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Deliberative Democracy in the #MeToo Era:
A Chance to Reconcile?

by

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“So I want all the girls watching here and now to know that a new day is on the horizon! And when that new day finally dawns, it will be because of a lot of magnificent women, many of whom are right here in this room tonight, and some pretty phenomenal men, are fighting hard to make sure that they become the leaders who take us to the time when nobody ever has to say ‘me too’ again.” – Oprah Winfrey, 2018

Introduction

On September 27th, 2018, Dr. Christine Blasey Ford testified before the Senate Judiciary Committee on the matter of Judge Brett Kavanaugh's appointment to the Supreme Court of the United States. Through tears, Blasey Ford alleged that Judge Kavanaugh had assaulted her during the summer of 1982 at an acquaintance's house, an action that she argued rendered him unfit to become a justice on the highest court of the nation. She told a story that was not unfamiliar to the American public. Indeed, approximately thirty years prior, Professor Anita Hill had testified to the same committee as to the alleged sexual harassment she had endured at the hands of Clarence Thomas. Like Hill, Blasey Ford was reluctant to detail publicly her assault out of concern for her physical safety, her career, and her mental well-being and, again like Hill, she feared her testimony would fail to convince a majority male panel of the trauma and pain she had suffered both during and after the alleged assault. Less than a week later, during which thousands of women came to the support of Blasey Ford by recounting in the public domain the details of their own assaults, the Senate Judiciary Committee recommended that Kavanaugh's nomination move forward to a full Senate vote. He was subsequently confirmed, as was Thomas before him.

Christine Blasey Ford's testimony came at a politically and socially fraught moment: that is to say, she testified at the height of the #MeToo movement. The #MeToo movement began in 2006 through the activism of Tarana Burke (MeToo 2018) and gained prominence in October 2017 when actress Alyssa Milano used the hashtag to encourage survivors of sexual violence to "share their stories of sexual harassment and abuse in order to illustrate the near universality of the problem" (Nicolaou 2018). In the months that followed, women and men alike used social media platforms like Twitter, Facebook, and Instagram both to say that they too had experienced

sexual violence and to express public solidarity with their fellow survivors. The sheer magnitude of the hashtag's popularity led public intellectual and professor Roxane Gay to declare that there had been a profound shift in the ways in which the American public regarded the narrative surrounding sexual violence and the legitimacy of the survivors' voices: "[Survivors] share these experiences because all of us know that this moment demands our testimony. Here is the burden I have carried. Here is the burden all [survivors] have carried" (Gay 2017). Although Blasey Ford's participation within the #MeToo movement did not prevent Kavanaugh's ultimate confirmation, her testimony – unlike Hill's – was not only understood within, but also furthered, a moment of national reflection on how to publicly treat the language used to express and, ideally, prevent instances of sexual violence.

The #MeToo movement's prioritization of survivors' voices within contemporary discourse on sexual assault and harassment illuminates how current laws and policies neither prevent future instances of violence nor support those who have been previously affected. More specifically, this movement identifies how those who have survived sexual violence do not feel included in broader social, political, and legal conversations on how to ameliorate the effects of a system that largely ignores their experiences. To wit, Melissa Harris-Perry states, "The abused, the raped, the harassed, the trafficked have not been silent. Our nation has been deaf" (Harris-Perry 2017). Given the pervasiveness of this feeling of disenfranchisement, how can the #MeToo movement provide the means through which to alter the laws, policies, and beliefs concerning the prevalence of sexual assault and harassment? In other words, how might the #MeToo movement harness the power of public testimonies regarding sexual violence in order to create a system of governance in which persons of all genders and sexualities feel themselves reflected in the institutions that guide their daily lives? In this thesis, I argue that the principles of

deliberative democracy not only address the concerns generated by the #MeToo movement, but also increase its capacity to respond to those who have been overlooked – such as gender non-conforming individuals or those who identify as queer – by the movement’s current structure. Deliberative democratic principles provide, in my view, the tools to generate a new discursive framework that dismantle existing structures of gender- and sexuality-based inequality and oppression.

Before detailing how, exactly, I intend to make this argument, it is first helpful to provide a working definition as to what counts as “deliberative democracy.” Broadly construed, deliberative democracy is a theory of democracy that chooses discussion over snap decisions, rationalism over partisanship, and persuasive argument over ignorance (Gutmann 2012, 527). Theorists of deliberative democracy include John Rawls, Amy Gutmann, Dennis Thompson, and Jürgen Habermas. In its most practical form, Gutmann and Thompson argue that deliberative democracy relies on principles of accountability, political engagement, and respect for the autonomy of all persons (Gutmann 2012, 527). Furthermore, the practical form depends on people being able to speak up and challenge the ideas of others, based on the use of reason. Deliberative democrats implement the practice at all levels of government in order to reach a mutual understanding that can then make more effective policies which reflect the concerns of the polity (Gutmann and Thompson 1996, 12-13). The core themes of accountability and reciprocity allow those participating in deliberations to find a balance between acknowledging their own actions and finding solutions that are mutually acceptable for the involved parties (Gutmann and Thompson 1996, 2-8). The concepts of morality and transparency underlie the theory in order to reinforce the other core themes and move the process of deliberation forward, rather than ending the procedure when complications arise (Gutmann and Thompson 1996, 6-

13). This foundational understanding of deliberative democracy establishes a process for identifying comprehensive solutions to morally complicated issues; however, as I suggest later through an engagement with the theories of Iris Marion Young, the theory needs adapt in order to become more inclusive of all citizens, particularly those who have been historically marginalized and ignored. Thus, I diverge from Habermas, Gutmann and Thompson by including a variety of forms of speech that do not follow the traditional legal methods of communication in order to reduce the burdens on marginalized communities who may not express themselves in the conventionally normative way. By challenging the constraints of certain deliberative democratic principles, it is possible to strengthen community-based forms of government that respond to tangible problems.

Although democratic deliberation does not always succeed in the sociopolitical sphere, as witnessed in the confirmation testimonies of Dr. Blasey Ford and Professor Hill, the principles of deliberative democracy nonetheless extend the scope of who can participate in politics and what content is considered to be political. Thus, in this project, I question: How can the principles of deliberative democracy – like those of accountability, reciprocity, flexibility, and inclusion – be incorporated into the #MeToo movement such that it not only values the voices of those who have been historically overlooked, but also provides tangible solutions to the proliferation and pervasiveness of sexual violence? By way of answering this question, I first begin with an analysis of the social construction of gender and its relation to sexual violence, an analysis that then is used to illuminate the regulative effects of gender norms and who can be understood as a survivor or perpetrator of sexual violence. I then critically assess the strengths and weaknesses of deliberative democratic principles and their ability to contribute to the deconstruction of gender's pervasiveness within the realm of sexual violence. Using this lens, I examine the compatibility of

the contemporary #MeToo movement with deliberative democratic principles and its future potential to ameliorate current shortcomings. Finally, I present theoretical and tangible solutions that provide ways to change sociopolitical and legal perspectives regarding sexual assault and harassment. Taken together, by examining deliberative democratic ideals as a solution to the endemic obstacle of sexual assault and harassment, there is the possibility that there will come a day in which no person (or at least far fewer people) will ever have to say, “me too.”

Gender and Sexuality: Theoretical Conceptions and Political Implications

In this section, I argue that one of the major reasons that sexual assault and harassment are so widespread and that survivors are rarely believed or listened to is that the social construction of gender and sexuality produce a norm of male assertiveness and female passivity that exacerbates these problems. In feminist and queer theory, the socially constructed nature of the roles that flow from sex and gender is often understood as an ontology. As Judith Butler notes:

“Gender is the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being. A political genealogy of gender ontologies, if it is successful, will deconstruct the substantive appearance of gender into its constitutive acts and locate and account for those acts within the compulsory frames set by the various forces that police the social appearance of gender” (Butler 2002, 43-44).

For Butler, to recognize that gender is an ontology is to recognize that gender cultivates an appearance that follows naturally from an individual’s biological sex, a cultivation that happens over time and across society. Yet crucially, for Butler, the effects of this ontology compel individuals to perform in such a way that their actions cohere with traditional societal norms as to what counts as a proper “man” or as a proper “woman.” An ontology thus recognizes that the social construction of gender functions as a system of regulation that conditions individuals to

abide by a set of norms, which dictate how people move throughout society and affect the structure of their relationships. Challenging the ontology of gender allows for marginalized communities – particularly those who do not conform to conventional gendered behavior or intimate experiences – to be included in the discussion of laws and policies that impact their ways of life. To see how deliberative democracy can challenge gender’s ontology in a way that has significant repercussions for the #MeToo movement and the pervasiveness of sexual violence in contemporary American society, I analyze how gender is constructed and how this construction creates power hierarchies that limit who can be truly understood as a victim or perpetrator of assault or harassment – an analysis that works to expand who can participate in democratic deliberations. In what follows below, I engage with feminist and queer theory to provide a foundation that illuminates the tangible harms caused by gender binaries and the social norms that flow from them.

The Social Construction of Gender

As Butler notes earlier, gender is a social construction with tangible implications. Iris Marion Young builds on this concept to suggest that gender incorporates a component of what she calls “thrownness” (1990, 46). For Young, a person is not simply born male or female; the individual exists in a world in which constructions of biological sex determines how society views their being, actions, and relationships. Creating gender is a multistep process as it begins before a child is born, continues during infancy and childhood, and solidifies during teenage and young adult years. The quality of thrownness manifests itself in the process of growing up in a society in which gender identity and gender expression are thought to match biological sex (ex. cisgender men are expected to present in a masculine way) (Butler 1988), and there are consequences for when they do not (Franke 1997). To this effect, French feminist philosopher

Simone de Beauvoir once said, “One is not born a woman, but rather becomes one.” De Beauvoir’s conception of womanhood aligns with Young’s idea of thrownness, as an individual may not realize the boundaries that are created and reinforced within sociopolitical spheres. On their views, gender is nurtured through existence, expectations and daily interactions, and its barriers grow around its subjects in order to restrict who and what an individual can become.

One of the effects of the ontology of gender is that it promotes the notion that individuals naturally exist as one of two binary options, that they can be either “male and masculine” or “female and feminine.” In order to challenge this ontology, there needs to be the recognition that gender operates on a spectrum, rather than on a binary. To do this, Butler encourages individuals to challenge the “naturalness” of with societal norms through forms of public expression (e.g., through movement, clothes, makeup, etc.) (Butler 1988, 2002). One of the primary ways to challenge said norms is to embrace drag (Butler 2002, 175), as it physically breaks with the gendered historical, social, and political connotations that emerge from one’s biological sex. By disassociating anatomy with gender through performative action, a new reality is created that alleviates the restrictions put in place by the social construction of gender. Butler’s example of drag demonstrates the fluidity of gender but also highlights how gendered associations are transmitted from a certain identity to another. She acknowledges that “it becomes impossible to separate out ‘gender’ from the political and cultural intersections in which it is invariably produced and maintained” (Butler 2002, 6). Therefore, the challenge remains of disassociating gendered stereotypes from the physical body and personal identity because of society’s adherence (either consciously or not) to reinforcing gender norms. Breaking with the perspective of gender as an ontology provides sociopolitical dynamics with a way to become more nuanced and also more accommodating for those who do not adhere to gender norms. This idea can then

be replicated with the principles of deliberative democracy, as they need to embrace the various identities of citizens in order to fully achieve their mandate.

The political implications of reinforcing this binary are clear: the individuals who are marked as “other” for transgressing, challenging, or not conforming to gender norms are excluded from mainstream society and/or placed in subordinate positions (Young 1990, 143-144). Those who do not participate in the heteropatriarchal structure have a harder time claiming political power or having their voices heard in the public sphere. Furthermore, the preeminence of masculinity promotes certain expectations: men play a dominant role and women are reduced to sexual objects (Franke 1997, 696), which leads to the supremacy of supposed masculine traits within the political arena. By deconstructing traditional gender norms, there is the opportunity to include more diverse voices in the political sphere, an idea that is in line with deliberative democratic principles. This is particularly pertinent to the conception and practice of sexual assault and harassment because the power of gender norms serves to limit the idea of who may be understood as a perpetrator or a survivor. Critics of the #MeToo movement claim that its current construction is not inclusive because it is too focused on the stories of cis-women (Loke Hale 2017), when transgender and gender non-conforming individuals also face exponential rates of sexual violence (Human Rights Campaign 2019). Therefore, to disrupt the power dynamics at play that reinforce the strict construction of gender and the behavioral expectations attached to it, deliberative democratic principles can disrupt the ontology of gender, thereby including more voices in sociopolitical conversations on sexual violence.

In Relation to Sexual Orientation

Rebellion against the alignment between gender identity and biological sex can have dangerous costs, which are magnified when sexuality is included. Heteronormativity sets the

precedent for the types of relations that individuals can engage in, specifically that cisgender men and women are meant to be in sexual relationships with each other. In other words, the dominant notions of heteronormativity seek to collapse gender identity into sexuality, such that part of what is to be male is to be attracted to women, and vice versa (Butler 2002). As Butler explains, “no correlation can be drawn, for instance, between drag or transgender and sexual practice, and the distribution of hetero-, bi-, and homo-inclinations cannot be predictably mapped onto the travels of gender bending and changing” (2002, xiv). Yet due to the dominant heteropatriarchal structure of society, it is challenging to evade the correlation that Butler references. When sociopolitical norms reinforce the unification of gender with sexual identity or preference, they fail to recognize the reality of how individuals break and re-break with normative prescriptions through their actions and relationships. Therefore, in what follows below and in the next section, I analyze the efforts to collapse the distinction between gender and sexuality in order to fully explicate their societal implications, specifically concerning sexual harassment and assault and the transformative potential of democratic deliberation.

Those who have non-heterosexual partnerships or sexual relations are often subjected to ridicule that delimits their abilities to articulate successfully the harm that they have experienced. For instance, in *Oncale v. Sundowner Offshore Services, Inc.* (1997), the Supreme Court of the United States heard arguments from a gender non-conforming man who had endured physical abuse (such as being sodomized with a bar of soap) at the hands of his male coworkers on an oil rig. Oncale argued that the abuse he endured should be understood as sexual harassment – he argued, in other words, that he had be targeted for harassment *on the basis of his sexuality* and its departure from socially-expected norms. The Supreme Court was, to an extent, convinced: The Justices recognized that same-sex sexual harassment could exist and be a form of discrimination

against gender non-conforming individuals, breaking with “traditional” jurisprudential notions as to what constitutes sexual harassment (Halley 2002). However, the Supreme Court took *Oncale*’s argument one step further. The Justices ruled that that, “while Title VII does not prohibit all verbal or physical harassment in the workplace, it does bar all forms of discrimination ‘because of’ sex” (Oyez, n.d.). In doing so, the Court ruled that, in future cases, the “because of sex” argument would need to be considered alongside sexual desire, even though sexual desire was not at work in the facts of *Oncale* (and, indeed, may not even be present in many sexual harassment cases). This merging of sexual desire with discrimination can adversely affect gay or queer communities because it ignores how harassment can be a tool to reinforce gender norms and sexual stereotypes (Halley 2002, 81). This then demonstrates how the ontology of gender manifests itself within the realm of sexual violence, such that it operates as a powerful tool to reinforce historical and traditional conceptions of “proper” behavior. Thus, one of the important ways the #MeToo movement operates is by challenging the connection between sexual desire and sexual violence – a challenge that suggests that, were *Oncale* to have been decided in a post-#MeToo moment, the outcome could have been much different.

In the preceding section, I argued that the social and ontological construction of gender has sociopolitical effects that need to be challenged by a more inclusive conception of identity. Looking beyond what are considered traditional relationships (meaning a partnership between a heterosexual, cisgender male and a heterosexual, cisgender female) is necessary to grasp the full context of gender expression in American society and the transformative potential of deliberative democratic ideals. Deliberative democratic principles can remedy these issues by making political space for the inclusion of survivors’ voices through their testimony – a particularly salient point for the #MeToo movement, which emphasizes the use of public, personal narrative.

This serves to acknowledge and value the nuance of identities, which can then help to create policies that embrace differences of gender and sexuality within the polity. However, before I demonstrate how deliberative democratic principles can expand the inclusivity of the #MeToo movement, it is first necessary to understand how the gendered dynamics I discuss above are reproduced within the climate of sexual assault and harassment prevalent today.

Sexual Assault and Sexual Harassment: Understanding an Epidemic

This section marshals the statistics relating to sexual assault to exemplify the challenges that the #MeToo movement confronts as it works to become more inclusive of the multitudes of experiences that survivors encounter. These statistics, which demonstrate the near universality of sexual assault and harassment, advance the claims made in the previous section by showing the negative impact of viewing gender as an ontology.

According to the Rape, Abuse & Incest National Network (RAINN), an American is sexually assaulted every 92 seconds (Rape, Abuse & Incest National Network, n.d.). One out of every six American women and about 3% of American men have experienced an attempted or completed rape (Rape, Abuse & Incest National Network, n.d.). RAINN defines sexual harassment as including, “unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature in the workplace or learning environment, according to the Equal Employment Opportunity Commission (EEOC)” (Rape, Abuse & Incest National Network, n.d.). Furthermore, the organization defines sexual assault as, “sexual contact or behavior that occurs without explicit consent of the victim.” (Rape, Abuse & Incest National Network, n.d.). This includes acts such as, “Attempted rape; Fondling or unwanted sexual touching; Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator’s body; Penetration of the victim’s body, also known as rape” (Rape, Abuse & Incest

National Network, n.d.). I use these definitions as the foundation for my analysis of sexual assault and harassment in relation to gender and #MeToo.

As with gender, the use of power is central to understanding the impact of sexual assault and harassment. Franke (1997) explains, “sexual harassment is best understood as the expression, in sexual terms, of power, privilege, or domination” (745). To be a perpetrator of an act of sexual violence (either through words or actions), the ability to control or manipulate another individual is necessary (Franke 1997, 745). This idea can be extended to sexual assault, as the use of force is explicitly present when a perpetrator attempts to and/or follows through with harming another individual. Sexual assault and harassment are distorted acts of intimacy that use power in a manipulative way that then becomes normalized (Butler 2004, 55).

According to RAINN, eight out of ten rapes are committed by someone known to the victim (Rape, Abuse & Incest National Network, n.d.). In other words, in many cases the use of power to commit an act of sexual violence is not perpetrated by a stranger – as witnessed in prominent cases within the #MeToo movement, such as Asia Argento or Kevin Spacey. Survivors have a multitude of responses because the use of power varies according to the type of relationship. Therefore, thinking about sexual assault and harassment as the abuse of power to reinforce heteropatriarchal dynamics accommodates the complexity that is a component of any relationship or intimate experience.

Recognizing the extent to which sexual assault and harassment are present in the lives of American citizens is necessary, as it is a nearly ubiquitous experience. Individuals who are not directly affected also need to understand the prevalence of this epidemic if they are to help create an inclusive society. In this way, tools can be developed to limit the incidences of sexual violence, solutions can be created to help survivors move forward with their lives, and

perpetrators can recognize the harmful effects of their behavior. Acknowledging the weakness of collective understanding regarding this issue allows for effective action. Deliberative democratic principles and practices are potential solutions because they emphasize various forms of inclusive communication, such as testimony.

In Relation to Gender

The discussion of sexual assault and harassment becomes more complicated when it takes into consideration a more nuanced perspective of gender. These definitions become malleable in relation to gender and sexual orientation, as the experiences regarding these events are different within the queer community in comparison to the heteronormative standard. While the experience of receiving unwanted remarks or contact may be similar, the act itself and the ramifications are different because of the reproduction of regulatory gender norms (Butler 2004, 52). Harassment or assault is, in other words, a means through which to reinforce a gender binary, as exemplified above by *Oncale v. Sundowner*. Therefore, it is not only important to consider why the action itself was performed, but it is also necessary to contemplate the consequences of the actions. By breaking with the traditional conception of gender in relation to sexual orientation, a more holistic perspective is created that includes transgender and non-binary folk, in addition to acknowledging how gender norms are imposed on individuals who may not fit into the idealized version of the gender binary.

The system that upholds a gender binary perpetuates a cycle in which heteropatriarchal objectives are reinforced by enacting gender norms and punishing gender nonconformists (Schulze 1998, 1766). Catharine MacKinnon argues that sexual harassment is an act that men do to women, an idea Butler (2004, 53) and Franke (1997) critique as reinforcing gender norms. Franke (1997) writes:

“Sexual harassment is a technology of sexism. It is a disciplinary practice that inscribes, enforces, and polices the identities of both the harasser and victim according to a system of gender norms that envisions women as feminine, (hetero)sexual objects, and men as masculine, (hetero)sexual subjects. This dynamic is both performative and reflexive in nature. Performative in the sense that the conduct produces a particular identity in the participants, and reflexive in that both the harasser and the victim are affected by the conduct” (693-694).

By demonstrating the evolution through which sexual harassment (and, by extension, sexual assault) affects the perpetrator and the survivor in the moment and after the act(s), Franke argues sexual harassment operates as a means to reinforce heteropatriarchal standards. Butler (2004, 55) utilizes Franke’s idea to break with heterosexual norms that control society. Both Franke (1997) and Butler (2004) suggest that the enforcement of these norms is harmful to society as they are based on the traditional notion that biological sex equates to gender, rather than recognizing that gender is a social construction and performance. Furthermore, many women or female-identified individuals experience harassment specific to their race, class, or perceived sexuality (Cho 1997; Hernandez 2001). Dismantling and reassessing rigid conceptions regarding gender is necessary to fully grasp the ramifications of sexual assault and harassment. Next, I use this foundation to argue that democratic deliberation can transform discourse regarding sexual assault and harassment and so to find solutions that aid marginalized groups.

Deliberative Democracy: A Reassessment of American Democracy

Deliberative democracy questions the traditional picture of the purposes of government and how citizens should relate to the political process. It does this by challenging the liberal democratic view that politics is necessarily adversarial because citizens bring privately defined interests to the public sphere. This is relevant for the current political climate, which functions under the system of liberal democracy. Within this context, the adversarial nature of politics is augmented because of the inherent sense of competition in which individuals strive to achieve what they believe is in their best interest, where interests are viewed as private. Amy Gutmann

(2018) explains, “A liberal democracy aspires to treat all individuals *as equals, which is not equivalent to treating everyone the same*” (794). In doing so, certain identities are ignored when creating policy, which adversely affects marginalized communities. In this section, I will argue that deliberative democracy can, if suitably rethought, help us to overcome this marginalization so that we develop a form of democracy that is genuinely inclusive.

Within the practical application of deliberative democracy, theorists consider the need to reach a common good through the use of communicative norms based in forms of legal dialogue. Some theorists understand democratic deliberation as reaching the ideal of a common good that would reconcile individual interests with collective goals (Cohen 1997, 143). However, when the common good is confronted by a politics of difference (Young 1990), evident issues arise as oftentimes “appeals to a common good do not adequately respond to or notice” (Young 2000, 81) differences of race, class, gender, etc. Part of reframing deliberative democratic principles to accommodate for these differences is to not only look beyond the problems associated with liberal democracy, but also challenge the conventional understandings of deliberation. For example, Young (2000) suggests expanding the definition of deliberation to include testimony, rhetoric, and greeting. Challenging not only the conception of the common good but also the structure of communication expands the ways in which deliberative democracy can work for all citizens.

A method to remedy this issue is by promoting deliberation through the inclusion of marginalized voices within the making of political decisions. This is done so that the individuals affected by policies see themselves reflected in the operations of government, specifically with respect to the promulgation of laws and policies, as well as the capacity to change the policy once it is enacted. In this way, deliberative democracy does not approach matters of governance

as if there is an innate competition among groups of people with only one prevailing viewpoint; instead, it recognizes and embraces differences among individuals in order to effectively address concerns that may not be acknowledged by a majority (Gutmann and Thompson 1996, 42).

Jürgen Habermas, a founding theorist of deliberative democracy, evokes a similar sentiment of inclusion through a legal framework, as “a culture of equal and inclusive communication would socialize the people who write the laws, resulting in legal codes that in turn promote such practices” (Fultner 2014, 151). The cyclical nature of deliberation actively supports the recognition of various groups in order to create policies that are a reflection of the interests of the polity, rather than a reflection of elite or dominant interests. Deliberative democratic practices embrace the plurality found within multicultural societies, and in doing so confront challenges that force individuals to recognize alternative opinions as well as justify their own perspectives.

As many contentious political topics (such as abortion or healthcare) are rooted in morally-motivated complexities, moral arguments are embraced rather than admonished in the theory and practice of deliberative democracy (Gutmann and Thompson 1996, 44).

Acknowledging that morally-motivated contributions factor into political decision-making emphasizes that unity is an aspiration but will not necessarily be the end result even when using deliberative practices. Understanding an individual’s reasoning for supporting or opposing an idea is crucial in order to minimize differences; however, those changes do not necessarily mean that all people will reach an agreement. In a democracy as interconnected and diverse as the United States, it would be almost impossible to find a topic upon which the polity can fully agree. Yet deliberative democracy does not want to stymie conversations because of these challenges; instead, it finds ways to further discussion and capitalize on differences (Gutmann and Thompson 2004, 86).

There are four main components of deliberative democracy that set it apart from other conceptions of democracy, such as liberal democracy, as developed by figures such as Thomas Paine, Thomas Jefferson, and James Madison, and as currently practiced in the United States. These are reciprocity, accountability, flexibility, and inclusion. These values guide deliberative democracy so that citizens can gain a more comprehensive understanding of the democratic process and take ownership of the system that directs their lives. The justification of policies and the institutions which create, develop, and reinforce them is an underlying factor of deliberative democracy, as citizens should be able to know both the empirical and moral foundation that is used to make public policy. The four values stress the importance of justification so that there is a holistic comprehension of how decisions are reached. The reassessment of democratic discourse through a deliberative lens challenges citizens and policymakers to question why they believe what they believe and assume a more active role in the democratic process. These deliberative ideals have the capacity to influence the direction of the #MeToo movement because they incorporate qualities of communication that allow individuals to engage with each other on morally challenging topics.

Reciprocity

Due to the sociopolitical and economic interdependence that exists within American society, citizens must be able to cooperate with one another even if there is the acknowledgment that total agreement is not possible. Amy Gutmann and Dennis Thompson, central theorists of deliberative democracy, consider reciprocity to be at the core of their interpretation of their theory because it promotes “mutuality that citizens and their representatives should bring to the public forum” (1996, 53). Reciprocity lays the foundation for deliberative discussion because it forces political actors and citizens to recognize the ideas of their fellow citizens with whom they

do not agree. By refusing to even examine the arguments of adversaries, deliberation can neither begin nor continue and policies will not be reflective of the citizens' desires. Furthermore, Iris Marion Young explains that in order to achieve a more equal society, reciprocity needs to be considered during deliberation so that people can reflect on the interests of others and make well-informed judgments (2000, 30). Since deliberative democracy recognizes the importance of morality in quotidian conceptions of politics, reciprocity allows people to gain (or at least try to attain) mutual respect for the other parties with whom they are working. As much as political actors may try to avoid including morals in policy making, there are certain areas (such as access to abortion and health care) that place morality at the center of political discussions. Reciprocity, therefore, means taking into account the innate entanglement of politics and morality when facing complex and/or controversial issues.

A key reason for including reciprocity in the conception of deliberative democracy is that it forces citizens to justify their reasoning to each other. This is particularly important when discussing or creating legislation for challenging political matters. As Gutmann and Thompson explain, "Reciprocity asks citizens and their representatives to try to justify their views to one another and to treat with respect those who make a good-faith effort to engage in mutual enterprise, even when they cannot resolve their disagreements" (2004, 141-142). The theorists understand justification as allowing citizens to comprehensively think through their own reasoning and beliefs before reaching a conclusion about a certain topic. Because many people derive their beliefs according to a religious tradition, Gutmann and Thompson express reciprocity as allowing citizens "to appeal to reasons that are recognizably moral in form and mutually acceptable in content" (Gutmann and Thompson 1996, 57). This approach evades the delicate situation of appealing to the will of a higher power that may not be accessible to

everyone. Specific forms of deliberative democracy acknowledge that complete consensus is not possible; however, valuing reciprocity and incorporating it into political practices allows conversations to continue, rather than ceasing when a deadlock occurs. Using the principle of reciprocity within deliberative democracy means acknowledging a fact of political life: various factions are all working to achieve their ends, disagreement will occur, but cooperation based in mutual respect is necessary in order to accomplish any goal. Within the context of the #MeToo movement, the principle of reciprocity serves to create a level foundation by giving power back to the survivor through the tools of communication and respect.

Accountability

Using the foundation of reciprocity, people are held accountable for their beliefs and the tangible impacts that holding certain ideals have within society. Accountability does not let people hide from their actions or words; rather, the principle challenges them to understand their ideas in order to promote equality and find justice when creating policy or engaging in deliberative discussion. As Gutmann and Thompson explain, “Citizens and officials try to justify their decisions to all those who are bound by them and some of those who are affected by them” (1996, 128). Although citizens relegate the role of creating legislation to representatives, every member of society holds an awareness of how their beliefs transform into actions, which have consequences for other members of the public. In a deliberative setting, accountability of one’s actions is thus the primary step in being able to justify his/her/their reasoning to other members of the community. Young’s (2000) argument is in accordance with Gutmann and Thompson’s, as she acknowledges the importance that accountability holds within society. She writes, “Since individuals and groups often initially construct their interest and preferences in ways that cancel out or ignore the legitimate interests of others, this accountability to others means that they must

often transform their interests and preferences, so that they can be publicly expressed as compatible with justice” (Young 2000, 30). The principle of accountability asks more from citizens and political actors; it asks them to be engaged with their principles and thoughtful of their actions. In return, deliberative democracy offers an authentic approach to politics that strives to increase justice for all citizens.

Publicity is inextricably woven into the principle of accountability because it makes people, specifically political actors who make policy, take ownership of their ideas in a public forum. For Habermas, the public sphere is the place in which reason occurs but can also be challenged (Fultner 2014, 231). He emphasizes the importance of reason within institutional structures in order to promote effective communication within public forums (Fultner 2014, 231). In order to operationalize this ideal, Gutmann and Thompson highlight a Kantian ideal that a policy needs to pass the publicity principle in order to be just (1996, 99). Giving citizens exposure to the political process through the justification of various policies means that they gain foundational knowledge and can give basic consent to the rules and regulations that guide their lives (Gutmann and Thompson 1996, 100). Furthermore, publicity can increase the scope of deliberation as people become informed about how laws are made and why political actors decide which policies to support (Gutmann and Thompson 1996, 100). In this way, citizens are reflected in the policies that shape their lives because they not only have access to the decisions, but they also have the understanding to make informed choices about their own political behavior.

Existing in a common reality means that people need to be able to communicate with each other even when they are situated at opposite ends of the political, social, or economic spectrum. Young explains, “Differently situated actors create democratic publicity by

acknowledging that they are together and that they must work together to try to solve collective problems” (2000, 112). Differences in life experience mean that each individual will approach a problem with a unique lens. The principle of publicity that both Gutmann and Thompson (1996) and Young (2000) revere as a central tenet of deliberative democracy demonstrates the importance of embracing distinct perspectives to take collective action. Publicity within accountability and accountability in and of itself provide a framework through which politics can take place so that the ownership of ideas is heightened and reinforced. The principle of accountability is central to the #MeToo movement, as so much of the activism occurs in the public sphere. Accountability – either formally in the legal system or informally through a Tweet – helps to break the cycle of acquiescence concerning the climate of sexual assault and harassment because it allows individuals to tell their experiences with the recognition that others will listen.

Flexibility

One of the main reasons deliberative democracy is such a powerful theory of the obligations emanating from collective life is because of its reliance on flexible values and procedures. This is expressed in parallel with the theory: first, that citizens are willing to listen and understand differing perspectives, and second, having the ability to revise policies as standards change over time. Robyn Eckersley emphasizes the social learning dimension of deliberative democracy that requires participants to be openminded and prepared to transform their opinions (2004, 117). This limits the possibility of reaching a stalemate, as citizens go into the process knowing that they cannot exclude certain ideas because of their own preconceived notions. While being openminded is not always easy (especially when dealing with controversial issues), deliberative democracy challenges citizens and policymakers to find ways to reach an

agreement or at least narrow disagreement. Although traditional deliberative democracy seeks to utilize public forums and middle democracy to expand conversations to those who would not necessarily have access to them (Gutmann and Thompson 1996, 40), Jane Mansbridge opens the channels of dialogue even further to include everyday talk with activists and nonactivists alike (Macedo 1993, 402). Her flexible approach to the type of discourse included in the theory expands upon Eckersley's (2004) conception of social learning, as citizens engage with each other by altering their mindset, which consequently affects their behavior. Using more inclusive channels of deliberation means that marginalized groups have a greater opportunity to become involved in the decision-making process.

The capability to reflect on and alter discourse contributes to the ability to change policies. By integrating deliberative practices, political actors and citizens can thoroughly contemplate how certain rules affect their neighbors and members of other communities with whom they may have limited interaction. Will Kymlicka notes that deliberation allows citizens to "recognize that [their] current or past judgements are fallible" (1991, 11). Incorporating deliberative practices into the political arena means that citizens can return again and again to complex issues, rather than being stuck with archaic and/or misinformed policies. Greater flexibility within a system of governance means that citizens are actively involved to a greater extent because they know that their voices and experiences can and will be included over an extended period of time. The #MeToo era exemplifies the importance of flexibility because it actively exposes problematic laws, ideas, and practices (both social and political) that reinforce harmful conceptions regarding sexual assault and harassment. Being able to recognize and change damaging perspectives and behaviors allows for the evolution of cultural adjustments that are more supportive of survivors.

Inclusion

The principle of inclusion was formally integrated into the theory of deliberative democracy by Iris Marion Young in *Inclusion and Democracy* (2000). While Jürgen Habermas (1996), as well as Gutmann and Thompson (1996; 2004), allude to the importance of inclusion, Young officially embraced the principle because she recognized that not enough attention was allotted to marginalized communities who would benefit the most from deliberative democracy. Habermas established the theory of communicative action, which seeks to strip away emotion and rely on reason in order to promote understanding amongst people (Fultner 2014, 9). As one of the founders of deliberative democracy, Habermas wants discourse to be based on an impartial perspective and to be “aim[ed] at the rational consensus of all *persons*” (Fultner 2014, 10). Habermas promotes the use of reason as the only acceptable form of argumentation, an idea which Joshua Cohen supports (Cohen 1997, 146). Yet his idea, which is used as a conceptual foundation by Gutmann and Thompson (2004, 32), places limitations on the scope of deliberation and is challenged by other discourse theorists, such as Jane Mansbridge (Macedo 1993, 46). Young, whose ideas are in accord with those of Mansbridge, promotes a “decentered” conception of politics and society” because she recognizes that society does not exist solely in political institutions; rather, it subsists in activities and social processes that political practices cannot begin to define (2000, 46). Young and other discourse theorists recognize that politics do not take place in a vacuum of government; they take place every day in regulated and unregulated interactions among individuals and groups. This addition to deliberative democracy means that the personal can become political, or that topics that are not usually discussed in politics because of the norm of privacy are acknowledged in the political sphere.

Young's conception of inclusion stems from the importance of legitimacy, which is also found in Habermas's conception of deliberative democracy (Habermas 1996, 110). But Young expands upon this idea in order to ensure that those who are affected by decision-making processes can contribute to the creation of those policies (Young 2000, 23). She notes that, "As an ideal, inclusion embodies a norm of moral respect" (Young 2000, 23). Her reliance on inclusion aligns with Gutmann and Thompson's (1996) principle of reciprocity, while also pushing the boundaries of who can contribute and through what types of discourse. While Gutmann and Thompson place limitations on the idea of using testimony, stating that "testimony alone does not move the political process forward" (1996, 137), Young embraces it along with other types of communication. She includes greeting, "a form of communication where a subject directly recognizes the subjectivity of others, thereby fostering trust," (2000, 53) rhetoric, "the ways that political assertions and arguments are expressed," (2000, 53) and narrative, "[which] empowers relatively disfranchised groups to assert themselves publicly" (2000, 53) as three modes of discourse that should be included in deliberative practices. By embracing these manners of communication, as opposed to relying mostly on legal discourse, there is the possibility to not only accept but also utilize the forms of communication that exist in multicultural societies. To shy away from more colloquial forms of communication means that deliberative democratic ideals cannot be achieved because it discounts individuals who do not communicate in a traditionally professional way.

In removing limitations on communication, Young establishes and Mansbridge augments (Macedo 1993, 402) a principle that should continue to be a central feature of deliberative democracy. Inclusion means more than incorporating minority voices into political conversations; it is the conduit for turning ideas into action and theory into practice. Although it

is met with resistance from people who do not want to change the traditional understanding of the theory, inclusion is necessary to make a deliberative democracy that is truly based in fair and accessible discourse. Additionally, the nuance that is a theoretical component of inclusion would help the #MeToo movement because it allows individuals who are traditionally not considered to be affected by sexual violence to be included in the conceptualization of who is a survivor.

Summary

Through the interactions among citizens and political actors, both online and in person, the theory of deliberative democracy is put into action every day. While some deliberative democrats support codifying the practices of deliberation into the political sphere, others appreciate the informal ways in which the type of discourse takes place. Acknowledging the core principles of deliberative democracy (reciprocity, accountability, flexibility, and inclusion) does not mean to place limitations on its practice in all areas of society. Rather, by recognizing how people engage with the theory on a quotidian basis, changes can be made to address structural inequalities that persist because citizens lack the skills to listen and respect their fellow citizens. The #MeToo movement provides cultural context in which to test the limits of deliberative principles. Each principle of deliberative democracy adds an important dimension to the overall conception of the theory and has the potential to find solutions to the challenges of the #MeToo era. While the practical form of deliberation limits the notions of reciprocity and accountability, the promotion of flexibility and addition of inclusion indicates the expansion of the concept so as to accept more voices into its practices. The regulative ideal that guides deliberative democracy promotes a reality that can not only be possible but also practical, if citizens are to learn its values, take them seriously, and insist that they have a rightful place in political and democratic discourse.

The #MeToo Movement and Deliberative Democracy

In this section, I bring together the strands of the thesis so as to show how a version of deliberative democracy has the potential to ameliorate the problematic components of our society that #MeToo challenges *and* offers ways to advance the #MeToo movement itself so as to incorporate diversity of race, class, sexuality, gender, ability, and age. This means that the two can work in tandem to promote a democracy that is more inclusive and a society that challenges the epidemic of sexual assault and harassment. Taken together, the combination of #MeToo and deliberative democracy can challenge the power of gender as an ontology, and so expand society's ability and willingness to believe the testimony of sexual assault survivors, especially those from marginalized groups. This is because of the deliberative democratic insistence on the communicative norms of reciprocity, accountability, flexibility, and inclusion.

The #MeToo movement, which, as noted above, originally began in 2006 through the efforts of Tarana Burke, and which gained traction in 2017, gives women space to confront their accusers publicly and openly discuss their experiences with sexual assault and harassment. Almost immediately, there was a backlash, which came from all directions. Some claimed that the movement was too extreme because of its potential to damage the reputation of powerful men (Parker 2018), while others stated that the movement was not as inclusive or intersectional as it should have been (St. Felix 2018). This latter criticism is not without merit. Indeed, engaging with its weaknesses is necessary for the movement to meet its transformative and inclusive potential. As long as the words "me too" are repeated in classrooms, workplaces, and at family gatherings, it is necessary to ensure that its purpose does not become misconstrued. As the movement gains traction within American sociopolitical culture, citizens increasingly confront how their behavior entrenches sexual violence in myriad forms.

Deliberative democracy offers citizens the opportunity to engage respectfully with each other on the most divisive subjects, including sexual violence. If we incorporate its potential, while recognizing its imperfections, the theory allows for constant discursive renewal in order to make society, particularly the political sphere, a more respectful environment for all. By applying the principles of deliberative democracy to the #MeToo movement, I give the theory the opportunity to take on a practical application rather than existing in a purely theoretical space. To see how this can happen, I examine each of the four main components of deliberative democracy in turn.

Reciprocity

Deliberative democrats appeal to reciprocity because it offers constituents the opportunity to “find mutually acceptable ways of resolving moral disagreements” (Gutmann and Thompson 1996, 2). They encourage a constant dialogue among groups so as to promote seeing each other as relatable individuals rather than either strangers or opponents. Reciprocity promotes equal communication through recognition so that the various parties can view a “position [to be] worthy of moral respect even when they think it is morally wrong” (Gutmann and Thompson 1996, 2-3). The ideal of reciprocity is both illuminated and challenged within the #MeToo movement. For instance, it challenges the idea of respecting differences by insisting that it is not acceptable to view sexual assault or harassment as permissible. The notion of “locker room talk” or that “boys will be boys” does not compensate for the damage that the climate of sexual violence supports on a daily basis. Thus, #MeToo insists upon limits to the pluralism of deliberative democracy. Starting from this foundation, then, the notion of reciprocity endeavors to foster a different tone. Reciprocity in consensual sexual situations demands better communication among participants and so makes them more meaningfully consensual. Within

the realm of sexual harassment and sexual assault, the deliberative democratic principle of reciprocity illuminates harmful power dynamics that rest upon gender- or sex-based ontologies, such as the assumption seen above in *Oncale* that a gender non-conforming man could not be the target of sexual harassment. In this context, reciprocity returns to the basics of communicative norms in order to create a level foundation from which relationships can grow.

In the #MeToo era, reciprocity can serve to bring citizens together – perhaps not to reach a full consensus about what should be done to correct societal patterns of sexual behavior, but at least to open channels of conversation that have been ignored in the past. Because much of the discussion about the movement – from exposing perpetrators to debates about believing survivors – occurs on social media rather than in person, the principles of deliberative democracy must adapt to online platforms. While it may be challenging to capture the complete essence of an argument in 280 characters or relate to an individual without coming into actual contact with them, social media provides a potential space for deliberate connection and meaningful understanding. When citizens use their social media platforms to participate in active dialogue – and recognize the value of others’ experiences – then perhaps the goals of reciprocity can be realized.

A foreseeable problem with applying the deliberative ideal of reciprocity to the #MeToo era is that #MeToo does not currently appeal to this principle. From the side of the accused, the movement calls for an open discussion of sexual assault and harassment; therefore, the accused generally does not have the opportunity to respond in a satisfactory way for either themselves or the survivors (Gay 2018). Apart from taking ownership over their actions, perpetrators are often subject to public shame and risk losing financial and/or social opportunities (Goldberg 2018). Furthermore, dialogue among parties is either limited or nonexistent. For those who can afford it,

the discussion takes place in a regulated courtroom setting, but for most, it occurs online over social media. There is a call to protect men and ensure they receive due process rights because they are at the center of #MeToo accusations. However, their fear about the repercussions from their harmful actions does not supersede the fear that women and other marginalized communities face about their bodily integrity on a daily basis. Raising the standard of expectations does not mean that men have to distance themselves from women as some might suggest (Parker 2018). The grievances women and other minorities have concerning sexual assault and harassment are legitimate given their history with the subject and the experiences they face on a quotidian basis.

Accountability

Accountability is a central idea to both the #MeToo movement and the theory of deliberative democracy. Within the realm of deliberative democracy, accountability serves to ensure that participants in a dialogue or debate take ownership over their own ideas, words, and actions. It allows citizens and political actors to look beyond their own communities in order to account for those who will be affected by their thoughts, policies, and behaviors (Young 2000, 62). Survivors of sexual assault and harassment want accountability, although this desire manifests itself in different ways for each individual. The online capacity of #MeToo allows perpetrators to be held accountable in the court of public opinion, while the Times Up Legal Defense Fund helps connect workers – specifically low-wage earners and people of color – with attorneys to hold their harasser(s) and assaulter(s) accountable in the legal system (Time's Up 2018). Within the context of the #MeToo movement, I suggest that the principle of accountability would mean that those who have been accused of wrongdoing acknowledge the harm that they caused another person(s). However, this rarely occurs today not only because

some individuals do not want to admit that they did something wrong, but also because many people do not know that their actions and the repercussions that flow from them are damaging. One of the contributions of deliberative democracy, then, is to place greater emphasis on listening to and believing survivors rather than refusing to consider the possibility that someone in a position of power could use their privilege to hurt another person. In this light, it is illustrative to note that “only about 2% of rape and related sex charges are determined to be false” (Stanford, n.d.). Survivors do not hold the perpetrator accountable because it is easy for them to come forward; they do so with the hope that telling their story will create change or ensure that justice is served.

Given the backlash to the #MeToo movement, there is fear of holding individuals accountable for their actions, but that does not justify ignoring these instances of violence altogether. As Jessica Valenti asks, “How many times will we need to lay our traumas bare in the hope that this will finally be the time people care enough to do something about it?” (Valenti 2017). Gay (2017) and Harris-Perry (2017) reiterate the argument that a central component of survivors’ lived experiences are their testimonies being ignored by mainstream culture. A vicious cycle exists in which women and other minority groups are made to feel vulnerable in their relationships or intimate experiences because they know about the experiences of other survivors. Then, when or if they themselves experience sexual assault or harassment and have the ability or desire to speak out, their voices are rejected and/or ignored, and the cycle continues. Accountability allows individuals as well as collectives to recognize systemic problems, such as sexual assault and harassment, so that attention is generated to find and use solutions.

Survivors come forward to be heard, not to gain recognition; however, the thought of being in the public eye or the fear of retaliation hinders many survivors from holding a perpetrator accountable. The potential for scrutiny from sharing an intimate personal experience(s) is exemplified in both the Christine Blasey Ford case of 2018 as well as Anita Hill's testimony in 1991. Both women wanted their experiences to remain confidential, yet the events resulted in such a way that both women testified before the Senate Judiciary Committee. Gutmann and Thompson (1996) explore the line between privacy and giving explicit details, specifically those which concerned Hill's experiences with the sexual harassment she endured from then-nominee Clarence Thomas (112). They claim, "The very openness of the hearings reduced the need to broaden the inquiry. Ironically, if the committee has held closed hearings, it would have been less justified in narrowing the inquiry" (Gutmann and Thompson 1996, 113-114). They explain the inclusion of certain facts and the use of specific witnesses was limited in the hearing because it could have harmed both parties; therefore, many details were left out of the public record in order to protect each side. Yet even though the scope of publicity was limited, Hill still received backlash and Thomas became an Associate Justice of the Supreme Court. This situation almost mirrors that of Blasey Ford's, who was subjected to unyielding scrutiny (including death threats) before and after her testimony (Mak 2018), while Brett Kavanaugh became an Associate Justice of the Supreme Court. Although the climate may be more palatable for survivors to come forward because of the web of support systems that continue to grow, the publicity that survivors may receive (especially in high profile cases) needs to be considered in order to make the principle of accountability more accessible for all.

Flexibility

The principle of flexibility illuminates the capacity for individuals to change their perspectives about controversial or morally complex topics. In such a polarized country as the United States, it can be difficult for people to want to escape from their echo chambers in order to listen to and understand different outlooks. Chira notes, “Sisterhood doesn’t override partisanship or deeply held moral views... Women don’t act as one” (Chira 2018). Thinking of a group as a monolith, even if they experience similar forms of discrimination, does not help the cause of flexibility; rather, it serves to limit the production of solutions. Instead of assuming that everyone will find similarities in their identities and/or experiences, Young (1997) suggests that communication be done through a more creative process in which individuals learn a new ideas “not because [she/he/they are] looking for how it fits with given paradigms, but because [she/he/they are] open and suspend [her/his/their] assumption in order to listen” (53). In this way, flexibility develops organically rather than forcing people to adopt a mindset that does not fit their unique history. Young (1997) notes, “...one person cannot adopt another person’s perspective because he or she [or they] cannot live another person’s history” (51). This should not limit the use of sympathy or empathy within the #MeToo era, as it a movement based in solidarity. It is, however, important to recognize the reasons why the topic of sexual assault and harassment appears to be and is portrayed as a divisive issue. Instead of seeing the principle of flexibility as equating to immediate acceptance, I propose a perspective that allows for citizens to approach issues still with an open mind, but also the ability to recognize differences in experiences and responses.

Deliberation means that citizens can continuously return to complex issues, rather than being stuck with a policy or social mentality that impedes on people’s existence for a prolonged period of time. Yet there are issues concerning time frame because thorough deliberation takes

time to reach a comprehensive solution. The United States has continuously ignored the epidemic of sexual assault and harassment, and even though there is more recognition of the issue over the past decade, not enough has been done to combat the problem. That is why #MeToo was created: to force the country to reckon with its historical relationship with the issue, which implicitly includes upholding systems of oppression that actively work against marginalized communities. Therefore, the flexible time frame has in some ways let down the survivors of sexual assault and harassment because tangible solutions remain elusive or unused.

Yet even with the evident complications with the principle of flexibility, it is a necessary idea to include in the #MeToo era because it allows policies and perspectives to change. The whirlwind of #MeToo accusations and the resulting public and private conversations changed the course of American society almost overnight. The principle of flexibility encourages survivors to take the time that they need to come to terms with their experiences. This is necessary because of the aforementioned multitude of responses to sexual violence, which result in survivors not wanting or even being able to come forward with their experiences immediately. Dr. Blasey Ford did not speak out about her experiences for years because of the trauma she endured during and after the assault. Thus, a flexible time frame allows survivors to come forward with their testimony when they are able and serves to restore equality to a process that often silences survivors. Flexibility designates opportunities for individuals and systems of governance to meet the needs of other citizens. Incorporating it into the #MeToo movement can provide survivors with the time they need to heal, therefore avoiding treating the solutions to overcoming the burden of sexual violence as a one-size-fits-all category.

Critics of this flexible timeline might argue that it suspends the accused's constitutional rights to due process found within the 5th and 14th Amendments. These amendments provide

that an individual will not be denied “life, liberty, or property” without “due process of law” (Cornell Law School, n.d.). However, appealing to the legal concept of due process within the context of the #MeToo movement does not account for the fact that most of these instances occur in the private sphere; indeed, due process rights are only triggered when the *government* itself deprives an individual of liberty. In the next section, moreover, I propose solutions such as a truth and reconciliation commission that address concerns stemming from the lack of due process in the private sphere.

Inclusion

The #MeToo movement allows survivors to capitalize on different forms of expression through the use of social media. While traditional forms of deliberative democracy would shy away from using testimony or more colloquial rhetoric, #MeToo embraces the inclusion of different forms of communication that do not rely on the use of reason in order to show the ubiquity of the problem of sexual assault and harassment. Women have historically been excluded from the political conversation, even when making policies that directly concern their health and wellbeing (ex. abortion or maternity). This exclusion is extended to other communities – such as people of color and LGBTQ+ folk – that are “othered,” (Young 1990, 143-145) as they are considered to be outside of the mainstream culture, and thus perceived as lacking the necessary qualities to make suitable, sustainable policy.

The ability to reason is a core trait that women specifically are viewed as lacking because they are seen as being too emotional and/or weak, and therefore incapable of being effective leaders or representatives of their own community (Gay 2017, 2018). Susan Bordo (1992) notes, “Reason, for example... is frequently conceptualized as a distinctively male capacity. In contrast, those faculties against which reason variously has been defined, and which it must transcend...

typically have been coded as female” (150). This is why the inclusion of Young’s (1997) interpretation of narrative is vital when considering issues that affect marginalized communities, as it accommodates for communication that does not rely on the patriarchal use of reason. Furthermore, Twitter and other social media platforms contribute to what Mansbridge calls “everyday talk” (Macedo 1993, 403) because it allows citizens to communicate, debate, and engage openly with each other. In this instance, everyday talk online allows survivors to hold their abusers accountable without the use of the historically patriarchal practice of reason. For many survivors of sexual assault and harassment, the presence of evidence is non-existent; therefore, the only option is for survivors to recount their stories through the use of narrative and hope that others will believe them. To convince other members of a community, let alone a jury, that an individual is a victim of sexual harassment and/or assault is a hurdle that American society has made incredibly difficult for survivors to overcome. Furthermore, survivors of sexual assault and harassment should not have to reason their way to being believed. They should be believed because to doubt an experience of sexual violence is to ignore the systemic oppression that women and other marginalized communities face on a daily basis. Reason within the principle of reciprocity plays an important role within the context of the #MeToo era, but it cannot be the determining factor that stops survivors from speaking their truths and from holding perpetrators accountable for their actions.

The inclusion of the use of testimony by Dr. Christine Blasey Ford and Justice Kavanaugh demonstrates how they each took the opportunity to express themselves publicly before the Senate Judiciary Committee. Gutmann and Thompson (1997) claim that testimony “does not seek a perspective that can be justifiable to other individuals or groups... and therefore does not contribute to democratic efforts to resolve moral disagreements” (136). They challenge

the use of testimony because of its inherent appeal to emotion, which was seen in both Blasey Ford's and Kavanaugh's testimony. Gutmann and Thompson claim that the political process cannot move forward simply with the use of testimony (1997, 137), yet the Kavanaugh hearings brought attention to the pervasiveness of sexual violence. This shows that deliberative democratic principles of testimony can create a more inclusive dialogue with regard to sexual assault and harassment. It also shows why deliberative democratic principles must themselves adapt to include a more diverse range of communication styles.

Both #MeToo and deliberative democracy face the similar challenge of becoming more gender inclusive, as both are drawn from and reinforce the gender binary. By loosening the construction of gender to be conceived as fluid and therefore less limiting, both the movement and the theory have the opportunity to become more inclusive. Specifically, within the #MeToo movement, the rhetoric needs to change from viewing assault and harassment as an action that a cisgender, heterosexual male does to a cisgender, heterosexual female. As Franke (1997) explains and Butler reiterates, limiting the conception of who commits an act of sexual violence reinforces gender stereotypes (Butler 2004, 54). Removing the qualifying factor of gender permits the #MeToo movement to consider more nuance both within those who commit acts of sexual assault and harassment, as well as what acts are considered to be an invasion of agency and respect – such as unwarranted touching. The theory of deliberative democracy needs to adapt to considering gender as a spectrum rather than a binary because it will accommodate the expansion of communication, which is a vital component of the theory itself. The theory cannot be considered as attempting to ameliorate the situation of marginalized communities if it does not permit the forms of communication that are utilized within those groups. To fully capture the scope of the problems associated with and stemming from sexual assault and harassment,

traditional conceptions of deliberative communication must be disrupted to serve the communities who are often ignored or overlooked by mainstream society.

Solutions

With this in mind, I suggest some ways in which deliberative democracy and #MeToo can work in tandem to improve the problems I have diagnosed. These solutions are both conceptual and practical. The theoretical solutions focus on overcoming ingrained social practices and structural injustices that reinforce oppression through unwanted sexual or supposedly affectionate behaviors. The tangible practices include financial restorative justice, supporting events like Take Back the Night, and the application of a Truth and Reconciliation Commission (TRC). Taken together, these provide concrete tactics to discourage harmful behavior and open channels of communication that utilize the principles of deliberative democracy.

Theoretical

Separation between the act and the individual is necessary for both survivors and perpetrators. Dubravka Zarkov explains, “Standing in the public eye and speaking about an experience of assault not only takes courage; it also takes incredible strength of mind and sense of self-possession in order to remain a person, and not be reduced to, or by, the acts of violence” (Zarkov and Davis 2018, 4). Individuals who are on the receiving end of sexual assault and/or harassment should not be seen as people who allowed an act to occur to them, because they are also agents who are capable of doing the same thing to another individual (e.g. Asia Argento). However, acts of sexual assault and/or harassment need to be recognized, especially when the individual does not want to accept culpability. Elizabeth Markovits (2006) emphasizes an Arendtian response to understanding intentions by noting, “When we act, we do not determine

the entire meaning of that action... Our ability to act, and the boundlessness of that action, is intimately tied to the fact that we are born unique individuals into a world composed of other unique individuals” (26). This does not absolve perpetrators of their actions, but it allows the sociopolitical atmosphere to recognize that much behavior is supported by systems of structural injustice. Young (2002) explains, “Because everyday experience is most occupied with individual action and interaction, attention to social structures and their effects are often neglected. Bringing social structures into view takes effort of reflective distance, and must be mediated by some knowledge of the situation and experience of a considerable number of other people” (7). In terms of the #MeToo movement, the unique interactions between individuals, who each possess a different personal history, reinforce (either consciously or not) systems of oppression that support actions that explicitly and/or discreetly harm those who are exposed to sexual assault and/or harassment.

This becomes clear when we consider that, until now, American culture has operated with a social structure that treats certain harmful behaviors as permissible. The recent accusations against former Vice President Joe Biden – that he touched many women without their consent – demonstrate the ignorance of many people within this destructive social structure. Biden, as with so many other people (especially men) in his position, was following the law. But the future of the #MeToo era depends on expanding the definition of what qualifies as sexual assault and harassment, and in doing so changing behaviors that previously would not have been considered as a violation of an individual’s personal space and agency but that do in fact constitute such a violation. Respecting people’s bodily integrity and autonomy over their bodies is necessary if we are to see individuals as people, instead of objects who are bound to gender and the stereotypes that accompany them. Overcoming the gender binary would allow citizens

and political actors to be treated with the respect all people deserve, rather than reproducing harmful behavior.

Both the theory of deliberative democracy and the #MeToo movement want citizens and political actors to reflect on their behavior. While deliberative democracy asks individuals to do this in a political capacity, #MeToo challenges people to do it also in their everyday behavior concerning sexual or intimate situations, but also with their expressions of affection. Young (2002) explains, “In this concept of political responsibility answering the question ‘who did this?’ is less important than asking ‘What can be done to change it?’ To be sure, in the course of analyzing political responsibilities it will be found that some people have done particular things for which they can and should be blamed, but finding such liability does not absolve the rest of us from responsibility for the structural outcomes, since our actions contribute to them” (23). Young evokes the ubiquity of crimes of sexual assault and harassment. Doing so does not lessen the question of “who is responsible,” but instead focuses on “what can be done” so that we can change the atmosphere that supports such behavior. The #MeToo movement insists that perpetrators be held accountable, but accountability is only one part of the problem. Citizens and political actors must reexamine the ways in which their actions (and lack thereof) contribute to creating an atmosphere in which people think it is acceptable to commit an act of sexual violence. The crucial theoretical contribution of my thesis, then, is to insist that deliberative democracy can advance the #MeToo movement by targeting structural injustice.

Tangible

Fixing the epidemic of sexual assault and harassment, should appeal to notions of restorative justice. I focus on financial restorative justice, but there are alternative forms. As Melissa Harris-Perry explains in relation to the #MeToo movement, “Restorative justice

demands accountability and institutional restitution from the companies, corporations, and organizations that paid, promoted and harbored harassers. These are the states who gave safe haven to men who terrorized women and they must make amends through meaningful accountability. Harassment training is not justice because it pours more resources into men. Justice is redirecting resources to women” (Harris-Perry 2017). Her explanation explicitly relies on the deliberative democratic principle of accountability. She does not hide her disdain for the current norms that ignore the actions of perpetrators or those individuals who allow sexual violence to thrive. However, I ask whether her ideas would actually help potential victims if education is denied to those who usually commit these acts? Her solution is that, “For five years the company will pay 77 cents ... on the dollar of that man’s annual salary (plus bonus and benefits) into a Room of Her Own Foundation” (Harris-Perry 2017). This form of financial restorative justice would promote women’s voices. Although her ideas still adhere to the binary structure of gender, the core component of her solution – to give a voice to those who have been systematically ignored – brings truth to a position of power. The aspect of using narrative reflects the more progressive side of deliberative democracy, as it would allow individuals to express themselves and their experiences as they see fit, rather than having to adhere to modes of communication that limit and downplay their expression.

A different method of uplifting the voices of survivors is Take Back the Night, which promotes awareness of sexual violence against women in order to combat sexual assault and harassment (Take Back the Night Foundation, n.d.). At these events, survivors of sexual violence tell their stories to raise the collective consciousness about the multiplicity of incidences of violence and about the insidiousness of the epidemic. This type of event allows survivors and all marginalized communities (particularly women) to reclaim spaces that are threatened by the

ubiquity of sexual abuse. Such events reinforce the type of restorative justice that Harris-Perry envisions because they place focus on survivors, rather than perpetrators.

Another tangible solution, which draws explicitly on deliberative democracy, is to recreate a Truth and Reconciliation Commission, similar to the ones used in South Africa after the end of Apartheid. This would give both survivors and perpetrators the opportunity to come forward and give an account of their experiences to open channels of communication. A central critique of the #MeToo movement is that it has “gone too far” (Smith 2018) by not allowing perpetrators a chance to explain their side, as discussed above with regard to due process. While Truth and Reconciliation Commissions would go against Harris-Perry’s vision of overcoming the current system of sexual assault and harassment because it would give the accused and/or convicted the ability to express themselves alongside the survivor, it has the potential to move us forward by incorporating the deliberative democratic principles of inclusion and accountability.

In *Why Deliberative Democracy?* (2004), Gutmann and Thompson critique the TRC used in the aftermath of Apartheid because it did not fit into a model of democracy that fully supported or accommodated the needs of the victims (171), and also absolved those who committed crimes (164). To fit it within a deliberative democratic format, they make several recommendations that would alleviate the major issues associated with the TRC. They explain, “The very activity of providing an account that other citizens can be expected to understand as reasonable (even if not right) indicates the willingness of citizens to acknowledge one another’s membership in a common democratic enterprise” (Gutmann and Thompson 2004, 181). This idea is based on reciprocity, which has already been challenged within the #MeToo context because it would force survivors, or at least the public, to listen to the reasoning behind committing an act of sexual violence. However, Gutmann and Thompson (2004) invoke the

notion of an economy of moral disagreement, which “calls on citizens to justify their political positions by seeking a rationale that minimizes rejection of the positions that they oppose” (182). This would mean that abusers would have to reflect upon and explain their choices, while survivors would have the opportunity to explain their experience(s). In this moment, perpetrators would have to acknowledge their own distorted justifications that led to their actions, while also doing as Young (1997, 51) recommends by suspending their personal views about the survivor and actually listening to her/him/them. This would encourage perpetrators to acknowledge the consequences of their actions in a holistic way and permit survivors to regain control over their narratives.

The idea of economizing on moral disagreement creates terms through which various parties are able to communicate openly with each other without the fear of retaliation. As Gutmann and Thompson (2004) explain:

“[The principle of economizing on moral disagreement] does not require repentance and forgiveness, which seem to ask citizens to love their political adversaries... it does aim at developing some degree of respect among citizens... Respect is less personal than love. It does not require intimacy or closeness, or even an admiration of a person’s achievements or particular qualities. Respect is a civic acknowledgement: the recognition that others are our fellow citizens and that we are willing to treat them as such, as long as they demonstrate a willingness to reciprocate” (183-184).

Remember that Gutmann and Thompson make these claims in light of the atrocities of Apartheid. They *do* recognize the pain that was involved in every action that was taken by the Apartheid government. Gutmann and Thompson (2004) note, “Unlike a trial that depends on making a definite binary choice between guilt and innocence, a truth commission can encourage accommodation to conflicting views that fall within the range of reasonable disagreement” (185). “Reasonable disagreement” is a key factor of a TRC because it acknowledges that the pain that survivors’ experiences before and after the harassment and/or assault is real, and therefore the

solutions that the TRC finds must accommodate their feelings. A TRC also accounts for differing perspectives, which is evidently a challenge that the #MeToo movement has and will continue to confront as more individuals come forward with their experiences. Communication is necessary to allow citizens to move forward from their most trying experiences, and the framework of a TRC has the capacity to build the structure in which testimony and honest dialogue are not only permitted but supported. While it may not be a faultless solution, a Truth and Reconciliation Commission that utilizes core ideals of deliberative democracy can help to move the #MeToo movement forward.

Conclusion

As a survivor of sexual assault and harassment, I will never have the opportunity to confront the men who used their privilege to exert their power over me. I experience harassment often, but my assault is something that I will carry with me for the rest of my life. Neither minimizes the other, but they are a constant reminder of my positionality in the world. Given the current sociopolitical climate, I am not able to exist in a world in which my body is not objectified, and where my experiences are not overlooked or ignored. I rarely talk about my assault because I do not want to be doubted, made to feel vulnerable, or pitied. Therefore, I recognize the need to find solutions through the use of alternative forms of discursive communication.

What saddens me the most is that my experiences are far from unique. Almost all of the women I know have experienced some form of harassment and/or assault. We have all said “me too” because it is the truth, not because it is a popular hashtag on social media. The #MeToo movement is revolutionary because survivors of all genders, races, locations, classes, and ages are using or can use their voices through the power of social media to make actual and

sustainable change. Although it is viewed as radical, it really is not. The movement-turned-era is expressing the obvious: The United States – both directly and subtly – supports a culture in which sexual violence thrives and is implicitly encouraged by pushing the heteronormative patriarchal conceptions of gender and relationships. The sociopolitical atmosphere systematically ignores the experiences of survivors, which in turn limits the capacity to make effective changes that stop the epidemic of sexual assault and harassment. As viewing this subject through the lens of deliberative democratic principles shows, this climate makes it impossible for us to realize our full humanity as intersubjective citizens. Tying deliberative democracy to the #MeToo movement thus shows our failure to live up to the promise of being a democratic nation that protects the basic rights of all citizens.

As deliberative democracy purports to augment the voices of marginalized communities, its insights can be integrated into the #MeToo era by adjusting them to fit the needs of the movement. As I have argued, the values of reciprocity, accountability, flexibility, and inclusion are key conceptual tools that help the theory to meet the needs of present-day American society. It is important to note that my analysis suggests that deliberative democracy also needs to be revised. Traditional conceptions of it do not view “everyday talk” (Macedo 1993, 403) as a viable way to communicate, especially within the public domain. Yet so much of the communication that occurs nowadays between political actors and the polity transpires through social media, which exemplifies and amplifies “everyday talk.” This makes adapting deliberative democracy to make space for everyday talk integral to using the theory to respond to the needs of the #MeToo movement. As I have shown, this adaptation is compatible with foundational deliberative democratic principles because deliberative democracy seeks to allow citizens to meet each other with respect even when they disagree about morally charged issues. This is a

quality that is often overlooked in the current political climate. Facing challenges with the willingness to listen to those with whom we disagree is an element of deliberative democracy that can help to move political and social movements forward.

The nuance in the theory is not without its problems, especially when considering the #MeToo era. Survivors of sexual assault deserve, at a minimum, to be heard and believed. For this reason, some deliberative democratic principles, notably reciprocity and inclusion, do not necessarily match the needs or desires of survivors. When the focus is taken away from survivors and instead placed on the perpetrators (or potential perpetrators), survivors' voices are minimized (Harris-Perry 2017). This illustrates the problem with inclusivity that is endemic to liberal democracy and that, I have argued, deliberative democracy can fix, which makes it an important criticism. Yet that does not disqualify the values of the theory from ameliorating the issues of the #MeToo movement. As I showed, possible solutions include both theoretical ideas, such as changing norms that support sexual assault and harassment, and tangible actions, like financial restorative justice and truth commissions. These solutions acknowledge the complexities of the current sociopolitical climate surrounding the #MeToo movement, while also allowing survivors to maintain their sense of self-respect. Thus, with certain adjustments, the regulatory norms of deliberative democracy have the potential to transform the #MeToo era.

The combination of #MeToo and deliberative democracy is powerful because it demonstrates the potential to create tangible change where it is most needed. In other words, viewing #MeToo through the lens of deliberative democracy offers a path forward for survivors of assault and harassment, while applying #MeToo to deliberative democratic theory shows the need for greater focus on inclusivity and testimony within it. The two ideas can work with each other to help us develop a climate in which individuals feel safe both in private and in public.

Reducing the burdens on individuals by opening channels of communication serves to support a healthy society in which people are not fearful in their daily interactions and/or intimate experiences. The scourge of sexual assault and harassment exists because the people who experience it are continuously told (either directly or discreetly) that their voices will not be heard, and their experience confirms this. This means that those who commit acts of violence and dehumanization: 1) do not recognize that their actions are wrong, 2) are willfully ignorant of their behavior, and/or 3) maintain these beliefs because they believe they will not be reprimanded.

#MeToo has the potential to continue to be revolutionary and so to help us ameliorate past and current injustices, but specific changes need to be made in order to confront fully the epidemic of sexual violence. The movement has to become more intersectional, specifically by recognizing that abuse and harassment have no gender. Power, not gender, commits an act of physical or verbal sexual violence. When gender is no longer viewed as an ontology that regulates a set of norms, there is the opportunity to break – or at least bend – the restrictions that prohibit certain individuals from being viewed as survivors or perpetrators. The legacy of #MeToo cannot rest on name recognition alone. It must provide a path forward so that all survivors have the opportunity to be heard and create an environment – whether it be in the home, at school, at work, or on the street – in which any form of sexual assault or harassment is not tolerated. The task is not simple, but it is necessary. The time has come to listen – not just because it is in front of us on a daily basis through all forms of media – but because there is the collective recognition that it needs to stop. And so it will.

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