Haslanger's project of amelioration.

The second step begins by asking: what concept would work best regarding our emancipatory aims? It takes as a starting point the social theory that resulted from the first step, to then ameliorate the concept in question. The first step has systematically mapped the phenomenon and revealed what is problematic about the working understanding of the concept as well as the specific social practices of which the phenomenon is a part. Acknowledging the practical contradictions, both in the sense of experiences and in the sense of gaps between the phenomenon and the dominant working understanding, opens the possibility not only for critique, but also for a transformation of the given state of affairs—in the case of amelioration, this transformation is a conceptual one. The emancipatory potential arises from transforming a concept. Remember that, for example, knowledge of shared experiences can yield the desire for a social theory and a transformation of the concept. MacKinnon's discussion of consciousness raising groups explained how the phenomenon of sexual harassment became intelligible only when women shared their experiences and gained a new understanding of certain forms of sexual conduct. This change of perspective meant seeing sexual harassment against the backdrop of gender inequality which makes women more vulnerable financially and socially; some forms of unwanted sexual attention target women by reinforcing and exploiting their already vulnerable status. (MacKinnon 1989b: 83–90) We can come to a social understanding of sexual harassment only by exploring the structural injustice underlying it. By acknowledging such injustice, we open up the possibility for new schemas and practices. The first step—the social theory—not only opens the space for a new concept, but it also provides a glimpse of the emancipatory potential. It is only by seeing what is going wrong, that we can successfully engage in analysis and follow the question that amelioration asks: What concept would do the work best?

The overall structure of the method of emancipatory amelioration (EA) is the following. First, either by having our experiences misrepresented or by explicating the gap between the phenomenon and the dominant working understanding, we can experience a moment of rupture or practical contradiction. Second, the moment of rupture makes our experience and / or our social practices unintelligible. Third, this can bring us to the point in which we question the structural constraints that we or specific social groups

encounter. Fourth, with the right epistemic and material resources, we can then use this practical contradiction and systematically map the phenomenon. The social theory—the first step of emancipatory amelioration (EA)—is strongly influenced by the insights of immanent critique and pragmatism. It, indeed, follows a similar structure to the hermeneutics of suspicion and the critique of the given status quo. And, finally, from the social theory of the given phenomenon, we can develop an emancipatory understanding of the concept in question that is necessarily grounded in said social theory, but, at the same time, is motivated by our emancipatory aim of making intelligible our experience and overcoming the practical contradictions. I now turn to raise two possible objections against the method of emancipatory amelioration (EA) and show that they can already be faced by the insights from immanent critique and pragmatism, both of which are embedded in the project of emancipatory amelioration (EA).

3.4 POSSIBLE OBJECTIONS

In the first two chapters, I gave an overview of the distorted working understanding of the concept of rape. I argued that it is deeply problematic because it fails to track the various forms of rape that exist in the world. I then argued that we need to provide a social theory of the phenomenon of rape that adequately captures its diverse forms and that explains why the actual usage is distorted. In this chapter, I proposed a method that can not only yield a rich social theory of rape, but one that also includes a prescriptive conceptual analysis with the aim of countering the distorted understandings of rape. In other words, part of the task of mapping the phenomenon adequately is to contribute to structural and conceptual change. I have already argued that both are needed in the long run. As a philosophical work, this book contributes to conceptual change by pointing out a way to shift the dominant working understanding of the concept. To do so, the proposed method has to be able to navigate through the wrong social practices as well as the distorted understandings of the phenomenon. This is a complex task considering that we, as theorists and ameliorators, are part of the social practices and understandings we want to change. And, it raises questions about whether we can be successful in our endeavor by using the proposed method.

I now consider some of these questions—some of which I have already mentioned above—and, ultimately, argue that we can be successful using the method of emancipatory amelioration. (1) If we, as social agents and theorists, are part of the social practices and distorted understandings, then how can we come to a standpoint from which to see the masked character of the social practices? And, (2) how do we, as theorists, know whether the social theory and

amelioration is in fact emancipatory? The first question concerns what Jaeggi (2013: 293-4) calls the ‘problem of asymmetry’: the relation between being subjected to a social structure and taking a critical standpoint of this structure is asymmetric. The second concerns the general thrust of the method: is it bound to fail because we are part of the problem? I now address both questions, starting with the first question in the next section (Section 3.4.1).

3.4.1 The Problem of Asymmetry

The problem of asymmetry, according to Jaeggi, describes the relation between being subject to a particular social structure and taking the standpoint of a critic of said social structure. (2013: 293-4) It is a relation of asymmetry.¹⁹ We can identify two questions within the problem of asymmetry: (1) How can we come to a point from which to see the masked character of the social structure; and (2) how are we, as embedded in the structure, not subject to the same epistemic distortions in our social theory? A related question concerns the motivation for engaging in the method of emancipatory amelioration (EA): What motivates us, as philosophers, to ask critical questions? Furthermore, I briefly consider how the method of emancipatory amelioration (EA) can fail even though it provides adequate answers to the questions considered. I consider the question of motivation first, before turning to the two questions of the problem of asymmetry.

I have described emancipatory amelioration (EA) as a two-step method: it takes the hermeneutics of suspicion as a starting point for a social theory of

19 | While these questions arise naturally when it comes to holistic ideological structures such as capitalism—which is Jaeggi’s point of departure—I contend, that they are also important for fragmented social structures. They do not presuppose a conception of culture as a mind- controlling machine that manages our thinking accordingly. Instead, we can assume that the social structure is fragmented; it is a complex system of intersecting understandings, norms, scripts, communities, practices, etc. However, some understandings are more salient than others and some social practices are more routinely enacted than others. Even in a fragmented structure some norms run deeper than others. Consider the example of the binary gender system: gender norms that confirm this system are hard to shake. Not only the dominant understanding of the system but also its social practices constantly work against those social groups, communities, and individuals who try to contest it. This is not to say that diverging viewpoints, scripts, and practices do not exist, but rather that even someone who actively criticizes the binary gender system might find themselves sliding back into it from time to time simply because it is a very pervasive system. Thus, questions of asymmetry between the structure and the critic are relevant even in cases in which the structure is not deeply holistic but fragmented.

the unjust status quo and by doing so points to an emancipatory conceptual transformation. How can we explain the motivation of the philosopher to engage in the method of emancipatory amelioration (EA)? I have argued that the motivation comes from a practical contradiction or moment of rupture. This suggests that the philosopher is motivated by such a practical contradiction or moment of rupture as well. Indeed, I take it that the philosopher is motivated to engage in the method of emancipatory amelioration (EA) primarily by being a social agent who experiences or witnesses these moments of rupture or practical contradictions. In that sense, the motivation of the philosopher is no different than the motivation of any other social agent. And the philosopher, as well as any other social agent, can fail to experience a moment of rupture and thus can lack the motivation to engage in the method of emancipatory amelioration (EA). The moments of rupture of the philosopher can come from the inability to make their own experience intelligible as well as from witnessing that others are experiencing moments of rupture. Philosophers who are trained to investigate other people's lives have an advantage: they will witness moments of rupture quicker than philosophers who are not trained to be concerned with lived experiences. And, furthermore, the philosopher who experiences a moment of rupture—either first-hand or second-hand—is far better equipped to start the project of emancipatory amelioration than other social agents. Finally, even the philosopher who fails to experience a moment of rupture can still come to see practical contradictions in the social structure—indeed, the philosopher is trained to see these contradictions better than others. A philosopher schooled in analysis and critique with sufficient time and resources is, thus, far better equipped to use the moments of rupture fruitfully.²⁰

The question about the motivation of philosophers to engage in the method of emancipatory amelioration (EA) is related to the problem of asymmetry. The first step of emancipatory amelioration (EA)—the social theory of the phenomenon—is influenced by insights from immanent critique. Hence, it is taken for granted that the philosopher is part of the problematic structure in which the phenomenon is embedded and does not stand outside of it. In fact, philosophers do not and cannot stand outside of it: they are situated in the social structure in the same way other social agents are. In fact, there are probably many philosophers who fail to see what is problematic about the rape cases discussed or fail to see the embeddedness of rape in the social structure. Philosophers, as well as others, cannot simply step out of the structure. And, while philosophers in general might be better skilled than others to see

20 | Of course, this implies that in a possible world in which the ideology takes on such dramatic scales that there is no moment of rupture or practical contradiction within the given injustices, no one—not even the philosopher—would be able to engage in a social theory. However, I think it is very unlikely that ideologies take such a dramatic scale.

practical contradictions, they often need a moment of rupture as well to be motivated and probe further. Hence, we should not assume that philosophers are completely free from the problematic understandings and practices, but instead we should rely on philosophers' training to question existing norms, stereotypes, and social practices.

As an explanation, consider current research on implicit biases, which shows that the process of criticizing biases is a long and ongoing struggle. Jenny Saul writes:

Psychological research over the last decades has shown that most people—even those who explicitly and sincerely avow egalitarian views—hold what have been described as implicit biases against such groups as blacks, women, gay people, and so on. This is true even of members of the 'targeted' group.²¹ (2013: 40)

In other words, independent of our social group membership, our training, or our values, we are likely epistemically distorted by the social structure in which we live. This can include problematic stereotypes and assumptions about some social groups. However, as I have argued above, some social positions foster moments of rupture and critique of the social structure and its elements.²² Thus, to counteract our epistemic distortions, the methods we develop need to be equipped in a way that filters our problematic distortions. This is why it can be fruitful to proceed in terms of a social theory only after noticing practical contradictions and moments of rupture that lay open the unintelligibility of

21 | For more info on this, see Moss-Racusin et al. (cf. 2012); Steinpreis et al. (cf. 1999); Vedantam (cf. 2005). For an overview of the debate on implicit bias, see Saul and Brownstein (2016).

22 | One could argue that the example of implicit bias deflects the issue. Some theorists of implicit bias have emphasized the difference between quick methods of mental processing and slow (or deliberative) methods and argued, that while individuals resort to implicit biases when using the quick methods, they do not when using deliberative methods. While this is correct, implicit bias research also highlights the fact that my own awareness of the existing implicit biases does not necessarily help me to be less biased. Saul, for example, writes that even when we are aware of our bias, we might not be able to instantly change it. (2013: 55) This is because we are affected by stereotypes that are hard to remedy—even when aware of them. Consider the problem known to many women: while many women know that the beauty and body standards that our society demands are sexist and unhealthy, we cannot help that we often feel bad if we do not conform to them. We worry about being fat, even though we know that the category of fatness is there to bodyshame us into conformation to sexist norms. Our socialization runs deep and is hard to shake even in cases where we are aware of it and want to change it.

certain experiences, practices, and schemas. Instead of stipulating when the philosopher needs to engage in the method of emancipatory amelioration, this comes from the philosopher's social position itself.

I briefly mentioned that some social positions are better positioned for experiencing moments of rupture or for seeing practical contradictions. Does this imply that some social positions have epistemic privilege? Epistemic privilege describes the notion according to which knowers are not only differently situated, but have better or worse access to knowledge depending on their social position. In the case of rape then, knowledge claims of those who have experienced rape (or of those social groups that are disproportionately more likely to be harmed by rape) are more accurate than other knowers' claims about the phenomenon of rape. Feminist standpoint theorists, for example, argue for the epistemic privilege of women in regard to gender relations and other social phenomena in which gender plays a determinant role. (cf. Collins 1990; Harding 1991; Hartsock 1987, 1998) In this sense, knowledge is not only situated, but specific social positions grant privileged access to knowledge. Women have epistemic privilege over, for example, the injustice of sexist ideology. However, women do not have such epistemic privilege necessarily. Standpoint theorists have argued that belonging to a certain social group, say the group of women, gives one the possibility of having access to more accurate knowledge. But women can fail to gain such knowledge, or they can fail to use the knowledge they have in a particular situation because of their embeddedness in the specific social structure. Women do not necessarily have a privileged standpoint, rather, they can attain it by gaining collective consciousness of their role and position. (cf. Lukacs 1971; Marx 1964)

Remember that I argued that the first step of the method of emancipatory amelioration (EA) consists of several small steps or rules: experiencing a moment of rupture or practical contradiction; failing to make intelligible said moment of rupture in our lived experiences; coming to realize the structural dimension; and engaging in a social theory of the given phenomenon. In other words, the method of emancipatory amelioration (EA) is a process that starts off from a specific social position and can end in a rich social theory of the phenomenon in question and its embeddedness in the social structure. To illustrate, let me walk through these steps, first, as a philosopher, and second, as a woman. As a philosopher who is interested in social phenomena, I come to notice the contradiction between the capitalist slogan that "everyone can become what they want if they work hard enough"—better known as the 'dishwasher-story'—and the social fact that the income and social status of one's parents greatly determines one's own income and social status—better known as the 'birth lottery'. The dishwasher-story is in fact in contradiction to the 'birth lottery', e.g., coming from a poor and working class household, then despite working hard, one might still fail to become what one wants due to one's

parents income or social status. Having noted that contradiction, I can now investigate the social conditions behind it: Is it indeed true that one's parents income and social status greatly determines one's own? How often do people break out of this relation? Is the 'dishwasher-story' something people believe? Why does this story exist? What is the function of it in the overall (capitalist) system? And so on. Having asked these questions, I have already started my social theory and I can now widen my interest or narrow it. That is, I can be motivated to theorize the capitalist system in general or the specifics of the relation between social background and, for example, employment chances. In other words, the realization of a contradiction does not give me structural knowledge, but it can raise questions that start a process to get me there.

This is similar to the experience of moments of rupture. As a woman, the experience of cat-calling can mean a moment of rupture. I can fail to make intelligible that I grew up equal to other boys in school, but that some boys and some men, at the same time, are entitled to (comments over) women's bodies. I can then come to see that cat-calling is an experience that I share with most other women. I come to realize that not only do some men feel entitled to some women's bodies, but that all men are taught to be entitled to all women's bodies (some men, of course, opt out of this framework). And I can use this as a starting point for a social theory. Once I have such a theory, I can start my project of amelioration or fight for social change in general. While my social position does not give epistemic privilege *per se*, it can provide a starting point for theorizing.

Sandra Harding makes a similar point when she argues that some social positions can give us a better starting point for aiming at specific and more accurate knowledge claims. (2004: 128) One way that we can understand this is in relation to what I have said before. The impulse for a two-step emancipatory amelioration (EA) comes from a disruptive moment or a practical contradiction in our social structure. For example, failing to understand experiences of being wronged accurately can bring it about that we question the status quo of the dominant schemas and understandings of our experience. Questioning such a moment can deepen when we come to realize that the unintelligibility of the wrong is not due to an individual failure but has structural roots. Thus, this suggests that those social agents who are in social positions of oppression have a better starting point for more accurate knowledge claims. They are the ones who are more likely to have their experience misrepresented by the dominant schemas—they are more likely to “bang their heads.” Being more prone to moments of crisis gives them an advantage to engage in a structural analysis and critique of the given system. However, as I explained above, it is likely that they lack the epistemic and material resources to engage in analysis and critique. In other words, the social position of oppression, on the one hand, provides the advantage to encounter disruptive moments, while, on the other

hand, prevents the person from being able to use the necessary tools to analyze the oppressive system.

3.4.2 The Problem of Emancipation

The second question is: how do we, as theorists, know whether the social theory and amelioration is in fact emancipatory? After all, we are all entangled in an unjust social structure and are likely influenced by it. And while the method of emancipatory amelioration (EA) might result in a rich social theory and, respectively, in an amelioration of the given concept, this does not necessarily mean that the outcome is emancipatory. We can fail in our theory, for example, because we employ distorted schemas that make it so that our social theory does not map adequately the phenomenon in question. Let us say that I analyze the social conditions of childbearing and caring adequately, but I believe that women have a natural tendency to caring while men do not. Instead of advocating for similar access to careers and caring options for both mothers and fathers, I instead advocate for a change that would pay mothers to stay at home. On the other hand, the amelioration can go wrong not because our social theory is inadequate, but because resulting consequences are. For example, imagine that I have a social theory of the problematic consequences of large-scale livestock farming. But while I advocate for a change away from large-scale livestock farming and towards a vegetarian and vegan lifestyle, my social theory is taken over by others who use it to argue for feeding algae to cows to reduce the emission of methane. In other words, the method as such does not guarantee that the resulting amelioration (or the social change in general) is truly emancipatory and brings about outcomes that are more just. As Elizabeth Anderson argues, we need to test the resulting outcome in practice; that is, we engage in a test of our resulting concept.

To test a moral principle or norm, we act in accordance with it and consider whether we can live with the consequences. Because moral principles aim to solve recurring problems in our relationships, we can test them by considering whether they actually manage to solve the problems they are supposed to solve, whether they generate other problems, and whether alternative principles do a better job. In the course of testing our principles in practice, we may come to change our view of the problems it is meant to solve, in light of our experiences living with it. (Anderson 2014: 6)

And as much as this is true for our moral principles and norms, it is also true for our ameliorated concepts (or our conceptual and social changes in general).

In other words, whether the resulting concept actually brings about emancipatory change has to be seen *ex post*. However, by aiming at emancipatory transformation and by being grounded in a social theory of the phenomenon

and the unjust social structure, the method of emancipatory amelioration (EA) is equipped well to result in conceptual—and, ultimately—structural change for the better. Finally, whether the conceptual change also results in emancipatory change in our social practices and institutions is a different question. As I have said before, I am well aware that conceptual change is only one bit and that most social problems demand social, legal, and material changes. However, I contend that our concepts influence our norms, policies, and practices and vice versa. Conceptual change can thus be one step towards a general change. As philosophers, we are much better equipped to advocate conceptual changes than social or legal changes. In Chapter 5, I not only bring forward a conceptual amelioration of the concept of rape but also consider how this can be useful to change our legal practices. We can say, for now, that the method of emancipatory amelioration (EA) is fit for dealing with unjust social structures and has emancipatory potential for our theoretical concepts as well as our lived experiences. Next, I apply the method of emancipatory amelioration (EA) to the phenomenon of rape: first, by providing an inclusive social theory of rape (Chapter 4) and, second, by ameliorating the concept (Chapter 5).

In this chapter, I provided a method by which we can map the phenomenon of rape adequately—which is the task for the next two chapters (Chapter 4 and 5). I argued that a method to analyze rape accurately needs to, first, include tools that help to develop an account that can fulfill the aforementioned desiderata and yield an adequate theory of rape, and, second, include a variant of conceptual analysis in order to ameliorate the concept such that it adequately tracks the phenomenon. I then proposed the following two-step method of emancipatory amelioration (EA) best equipped to do this. First, by having our experiences misrepresented, we can come to experience a moment of rupture or practical contradiction. Second, the moment of rupture makes our experience unintelligible. Third, this can bring us to a point in which we question the structural constraints we encounter. Fourth, with the right epistemic and material resources, we can then take this vague understanding of unintelligible experience and engage in social theory. The first step of the method of emancipatory amelioration (EA) is strongly influenced by the insights of immanent critique. It, indeed, follows a similar structure to the hermeneutics of suspicion and the critique of the given status quo. And, finally, based on the critical analysis of the status quo, we can develop an emancipatory understanding of the concept in question that is necessarily grounded in said social theory, but, at the same time, is motivated by our emancipatory aim of making intelligible the ruptured experiences and overcoming the contradictions.

