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Postively Negative: Understanding Street Harassment of Women Through Positive and Negative Freedom

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Positively Negative

Understanding Street Harassment of Women Through Positive and Negative Freedom

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Introduction

As Vera-Grey (2016) describes, street harassment is the most understudied yet most experienced form of violence against women (p. 9). Women's experiences of intrusive men in public spaces have only been picked up by academia and policy recently. As noted by Bowman (1993), The reasoning behind this is that most people who are part of academia and policymaking are men and because of their inability to relate to such violence, don't see it as a significant issue under the scope of law (p. 519). Besides underdevelopment in law, feminist scholars also note that street harassment of women lacks coverage in academia. Particularly the field of political philosophy has published few articles on the topic. However, academia needs to understand the workings of street harassment, as Vera-Gray (2016) notes, it makes women feel unfree (p. 12). If street harassment is a violation of the freedom of women, according to Rawls (1958) something must be done by the state to protect women from it. Rawls argues for the principle of greatest equal liberty, which means that the ideal aim for justice is for all to equally enjoy the most freedom possible (p. 4). So, in short, if one finds that street harassment violates freedom, there are implications that a state attempting to ensure equal freedom for its citizens should do something to end street harassment.

To fully understand the complexities of this connection, it is necessary to examine and contrast two contrasting concepts about the essence of freedom. Isaiah Berlin's (1990) notions of positive and negative freedom have acted as spurs for other theorists to develop theories reflecting both extremes of the spectrum. This debate is well reflected in the problem of street harassment, expressing their contrastive views. Thus, this study will begin by examining the arguments about negative freedom, namely those put forward by Matthew Kramer (2002, 2003, 2008). Next, the conversation will focus on positive freedom, using ideas from Martha Nussbaum's (1995, 2005) capacities approach. To thoroughly assess them, the third chapter clarifies the mechanics of street harassment, delineating its three impacts on women. After establishing this fundamental information, the next chapter will examine these impacts by considering both positive and negative views of freedom. This study seeks to explore the scholarly discussion around positive and negative freedom, enabling an assessment of how these ideas relate to the specific characteristics of street harassment. Doing so will determine if street harassment may be comprehended more effectively through the perspective of positive or negative freedom.

Chapter 1: Two conceptions of freedom

To address the question of limited freedom, a comprehensive understanding of freedom is essential. The exploration of limited freedom leads us into an ongoing academic debate that remains unsettled. This debate traces back to a pivotal essay released in 1958 by Isaiah Berlin, who introduced the classifications of "negative" and "positive" liberty.

In social and political freedom, the distinction between negative and positive freedom becomes paramount. Negative freedom is concerned solely with the absence of constraints, emphasizing the removal of limitations. On the other hand, positive freedom goes beyond mere absence and requires the presence of something, a conscious, rational direction toward making a free decision. In essence, while negative freedom emphasizes the agent restricting an individual, positive freedom centers on the individual whose freedom is under consideration.

According to Berlin (1969), these two concepts are interconnected yet distinct. He elaborates on their relationship by highlighting that the desire to govern oneself or participate in the process of life control is a profound wish, potentially as ancient as the desire for a free area of action (p. 121). However, these desires are not synonymous. Berlin asserts that the clash of ideologies dominating our world stems from the difference between these two conceptions of freedom. The "positive" conception, emphasizing freedom to lead a prescribed form of life, is perceived by adherents of the "negative" notion as, at times, nothing more than a deceptive guise for oppressive tyranny (p. 172).

A. Negative freedom

In introducing the concept of freedom, Berlin described negative freedom as the absence of external constraints or interference, focusing on the removal of obstacles limiting an individual's actions. Negative freedom, often associated with liberal ideals, underscores the independence of individuals as rational actors who should be free to pursue their goals without interference from others or the government. The concept of external interference has sparked a multifaceted debate among scholars, with differing interpretations of how to define and assess the nature of interference.

Various understandings of negative freedom are discussed, reflecting a spectrum within negative freedom. Classic accounts of negative freedom, such as Steiner's (1975), primarily perceive freedom as the absence of physical barriers. Steiner's formula quantifies freedom as the personal possession of physical objects, minimizing the impact of coercive threats on

freedom by arguing that such threats make courses of action less desirable without rendering them impossible.

However, other scholars disagree and find that it is necessary to consider non-physical ways to make options impossible or unfeasible for an individual, hence impeding their freedom. Nonphysical barriers can come in different forms. Commonly discussed non-physical barriers are threats or perceived threats. Pettit (1997) offers a view that explains why these can be problematic to freedom. He distinguishes his view from positive and negative freedom but adheres to negative freedom as it does not attempt to bring anyone to fulfill their needs. According to Pettit, freedom is being uncontrolled by domination (p. 22). To implement this idea, he looks at freedom in terms of the control people have over others. Pettit (1997) that control is established when a dominator holds the power to interfere in the affairs of the dominated person and can inflict damage on them (p. 578). This happens, for example, when we directly prevent their choices or make threats. He (1997) asserts that when an agent could arbitrarily interfere with you, you are unfree (p. 88). By saying this he points out that the mere possibility of someone controlling you can make you just as unfree as when this person actually interferes with your freedom. Pettit's account is commonly discussed as a form of negative freedom or a conception that is separate from the binary distinction.

To address the problem of street harassment, a conception of freedom should be discussed that is susceptible to non-physical barriers and allows for a clear idea of what constitutes a violation of freedom. To do exactly this, Kramer. (2003, 2008) published articles refining the scope of freedom. Kramer's 2008 article is a critique of republican and classic accounts of freedom that attempt to distinguish themselves from accounts of negative freedom. Kramer (2008) finds that unfreedom occurs from other people's actions instead of domination without hindrance, as Republicans claim (pp. 35-37). Hereby he expresses the distinction between feelings of unfreedom and being unfree. However, he draws attention to the likelihood of a dominator hindering one's actions due to their position (p. 47). This means that Kramer (p. 34) does not see freedom only as the absence of someone being able to hinder you, but rather as the number and quality of choices you have According to Kramer the different combinations of options you can use determine how free you are. The author calls this "combinations of conjunctively exercisable opportunities that are available" (p. 34).

One can be hindered by direct threats but also by continuous displays of superiority (p. 38). He finds that when violence has occurred in the past causing the unlikeliness of exercising an option, the quality of exercisable options diminishes. He adds to this that when a dominator

can limit an individual but most likely will not, the individual is warranted free. In that case, unfreedom would lie in the individual neglecting an option due to risks (p. 50).

So, just like the idea that your freedom is limited if someone can interfere with your actions for no good reason, the non-interference theorist also agrees in part, saying that if there is a credible threat of interference, it can make you take steps to avoid it. Freedom is a function of the jointly exercisable set of options at your disposal, so when a threat with a big likelihood to interfere, options become non-exercisable. Kramer (2008) explains that when a threat occurs, one is forced to choose between two options. As this means these two options are not available in combination, the conjunctively available number of options declines (p. 38).

Like Pettit, Kramer finds that it matters if someone has power over you, but for this to be problematic for freedom, this person must want to interfere with you (pp. 33-34). Hereby, he critiques republican ideas of freedom by explaining that domination is not sufficient as a barrier to freedom, as he finds the act of interference necessary. He does this as he finds (p. 41) that the intentions of the person limiting your freedom do not matter. When an individual is unfree to do something, malicious intentions or hierarchies are irrelevant to their condition.

Adding to this, Kramer (2003) finds that the nature of the options blocked does not matter to the assessment of freedom. The author has a problem with Berlin's definition that freedom is being unprevented by others from doing what one wants (p. 34). The author thinks that it does not matter if the options blocked are important to you, as he believes the concept of freedom to be independent of desire. This is because he says that one's feelings towards an option do not influence the likelihood of being free to do something. Instead, abilities matter to shape freedom (p. 35).

Another addition to the debate in this text brought by Kramer is his view on unavoidability. He argues against scholars who say that if a person is driven to act, they are unfree (p. 18). He says that it is important to distinguish an unescapable action and inaction. Kramer says that being forced to inaction by a barrier to freedom put up by another person makes one unfree. He points out that this is distinct from doing something involuntarily as an alternative always exists. He claims that even if an alternative is bad, it is still an existing alternative that protects one from unfreedom. By doing this he draws attention to the confining acts of people that put up barriers to freedom rather than if the acts committed due to these confinements are voluntary (p. 23). This does not mean that Kramer finds it unproblematic if a person enjoys little options. But that acts that are involuntary, are not the same as unfreedom, which he finds stems from

the confinement of options by an actor. Concluding on Kramer's view, one can note that Kramer has a quantifiable method of seeing options as value-neutral and then counting them to assess freedom. This is the conception most suitable for this paper as it draws clear boundaries to its scope. It engages in debate with positive freedom in a way that allows for debate and comparison.

A last addition to the understanding of Kramer is his idea on the binary aspect of freedom. Kramer (2002) claims that an option can either be possible or impossible (p. 230). Although someone can only be free or unfree in a situation, ambiguous situations can still be accurately assessed according to Kramer. However, the author (2003) adds to this that in these cases, one should assess freedom and unfreedom for specific aspects of their condition (p. 42).

B. Positive Freedom

The logic of positive freedom starts from a vastly different foundation. Berlin (1969) opens his section on positive liberty with the words "I wish to be the instrument of my own, not of other men's, acts of will. I wish to be a subject, not an object" (1969, p. 120). The word choice of 'men' instead of 'person' is somewhat ironic but fits the bill when discussing this subject. When discussing positive freedom, Berlin (1969) draws the focus to the freedom of a person to be able to walk their own path in life (pp. 43-46). He (p. 44) poses a person as someone with rational thinking, on a way towards self-realization. Becoming positively free means two things according to Berlin. He (p. 46) claims that one needs to see oneself as both a free person who can control one's faith and a person who knows their true desires.

Christman (2015) explains that seeing freedom positively captures what is valuable about it for those who lack it, as opposed to those already enjoying it and needing protection from intrusion. The author says that freedom is not about what you are withheld from doing but about your ability to achieve what is good for you (p. 187). To understand freedom as the possibility to do something that one desires, one easily arrives at the capabilities approach.

Over the past thirty years, the capability approach has gained significant recognition in both academic and policymaking circles. According to Sen (1979), the philosopher who developed the approach, the capability approach asserts that when evaluating an individual's freedom, one should focus on actual opportunities available to people to pursue lives they consider valuable (p. 217). Capabilities are people's possibilities for functionings, described by Sen as beings and doings, such as having enough food, friends, work, health, and care for others. Unlike other

accounts of freedom, holdings are, as discussed, not the main indicator of freedom, as the approach regards them only to achieve wellbeing (p. 218).

The difference between a functioning and a capability is comparable to the difference between a result and an opportunity. So, the approach aims to know what chances a person has to function in a way that brings them happiness. The sum of all capabilities entails the freedom to construct a life that gives reason to value. Sen argues that all should have equal capabilities to achieve their functionings.

Robeyns (2003) furthers on the idea of The “reason to value” which forms a critical eye for what people think makes them happy, differentiating between perceived satisfaction and needs. By discussing what gives a person a reason to value, dissatisfied people who live extravagant lifestyles are not regarded as unfree (pp. 63-64). Similarly, a person who is deprived of many needs but satisfied with them is not regarded as free. This is particularly relevant when discussing gender perspectives, as utility seems to have a relationship with gender. Clark (1997) finds that British women have a higher job satisfaction or utility from doing paid work than men (p. 341). This would imply that as people experience things differently, they get a different utility from the same situation, corresponding with the same freedoms. Utilitarians would note from this example that liberty and equality should be divided in a way that creates the most enjoyment, even if this division is unequal. Adding nuance, Sen (1979) critiques the utilitarian approach, for being unable to achieve true equality of freedom due to this difference in preferences. To achieve equality of freedom, Sen thinks that there should be a baseline in capabilities to achieve freedom that is the same for everyone. According to Sen, this is not sufficient to treat everyone’s barriers to freedom as accurate measures, addressing the subjectivity of levels of enjoyment. To ensure that all enjoy the same amount of freedom, he finds capabilities an equal basis for everyone (pp. 198-199).

Although Sen introduces the idea of thinking of freedom in terms of capabilities but does not argue for a definite list. Adding on Sen’s ideas, capabilities theorist Nussbaum (1995) has discussed her list of central capabilities necessary for furthering social justice (p. 176). This list includes the capabilities: life, bodily health, bodily integrity, senses imagination and thought, emotions, practical reason, affiliation in the form of friendship and respect, other species, play, and lastly, control over one’s political and material environment. The list is cross-national and universal in its values and yet distinct. The capabilities are also highly intersecting and to sustain proper capability freedom, all must be satisfied.

A less detailed account of positive freedom is formed by Christman (2015), who (p. 175) discusses that when considering freedom, constraints do not capture the value that freedom has for people. He says that when these constraints do not exist, possibilities are remaining. Whether these possibilities are valuable and good for an individual answers the question of what freedom should be. This leads him (2015, p. 177) to develop the concept of effective agency which encompasses how feasible it is for individuals to exercise action to achieve things that fulfill them.

The conception of freedom by Nussbaum is compatible with other ideas on positive freedom and provides a clear framework. Therefore, it can be effective to apply to the obstacles of street harassment.

Chapter 2: Street harassment

“A woman walks down a city street. A man whom she does not know makes an obscene noise or gesture. She counters with a retort or ignores him and walks on. This is a common enough sequence of events. It happens every day of the year. . . . Superficially, this is a simple, ordinary encounter. But beneath the surface is a complexity of feeling, thought, and intention that, despite two decades of feminist theorizing and two millennia of women writing about women, we have just begun to decode.” - Muriel Dimen (1986, pp. 3-4)

A. Conceptualization of street harassment

Street harassment is something that can happen to anyone partaking in public life, however, it often is a problem of gender structures. Fileborn and O’Neill (2021) emphasize that most street harassment is experienced in gendered ways; it is a spatial manifestation of, and actively reproduces unequal gendered power relations. Street harassment is distinct from sexual harassment in the workplace and educational institutions as it usually is a short interaction between strangers. This means that it occurs in situations that are unavoidable parts of victims’ lives, like a commute to work. As these practices occur in public, many women report experiencing street harassment. To provide an impression of the harassment’s prevalence, Macmillan et al (2000) concluded in their study that “more than 80% experienced some form of stranger harassment, and almost 30 percent experienced explicitly confrontational forms of harassment” (p. 319). It used data from the Canadian-based 1993 Violence Against Women Survey.

A working definition to define street harassment used in this paper is based on Bowman’s (1993) conceptualization. She states that the remarks are frequently sexual in nature and

comment evaluatively on a woman's physical appearance or her presence in public. The conditions that follow from this are:

- (i) The targets of street harassment are female;
- (2) the harassers are male;
- (3) the harassers are unacquainted with their targets;
- (4) the encounter is face-to-face;
- (5) the forum is a public one.
- (6) the content of the speech, if any, is not intended as public discourse, a direct degrading or objectifying comment (p. 523-524).

Besides these milder forms of street harassment, harassment can also escalate to more violent forms. However, to narrow the scope of the research, this paper is concerned with non-physical forms of street harassment as discussed above, as these lead to a complex debate among scholars of freedom.

Although street harassment is perceived by victims in an extremely negative manner, Walton and Pederson (2020) report that perpetrators harass victims to attempt to flirt or to express sexual interest in victims. Additionally, they report that harassers have higher levels of violent sexist views of the subordination of women and toleration of violence against them.

More context, however, is necessary to understand the occurrence. Crouch conceptualizes the function and effect of all sexual harassment as serving "to keep women in their place," (2009, p. 137) of a subordinate social status, to control their behavior in public spaces. Adding to this, Benard & Schlaffer (1984) conclude that an act of hostility towards women daring to enter public spaces is an attempt to exclude them (p. 18). Bowman (1993) explains how street harassment has the purpose of excluding women from public spaces using concepts from sociology (pp. 526-527). The theory of civil inattention, developed by Goffmann, explains how strangers within large cities tend to mutually non-engage as part of social order. The author (1963) explains how in urban settings, strangers typically avoid direct interaction on public streets. In these settings, staring at strangers is seen as extremely impolite. Breaches of this "civil inattention" occur when encountering someone highly unusual (pp. 83-88). Bowman (1993) applies the theory, saying that harassers breach civil inattention by turning women into objects of unrestricted attention when they are in public, this expresses the idea that women belong only in the world of the private.

B. How does street harassment affect women?

To dissect street harassment suitably, this article will define three aspects or feelings that are crucial for determining if it is problematic to the freedom of women. The fear of experiencing harassment, the harassment itself, and the fear of further violence form the three feelings have three effects as described in interconnected pillars.

i. Street harassment: Emotional distress

First and foremost, street harassment causes negative emotions to the women experiencing it. As explained by many qualitative studies, Talboys et al. (2015) report that victims experience feelings of anger, shame, fear, and humiliation (p. 7). Building on that finding, Shah (2016) states that women who are harassed on the street report severe feelings of distress, depression, and fear, not only immediately after the harassment but also sometimes lasting for weeks or months, leading to them experiencing more mental health problems like depression and a poor self-image (p. 388). Furthermore, other important aspects to street harassment underpin its workings.

ii. Fear of further violence: Threat

According to many qualitative studies, like Kearl (2015) most victims feel threatened by street harassment. They fear that sexual or physical violence may follow from the harassment. Women have no way of knowing which harassers follow their comments up with actual physical abuse. They feel threatened, as they have no way of knowing if their harassers will follow the threats up with violence.

That is why feminist authors like Shah (2015) classify street harassment as true threats. The possibility of more extreme forms of violence is seen as inherent to the functioning of street harassment. They find the underlying threat of physical harassment, physical and sexual abuse, as the drive behind street harassment. This idea, as described by Fileborn and O'Neill (2021) sees street harassment as a part of a larger structure of discrimination against women by men that exists in forms that vary from subtle forms of violence, like sexist comments to extreme forms of violence like femicide (p. 3). Street harassment is simply a light form within the "continuum of sexual violence". It is underpinned by the same gendered power structure that reproduces and exists alongside other extreme forms of violence. Lighter forms of violence uphold the more extreme forms of violence. Nussbaum (p. 2005) agrees with this idea saying that no woman in the world is secure against violence. She notes that throughout the world, women's bodies are vulnerable to a multitude of violent assaults that include domestic violence,

rape, forced prostitution, child sexual abuse, female infanticide, female genital mutilation, and sex-selective abortion. Other practices that are not as obviously violent also contribute to the atmosphere of threat in which all women live the entirety of their lives: sexual harassment, stalking, threats of violence, and the deprivation of bodily liberty. (p. 167).

Shah (2015) goes into detail on how street harassment can be perceived as a true threat based on statistics (p. 386). The US Bureau of Statistics (2013) reports that the likelihood for a woman to experience rape or attempted rape during her lifetime is 25 percent without correction for underreporting. About approximately 22 percent of sexual violence is committed by a stranger. The weight that these experiences carry amongst women justifies their feelings of threat and fear when being harassed by a stranger. This fear, itself a form of psychological violence, takes its toll on women's lives.

The feeling of threat is supported by the connection between street harassment and physical and/or sexual violence. Kearl (2012) finds that rapists tend to test the reaction of potential victims by harassing them. The vulnerability of women is examined by rapists. Shah (2015) also notes that in many instances, women who either ignore or react negatively to street harassment are then faced with physical harm from their attackers (p. 380). With this knowledge, street harassment can be seen as a possible precursor to more extreme forms of violence without knowledge of the likelihood. Hence, the underlying threat is what gives power to street harassment.

iii. Fear of harassment: Avoidance of public life

The feeling of threat can cause victims to take precautions to prevent being harassed. Kearl (2012, pp. 113-117) explains the workings of practices like avoiding eye contact, wearing headphones, talking on a cell phone, and purposefully wearing clothes that might decrease harassment as all parts of attempts of women to avoid being harassed. However, besides women making choices to feel less threatened, they might entirely avoid going outside into situations where they might experience harassment. Hebert et al. (2019) find that street harassment causes women to neglect the options of walking home alone, being in public spaces like squares or parks, or taking public transport at night. Adding to this, Sekhri (2020) finds that street harassment is indirectly adding to the gender wage gap. It influences the choices of women. To avoid harassment, women sometimes go to different schools, and as a result suffer from decreased attendance, and self-confidence which impacts educational results. As a result of this, Hebert et al (2019) find that street harassment decreases women's mobility to the point

where it cuts their position in the job market and access to education, leading to fewer opportunities and higher costs.

From these three pillars, we can conclude that the effects of street harassment are not limited to the occurrence of harassment only. There are also effects without harassment taking place and effects that come with the harassment without being explicit to the harassment itself. With this knowledge, the manner that which conceptions of freedom evaluate the aspects of the experience of street harassment can be gauged. To properly comprehend street harassment, one must include and understand the three parts previously discussed. If a conception of freedom does not recognize all three aspects that together form the experience, it is unfit to understand street harassment regardless of whether it finds them problematic to freedom. These three pillars generalize the experience of street harassment, but they are necessary to form margins for the sake of a clear definition.

Chapter 3: Evaluation

As seen in the previous Chapter, negative and positive freedom scholars assess freedom from different viewpoints. To form a conclusion on how well these perceptions of freedom can account for the injustices of street harassment, we must examine how they assess street harassment in the context of freedom.

A. Street Harassment and negative freedom

The classic conception of freedom by Steiner and Hobbes regards street harassment as unproblematic of freedom. Physically, harassment itself does not block options; it remains outside of their scope of freedom. For scholars of negative freedom who discuss non-physical barriers, there is more engagement with the problematic aspects of street harassment. Pettit's account of freedom as non-domination brings one to the question of whether harassers dominate women in the public domain. If this is the case, then Pettit would classify women as unfree. Pettit (1997) says that a dominator holds the power to interfere in the affairs of the dominated person and can inflict damage on them (p. 578). As discussed in the previous section, the chance of sexual or physical violence is a vital part of why women perceive street harassment in the way that they do. The occurrence of men as aggressors towards women in these cases establishes that strange men on the street as a group can interfere and inflict damage on these women. As this threat hangs about women's heads when partaking in public life without knowledge of the odds that strangers and/or harassers, the fear of interference remains relevant to their freedom, even without further violence occurring to them. The relevance of

threat to Pettit's account of negative freedom. This means that harassment itself, without threat is not recognized by Pettit as it does not interfere with options. Therefore, emotional distress is not separately considered by Pettit. This means that whether Pettit's argument fully encapsulates street harassment within the scope of freedom depends on whether the threat is inherent to all forms and instances of street harassment.

Assessing street harassment through the lens of Kramer's arguments brings up a few distinctions. Firstly, difficulties arise in determining if according to Kramer's arguments, street harassment itself counts as an interference or is only a further escalation of violence. Street harassment, degrading remarks on a woman's physical appearance or her presence in public, is a separate event from threat or possible further violence.

Street harassment, completely separated from threat, does not align with claims of Kramer about unfreedom. Any emotional distress caused by this would be regarded as an internal matter that is distinct from social freedom as Kramer claims that how someone values their options, is irrelevant to freedom. If we take the threat of physical or sexual violence as perceived by victims into account, there are new implications for the assessment of street harassment itself. As discussed earlier, women lack information on which harassers pose a realistic danger for more extreme violence. On this, Kramer (2008) says that when there is a constant display of superiority, one can be deterred from choices, which makes one less free (p. 38). Kramer focuses strongly on the decision not to pursue an option in classifying the action causing this decision as interference and therefore a decline in freedom. Kramer says that where there is a credible threat of interference, to the point where an individual may have to take steps to prevent or avoid interference, then the quality and effectiveness of our options have been reduced, and with it, their freedom (p. 38).

Kramer (2002) argues that one's freedom to do something is binary (p. 230). This means that if a woman is free to participate in public life and an alternative to staying home technically exists, she is not unfree and therefore free to participate in public life. Still, the likelihood of interference influences the overall freedom. The author finds that on a particular subject, you either enjoy freedom or unfreedom. Overall, you can be free to a degree, but for an individual action, he finds there is a clear-cut answer (p. 230). At the question, of whether women are free to partake in public life, the answer is yes. Kramer (2003) suggests in situations where freedom or unfreedom is not clear, one must look at specific aspects where women are either free or unfree (p. 42). When we broaden the scope of Kramer's ideas and discuss conjunctively

available set of options for women, street harassment can be problematic to freedom. Kramer argues against the classic account, to claim that threats can be a case of interference. Women cannot be completely safe from further violence and participate in public life, with both options free to choose, but not open at the same time. As you must choose either of these options as a woman, your freedom is not fully intact. Thus, the different aspects of street harassment can be reviewed individually.

We can conclude from this that when victims feel that their enjoyment of public life has decreased due to emotional distress or feelings of threat, yet the possibility to exercise the option remains chosen, Kramer would establish no strict unfreedom, but less freedom as the likelihood of further violence and therefore interference with an option exists.

B. Street harassment and Positive Freedom

An advantage of Nussbaum's account is that her theory offers a concrete perspective on central capabilities for women. Nussbaum (2005) directly applies the capabilities approach to the case of street harassment. She finds that all essential capabilities for freedom are violated by street harassment (pp. 172-174). Nussbaum focuses on how the lack of the capability to freely move from place to place hinders opportunities for women (p. 172). She (2000) also mentions that the capabilities to plan one's life are hindered by street harassment as women who have experienced violence are not as good at forming a conception of what they want as well as those who did not experience violence (p. 79). This argument is expanded on Christman, who makes an argument that questions the "authenticity" of one's identity and desires. He (2015) critiques liberal views of freedom that underestimate how people belonging to oppressed groups can live up to their desires (p. 179). He believes that this is hindered by ideological manipulation and life conditions that alienate one from themselves. This leads him to question how useful conceptions of negative freedom can be, as these consider a person's desires as pure and unbiased. To offer a solution to this problem, Christman suggests creating a framework for freedom that provides oppressed groups with what is valuable to them. When these needs are provided, oppression and ideological manipulation can be removed (p. 187). What this framework would look like from the capabilities approach applied to street harassment, is discussed in Berik et al. (2023).

Berik et al (2023) have defined how street harassment and more violent forms of harassment cause deprivations of capabilities using Nussbaum's text, specifically in the context of South Asia (p. 9-10). A few of these fit our narrower conception of street harassment, while other

capabilities this article finds are affected in a different way. This brings us to the following list of capabilities supported by Nussbaum (2005):

1) Bodily integrity: The ability to be safe from violence is a central capability to enjoy “bodily integrity” for Nussbaum. This can be observed in street harassment as women not being able to control their bodies by themselves. Their female body becomes a reason for verbal violence. Another aspect of women’s lack of the possibility to enjoy bodily integrity is the underlying implied threats of physical violence, where bodies become tools for harassers to inflict damage.

2) Emotions: The ability to have attachments to people and things outside oneself and to experience and express a range of emotions. Nussbaum (2003, p. 41) highlights the capability of not feeling fear and anxiety stunting an individual’s emotional development, which is a prevalent effect of street harassment.

3) Physical Mobility: According to Nussbaum, being able to move freely from place to place is part of the central capability of bodily integrity.

4) Senses, imagination, and thought: The emotional weight that street harassment causes to women can impede all three of these capabilities as well as hinder their educational development by missing school.

5) Control over one’s environment: The ability to secure one’s livelihood through employment or asset ownership is an aspect of “control over one’s environment” on Nussbaum’s list. This is reflected in the women who do not feel free to commute to the places they want/need to go to, which results in an avoidance of public life. On the contrary, Nussbaum (2005) makes the argument that sexual violence and the threat of it hinder all capabilities defined by her.

6) Affiliations: Women’s ability to form affiliations is hindered by the universal threat of violence. The threat skews affiliations in many ways, affecting women’s ability to participate in many types of social and political relationships (pp. 167-174).

Capabilities theorists focus on the effects of other people’s actions on an individual’s development. Implementing this idea, Berik et al (2023) regard the emotional distress that street harassment causes as an impediment to the development of a happy mind and life (p. 9). Emotions are a clearly defined capability that is protected under capability theorists’ approach to positive freedom.

The most important one of these capabilities is, as Strenio (2020) has revealed, the deprivation of bodily integrity. When bodily integrity is harmed, it perpetuates cycles of inabilities to achieve functionings that sustain quality of life (p. 45).

Nussbaum (2005) takes a clear stance on what she believes the nature of street harassment to be, a threat. She refers to the daunting likelihood for women to experience gender-based violence. As positive freedom has a focus on the experiences of the individual whose freedom is assessed, the experiences of victims, are taken as a reason to legitimize the feeling of threat (p. 167). Shah (2005) adds that violence and its threat interfere with every major capability she defined, noting the central role of threat as a destabilizer of much more. Feelings of threat are a major influence on decision-making and are highly linked to all the capabilities previously mentioned on this list (p. 169).

The avoidance of public life leads to the deprivation of many capabilities. It makes women unfree to pursue education or work, which is seen as a major part of having control over one's life. The deprivation of the capability to control your own life can create deprivations of many other capabilities. The authors note some important sidenotes to the findings. Berik et al (2023) note that when one capability is deprived, others will be deprived as a result. When commuting becomes difficult to pursue due to harassment, it can restrict the mobility to pursue education or other forms of having a good life environment that one has control over (p. 10-11). Having deprived control over one's life is the lack of an important capability. This lack of freedom also has effects on other capabilities, as these build on each other. It can lead to decreases in social well-being. To conclude, the capabilities defined by Nussbaum are highly interconnected. So, Sen and Nussbaum's conception of positive freedom would regard street harassment as a violation of women's freedom with all three aspects of harassment involved.

C. Addressing the critiques

The varying views on the meaning of street harassment have been established and they can be brought into dialogue to establish the strengths and weaknesses of the approaches. Doing so will facilitate the conclusion of which conception captures street harassment most appropriately.

i. Value

Kramer critiques notions of positive freedom for their emphasis on subjective experiences. Kramer claims that when we define freedom as desire-dependent, we would be committing ourselves to some bizarre conclusions. If unfreedom consists of being prevented by other people from doing what one wishes to do, then a singularly effective way of reducing one's unfreedom is to eliminate one's desires and hopes as far as is necessary to match the objective constraints of one's situation (p. 35). Consequently, Kramer finds it necessary to address freedom as a function to be able to do something without barriers, as it escapes subjectivity. He draws attention to situations where a constraint is indented and interpreted differently and says that still, the same breach of freedom is committed. By doing this, he places the scope of freedom outside of the individual. Kramer would disagree with this argument, saying that negative freedom implies that the desires of an individual are not social and political, and therefore not applicable to defining freedom. Kramer (p. 39) specifically argues against Christman by claiming his view is subjective and therefore not capable of measuring freedom, saying that your unfreedom is independent of knowledge or ideas on your unfreedom. Negative freedom does not center on the experience of victims. It focuses on the acts of the person that restricts freedom for the sake of objectivity and quantifiability. By directing attention to the actions of the freedom-limiting actor, negative freedom restates that it sees freedom as a social issue, which is non-personal.

Christman (2015) however, tries to explain that it is not mere subjectivity to consider internal feelings and values when assessing freedom. He says that these give meaning to freedom and explain why something breaches freedom or not (p. 175). We might focus on constraints when thinking about freedom, but to capture the profound value this has for people, we need also to focus on what the absence of these constraints makes possible, namely effective agency itself (p. 177). This brings Christman to claim that agency, when provided, can be used to discuss ideas of internal constraint. He claims that explaining problematics, like street harassment, as caused by internal constraint, relies on the positive freedom of understanding that there are constraints on a person's authentic agency. This authentic agency consists of a

person's desires, needs, and values. Similarly, constraints can be important to freedom, but to capture what makes these constraints important, we must understand what their absence would make possible.

Sen also discusses the role of desire in his article. He discusses that his approach aims to avoid inequality in freedom due to differences in desires. What makes someone feel free might differ subjectively among people, and therefore central capabilities have been established. They are the same for everyone to account for people with extremely expensive preferences or people who experience satisfaction even without enjoying basic needs. This means that since the capabilities approach forms clear universal guidelines on what freedom entails, it is not a mere vague and subjective 'want' as Kramer's text implies. Christman restates this by explaining that freedom is not how much space to move you have, but if you can do what you desire.

ii. Likelihood

Like, Steiner, Kramer does not consider two pillars of street harassment in his arguments. However, unlike classic accounts of freedom, Kramer considers threat to be important to liberty. According to him, the level of unfreedom the threat implies relies on the likelihood of interference. However, even with an extremely small chance of experiencing violence, harassment can cause victims to experience negative feelings and avoid situations that might put them in danger. Their fear is not quantifiable. Street harassment should not be regarded as less bad or worse depending on the crime rate in an area. The underlying feeling is what gives strength to the harassment. The acts of harassment and the effects remain the same for victims, and the likelihood of escalation is not overt. This is because, as Christman says, what counts as a constraint for a person depends on their valuing of a situation, in this case, a threat (p. 182). The author explains that when you define freedom as a function to do something without being prevented from doing so by someone, you reduce freedom to doing something undefined, but this approach does not help one understand how oppressed groups can fight for more just conditions (p. 72-173). He notes that the conception of freedom must be motivated to be able to do just that. Freedom from street harassment means not experiencing emotional distress from harassment. It means not fearing that harassment might lead to further violence. Freedom also means not having to take precautions or be deterred from public life due to fear of harassment.

These three freedoms are personal. Their risks are not quantifiable for victims and their reactions lie in the value women place on feeling comfort in public spaces, their bodies and the people surrounding them.

After it has been established that value is necessary to discuss street harassment in a fitting matter, the question arises of what it means for the freedom of women if a part of women do not experience street harassment as limiting. If the women don't feel bothered, the harassment is still the same. However, they would not experience the effects of the three pillars of street harassment. Therefore, there is no direct need for these experiences to fall into the scope of street harassment as freedom.

iii. Non-domination

A scholar that would still render these women unfree is Pettit. His account of freedom as non-domination establishes that women are unfree. Pettit's account does directly fall under positive and negative freedom but as an in-between account, it is still worthy of discussion. However, Christman's (2015) criticism clarifies that only positive freedom is capable of freeing women of domination and unfree due to its negligence of desire (p. 174). Still, Freedom as non-domination is not commonly understood as positive or negative freedom yet promising for recognizing the problems of street harassment. Although the missing aspect of value leaves it to be categorized as an account of negative freedom, it has features that are distinct from the binary conception. Pettit's account shared commonalities with other scholars of negative freedom for its focus on eliminating restrictions on the individual.

Yet, it remains distinct from the two for its unique approach to what constitutes an interference. This means that it is a promising avenue for future research in the separate assessment of what Pettit's ideas would say about street harassment as the domination of women.

Conclusion

This paper aims to answer the question whether street harassment can be understood better through positive or negative freedom. By evaluating this problem through the ideas of multiple positive and negative freedom scholars, this text finds that positive freedom, namely the capabilities approach is most effective at recognizing the problematic aspects of street harassment, due to its holistic view of reason to value, it captures the experiences of victims. Contrary to negative freedom, the capabilities approach responds to the personal experiences of victims instead of abstract actions by agents. Victims of harassment experience emotional disturbance, feelings of threat, and taking precautions, which are all accounted for by positive freedom as violations of capabilities, and therefore freedom. The approach explains how

capabilities of women are limited by the three pillars of street harassment, which leads us to conclude that street harassment can best be assessed through positive freedom.

Contrastingly, negative freedom theorists interpret freedom as focusing on aspects of freedom that do not touch upon the problems behind street harassment. While classic conception like Steiner's wholly disregards the three pillars, Kramer's approach acknowledges threat as problematic. However, his view is not comprehensive and quantifies the likeliness of violence occurring to assess the legitimacy of the perceived threat. By doing this, Kramer undervalues to experience of victims and overlooks significant characteristics. Freedom as non-domination, another avenue for discussing freedom that shares certain characteristics with negative freedom, could in the context of a different paper have promising ideas on how to understand street harassment. However, within the scope of this paper, positive freedom manages to capture the principles of the problem of street harassment, and at the same time provide ideas on what is missing to realize freedom for victims.

As positive freedom finds street harassment to be a violation of freedom, we can assess what implications this has for justice. Not acting against it would violate the principle of maximum equal liberty as stated in Rawls's (1958) justice as fairness (p. 4). Thus, any political system that takes liberal conceptions of freedom seriously would need to realize policy to eliminate street harassment.

Following this conclusion, some ideas for future research can be identified. first, the research is conducted through the lens of political philosophy and not through a study of law. It would also be highly relevant to see what policy on, for example, street harassment would look like if it was translated into law. Secondly, today's society predominantly uses negative freedom to assess conditions. This brings up a question on the effects this norm has on people's reaction to women being harassed. Adding to this, the discussion on the interaction between different capabilities would enrich the literature on positive freedom. A limitation of this research is that due to its confined length, only a limited amount of authors' ideas could be discussed. Therefore, a recommendation for future research would be to include more ideas on positive and negative freedom to assess street harassment. In short, the subject of street harassment and freedom remains relevant for discussion in academia and the rest of society.

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