

#MeToo is little more than mob rule // vs // #MeToo is a legitimate form of social justice

An Introduction to the Shortcut: #MeToo: Legal quandaries, public shaming, and the violence of silence".

Abstract

This “Shortcuts” section engages the debate on whether the #MeToo movement is best understood as a form of social justice, bringing heinous acts often shrouded in decades of silence into the public domain, or as mob rule, foregoing official legal channels to summarily shame individuals through unmoderated character-assassination. The four contributors offer diverse views on the efficacy of the #MeToo movement to bring forth structural change. They consider the relationship between #MeToo and other longer-running civil rights initiatives, the role of new communication technologies in producing collective suffering, the need to better contextualize the production of shame, they address questions of how love and desire might fit into twenty-first century bio-politics, and critically assess the relationship between hashtag movements and institutionalized law.

Keywords: #MeToo, shame, law, social media, publicity, vigilantism; silence; social movements; violence

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The #MeToo movement that has spread rapidly since October 2017 has helped publicize the widespread prevalence of sexual assault, harassment, and gender inequality in the workplace. Following the allegations of sexual misconduct aimed at Hollywood producer Harvey Weinstein, thousands of women took to social media in solidarity with the victims and to share their own stories of harassment, assault, and rape. The #MeToo movement provided a platform for women to break what in some cases was decades of silence. Then, arguably,

#MeToo started to spin out of control as it became clear that the boundaries of appropriate sexual behavior were a subjective matter. When and how might it be appropriate for a man to proposition a woman? Should questionable sexual conduct be understood within precise cultural and historical contexts, or is it universally (spatially and temporally) deplorable? Should cases of suspected wrongdoing be left in the hands of official law enforcement rather than aired publicly through social media shaming? And what happens when the perpetrator is a woman and a feminist?

In January 2018, French actress Catherine Deneuve was among 100 women who signed an open letter denouncing the #MeToo movement and women's right to publicly call out suspected perpetrators of sexual violence. It was, she inferred, a witch hunt against the right of a man to make a sexual proposition. The letter stated, "Men have been punished summarily, forced out of their jobs when all they did was touch someone's knee or try to steal a kiss." In an interview with Agence France Presse news agency, Monty Python star Terry Gilliam compared #MeToo to "mob rule" that created a "world of victims." Such comments provoked an angry backlash from high-profile personas such as actress Asia Argento, who claims she was assaulted by Weinstein in the 1990s (Argento has herself since become the subject of a sexual assault accusation made by a 17-year-old actor and musician). Public figures like Argento and director Judd Apatow believe that both Deneuve's letter and Gilliam's comments trivialize sexual violence, endorse a culture of "victim blaming," and belittle #MeToo as a platform for democratizing feminism where victims can share their experiences.

The aporia surrounding the objectives of the *en masse* "trial by media," which some may argue #MeToo has become, has been discussed by Dubravka Zarkov and Kathy Davis in their article "Ambiguities and dilemmas around #MeToo: #ForHow Long and #WhereTo?" (2018). The authors appear aporetic in regard to the scope of the #MeToo movement and

their own feelings about what has gained public traction as “the new feminism.” Having engaged in long-term research on violence against women, the authors express a sense of clarity, comfort, and solidarity to be found back in the feminist ideology of the 1970s when acts of speaking out were clearly “an active defiance and resistance to the patriarchal prescription of silence and shame” (2018: 4). The waters of the new feminism are somewhat murkier, with the emergent era of “trial by media” generating a multitude of potential problems, not least shifting the focus away from the act of violence to individual character assassinations and profuse publicity for both victim and offender.

In this Shortcuts section, our contributors have been asked to address these opposing stances: On the one hand, #MeToo is little more than mob rule premised on vigilantism that foregoes judicial procedure in favor of public shaming. In doing so, it shifts the spotlight away from the crime and onto the individual character of perpetrator and victim, thus failing to tackle the structural problem of sexual violence. On the other hand, #MeToo provides a form of social justice that allows the sharing of taboo issues and helps break the silence surrounding serious crimes that can then be dealt with through official legal channels.

The #MeToo trials forgo (and at times seem to replace) jurisprudence, falling into the complicated territory of punitive public shaming found in places as diverse as the 1960s Mediterranean, South Asia, the war-torn Congo, and Bronisław Malinowski’s Melanesia. Regardless of intention, #MeToo has given rise to a superficial, short-lived rearrangement of justice through an unprecedented deployment of *shaming* and *publicity* that do not address the structural problem of sexual misconduct. As Judith Butler recently put it, the media has become the new public tribunal where “whoever speaks is assumed to speak the truth” (quoted in Gessen 2018). It seems that public shaming feeds a sense of restorative justice where the consequences of negative publicity—on career, family life, corporate endorsements—stands in for the judicial process. This process belays a general distrust in the

expected efficacy of the law and reminds one of shaming practices well-documented in the ethnographic archive—cutting hair, stripping away clothes, bodily mutilation, sexual assault as the result of vendetta or witchcraft accusations. Does trial by media equate to shaming as jurisprudence, and if so, does this differ from cases of shaming found in the classic ethnographies of the Mediterranean or Malinowski’s ideas on primitive law? Can public scandals fashioned on social media platforms effect structural change in core public institutions of governance?

In the work of Mediterraneanists John Campbell (1964), John Peristiany (1965), and Julian Pitt-Rivers (1965)—later revised by scholars including Michael Herzfeld (1980) and Jill Dubisch (1995), among many others—“honor and shame” is one of the most enduring models to explicate the relationship between individual and communal morality. The shamed individual can contaminate their family and community, stigmatizing successive generations, leading to social, economic, and political ostracization and ruination. The act of shaming often takes place in the public domain, the news traveling through social networks by way of gossip, rumor, or publicity. By the same token, lost reputations can be repaired through careful manipulation of public opinion (Fazio 1999, in Busatta 2006). Targeted at undermining reputation, shaming frequently serves the traditional functions of criminal law. It is true that shaming can discourage potential offenders, but it can also have wholly undesirable effects that lead to escalating violence and vendettas.

In *Crime and custom in savage society*, Malinowski (1926) also recognizes publicity as a vessel for a certain form of law. In his view, civil law consists of “a body of binding obligations, regarded as a right by one party and acknowledged as a duty by the other, kept in force by a mechanism of reciprocity and publicity inherent in the structure of their society” (1926: 58). Public expostulation may not be “exclusively legal,” he continues, and the “main province of law is in the social mechanism” (1926: 60–61). Publicity can test the waters of

community interest in a case of potential wrongdoing, but it is only when transactions (the claims of prosecution and defense) have come to be consummated according to special forms (the official judicial process) that they may be said to be on their way to legal recognition. Malinowski adds that quarrels regularly take the form of public postulation in which parties of friends and relatives harangue one another, hurling recrimination. These occasions allow people to vent their frustrations and attempt to shape public opinion. But rarely, Malinowski maintains, do these acts result in “definite sentences.” The public expression of sentiment does not usually lead to structural change (1926: 60).

#MeToo certainly brought much-needed public attention to the matter of violence against women. But the publicity generated by #MeToo placed attention on individuals as harbingers of fetishized evil rather than helping tackle the structural problems found at the heart of institutions as diverse as broadcasting corporations, city firms, universities, and in the publishing industry. Feminists have long argued that we need to “redefine in fundamental ways the accepted historical categories and to make visible hidden structures of domination and exploitation” (Federici 2014: 13). It is only through a synergetic examination of the sources where power inequalities are produced, cultivated, and sustained that we could possibly entertain hope of breaking a circle of violence against women.

Media platforms can “materially mold a subject and a culture of perception” (Feldman 1994: 406). In cases of violence against women, the productivity of public shaming and the seemingly fundamental role of social movements in the new feminism should be problematized. It is possible that hyperbole in a media domain swamped with claims and counterclaims—in a form of routinized violence (Feldman 1991: 229)—could breed apathy toward the cause. #MeToo could be construed as a vigilante movement dealing in publicity and shame, summarily and indiscriminately lynching the accused without fair trial. If so, to what extent can #MeToo really provide a platform for legitimate social justice? In engaging

with this question, contributors will consider how public shaming can or cannot lead to sustainable change at institutions that habitually permit and naturalize harassment, violation, or abuse. Further, does the focus of the #MeToo movement on individual characters through public shaming replace the role of jurisprudence, deflecting attention away from both the violent act and the legal process? The authors of this Shortcuts section explore #MeToo in relation to jurisprudence, maintaining that only by considering the relationship between shaming in its context of production, publicity in new communication technologies, long-running civil rights initiatives, institutionalized law, and human desires can we begin to better evaluate the efficacy of embryonic social movements that advocate community-orientated quick-fire justice.

In her Shortcut, Micaela di Leonardo argues that #MeToo is not nearly enough. She advocates that #MeToo offers an opportunity to foreground women's stories that are often all too readily swept under the corporate carpet. However, she maintains that the social movement requires clearer definition and direction and would benefit from incorporating some of the shared theoretical grounding found in 1970s feminism. With this new impetus, #MeToo could then be more fruitfully discussed alongside other social justice movements against racism, xenophobia, homophobia, class discrimination, and violence. #MeToo is categorically not "mob rule"—rather than relying on legal remedies alone, every possible form of activist organizing must be mobilized to combat widespread sexual violence. Di Leonardo concludes that #MeToo is a form of social justice, a promising start that really should go further.

Brackette Williams and Drexel Woodson share di Leonardo's views on the need for better engagement with other longer-standing civil movements; however, they suggest that #MeToo is too young to even be called a social movement. Although undoubtedly a good cause, their worry is that the publicity surrounding #MeToo detracts from other more

established initiatives for social justice, such as race equality and children's rights. Williams and Woodson question the productivity of creating yet another set of essentialized "Ultra-Others," of stereotyped enemies against whom to juxtapose a global community of suffering. They further doubt the ability for virtual hashtag websites to transform righteous indignation and a strong verbal commitment to change into a mechanism to tackle the root causes of sexual transactionalism. #MeToo is a step toward justice for many victims of sexual misconduct, but it remains to be seen whether the movement will be sustainable over the long term or if it will be a catalyst for institutional change.

Thomas Hylland Eriksen focuses on the new communication technologies that have provided a global—and relatively unmoderated—platform for the #MeToo boom. Using social media to spread allegations about sexual misconduct through indefinitely scaled electronic networks creates a hitherto unknown, and slightly anarchic, communication regime. On the face of it, global connectivity allowing the sharing of similar stories is a positive move, but Eriksen reminds us that what is communicated via social media is often not mediated in any way, leading to "mob" mentalities, witch hunts, and victimization in some cases. Away from #MeToo, public shaming on social media is widespread, sometimes unjustified, and can have disastrous consequences for the accused. He addresses the shaky legal ground to #MeToo claims and concludes that, if pushed, he would come down on the side of #MeToo as mob rule.

The fear of mob justice is a theme taken up by Franco La Cecla who suggests that—akin to the Ultra-Othering discussed by Williams and Woodson—men are readily being victimized without due process. He insists that we look deeper into the social and historical complexities of love and sex, romantic desire, innocence, and suffering, before signing up to wholesale stereotyping. La Cecla projects into the future to ask where this might be leading—perhaps toward the criminalization of sex and the removal of desire from relationships. He

also echoes Eriksen in his belief that new communication technologies are changing the rules of the game of the politics of desire. In the age of the omniscient, omnipotent Big Brother, he concludes that a by-product of the #MeToo movement is a new voyeurism, as if personal intimacy were subject to universal eavesdropping. More than a battle of new feminism, he argues, #MeToo is part of a wider twenty-first-century biopolitical power war.

The contributors to this Shortcuts section offer diverse perspectives on #MeToo as social justice verses mob rule. However, on whichever side of the argument they choose to lay their hat, there is remarkable common ground. All contributors acknowledge, for instance, the unhelpful role of stereotyping, of creating an essentialized other. This practice only creates bitterness, a feeling that all those who share an identity trait should be viewed as potential perpetrators, leading to a growing sense of victimization. They are not quite in agreement, however, as to whether this is a price worth paying for the unearthing of serious sexual misconduct and a world of real victims suffering in silence.

All also agree that new communication technologies can be unreliable for gauging the potential to enforce real institutional change. It remains to be seen whether such a well-publicized social movement as #MeToo will even be able to carry its momentum from the online ether to the streets and on into the halls (and heads) of government. One only has to consider the unprecedented global publicity of the Occupy movement and its eventual (lack of) real-world achievements (and limited life span in the public eye) to realize that #MeToo still has a long way to go to become a world-changer. On this point, these authors agree that #MeToo should be in closer dialogue with existing long-term social justice movements in order to pool resources, better contextualize large-scale social problems, and begin to mobilize toward real-world change.

To these key points, I would add that in addition to focusing on the shame that might be brought upon the publicly accused, it is essential to consider the shame cultivated by those

who remain in silence. In my own research with children displaced as a consequence of floods and landslides in 1950s Calabria, I have witnessed the violence of silence. Torn from their parents and taken to live in other parts of Italy, many of my research participants have remained silent about their traumatic relocation, unable to come to terms with their shame for something they cannot answer to or be held responsible for. Over nearly seventy years, silences have grown monstrous and engendered the political subjectivities of the displaced.

Trying to avoid negative publicity is a strategy employed in small-scale communities, global corporations, and academic institutions alike, who attempt to cover up heinous acts and maintain silence about violent taboos to protect their own interests and reputations. One only has to look at the reassessment of historical instances of sexual violence within our own discipline to realize the endemic culture of victim-blaming, smokescreens, and stonewalling—consider, for instance, the 1931 rape and murder of Ruth Benedict’s student, Henrietta Schmerler (Schmerler and Steffen 2018). #MeToo provides a platform where the whispering of violent acts can be heard, shared, and gain traction, potentially encouraging more victims to come forward. Devoid of what Michel Serres (1995) would call “background noise,” #MeToo provides the possibility for whispers to shatter the blanket silence. The shared stories are evidence not only of acts of violence but also the violence of silence and the political subjectivities it engenders. An easily accessible archive, #MeToo is a collection of stories that have slipped through cracks in the history of violence (primarily against women). Taking a careful look at this archive helps us interrogate the structural forces that were preventing voices from being heard.

#MeToo essentially offers to victims of sexual violence a recognized platform to share their stories. It might not seem ideal that the stories are collated through a hashtag movement—with associated problems of moderation and verification—but this does provide an open-access archive and a legitimate channel for others to engage with their own

harrowing experiences. Silence is the most striking evidence of violence, and if #MeToo potentially empowers people to tear down the walls of silence and interrogate archives of pain in the pursuit of justice, then this can only be positive.

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