Words and Action:

A Feminist Theory of Pornography

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Abstract

The thesis explores the feminist arguments against pornography and attempts to explain the nature of the problems involved in pornography in present day Western liberal society. It explicates the senses in which pornography is said to conflict with women's equality and liberty, partly drawing on philosophy of language, but also taking an approach inspired by a Wittgensteinian (or also referred to as the "Background") view of social practices.

It is my contention that the earlier feminist critiques of pornography have not fully resolved the question of the social status, or social significance, of pornographic speech – an issue frequently raised by the feminists' critics. Thus, the thesis seeks to explain this social meaning of pornography, by examining its background social context, which ultimately gives sense and significance to individual speech. The Wittgensteinian perspective on social life would seem to provide a useful conceptual tool for this purpose.

Contrary to the prevailing assumptions, the thesis claims that the pornographer in contemporary liberal society has an "authoritative" character; he is "authoritative" in the sense that his role embodies certain distinctive values and norms of society. Presently, women's social and political subordination is partly, but importantly, due to these shared ideas, norms, and practices. The thesis hence calls for our critical engagement with pornography, as well as with the norms which it reflects, in order to effect changes in the present day way of life.

Contents

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Author's Declaration

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Introduction

In the opening paragraph of her book, *Pornography: Men Possessing Women*, Andrea Dworkin declared that the book is "about the meaning of pornography and the system of power in which pornography exists" (Dworkin, 1981: 9). My primary aim in this thesis is similarly to explain the meaning and problems of pornographic speech in contemporary Western liberal society. For decades, feminists who campaigned against pornography argued that pornography is a harmful speech that *subordinates*, and *silences*, women. The thesis explores and expands these feminist claims; it contends that pornography may indeed be said to be subordinating and silencing speech. It, however, also provides an alternative explanation of these issues, which would address the questions that have not been adequately answered by previous feminist analyses.

Hitherto the influential feminist criticisms of pornography explicated its significance by crucially locating its role within the overall system of male dominance, or by demonstrating the nature or function of individual speech. The arguments offered here seek to surmount the limitations posed by these analyses. Although the thesis does examine the nature of language and applies this knowledge to the issue of pornography, it also critically attends to the relevance of the social context that surrounds individual speech and action, and to the intricate way in which pornography, other everyday norms and practices, and women's subordination come to be connected.

Dworkin and her collaborator, Catharine MacKinnon, so-called "radical feminists", waged a high profile campaign against pornography in the 1980s. Their relentless work, and a proposal to introduce an anti-pornography civil rights ordinance in the cities of Minneapolis and Indianapolis, spurred a further controversy over the issue of pornography. In practice, the debate over the problems of pornography often focuses on *empirical and causal harms* of pornography. The reason is that, within a certain dominant liberal tradition, it is thought that an evidence of such empirical harms would possibly count as the strongest reason against permitting the production and consumption of pornography. An opposition coming from feminists thus contended that pornography harms women in general; not to mention the exploitation of women working in the industry, the evil of pornography is said to be that it influences men to adopt misogynistic attitudes and causes many kinds of sexual violence, intimidation, and harassment. The difficulty with this harm argument, however, is that there has been no conclusive empirical evidence which demonstrates the causal connection between pornography and these various harms. Evidence to prove such causality appears to be, to date, still subject to disagreements.

In recent years, however, there have been some attempts to illuminate the problems of pornography from the viewpoint of the philosophy of language. From a linguistic perspective, Jennifer Hornsby and Rae Langton provided, what may be called, a "constitutive argument" against pornography. In many respects, the "constitutive argument" aims to overcome the limitations of the causal harm argument in accounting for the nature of the problems involved in pornography. Drawing on J. L. Austin's speech act theory in particular, Hornsby and Langton explain the sense in which women are subordinated and silenced by pornography. Langton expounds MacKinnon's earlier

argument and argues that pornography's speech acts "constitute" subordination of women. Hornsby and Langton similarly maintain that women's speech acts are "silenced", or prevented from "counting as" the acts they intend, because of the social conditions created by pornography.

My objective in this thesis is also to approach the issue of pornography from the perspective of speech act theory. I will assess and develop Langton's and Hornsby's arguments, and defend their position against some opponents. Although speech act theory appears to illuminate some problems associated with pornography, there are also limitations to this approach. The problem is that, although it helps to explain certain constitutive aspects of speech, it falls short of explaining the social meaning, or social significance, of individual speech. This means that, even if pornography does consist of subordinating speech acts, we would still seem to be faced with a question about the social implications of these speech acts. Can pornographic views be considered legitimate in society? Does it have any efficacy to impose its views? Does the pornographer, in other words, have any *authority* as regards matters concerning sex and women? Langton's speech act analysis of pornography in fact acknowledges the importance of the issue of authority. She thinks that the claim that pornography subordinates women is contingent upon the status of pornographers in society. Yet, this is a question she leaves unaddressed in her analysis.

The question of the authoritative nature of pornography is in fact a very contentious point in the debate over pornography, and potentially a very critical point that would underlie the overall feminist argument against pornography. Critics of feminists tend to dismiss any social significance of pornography (and hence the problems attributed to it),

and, in my view, feminists have not yet responded to these critics satisfactorily.

The thesis pursues this issue of authority; it aims to demonstrate the authoritative character of pornography in contemporary liberal society. In order to explain this social nature of pornography, I will supplement speech act analysis, by drawing resources from, what is called, the philosophy of the "Background". The concept of the "Background" is said to permeate much of twentieth century philosophy (Hekman, 1999: 122), but I am particularly indebted here to the thought of the later Wittgenstein and some feminist and communitarian thinkers. The idea of the "Background" is apparent, especially in Wittgenstein's notion of a "form of life". To put it very simply, the "Background" or "a form of life" refers to the social context, or social setting, of a particular speech and activity. But the idea emphasizes that every speech and activity is always integrated into, and *part of,* this wider social setting; its existence cannot be conceived in isolation from it. What the "Background" or "a form of life" signifies is the sets of understandings, norms, customs, and institutions of a particular society, which are already assumed and commonly shared by the members of society. It is said that the meaning of individual speech and action within a society ultimately derives from, and depends on, such a shared framework; it is our practices, "the form of life", or the "Background", which give sense and significance to our speech and behaviour (e.g., Wittgenstein, 1967, 1974, 2001).

I apply this idea of the "Background" to pornography to explain its social meaning. Indeed, the meaning of the speech seems to become clearer once its social context is fully taken into account. I will argue that the role of the pornographer reflects, and embodies, certain distinctive values and norms of liberal society; it is because of its

capacity to exemplify some shared cultural norms of society that, I will argue, pornography is said to be "authoritative". Certain moral and cultural ideas of society are emblematically carried and expressed by the role of pornographer. I will also highlight and examine parts of the "Background" which give meaning and significance to the pornographic language-game. Attention to our everyday assumptions and practices in the "Background", I believe, will also enable us to understand better why women's speech acts may fail in certain contexts.

My approach to the issue of the authority of pornography will significantly differ from other feminists, who attempted to explain the importance of pornography in terms of its role as a key practice in the system of male power and dominance. Although the presence of male power is an undeniable social fact, and pornography also reflects it, an explanation of this power is not necessarily an explanation of the authority of pornography; feminists who have focused on the aspect of power have not, in my view, fully accounted for the importance of this particular type of speech, nor the legitimacy or efficacy of the norm which it stipulates. In order to answer the sceptics, who question the significance of pornographic norms in a society, which is formally committed to equality between the sexes, one would need to provide a more thorough explanation of the process in which the viewpoint of the powerful is said to become authoritative. I aim to offer a perspective on this issue from the theory of the "Background".

I will also suggest that it is perhaps necessary to reconceptualise the relationship between male power and pornography; the right way to approach the issue might be here to explore, rather than to focus on the dimension of power, the aspect of the connectedness between pornography and other social values and norms, people's taken-for-granted, everyday assumptions and behaviours. Such a social practice

as pornography is maintained, and the power relation itself is reproduced through these only implicitly assumed but commonly shared values and norms. The collective consequences of people's following of certain shared norms and values can help to maintain the power and privilege of one social group and become a significant source of social inequality and hierarchy.

Sometimes a concern is raised with regard to a "Background", or particularly Wittgensteinian, approach to the social sciences. It has been suggested that the view is associated with conservatism or relativism, and that it does not offer a means of criticizing existing cultures. Wittgenstein is in fact known for saying that our form of life is something that we need to "accept" as it is. For feminists who are concerned with the present state of the form of life, this implication is indeed worrying; although the understanding of our "Background" would seem to offer us an insight into the possibility and intelligibility of our speech and activities, it would not, so it appears, give us a means of evaluating or criticizing these existing practices. Here, we seem to have basically two alternatives; to accept this Wittgensteinian premise or reject it, and seek a basis of social critique elsewhere. In the final chapter, I will engage with the implication of this "Background" approach to the issue of pornography. Even accepting this Wittgensteinian premise, it appears that some forms of reasoned criticism are possible. From a broadly Wittgensteinian perspective, I will discuss different ways in which the feminists may assess and call into question the existing form of life.

Thus, I will begin the thesis with speech act analysis of pornography (Chapter One). Langton argues that pornography performs subordinating speech acts, if the pornographer, the speaker, has relevant authority in the sphere of sex. In contrast to Langton, I will argue that the speaker's authority is not necessary for the performance

of *subordinating speech acts*. After examining a version of speech act theory, I will make a case, albeit with some caution, that pornography can constitute subordinating speech, even without the condition of authority. Although pornography may perform subordinating speech acts this way, the issue of authority of pornography appears to remain relevant. I will attempt to explain the social meaning of pornography, i.e., its authoritative status, from the perspective of the philosophy of the "Background" (Chapter Two). I will continue this argument in Chapters Three and Four, examining the "Background" norms and values which are embodied by pornography. I will then turn, in Chapter Five, to Hornsby and Langton's argument on silencing of women's speech. I will defend the premise of the feminist argument against some critics. The mechanism of this silencing, and pornography's possible role in it, are the themes of the subsequent chapter (Chapter Six). The failure of women's speech would be better understood if we were to expand the analysis and consider other linguistic practices in their social context, and the implication of such practices for the subjectivity of the speaker. In the final chapter (Chapter Seven), I will discuss Wittgenstein's claim that our form of life "has to be accepted". I will offer different ways of engaging with, and critiquing, the form of life, which still appear to be compatible with Wittgensteinian philosophy.

Finally, I should offer a few words about the definition of the word "pornography". A precise definition of what exactly counts as pornography is often quite contentious. My use of the term is clarified in Chapter One; it perhaps suffices to say at this point that my usage involves a minimum definition of the term; pornography is explained in terms of its content and function or intended function. This minimum definition, I believe, is sufficient for the purpose of my enquiry.

Chapter One

Pornography and Subordination of Women: An Approach from Speech Act Theory

This chapter explores, through the application of speech act theory, the claim that pornographic speech *subordinates* women. Some feminists have argued that pornography not only depicts and causes the subordinate status of women but in itself *constitutes* subordination of women. The chapter pays particular attention to Langton's argument that pornography's speech acts constitute subordination if pornographers are "authoritative" in the domain of sex. In response to Langton, I present an alternative analysis of pornography's speech acts. I will argue that pornography seems to perform subordinating speech acts and hence may be said to be subordinating speech. Pornography may be subordinating even if it is not "authoritative" in the way that Langton suggests. However, speech act analysis does raise the importance of the pornographer's authority, and this seems to require further attention in order to establish the social significance of pornography's speech acts.

1. Introduction

In order to explain the relevance of speech act theory to the debate on pornography and subordination of women, I will first introduce the context of the debate.

The context: From a "causal" to a "constitutive" account of the harm of pornography

The standard debate on the problems of pornography often focuses on the question of the *harm* it causes. In fact, it focuses on different understandings of this harm. The harm of the material might be, first and foremost, as reflected in the British Obscene Publications Act of 1959, considered as the harmful influences on the moral character of producers and consumers of pornography. It is contended, for example, that obscene publications have "a tendency to deprave and corrupt" those who are likely to "read, see or hear" them (United Kingdom. Laws, Statutes, etc., 1959). The harm in this sense is the harm to those who voluntarily consume or produce pornographic material. However, if pornography affects only those who willingly engage with it, then, as John Stuart Mill would have said, the question of whether they are harmed by such material should ultimately be left to the judgement of those individuals. As long as these individuals are persons of mature faculty, then they will finally determine what is morally good for them, and any societal enforcement of what is good would be regarded as an unjustifiable "paternalistic" interference with individuals' lives. Pornography, on the other hand, may be thought to constitute a harm to society as a whole; it causes harm to the existing morality of society and ultimately causes its dissolution. Critics of this argument, however, have pointed out that such an argument is likely to exaggerate the extent of society's moral cohesion (Williams, 1981: 52), and it may be that some groups' moral preferences are simply presented as the positive values to be protected in opposition to those of others.

In considering what could be the harms of pornography, or to be precise, in considering what kinds of harm can be good reasons for restricting or censoring pornography, liberal theorists usually reject

the accounts of harm made on paternalistic or moralistic grounds. *The Report of the Committee on Obscenity and Film Censorship* in Britain (hereafter simply referred to as the Williams Report) also similarly eschewed the arguments for suppression of publications based on these two grounds (*ibid.*: 50-53, 57-58). Liberals' rejection of paternalism and moralism reflects the value of individual liberty and moral autonomy, and in a free society, any argument against the distribution and consumption of pornography must contend against the fact that there is always a strong "presumption in favour of individual freedom" (*ibid.*: 51) and freedom of speech.[1] In fact, according to a powerful tradition of liberalism, the only account of harm which is generally acceptable as possibly a good reason for restricting and suppressing pornography is that which is based on Mill's "harm principle": "the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others" (Mill, 1975: 10).

The notion of harm reflected in Mill's principle is a "causal" notion of harm, which takes into account the harmful effects or consequences of some action upon the interests of persons other than the actors themselves. To follow this harm principle, the only ground for which pornography can be legitimately restricted is the existence of highly reliable evidence that it causes tangible harm to the interests of some individuals other than those who willingly engage with the material (cf. Hawkins and Zimring, 1991: 74-108; Williams, 1981: 50-61). Mill also emphasized that coercive measures are justified only when "a person is led to violate distinct and assignable obligation to any other *person* or *persons*" (Mill, 1975: 75, emphasis added) and thus the harm conceived is the harm to particular *individuals* in society who can claim the protection of such distinctive rights or interests.

Since the feminist critique of pornography, the harm in question came to surround particularly *harms to women* inflicted by the male consumers of pornography. Leslie Green, in calling the causal notion of harms "contingent harms", summarized the essence of this now common argument as follows: "[t]he standard argument appeals to the indirect and contingent harms of pornography: by influencing the beliefs, attitudes, and values of its consumers, and ultimately the whole culture of a society, pornography leads to a variety of violent, abusive, and discriminatory acts against women" (Green, 1998: 289). However, as Green and many others have pointed out, the main difficulty with this argument is that the causal connection between pornography and sexual violence or offences has not been clearly established. The available evidence is frequently not conclusive enough (there is, for example, a disparity among different countries) or its validity is contested (Williams, 1981: 61-95; Dworkin, R., 1991: 13-14, 1993: 38; Hawkins and Zimring, 1991: 74-108), and it is also argued that there may be other social factors beside pornography, such as the existence of a "macho culture" (Feinberg, 1985: 147-157), or a certain predisposition of individuals, which may possibly explain the perceived harms to women.[2]

Thus, even though the causal harms of pornography can be a good reason against its publication and consumption, this causation has to be empirically demonstrated. If law is to be invoked, it has to be " 'beyond reasonable doubt' " (Williams, 1981: 59). In the light of the difficulty of demonstrating the causal harms of pornography to women, some feminists, such as MacKinnon, have shifted the focus of their arguments from these harms to (though not neglecting them), to use Green's phrase, the "constitutive harms" of the material (Green, 1998: 289). They have come to emphasize, not some consequential harms of pornography, but certain harms that pornography *constitutes* in itself. The claim is now no longer based on any empirical evidence

of causal harms; the claim is rather that pornography "*is* such a harm" (*ibid.*: 289). Although some might want to use the term "constitutive wrongs", rather than "constitutive harms", of pornography, in order to place it closer to Mill's principle, what is at issue is substantively the same. What differentiates these arguments from the standard ones is that what is asked is not primarily, "what harms does pornography actually cause", in the manner of the standard argument, but rather, "what wrongs or harms are constituted by pornographic speech in itself".

This feminist argument is hence a *non-causal*, and also *non-empirical*, argument about the harms of pornography. The main thrust of this argument is captured in MacKinnon's claim that, in the American legal context, the standard notion of harm is only understood in a narrow, " 'John hit Mary' " sense (MacKinnon, 1987: 156). That is; there is an assumption that speech is not harmful unless it is proven to cause harm to someone. The proof of causation demanded is like giving a proof that one billiard ball is sure to hit another; that if pornography is harmful it must be shown that it triggers a reaction in its audience, who, under that influence, conducts harmful acts. MacKinnon complains that

> the idea is that words or pictures can be harmful only if they produce harm in a form that is considered an action. Words work in the province of attitudes, actions in the realm of behavior. Words cannot constitute harm in themselves.... (...) The trouble with this individuated, atomistic, linear, isolated, tortlike – in a word, positivistic – conception of injury is that the way pornography targets and defines women for abuse and discrimination does not work like this (*ibid.*: 156).[3]

We might recall that liberals in fact held that free speech is not an absolute principle, and Mill too said, for example, that there is a good reason for not allowing speech if it is likely to incite danger or violence. For instance, he said: "[a]n opinion that corn-dealers are

starvers of the poor...may justly incur punishment when it is delivered orally to an excited mob assembled before the house of a corn-dealer...." (Mill, 1975: 53). However, Mill's argument here also rests on an empirical and causal account of the harm of speech. Furthermore, whereas Mill envisions only that some words may induce or lead to some conduct (e.g., incite violence), MacKinnon questions this assumption of a simple dichotomy between words and actions. She draws our attention not simply to a consequence of speech which may or may not result but also to a certain *action* or *practice* that speech essentially constitutes, and argues that pornography too should be considered in this light. She contends that the nature of pornography is "more actlike than thoughtlike" (MacKinnon, 1991: 204). Pornography is a speech which conveys certain viewpoints, but it also constitutes harmful action against women. MacKinnon uses many verbs to describe harmful acts of pornography, such as "hurting, degrading, violating, and humiliating", but in a nutshell, it is said to be the act of "subordination" of women (MacKinnon, 1996: 23). In fact, MacKinnon and her collaborator, Andrea Dworkin, once drafted a civil rights ordinance and defined pornography as "graphic sexually explicit material *that subordinate* women through pictures or words"(*ibid.*: 22, emphasis added).

Thus, the argument is that pornography constitutes harmful action, which is subordination of women. This is independent of the question of whether or not pornography actually causes subjection of individual women. The harm constituted in pornography is said to be that it degrades and demeans women and defines them as men's subordinates. The harm conceptualised here is not to individual women in particular but first and foremost to women as a group (cf. Mendus, 1985: 110-111). The recent feminist concept of the harm of pornography therefore differs from the one used in the standard paradigm. It focuses not on the harmful behaviour that pornography

may incite to but on the action which it itself is said to constitute. A constitutive, or non-causal, argument against pornography actually predates these feminist arguments. To quote one example, Ian Robinson, in the context of the debate surrounding pornography and obscenity, lamented that much of the contemporary discussion mistakenly assumed that the right or wrong of pornography is to be judged in terms of its consequences upon some individual's behaviour (Robinson, 1973: 160-161). In Robinson's view, the debate was simply "confused by [this] cause-and-effect talk". He observed: "Pornography doesn't cause depravity and corruption, it *is* depravity and corruption" (*ibid.*: 165). Thus, Robinson also made an argument, not about some causal effects of pornography, but about the nature of pornographic speech itself (also cf. Woozley, 1982). The difference between this and the feminist argument is, of course, mainly that the feminists are not concerned about "depravity and corruption" or obscenity as such but pornography's detrimental effect on women's equality in society.

The constitutive account of harm of pornography, however, is not easily accepted either. After all, a common defence of pornography – that it is only a "fantasy"; at best amounts to a "viewpoint"; pornography is "only words" which merely describe or refer to certain ideas. And if the words are said to have any power, that power should be measured in terms of their *effect*. Thus MacKinnon and Dworkin's contention that "pornography is an act against women is seen as metaphorical or magical, rhetorical or unreal, a literary hyperbole or propaganda device" (MacKinnon, 1996: 11). Another objection which is likely to arise is that, even if pornography is proven to constitute such a harm, this will not warrant legislation against it by that very fact. This would require further arguments, such as that the prohibition of pornography is the only effective means to cope with this problem, and that this should be given priority over the protection of liberty of

pornographers and consumers. However, some feminists at least want to demonstrate that causal reasoning is perhaps inadequate to grasp the nature of the problems of pornography; they want to offer instead a constitutive, or non-causal, account of the harm of pornography. But how might this non-causal and non-empirical account of harm of pornography be further defended? In a culture which tends to have a certain empiricist bias, the feminist argument that pornography is in itself a form of subordination seems to need more support. This, in fact, is the context where an approach from linguistic theory is deemed helpful.

Pornography and speech act theory

Rae Langton attempted to show that the feminist claim that pornography constitutes subordination of women is at least conceptually sound and coherent (Langton, 1993, 1998). She was careful enough to mention that the demonstration of such a harm of pornography is not *ispo facto* an argument for its censorship; however, she argued that the feminist claim could at least be shown to be philosophically defensible. Applying J. L. Austin's theory of speech acts, Langton argued that pornography may indeed constitute speech acts of subordination. Austin's notion of speech acts, especially the concept of "illocution", which refers to the acts performed in speech, does seem to be attractive in offering a constitutive account of pornography. He not only clearly distinguished the notion of effect or consequence of an utterance from that of the act constituted by it, but his whole doctrine gives prominence to the latter aspect of speech, which is sometimes neglected, or forgotten, in common discussion about speech.

Thus, in what follows, I will first attend to Austin's own theory and examine Langton's analysis of pornography's illocutions. The

orientation of this chapter is, however, somewhat exploratory, as were in some respects both Austin's and Langton's theories. My primary aim in this chapter is to examine, mainly through the application of speech act theory, whether or not pornography constitutes subordination of women. In response to Langton's analysis, I will present an alternative examination of pornography's illocution. It will be shown that my approach to, and interpretation of, pornography's illocutionary acts significantly differ from Langton's in some respects. However, just as Langton, I also set aside the question of whether or not the constitutive harms of pornography would merit any legislation against it. I will consider only, through the approach from speech act theory, whether or not pornographic speech can be said to be subordinating speech.

2. Austin's speech act theory

In this section I will explain the main tenets of Austin's speech act theory and how it might illuminate the debate on pornography. What follows in this section is, therefore, mainly an exposition of Austin's theory, and I will largely leave out the concepts developed by other theorists.

Concept of speech acts

Speech act theory is, according to one definition, "partly taxonomic and partly explanatory" (Bach, 1998: 81); it is a theory that aims to explain what the speaker is essentially doing in making an utterance and classifies the utterance according to its usage or function. The concept of speech acts, or the concept of "performative" utterances rather, to use Austin's earlier expression, seemed to have emerged out of the philosopher's dissatisfaction with the traditional approach to the philosophy of language. According to Austin, philosophers

traditionally had a tendency to treat statements that we make as essentially descriptive in nature, or as mere reporting of facts and events, and assumed that finding out the truth or falsity of such statements is the main concern of the philosophy of language: "We have not got to go very far back in the history of philosophy to find philosophers assuming more or less as a matter of course that the sole business, the sole interesting business, of any utterance – that is, of anything we say – is to be true or at least false" (Austin, 1961: 220). Philosophers, in other words, assumed that "the business of a 'statement' can only be to 'describe' some state of affairs, or 'to state some fact' ...either truly or falsely" (Austin, 1976: 1).

Austin found, although he may not have been the only one who did so, this prevailing approach in the philosophy of language unsatisfactory. The traditional approach treated statements as though their only purpose was to be either a true or false statement. He thought that, at least, at times, the purpose of making statements had nothing to do with "reporting" or "description" of an event, and thus had little to do with a matter of "truth or falsity". For example, when someone says, " 'I apologize' ", the speaker is not really *reporting* his or her action of apologizing; we would say, rather, that the speaker *is actually apologizing* in saying it (Austin, 1961: 222). Similarly, when people say " 'I do' " at a marriage ceremony, they are actually *marrying*; when someone says, " 'I name this ship the *Queen Elizabeth*' ", he or she is actually *christening* the ship. Also, when someone says, " 'I bet you sixpence it will rain tomorrow' ", he or she is in fact *betting* in saying it (*ibid.*: 222). In each of these instances, in making the utterances, the speaker is not reporting or describing the act of apologizing, marrying, christening, or betting, but in practice carrying out these very acts. Thus, in some circumstances, in saying something, we are actually *doing* certain distinct actions, and this has nothing to do with being true or false, or reporting facts and events as such.

Austin first named this special group of utterances, which are also actions of some sort, "performative utterances",[4] and contrasted it with what he called "constatives" (*ibid.*: 222; Austin, 1976: 3-6). The constatives bore the meaning close to the traditional sense of (true or false) "statement". His idea was therefore initially that, only in certain circumstances, did saying something count as doing something, i.e., "performative" (Warnock, 1973: 69-70). However, Austin came to realize that this distinction between performatives and constatives is not as tight as it seemed, and that there are a number of ambiguous cases in between (Austin, 1976: 133-147). After all, if we closely analyse a "statement" – understood as a description that reports some matter of fact truly or falsely – we would find that "to state" is also the doing of some act (*ibid.*: 133-134). In the end Austin came to think that all utterances are performances of some acts. The correct approach was hence thought to be not to divide utterances into "performatives" and "constatives" (i.e., non-performatives) but to study the different dimensions of each utterance.

Austin therefore thought that to say something is generally also to do some acts. He refined his notion of performative utterances and subsequently developed the concept of *different levels of acts that we do in making an utterance*, namely, the concept of "speech acts". According to him, there are three different acts that we commonly do in making speech: these are "locutionary", "illocutionary", and "perlocutionary" acts of speech. A "locutionary act" is simply "[t]he act of 'saying something' ", which is roughly equivalent to uttering a certain sentence with a certain sense and reference (*ibid.*: 94, 109). A locutionary act typically involves an "illocutionary act," which is an act performed "*in* saying something" (*ibid.*: 99), such as apologizing, marrying, christening, and betting discussed earlier, but common examples given by Austin also include "informing, ordering, warning,

undertaking &c.", which are supposed to have "a certain (conventional) force" (*ibid.*: 109). Finally, a "perlocutionary act" refers to "what we bring about or achieve *by* saying something, such as convincing, persuading, deterring...surprising or misleading"; in other words, perlocutionary acts are the acts that "produce certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons" (*ibid.*: 109, 101). The related terminology of "locution", "illocution", and "perlocution", therefore also refers to these acts. But locution and perlocution may also connote the "content" of speech, and the "further effect or consequence" resulting from speech, respectively.

It is probably best to illustrate these concepts with concrete examples. The following example is from Austin (*ibid.*: 102), but I will add a little more explanation. When a man says to another, "You can't do that", the act of locution is exactly to say this sentence, "You can't do that", meaning *you* by "you" and *that* by "that". In saying, "You can't do that", the man "[protests] against", or objects to, the hearer's performing a certain act. This is an illocutionary act performed in the speech. Finally, the man manages to *persuade*, or *convince*, the hearer not to do the action. This is a perlocutionary act achieved by the speech. Austin in fact attempted to distinguish these three levels of speech acts in a more simple way, often saying that locutionary acts are the acts *of* saying something (*ibid.*: 100); illocutionary acts are the acts performed *in* saying something (*ibid.*: 99); and perlocutionary acts are "the achieving of certain effects" *by* saying something (*ibid.*: 121), although he did not seem to be so content with this distinction, especially that between "in saying" and "by saying" (*ibid.*: 121-132).

A certain aspect of the relation between locution and illocution must be emphasized. Austin argued that "[t]o perform a locutionary act is...*eo ipso* to perform an *illocutionary* act" (*ibid.*: 98). As John Searle

explains it, what is meant by this is that the locutionary act and the illocutionary act of an utterance are not essentially separate acts that happen to coincide; it is not that one is performing these speech acts "simultaneously, as one might smoke, read and scratch one's head simultaneously" (Searle, 1969: 24). It is rather that the locutionary act *entails* the illocutionary act; or maybe, as Searle suggests, in performing an illocutionary act (say, apologizing), one normally also performs a locutionary act (*ibid.*: 24).[5] The point is that these acts are inseparable. The locution and illocution are rather distinct dimensions of one and the same utterance, and linguistically speaking, they are closely related to each other, more closely than they are to perlocutionary acts. Perlocution refers to certain *effects* of an utterance upon the thoughts or feelings of the audience, and the production of such effects is usually subject to a variety of factors, including non-linguistic factors. Thus, locution and illocution are essentially connected to each other, and they are deemed to be more properly, unlike perlocution, within the realm of linguistic study (cf. Hornsby, 1994: 195).

"Felicity" conditions for illocutionary acts

We have now seen the three different levels of speech acts. Of those, the concept of illocution plays a central part in Austin's doctrine of speech acts. There is, however, another issue about how illocutionary acts are generally achieved. It is by no means taken for granted that illocutionary acts are always carried out successfully by the speaker, and just as a statement can be true or false, for Austin, illocutionary acts can be "happy", or "unhappy", successful or unsuccessful, with regard to their intended purposes. He called the unhappy performance of performative speech in general "infelicities" (Austin, 1976: 14) and explained the different conditions which performatives must satisfy in order to make their performances fully successful. For Austin, the

most important condition for illocutionary acts is that these must conform to appropriate conventions which give meanings to these acts in the first place. Austin thought that illocutionary acts are performed "as conforming to a convention" and thus essentially are "conventional" acts (*ibid.*: 105). That is to say, generally, "[t]here must exist an accepted conventional procedure having a certain conventional effect, the procedure to include the uttering of certain words by certain persons in certain circumstances" (*ibid.*: 26); and "[t]he particular persons in a given case must be appropriate...." (*ibid.*: 34). In addition to this condition of convention, "happy" illocutionary acts usually require the speaker's corresponding intention, thoughts, or feelings to perform these acts and also the hearer's "uptake" of these acts (*ibid.*: 15, 117).

Again, it is perhaps better to illustrate these conditions with the aid of some examples. Firstly, there must be appropriate conventions. The utterance of "I do" at a marriage ceremony can be an illocutionary act of marrying only if there is such a convention in society to make this utterance the act of marrying. Secondly, the circumstances of utterances must be appropriate. The marriage ceremony must not be interrupted and must be conducted according to proper procedure, and the person who utters "I do" must be the right person; the person must not be already married, and so on (*ibid.*: 16-17). One might say of this rule, briefly, that an illocutionary act must be performed by the right person in the right context in order to be successful. Thirdly, the speaker should have appropriate thoughts and intentions. The person who says "I do" must have the intention to marry, and if not, it would be a case of, what Austin called, "abuse". In this case, the illocutionary act is actually performed, but we might say that it is "insincere" or "an abuse of the procedure" (*ibid.*: 16, also 39-52), and hence is still a case of "unhappy" illocutionary acts. Fourthly, and finally, illocutionary acts require "uptake" by the hearer. The

illocutionary act of marrying in saying "I do" must be understood by the audience as the act of marrying.

Illocution and pornography

So far I have delineated the main concepts of speech acts. I will now explain how the theory might offer an insight into the problems of pornography. The key concept here is, of course, that of illocution. To use Austin's terminology, it can be said that the standard debate about the problems of pornography surrounded its locutionary and perlocutionary aspects. It was about its *locution*, because what was called into question was often the *content*, or what is being expressed, in pornographic materials. Some were concerned about the morality of sexual explicitness, while others criticized the degrading images of women in the representations. It was also about its *perlocution*, because it was contested that pornography causes harmful *effects* upon its audiences and also causes harms to women. However, now we know that these are not the only aspects of pornographic speech; there are also its illocutionary dimensions to be considered.

Austin's theory of speech acts prima facie seems to offer conceptual resources, and also a certain advantage, to the feminist argument that pornography also constitutes certain actions (I set aside potential difficulties arising from the application of the theory for the moment).[6] Austin was at pains to point out that the purpose of statements is not *merely* to refer to some facts or events or to be "true or false" statements. He maintained that we generally do many more things with our words; we characteristically perform some distinct acts in making utterances. Thus, the idea that pornography is *only* "referential" (cf. MacKinnon, 1996: 21, 26, 28), or that it is just a "description" of some viewpoints and ideas, which are either true or false, seems to overlook this *performative* aspect of pornographic

speech. Austin also took care to distinguish the effects or consequences that an utterance may bring about from the acts constituted by that utterance itself. In brief, what is distinctive about the concept of illocution is that it enables one to address directly the nature of a particular utterance: what it is that the speaker is essentially doing in making that utterance; how it is to be taken; or what it basically is. Is saying "I apologize" the very act of apology, or reporting of an apology? Is a particular statement an order or a request? Is it meant to be a simple prediction or rather a promise? What does it essentially amount to? Here the notion of illocution attempts to explain how a particular utterance is to be taken, or what it essentially *is*. Thus, also, an analysis of pornography's illocution attempts to explain what pornographic speech essentially is. If the feminist analysis is successful, it will be shown that pornography performs subordinating speech acts; that it essentially *is* subordinating speech.

3. Langton's speech act analysis

Langton argued that Austin's theory could "illuminate" the feminists', such as MacKinnon's, claim that pornographic speech constitutes an act of subordination of women. At least, she said, it will be shown that their argument is conceptually sound and coherent, and that "the accusation of trickery and conceptual confusion levelled at this claim may be misguided" (Langton, 1993: 297; 1998: 262). In this section I will focus on Langton's original analysis of pornography's speech acts.

In order to demonstrate that the feminist claim is defensible from a speech act perspective, Langton first sets out to define what subordinating speech is, or what subordinating illocutions are. She offers an example of a legislator promulgating a discriminatory law in the context of apartheid – " 'Blacks are not permitted to vote' " – and argues that such a statement can be subordinating for three reasons.

Namely, "[t]hey *rank* blacks as having inferior worth. They *legitimate* discriminatory behavior on the part of whites. And finally, they *deprive* blacks of some important powers: for example, the power to go to certain areas and the power to vote" (Langton, 1993: 303). Because of these three features, "(unfairly) ranking" some people as inferior, "legitimating" discrimination against them, and "(unjustly) depriving" them of certain powers, the legislator's speech is considered to be subordinating.

In saying, "Blacks are not permitted to vote", the legislator is performing illocutionary acts; i.e., the illocutionary acts of ranking, legitimating, and depriving. These acts are hence subordinating illocutionary acts.[7] The acts of ranking, legitimating, and depriving are what Austin termed as *verdictive* and *exercitive* illocutions. Perhaps it is relevant at this point to introduce different types of illocutions classified by Austin. As mentioned earlier, speech act theory is partly "taxonomic", and different theorists offer different versions of the taxonomy of illocutionary acts. In the case of Austin, he classified illocutionary acts into five major groups; what he called, "verdictives", "exercitives", "commissives", "behabitives", and "expositives" (Austin, 1976: 148-164). Of these "verdictives", "exercitives", and "expositives" are most pertinent to this discussion, and therefore I will only explain these.

Verdictive illocutions are acts of judgement that establish some matter of fact, such as a jury's verdict or an umpire's decision at a game (*ibid.*: 153). Exercitives essentially consist in "exercising of powers, rights, or influence", and are typically associated with such acts as "appointing", "ordering", "awarding", "warning", etc. Some of the exercitive acts are based on verdictive acts (*ibid.*: 155-156). Although verdictives and exercitives are sometimes confused, the former is akin to a "judicial act", which delivers a *judgement* that something "*is* so";

while the latter is similar to legislating or executive acts, which *enacts* a "decision that something is to be so" (*ibid.*: 155, emphasis added). It is said that exercitives are more of a "sentence" than a "verdict" (*ibid.*: 155), which carries out a certain power based on a verdict. Finally, the class of "expositives" refers essentially to those acts of *explaining* and *elucidating* the speaker's standpoint in the course of conversation or argument; which also includes such acts as arguing, stating, accepting, affirming and denying (*ibid.*: 161-163).

Thus, Langton argues that the subordinating speech of the apartheid legislator is performing verdictive and exercitive illocutionary acts. It is firstly *verdictive*, because it gives an "authoritative" judgement, delivering an assessment on the "rank" of people. Secondly, it is *exercitive*, because the speaker exercises power to legitimate a discriminatory act and deprives black people of their right to vote. As both verdictives and exercitives are sensitive to the proper authority of the speaker, Langton calls these "*authoritative* illocutions" and argues that subordinating speech is a species of these authoritative speech acts (Langton, 1993: 305).

Langton then draws an analogy between the authoritative, subordinating speech of the apartheid legislator and pornographic speech. According to some feminist arguments, it is often said that pornography "ranks" women as sexual objects and "legitimates" violent sexual behaviour. These acts, "rank" and "legitimate", which are verdictive and exercitive illocutions, resonate with the mentioned legislator's illocutionary acts. Pornography is, therefore, "first, verdictive speech that ranks women as sex objects, and second, exercitive speech that legitimates sexual violence", and thus it too appears to perform "an *illocutionary* act of subordination" (*ibid.*: 307-308).

However, this is not a straightforward conclusion about pornography's illocutions. As mentioned earlier, Austin thought that certain "felicitous" conditions, such as conventional procedures, must be fulfilled in order for an utterance to achieve its illocutionary act. For Austin, the illocution is mainly an act conforming to the conventions, and for both verdictives and exercitives, the most crucial condition is said to be the speaker's rightful *authority* in the field concerned. To explain, when an umpire shouts "fault" at a match, his illocutionary act can count as a verdictive; his illocution is successful. Whereas when a spectator says "fault", it would not count as a verdictive, and the illocutionary act is unsuccessful. The spectator attempts to do a verdictive illocutionary act, but it simply fails, because he is not the right person, or does not have right authority, to do so (*ibid.*: 304, 311). Analogously, Langton thinks that pornography can count as verdictive or exercitive subordinating speech, or can successfully perform its illocutionary act of subordination of women, only if this condition of the speaker's authority is satisfied; that is, it is only when the speakers, i.e., the pornographers, are actually in such a position to deliver an authoritative judgement about women and sex, their saying so and so will, in effect, count as so and so (*ibid.*: 311). Otherwise, the attempt of the pornographer's speech to deliver a judgement about women simply "misfires"; producing what Austin called an instance of "infelicites"; an "unhappy" performance of illocutions.

There are some questions regarding Langton's analysis of pornography's illocutions. An immediate question that might be raised seems to be that of determining *the* speech acts, or *the* illocutionary acts, of pornography. Austin's theory was primarily concerned with single, *individual* utterances, such as, "I warn you"; "I promise you"; or "I bet you sixpence it will rain tomorrow". "Pornography", on the other hand, normally refers to a class or group of speech, which consists of numerous utterances. The problem seems to arise partly

because of this plurality of pornographic utterances. Or, the problem may be the appropriate interpretation of these utterances (especially when pornography is in a pictorial form). Although Langton suggested, based on some feminist discussions, that a pornographic utterance can be interpreted as "ranking" of women as sexual objects, some might question this assumption. Austin classified illocutionary acts according to the verb used in the utterance (the first person singular present indicative active form: such as "I rank", "I promise", etc.). The verb "rank" is in fact classified under the category of the verdictive. Although the pornographer's utterance may be interpreted as "I rank women as X", what happens if it is taken instead simply as "I state that women are X" or "I affirm that women are X"? According to Austin, such verbs as "state" and "affirm" are called "expositives" (Austin, 1976: 162), which is said to be mere exposition of one's viewpoints, although he leaves room for disagreement as to whether these expositives should not also count as verdictives, exercitives, or other illocutions.

Indeed, Langton acknowledges the difficulty of determining pornography's illocutions. As in other cases where there is disagreement concerning the interpretation of illocutionary acts, pornography may too "[fall] short of the paradigm case for the given illocution (Langton, 1993: 308). But in the end, she concludes that, if *the most important "felicity" condition is satisfied*, then, under this circumstance, pornography nonetheless performs subordinating illocutionary acts (*ibid.*: 311). As we have seen, she argued that subordinating illocutionary acts are *verdictive* and *exercitive* illocutions of ranking, legitimating, and depriving. But verdictives and exercitives are *authoritative* illocutions and can only be carried out by the persons who have rightful authority. The felicity condition for subordinating speech acts is therefore the presence of the speaker's authority. Ultimately, Langton appears to think that, whatever the

expression (locution) of pornography is taken to be (ranking, stating, affirming, etc.), it can perform verdictive or exercitive acts, and hence subordinating speech acts, under the right circumstances; i.e., when the speaker, the pornographer, has authority in the sexual domain.

The conclusion that she draws here is instructive, but also potentially problematic; the question of subordination crucially rests on the pornographer's authority, and yet this is the issue that remains unresolved in her analysis. Langton argues that the question of the pornographer's authority is basically an "empirical", "contingent", and "context-dependent" matter, and as such cannot be addressed from "the philosopher's armchair" (Langton, 1993: 312; 1998: 264).

Whatever authority the pornographer is deemed to have, it would be likely to be different from the one that is had by, say, a political leader or a judge. Is the pornographer in our society really an authoritative figure, who could make verdictive utterances? I will return to this issue of authority later in the chapter, but for the moment will continue the investigation of pornography from the viewpoint of speech act theory.

4. Definition of pornography

Langton's analysis of pornography's illocutionary acts is illuminating; however, it also raises further issues that need to be addressed. I will now turn to these issues and consider whether or not we could have a different explanation of pornography's subordinating speech acts. I will start with the question of a *definition* of pornography.

In examining Langton's analysis of pornography's illocutions, I mentioned a difficulty of applying speech act theory to pornography. The reason is partly because of the plurality of pornographic speech,

and Austin's theory was not originally concerned with this type of speech. It may be thought that it is still possible to speak of some *common* speech acts of pornography, but this would invite the question of what such common speech acts are, and ultimately, what is primarily meant by "pornography".

The issue, in fact, relates to the definition of "pornography". In her analysis of pornography's illocutionary acts, Langton did not offer any explicit definition of pornographic speech. It might be argued that she did not need one for her particular enquiry; for it can be claimed that, however pornography is to be defined, as long as it satisfies the paradigm of subordinating speech, then it will be said to be subordinating speech, and this will meet her objective to show that pornography can constitute subordination of women. On the other hand, however, she took MacKinnon and Dworkin's definition of pornography seriously, and her analysis attempts to lend support to their claim that "pornography *is* subordination of women". Langton's characterization of pornography's speech acts (ranking, legitimating, and depriving) is also based on other feminists' claims about what pornography normally "does" (Langton, 1993: 307; 1998: 262-263). There is, therefore, a certain indication that she also has a certain idea of what pornography is, although it is not altogether clear from her analysis.

I think there is a need to be a little clearer about the meaning of "pornography" involved. The reason is as follows. I have mentioned that "pornography" normally refers to a class of speech, and hence it consists of a number of utterances; and therefore there seems to be an associated difficulty of determining pornography's (representative) illocutionary acts. However, it is also thought that it is still possible to speak of some common speech acts of pornography. It would seem to help here to offer a kind of "definition" of pornography, or specify

more clearly what its defining features are, in order that it would be easier to speak of such common speech acts of pornography. This definitional issue, moreover, also relates to the question of the kind of pornography involved; what is that which is really referred to by the term "pornography". Depending on what speech is actually included under this terminology, it would seem to make a difference to the feminist claim that "pornography *is* subordination of women". For one thing, the feminist criticism is plausibly not concerned with gay, lesbian, or child pornography. Some types of pornography, therefore, should be excluded from the present consideration.

I would thus like to set out a kind of "definition" of pornography for the purpose of my enquiry, albeit not being too restrictive about its scope from the outset. I will first offer a certain minimal definition of pornography, and specify the kind of pornographic speech to be observed. Then, I will consider, in the subsequent sections, what speech acts pornography seems to perform, and whether or not these acts can be regarded as subordinating acts. Defining the features of pornographic speech is, however, often very difficult and has proven to be contentious. The two American governmental commission reports on pornography and obscene publications (i.e., the Johnson Commission report in 1970 and the Meese Commission report in 1986), as well as the Williams Report did not agree on the meaning and connotation of the term "pornography" (Hawkins and Zimring, 1991: 20-29). Nonetheless, according to the latter, "pornography" is said to have at least the following two characteristics:

> [A] pornographic representation is one that combines two features: it has a certain function or intention, to arouse its audience sexually, and also a certain content, explicit representations of sexual material (organs, postures, activity, etc.). A work has to have both this function and this content to be a piece of pornography (Williams, 1981: 103).

The definition of pornography given by the Williams Report in fact lays down important features of pornography. It defines pornography in terms of its "content" and "function or intention", and indeed contains a minimal sense of pornographic speech. It also seems to accord with most people's idea of what pornography is. I will therefore adopt this sense of pornography; however, the definition is still too general, and the type of pornographic speech that is relevant needs to be specified. For the present purpose, I am only concerned with pornographic speech which is aimed at heterosexual male audiences *and* which involves depictions of adult women, and thus not with gay, lesbian, or child pornography. I am concerned with those speeches whose content centrally features female nudity, or involve a description of women's sexuality, sexual nature, or women's and men's sexual roles. These sexually explicit contents are then typically *used* to stimulate or excite male audiences sexually. Thus, for the purpose of this chapter and the rest of the thesis, what I mean by pornography has these two characteristics: firstly, it has a sexually explicit content (depictions of female nudity, or descriptions of female sexuality or male and female sexual roles); secondly, it has a function or intention to sexually stimulate or excite its audiences (especially male heterosexual audiences).

I will consider pornography as a kind of speech (indeed, as will be argued, a type of human communication), and my investigation is not necessarily restricted to established materials or publications on the market, whether in written or pictorial forms, although most pornographic speech in practice probably consists of such materials. I will also use "pornography" and "pornographic speech" interchangeably, and "pornographers" are anyone who makes pornographic speech and not restricted to occupational pornographers (although, again, a lot of them are perhaps those people). In practice, pornographers and their audiences may include women, not only men,

but I assume here that most of pornographers' audiences are male audiences.

5. Pornography as communicative speech acts

Based on Austin's theory of speech acts, Langton has argued that pornography can constitute subordinating illocutionary acts, although she also added that this ultimately depends on the pornographer's authoritative status in the domain of sex. In this section I will reexamine pornography's illocution. The issue, firstly, is about the *type* of speech acts that pornography is more likely to perform. Austin, as we recall, stated that illocutionary acts are performed by "conforming to conventions". The point that I want to raise here with regard to Langton's analysis is that pornography does not seem to be such a "conventional" speech act. In this section I will firstly suggest that, if pornography performs any speech acts, it rather performs a different kind of speech acts. I will then offer an alternative analysis of pornography's illocutions based on this different notion of speech acts.

Conventional and communicative speech acts

Austin's speech act theory attaches great importance to the role of conventions – extra-linguistic, social institutions, appropriate procedure – for the successful performance of illocutions. As we have seen, for example, a marriage oath of "I do" would not count as an illocutionary act of marrying unless there is an appropriate convention and unless it is uttered by the right person under the right circumstances. However, Austin sometimes treats the convention as if it were involved in all speech act situations, and this can certainly be questioned. That some utterances are conventional means that their illocutionary acts can count as acts of certain sort by virtue of there

being some institutional or agreed-upon rules, and it often involves the saying of particular, obligatory words, such as when the speaker's saying of " 'Three no trumps' " counts as "bidding" in the game of bridge (Warnock, 1973: 71). Yet, a number of ordinary speech acts seem to be performed without invoking any such conventions or particular phrases. Austin's theory also says that an utterance must be issued by the right person in the right context. Not, of course, that anyone can utter the word " 'guilty' " and make the defendant guilty (Bach and Harnish, 1979: 110). Nonetheless, it is also not the case that every act of utterance depends on the status of the speaker for its performance. Anyone can utter, "Could you open the door", and the illocutionary act of request can be fulfilled.

P. F. Strawson also comments on this point. He explains that the words and sentences we use are in fact ruled by "linguistic" conventions, which lay down the *meaning* of our speech ("cats" refer to cats, for instance). What Austin remarks is however that illocutionary acts must conform to "extra-linguistic", *social* conventions, *in addition to* these linguistic conventions (Strawson, 1964: 443). But, as Strawson points out, for the illocution of an utterance, say, " 'The ice over there is very thin' ", to have a meaning of "warning", there need not be any conventions at all, other than the "linguistic" conventions which supply the meaning to words (*ibid.*: 443-444). Indeed, if the speaker wants to warn the hearer in saying, "The ice over there is very thin", the essential factor involved in the performance of this illocution is only the *recognition* on the part of the hearer of what the speaker is attempting to do, and not any social conventions. The hearer's understanding of the illocutionary force of the statement (i.e., a warning) is all it takes for the fulfilment of the illocutionary act in this case. It should be noted that Austin did not clearly explain the relation between illocutions and conventions, and he left unexplained what he really meant by the term "conventions".

But if conventions are to be understood as highly institutionalised rules or procedures, then, most speech acts do not seem to be affected by these. Thus, conventions are not required in all speech situations, and this has already been frequently commented upon by theorists (e.g., Bach and Harnish, 1979; Hornsby, 1994; Searle, 1979; Warnock, 1973).

Some theorists therefore hold that most illocutionary acts are performed not by conformity to extra-linguistic conventions, but by the speaker's communicative intention and the hearer's recognition of that intention (Bach and Harnish, 1979; Bach, 1998; cf. Hornsby, 1994). Therefore, it is better to broaden our perspective and consider this communicative nature of our speech acts; my attention will now move from "convention" to "intention" in the performance of speech acts. Paying attention to this communicative intention, as I will argue later, will make it more plausible to apply the concept of speech act to pornography.

If one intends to warn, advise, praise the other, etc. in performing some communicative speech act, the act is successful if the other person understands the speaker's intention to warn, advise, and praise, etc. In a communicative situation, the speaker normally intends to mean something by saying something, and the hearer is expected to understand the speaker's meaning. The importance of the speaker's intention is also articulated in Searle's theory of speech acts, although Searle also acknowledges the role of conventions. He says that human linguistic communication typically involves some sort of communicative intention on the part of the speaker that is aimed at a certain audience, thus distinguishing itself from a non-human, or "natural phenomenon":

> When I take a noise or a mark on a piece of paper to be an instance of linguistic communication, as a message, one of the

> things that I must assume is that the noise or mark was produced by a being or beings more or less like myself and produced with certain kinds of intentions. If I regard the noise or mark as a natural phenomenon like the wind in the trees or a stain on the paper, I exclude it from the class of linguistic communication, even though the noise or mark may be indistinguishable from spoken or written words (Searle, 1969: 16-17).

Thus, most illocutionary acts are also considered as such linguistic communicative acts, and the speaker's communicative intention and its recognition by the hearer become the key factors for the performance of these acts.

The notion of the speaker's intention was earlier expounded by H. P. Grice. Grice equated the particular meaning of a particular statement by a speaker (call him A) with A's intention to produce certain belief in the hearer by means of the hearer's recognition of A's intention. For "*A* to mean something by *x*...*A* must intend to induce by *x* a belief in an audience, and he must also intend his utterance to be recognized as so intended...the recognition is intended by *A* to play its part in inducing the belief" (Grice, 1989: 219). To explain this concept, borrowing Strawson's example, when a speaker A says to a hearer H, "The ice over there is very thin", A intends to produce in H's mind a certain belief (that the ice is dangerous and he should not step on it) by H's recognition of A's intention to induce that belief. Grice's notion of the speaker's intention is thus called "reflexive intention"; it is an intention that must be recognized to achieve its purpose (Bach and Harnish, 1979: 12-15). [8]

Searle incorporates this Gricean reflexive intention into his theory of speech acts. He provides a major premise about communication in general, and a further premise about a speech act; namely, a condition for a successful illocutionary act: (i) a communication consists in the speaker's attempt to "get" the hearer to recognize the speaker's intention to communicate a particular thing, and (ii) the illocutionary

act is successful if the speaker manages to get the hearer to recognize what the speaker is attempting to do; the fulfilment of an illocutionary act "consists simply in the hearer understanding the utterance of the speaker" (Searle, 1969: 43, 47). Thus, if someone says, "Good morning", to another, and the hearer understands that he is being greeted, the communication is successful. Similarly, if I congratulate you on your job promotion, saying, "That is wonderful", and you understand that you are being congratulated, then my illocutionary act of congratulating is successful.

Although I have emphasized the role of intention and recognition in the performance of illocutionary acts, two additional points have to be made to this observation. The first is that, although the speaker's communicative intentions are no doubt central in some illocutionary acts, intentions alone do not fix the meaning of such illocutions. We know that it is not all up to the speaker to mean whatever he or she wants to mean with their words. Illocutions also depend on locutions; therefore, how an utterance is to be taken is also a function of the conventional meaning of the words used in locutions. The second point to be noted is that the criteria of "conventional" and "communicative" are not mutually exclusive categories. One can perfectly imagine a speech act situation involving *both* a conventional (i.e., extra-linguistic, institutional) procedure and the speaker's communicative intention. For instance, a marriage ceremony usually involves both. Likewise, a policeman's utterance, " 'You're under arrest' ", involves the conventional procedure for arrest as well as the act of communication (Bach and Harnish, 1979: 117). It is only that, in some speech situations, a successful illocutionary act requires an extra-linguistic convention, whereas in many other cases, it does not. The basic contention of Grice and Searle seems to be right; that is, human linguistic communication, as long as it is a form of "communication" and distinguishable from something like a personal

scribble in a notebook, anticipates some audience and is loaded with a certain communicative intention, and this intention is essentially meant to be recognized.

This reflexive illocutionary intention should be distinguished from other ulterior intentions, purposes, or motivations of the speaker behind a particular utterance. This intention refers to the speaker's intention to produce a certain knowledge or understanding in the audience by saying certain things. In performing a communicative illocutionary act, the speaker normally intends to create an "illocutionary effect" in the audience, the "effect" here, however, being simply "the [hearer's] understanding the utterance of the speaker" (Searle, 1969: 47). To illustrate this point, when a speaker says to a hearer, "The ice over there is very thin", the speaker's ultimate intention – one might say the perlocutionary intention – is to ensure, by warning, that the hearer will not step on the ice. But the *illocutionary* intention is just that the hearer understands the speaker's utterance as a "warning" and not as something else, such as a statement of "description". When I therefore use the term "the speaker's intention" or "illocutionary intention" in the following, it simply means the speaker's intention to achieve "uptake" of the utterance in the audience. Normally, it is said that the hearer has to infer the speaker's intention from its locution, as well as the context of the speech.

From what we have observed so far and from the speech act theory of Austin, I think we can say the following. In speech act situations, there is a certain presumption on the part of the speaker; that is, the speaker usually presumes that his or her utterance will be taken as an act of certain sort, by virtue of some conventions, or by recognized intentions, or by some combination of these. In fact, in the case of communicative speech acts, the speaker and the hearer must share

between them not only linguistic competences but also certain minimal understandings about facts of life and human acts in general (what it takes to warn, apologize, promise, etc.). Otherwise, this system of intention-recognition would not normally work. In this respect, it can be said that communicative illocutionary acts also require certain "felicity" conditions for their performance.[9]

Searle also says that to perform illocutionary acts is to "express" certain "psychological states" of the speaker, whether it is a belief in something, a request, an order, a preference, or pleasure (Searle, 1979: 4). Hence, to say something and thereby to perform some illocutionary acts is basically to put forward one's own feelings, thoughts, or stance towards something, and it is assumed that these are recognized and understood by the hearer(s).

Pornography and its illocutions examined again

Thus, it seems that pornography is more aptly a type of "communicative" speech, rather than "conventional". Pornography's speech acts are performed when the hearer recognizes the intention of the speaker, or understands what the speaker is trying to do with his speech. In what follows, I want to offer a different interpretation of the illocutions of pornography, based on the notion of "communicative illocutionary acts". The attention to human communicative intention would, in my view, make it easier to apply the concept of speech acts to pornography; for pornography, whatever form it is in, generally also seems to involve a communicative intention of the speaker, and comes under the broad category of human communicative acts.

Langton also argued that the pornographer's speech acts acquire some illocutionary meaning *only under some specific social circumstances.* Nonetheless, it could be argued here that the pornographer is in any

case performing some *intentional speech acts*, whatever is his social status. For the present, I will set aside the question of subordination and consider what his speech acts might be. However, I need first to attend to an issue that might be raised against my analysis.

Mary Kate McGowan, in examining Langton's analysis of pornographic speech, argued that pornography cannot be treated as communicative speech, since it essentially functions below the level of our conscious awareness. She argued that pornography should be rather seen as a type of "unconscious conditioning", than a form of communicative speech with its characteristic intentions and recognitions (McGowan, 2003: 168-169).

It might be indeed contended that pornography involves an aspect of "unconscious conditioning", that pornography somehow affects its audiences' natural drive, giving a sexual stimulus for example, without their conscious awareness of this mechanism. But pornography is likely to work at the conscious level as well. Deborah Cameron and Elizabeth Frazer, in examining the relation between sexual violence and pornography, questioned the simple "behaviouristic" or "stimulus-response" type explanation of pornography's effects on its audiences. They argued that human beings do not simply react to stimulus like animals, but crucially "interpret" the meaning of words and symbols conveyed to them. Humans are never "passive and unreflecting objects" but rather active interpreters (Cameron and Frazer, 1992: 368-371).

What is likely to happen therefore when an audience encounters a pornographic speech is that he interprets the meaning of such speech. He understands that the pornographer is trying to tell him something, and usually understands what he is trying to tell him. In encountering pornographic speech, the audience interprets the meaning of the

"message" of the pornographer (e.g., the sexual meaning of a woman in the content of the speech and also what the pornographer is doing with this particular speech). It may be said that it is only because the audience interprets and understands the meaning of pornographic speech, he can be sexually aroused. It involves in the process a conscious interpretation of a certain meaning of the speech.

It was also said earlier that to perform illocutionary acts is essentially to put forward one's own feelings, thoughts, and attitudes about certain matters. It seems right to say that pornography too expresses some such "psychological states" of the speakers. It too tries to *tell* certain things to its audiences. This is true even when pornography is purely in a pictorial form. "The noise or mark" which the pornographer produces is different from the "noise or mark" created by non-human phenomena exactly because, in the former case, someone is typically trying to say something to someone else. Thus, pornography also involves communicative intentions, performs communicative illocutionary acts, and shares a generic feature of human linguistic communications. It is generally aimed at certain audiences, carries some reflexive intentions, and expresses certain thoughts, beliefs, and attitudes of the speakers.

Pornography, whether in written or pictorial forms, in general involves these reflexive intentions of the speaker. I therefore believe that we can treat pornography as communicative speech and as performing some communicative illocutionary acts. We would, however, also have to consider whether or not a certain background condition is satisfied for a "happy" performance of pornography's communicative acts. The "felicity" condition for communicative illocutions usually means that there is already some minimally shared understanding between the speakers and the hearers about the facts of life or about human acts. When the speaker says that "the ice is thin",

he usually presumes that there is already a shared understanding between him and the hearer about the facts of life; namely, that when ice is thin, it breaks. The speaker counts on this hearer's understanding to make his utterance understood as warning. Moreover, in the case of pornographic speech, there must be some minimally shared understanding between pornographers and their audiences in order that their communication will succeed. It seems that this condition is more or less satisfied for pornographic speech. Normally, there is a common understanding between pornographers and their audiences about the sexual connotation of women in society and also as to what, in general, sexual activity entails, or what makes things sexual.

Now I would like to offer an alternative account of illocutionary acts of pornography. In determining pornography's illocutions, the definition of pornography offered earlier would seem to help. It was said that pornographic speech has a sexually explicit content (depiction of female nudity, female sexuality, or male and female sexual roles); and it is used, or has a function, to sexually stimulate or excite its (male heterosexual) audiences. In general, the pornographers' intentions are to put forward their beliefs or attitudes about sex, women, or women's sexuality in order that this can excite audiences. It seems more or less the case that pornographers are at least *telling* these things to their audiences. In fact, in telling these things, pornographers are often *identifying* and *characterizing* women, their sexuality, and men's and women's sex roles.

I therefore think that pornographers generally have these intentions to identify and characterise sex and women and perform these speech acts. These acts are then recognized by the pornographers' audiences and thus successfully performed. This appears to be a typical pattern of their speech acts. However, some may contest this claim; what if

their speech acts deviate from this pattern? Or, if pornographers do not have, or deny having, such intentions? Pornographers may also say that they themselves do not believe in their own descriptions of sex and women. Or they may say that their intention is rather to affirm and celebrate women's beauty.

Although it seems right that many speech acts are intentional and communicative acts, and I argued that pornographic speech acts are not exceptions to this, it is not all a matter of the speaker's intention for a particular utterance to have a particular meaning. Earlier I suggested that the meaning of communicative speech acts is also constrained by the literal meaning of the words used and by the context of the utterance. In the case of pornography, it seems that the meaning of their illocution is constrained by its content, as well as by the fact that it is usually directed to heterosexual male audiences in order to arouse them sexually. In most cases, then, what the pornographer is doing in making a pornographic speech at least must involve telling his audiences what sex is like and what women are like.

Austin argued that, in a case where the speaker does not have corresponding intentions, thoughts, or feelings in making a particular utterance (such as when someone says "I promise", without in fact intending to keep the promise), it would constitute a kind of speech act which he called "abuse" (Austin, 1976: 16; see also the earlier reference in Section 2). If the speaker in fact does not have corresponding thoughts or feelings in making an utterance, we may say that it is not the right way of using the words, or it is a kind of "abuse" of the way that words are usually put to use. Austin, however, argued that, in a case like this too, the illocutionary act is still "achieved". It seems to mean that the utterance would still be taken as the act of a certain sort by the audience, because of the explicitness of

the meaning of the words used and the context of the speech (although he also added that this is not a "happy" performance of speech).

The same thing might be said of the pornographer's speech acts. When he claims that he has no intention to identify or characterize women and sexuality, when in fact he can be taken to be doing so, it might be a case of "abuse"; we will still consider him as doing these speech acts.

Thus, it appears that pornographers are *identifying* and *characterizing* women, their sexuality, and male/female sex roles; they are putting forward their beliefs, thoughts, or attitudes. These illocutionary acts of pornography basically fall into the category of "assertives", according to Searle's classification of speech acts, and "expositives", in Austin's (Searle, 1979: 12-13; Austin, 1976: 161-163). Searle explains that when one makes an assertive illocutionary act, one is saying in principle that "something is (or is not) the case", whether in a strong form of assertion or a weak form of suggestion, and this statement could be assessed as true or false.

The illocution of pornography may be claimed to be a "directive", again according to Searle's list, and an exercitive according to Austin's; the pornographer may be *advising* or *inviting* his audiences to do some acts (*ibid.*: 13-14; Austin, 1976: 155-156). But this claim is stronger, and at least it seems we can say that pornography's illocution is one of assertives or expositives. And these illocutionary acts of identifying or characterizing usually appear to be recognized by the pornographer's audience, and therefore, their illocutionary acts are in general successfully performed.

6. Pornography's subordinating speech acts

I have thus argued that pornography is more likely to be performing "communicative" illocutionary acts; that it generally performs illocutionary acts of characterizing and identifying women, their sexuality, and male/female sex roles; and these acts are normally successfully performed. However, I have not yet considered whether or not these acts can constitute subordination of women. As we have seen, Langton argued that the speaker must have "authority" to perform subordinating speech, and thus that pornography must also be authoritative to achieve its subordinate acts. If pornographers are not authoritative in the relevant domain of sex, then, Langton concludes, pornography does not subordinate. I will address in this section whether or not the speaker's authority is really necessary for subordinating speech. I will ask whether or not pornography may be said to perform subordinating *speech acts*, even without the condition of the pornographer's authority.

Whether or not some speech can be regarded as subordination of course depends on the idea of what subordinating speech is. We would first therefore need to reexamine this notion. For this purpose, it appears it is useful to draw on discussions of other controversial speech, such as racist or hate speech. It has been contended that this kind of speech also harms and subordinates some groups of people. Andrew Altman, in explaining the wrongs of hate speech, also used Austin's distinction between perlocution and illocution. He argued that what the critics of hate speech are often concerned about is not really the perlocutionary effects of such speech but rather its "speech-act wrong", the illocutionary acts of subordination of racial minorities performed by the utterances (Altman, 1993: 309). He claims that such illocutionary acts constitute a wrong, because they perform "the act of treating someone as a moral subordinate" (*ibid.*: 309-310).

Altman then explains that "treating persons as moral subordinates means treating them in a way that takes their interests to be intrinsically less important, and their lives inherently less valuable, than the interests and lives of those who belong to some reference group" (*ibid.*: 310). There are many ways of treating someone as one's subordinate, he says, including such acts as "slavery", "genocide", and "segregation". Slavery and genocide, according to him, are "natural" ways of subordinating people, by their violation of the universal moral law. Segregation is also "natural" in this sense, but it also invokes a particular social means of subordinating someone. Importantly, however, "the language of racist, sexist, and homophobic slurs and epithets provides wholly conventional ways of treating people as moral subordinates" (*ibid.*: 310). Hence, some utterances, which employ "slurs" and "epithets", are subordinating speech, because they resort to the "conventional" means of "[putting] down" some people, marking them out as having "inferior moral standing" (*ibid.*: 310).

Altman considers that only those kinds of speech, such as hate speech which uses the language of "slurs" and "epithets", are examples of subordinating speech. However, some utterances may not explicitly use such conventional vocabularies and yet may still perform subordinating illocutionary acts. Although this was perhaps not intended by Altman, I think that the basic sense of subordinating speech acts can still be gained from the notion of "treating someone as a moral subordinate", or treating someone in a way that his or her "life" and "interests" are "less valuable" than those of some others. To treat someone as inferior, or as one's subordinate, may also be to assert one's own superiority, one's relative power and privilege over the other. If speech subordinates, then, it must *express and enact* such an attitude or thought. This is, however, admittedly still a crude notion of subordination, and is by no means a "definition" of what

subordinating speech is. Nonetheless, I would like to use this notion tentatively as a possible measure. It seems to be also in line with the basic sense of subordination suggested by Langton; she says that she largely agrees with MacKinnon, who is quoted as saying more generally that "to subordinate someone is to put them in a position of inferiority or loss of power, to demean or denigrate them" (Langton, 1993: 303).

I would therefore suggest that subordinating speech first and foremost expresses and enacts such an attitude, thought, or belief. If pornography can count as subordinating speech, it must also perform such an illocutionary act. There are, however, two points to add to this claim. First, we have to remember that we are here not considering whether or not pornography has actual perlocutionary potential of subordination. We consider only whether or not it performs an illocutionary act of subordination. Second, I suggest that pornography may be seen as performing subordinating illocutionary acts, if their basic illocutionary acts (such as the acts of identifying or characterizing) show the features noted earlier (e.g., treating someone as morally inferior). Ordinary illocutionary acts, whether communicative or conventional, assertive or exercitive, may be said to constitute subordinating speech acts by virtue of such features. Therefore, the aspects of subordination are themselves independent of such a condition as the speaker's intention and its recognition.

When subordinating speech acts are considered in this way, the condition of the speaker's authority ceases to be an essential factor *for the performance of subordinating speech acts.* If the pornographer does not have authority, his speech acts would not be *verdictive*; his speech, of course, would not be an authoritative illocution that lays down a "truth" or "fact", such as a jury's verdict. Nevertheless, his speech acts might still have features of subordinating speech. If

pornography treats women fundamentally as men's subordinates and enacts the hierarchical relationship between men and women in its performance of illocutions, then it could be seen as subordinating speech. In the following, I will discuss a few examples to see whether this may not be right.

An example of pornography given by Andrea Dworkin, which was captioned as "Beaver Hunters", may count as such an illocutionary act of subordination (Dworkin, A., 1981: 25-26). In this example, a naked woman is seen tied onto the hood of a jeep, and two men, dressed as hunters, are seen inside the jeep. The rope wraps all over the woman's body and ties her firmly to the front of the jeep. Her head is turned, so she remains anonymous; only her genitals are shown. The caption of the photograph reads, according to Dworkin, that these hunters " 'stuffed and mounted their trophy as soon as they got her home' " (*ibid.*: 26). Dworkin argues that the paradigmatic theme of pornography is "male power". We could indeed see that the power is asserted in this representation. We cannot deny that it expresses it; it expresses the theme of "who has the power to do what to whom". Dworkin suggests that the woman in this photograph has "no self" (*ibid.*: 26). She is deadly inert, with no trace of her own expression. We in fact do not know what kind of person she is, or what feelings she has. The pornographer characterizes the woman here as a mere "trophy", a thing to be "possessed", or a thing to be "stuffed and mounted". In *characterizing* the woman as an inert object for mere sexual use, the pornographer in effect denies her full autonomy and expression of feelings. In making this speech, then, the pornographer is *asserting* men's power over women; what men can do to women. It is asserting particularly that men can sexually subordinate women. It is thereby *treating* women's feelings and interests as inherently less significant than those of men. The pornographer is here not merely presenting his "viewpoint", but actually acting out this viewpoint. In

this respect, this pornographic speech is performing illocutionary acts of subordination of women.

Dworkin's example is nevertheless what some would call a "violent" type of pornography. A majority of pornography may be just "graphic explicit" representation of female nudity. Feminists, including Langton, have however contended that this type of pornography is problematic too; it ranks women as inferior sex objects. We will now consider whether or not this kind of pornography also performs subordinating speech acts.

In order to address this point, I will draw on the observation by John Berger and others about what they see as the different modes of existence of men and women. According to Berger et al., the basic fact of a man's existence is that he is promised "power". He exerts his power towards an object which is always outside of himself. A man's presence suggests that he is capable of exercising his power (Berger, et al., 1972: 45-46), and thus he is essentially an actor who can act on his will. In contrast, a woman's existence is fundamentally defined in terms of her relation to others. A woman's life is essentially that of being watched, observed, and "surveyed" by others (*ibid.*: 46). Since they were born, women have learned to be conscious about their appearance and behaviour, especially how they appear to male observers. A woman comes to know that she is being watched, and therefore she also constantly watches her appearance and movements and checks how they might look to others. She is thus always "accompanied by her own image of herself". "Her own sense of being in herself is supplanted by a sense of being appreciated as herself by another" (*ibid.*: 46).

Berger et al. observe the differences in the modes of being between men and women as follows:

> One might simplify this by saying: *men act* and *women appear*. Men look at women. Women watch themselves being looked at. This determines not only most relations between men and women but also the relation of women to themselves. The surveyor of woman in herself is male: the surveyed female. Thus she turns herself into on object – and most particularly an object of vision: a sight (*ibid.*: 47).

Berger et al. suggest that this is the basic structure of relation between men and women in the West (and they also suggest that this has been so historically). Men are the actors, who watch and "survey" women. Women are the objects, who are watched and surveyed by men. Women's existence is dependent not on how they think they are but how they are appreciated by the male gaze. What Berger et al. implicitly suggest here is that, in this structure of relations, women essentially play the subordinate role to men; their lives and interests have to adjust to those of men, and their status is often relegated to that of object. Although I leave open the question here whether or not this is really the fact of "most" relations between men and women as Berger et al. claim, it seems that we can draw a parallel between this relational structure and what some pornographic speech appears to do, in merely representing nude female bodies or their sexuality. Here pornographic speech acts enact this hierarchical relation in which women are fundamentally "objects" whose value is determined by male "surveyors". The depiction of women in this kind of pornography is not really expressing women's own sexuality or feelings; in fact, the expression of female sexuality is quite often made to respond to their viewers' preferences. Pornography speaks about women, but it speaks in a manner that it is not women's own subjective feelings that determine their own sexual identity, but it is crucially the potential male observer's viewpoint that determines it. It is *how women appear sexually* to those men that pornography speaks of. Here women's own subjective feelings are intrinsically less important compared to the man's, "the surveyor's", point of view.

This type of pornography, in characterizing women and their sexual bodies, in effect places women in the position of objects. Feminists' claim that pornography treats women merely as sexual objects, therefore, does not seem to be implausible; pornography appears to be treating women in the way that their interests and feelings do not count as much as men's.

I have thus observed two types of pornographic speech. One is more blatant than the other, but both appear to treat women as having inferior standing and enact gender hierarchy in its illocutions. In particular, the one asserts that women can be sexually subordinated and the other puts women in the position of mere sex objects. If the feminists' concern about pornography is right, much of it may now be performing such subordinating speech acts. As long as it performs these acts, pornography may be said to be subordinating speech – it performs illocutionary acts of subordination – irrespective of the pornographer's authority.

7. The question of authority

I have so far argued that pornography may be considered as illocutionary acts of subordination even without the condition of the speaker's authority. It not only voices certain viewpoints but also acts out these viewpoints; it treats women as men's subordinates.

There seems, nonetheless, a point to be acknowledged about the status of the speaker's authority, and I will deal with this point before I make a concluding remark. Even though pornography may perform subordinating acts, as I have discussed, these may not be thought to be so problematic, in terms of its social implications, if the status of pornographic speech in society is in fact quite low. If pornographers are indeed social "underdogs", whose influence reaches only a

minority of members in society, then their speech will not seem to have much impact. If, on the other hand, they are deemed to have some significant status in the sexual domain, then their speech will certainly have more relevance. It seems to me that, in case where pornography is authoritative, its subordinating speech acts simply would have much more social and political significance. Although I suggested that the speaker's authority is perhaps not necessary for the performance of subordinating speech acts, it is to be acknowledged that, in case where the speaker is authoritative, such speech acts would acquire more important character.

This point can perhaps be further explained, using Austin's concept of "force". He summarized the idea of this "force" of an utterance as "how…it is to be taken" (Austin, 1976: 73). One might use the word "meaning" for "force" as well, but Austin wanted to distinguish the notion from the traditional sense of "meaning" as "sense and reference" (*ibid.*: 100). As we have seen, "how an utterance is to be taken" is not only a matter of the meanings of the words used (important as these may be) but also a function of the speaker's use of these words, or illocutionary acts. In Austin's theory, "forces of utterances" came to surround "forces of illocutions". Although what the speaker is doing with his or her words is relevant to the force of utterance, the social conditions or circumstances of the speaker also seem to change the character of this force. In the case of authoritative speech, I think that the authority of the speaker gives an *additional dimension* to its force; hence, how an authority's utterance is "to be taken" is ultimately different from nonauthoritative speech.

Searle explained that certain social factors do affect the force of illocutions. Such factors as the relative position or status of the speaker and the hearer can change the illocutionary force of an utterance. Thus, the same utterance (i.e., having the same locutionary

content) made by a different speaker can carry a different illocutionary force. For instance, "[i]f the general asks the private to clean up the room, that is in all likelihood a *command* or an *order*. If the private asks the general to clean up the room, that is likely to be a *suggestion* or *proposal* or *request* but not an order or command" (Searle, 1979: 5-6). Here the institutional hierarchy makes the general's utterance an order and the private's a request. The factor of the relative standing of the speaker and the hearer involves not only such institutional facts but also a sheer power difference. Thus, according to Searle, "an armed robber in virtue of his possession of a gun may *order* as opposed to, e.g., request, entreat, or implore victims to raise their hands" (*ibid.*: 7).

If we take Searle's last point that the relative power difference between the speaker and the hearer can affect the force of illocutions, this is perhaps one way in which a derogatory remark may have more subordinating force. An epithet such as "nigger" or "faggot" may not actually causally create the subordinate status of the addressee; however, if the speaker represents a relatively powerful group in society and the hearer a less powerful and stigmatised, the illocution of the utterance would have more force of a "put-down". This illocutionary force of subordination derives from the background social context, from the associated meaning of words and their everyday *use*, which are intertwined with the reality of social inequality. It reflects the social fact that the group which the speaker represents *is* a powerful one and that it is generally in the position to look down on a member belonging to the less powerful and stigmatised group.

What about when the speaker represents not sheer power but a certain position of authority? According to Searle, when an ordinary person asserts that something is the case, it is likely to have the force of

"assertive", whilst when someone in authority asserts that something is the case, it has the force of "assertive *declarations*" (*ibid.*: 20, emphasis added). An authoritative utterance by a judge or an umpire can issue a judgement, assessment, or decision about certain facts. In doing so judges or umpires may simply make some "factual claims", or descriptive statements, such as "you are guilty" or "you are out". The significance of such authoritative utterances is said to be that at the same time they have the illocutionary "force of declarations"; "[i]f the umpire calls you out (and is upheld on appeal), then for baseball purposes you are out regardless of the facts in the case, and if the judge declares you guilty (and is upheld on appeal), then for legal purposes you are guilty" (*ibid.*: 19). The chief characteristic of the illocutionary force of authoritative speech, which distinguishes it from nonauthoritative speech, is this "force of declarations". Although in real life there may be recourses to appeal against the authorities' decisions, authoritative illocutions in principle have this force to lay down a "truth", to deliver a judgement, as to certain matters of fact. Thus, once a judge declares you "guilty", you *are* guilty. The authorities' saying so and so count as so and so by virtue of some already existing institutional rules (a judge's remark in an appropriate situation is a *verdict*). This is perhaps true of not only the institutional authority but of an authority based on expertise or specialized knowledge; a professor's (not a student's) and a doctor's (not a layman's) utterances usually carry the force of declarations.

Langton elaborated this nature of authoritative illocutions. She argued that authoritative speech is distinctive, because it has two kinds of power to "construct reality". First, authoritative illocutions, such as Austin's verdictives, create reality by their "constitutive" dimension, or "by making it count as so" (Langton, 1998: 268). Langton's discussion of this "constitutive" power of authoritative speech is similar to Searle's notion of "force of declarations" described earlier:

"when [verdictives] bring it about that something *counts* as thus and so, it is 'taken to be' thus and so. When someone in authority says, 'This is how it is', it is 'taken as being' that way" (*ibid.*: 266). The second way in which authoritative illocutions create reality is by their causal or perlocutionary effect. When an umpire declares that the ball is out, he not only "confirms" the state of affairs but also actually subsequently creates that reality, in the sense that *the reality* [i.e. "the score, and the beliefs of the crowd" (*ibid.*: 266)] *comes to accord with the umpire's words*. Thus authoritative, verdictive speech has two ways of constructing social reality. If this force of verdictive is applied to subordinate people, then its effect would be exactly to create such reality. "If you are authoritatively ranked as inferior, you count socially as inferior and in this sense your social being is constructed as inferior, where the construction concerns *how you stand in the eyes of others*" (*ibid.*: 266-267, emphasis added).

Once the umpire declares that the ball is "out", it *is* out, for the purpose of the game. And this force of declaration has the power to subsequently create the belief – that the ball is out – in the mind of others. Authoritative speech in this respect has more potential to create the reality of society than nonauthoritative one. It follows, then, that if pornographers have authority in the domain of sex, their utterances can carry this illocutionary force of declarations and the power to construct reality. Pornographers' utterances would carry more weight by their declarative force; and their saying of so and so will be believed to be so and so by their audience as their causal effect. If women are ranked as inferior by the pornographer's speech acts, they would be regarded as inferior "in the eyes of" their audiences. Thus, we may say that, if pornographers are authoritative, their subordinating speech acts would more effectively subordinate women in reality.

8. Conclusion

In this chapter I examined, through the application of speech act theory, the feminist claim that pornography constitutes subordination of women. In contrast to Langton, I argued mainly that pornography is more likely to perform "communicative" illocutionary acts, and that these acts may still be considered as subordinating speech acts, even without the presence of the pornographer's authority. Pornography expresses and enacts gender hierarchy, treats women as men's subordinates, through the performance of its illocutions. By virtue of such features, I suggested that they may be regarded as subordinating speech.

Nonetheless, I also acknowledged that these subordinating acts would carry more social weight if the speaker, the pornographer, has some authoritative status in the relevant domain. If they are authoritative, then their speech would carry the illocutionary force of *verdict* or *declaration* and have more power to effect social reality according to their claims. Indeed, if they are authoritative, the social status of their speech seems to be higher.

As the status of the speaker is an *extra*-linguistic element, this issue of the pornographer's authority lies outside the scope of speech act theory. However, for the debate on pornography and subordination of women, this issue of authority ultimately seems to require further attention. To be sure, feminists like MacKinnon are keen to emphasize the role of *pornography* in the subjection of women, and therefore, its social significance may in the end become a crucial matter. Although speech act theory helps to explain the *performative* and *constitutive* aspect of pornographic speech, and thus illuminates the feminist argument about constitutive harms of pornography, it now appears that the issue also needs to be explored further from a different

dimension. The issue now involves the social status or social significance of the pornographer and pornographic speech.

Notes

[1] The argument against paternalistic or moralistic intervention is, of course, a familiar liberal one, represented in such works as Mill's *On Liberty*. Leslie Green also mentions the implications of paternalism and moralism reflected in the pornography debate (Green, 1998, 2000). A forceful defence of pornography made on the grounds of individual autonomy is given by Ronald Dworkin (Dworkin, 1986). Dworkin argues that even though the majority of citizens in society do agree on certain kinds of morality and even though the community as a whole would be better off by protecting such morality, individual persons have the "right to moral independence", which the majority cannot override: "People have the right not to suffer disadvantage in the distribution of social goods and opportunities, including disadvantage in the liberties permitted to them by the criminal law, just on the ground that their officials or fellow-citizens think that their opinions about the right way for them to lead their own lives are ignoble or wrong" (*ibid.*: 353). Thus, the people's right to produce and consume pornography would be defended according to this principle of "moral independence". Although I do not directly engage with Dworkin's arguments, over the course of the thesis, I will question whether Dworkin is not failing to realize the extent to which women are facing certain social and political disadvantages, because of (if not exclusively due to) the practice such as pornography.

[2] As Green also notes, even if there is such evidence of a causal link between pornography and various harms to women, there is, of course, the issue of "moral responsibility" of those individuals who actually carry out harmful acts (Green, 1998: 289). Thus, the case of pornography involves the problem of "mental intermediation" (Sadurski, 1996: 715).

[3] To be precise, in this context, MacKinnon argues that there is "complex causality" between pornography and its harms. MacKinnon's understanding

of causality, however, certainly differs from the "linear" variety discussed in my preceding paragraphs. Here she also points to constitutive nature of pornography's harm; the harm is constituted in its action; "the way [it] targets and defines women for abuse and discrimination" and undermines women's standing in its speech. As I also discuss later, what she suggests is that the harm done is first and foremost to women as a group and not to individual women in particular (MacKinnon, 1987: 156-157).

[4] In the original texts that I consult (Austin, 1961, 1976), Austin's terminology and key concepts are often italicised or capitalized. I will mostly omit these original emphases in my quotations.

[5] Searle's concepts of "utterance acts" and "propositional acts" seem to suggest the same level of speech acts as Austin's "locutionary acts".

[6] MacKinnon did not rely so much on Austin's speech act theory, partly because, she says, he did not "generalize" the concept of speech acts to all types of speech. She explains: "Austin is less an authority for my particular development of 'doing things with words' and more a foundational exploration of the view in language theory that some speech can be action" (MacKinnon, 1996: 121, n. 31).

[7] From Austin's theory we know that the saying of certain words in a certain specific context constitutes the performance of a specific act. Speech act theory addresses the meaning of individual utterances. The question that could be raised regarding Langton is then how we are to generalize from the case of one speech act to pornographic speech acts overall, which is not just one but many. I will return to this point later.

[8] To be precise, Grice's notion of the speaker's intention enumerated here is the intention to produce a *perlocutionary* effect in the hearer (belief), and differs from the kind of intention involved in illocutionary acts. Searle amends Grice's theory and incorporates it into his own. The point here is that Grice stressed the importance of the speaker's intention in an utterance.

[9] Hornsby names the felicity condition that enables illocution "reciprocity" (Hornsby, 1994: 192). For communication the speaker typically relies on "a certain receptiveness" on the part of the hearer. "When reciprocity obtains between people, they are such as to recognize one another's speech as it is meant to be taken" (*ibid.*: 192). See Chapter Five for further discussion.

Chapter Two

Authority of Pornography

This chapter pursues the question of the "authority" of pornography raised in the previous chapter. I will first discuss how the social meaning of pornography might be explained. For this purpose I will borrow and rely on ideas from the philosophy of the "Background". I will argue that the contemporary pornographer may be said to be "authoritative", in the sense that his role *reflects*, and *embodies*, certain distinctive values and norms of society. The significance of pornography seems to emerge once the relation between pornography and its wider context is carefully studied.

1. Introduction

The previous chapter concluded that pornography is likely to be subordinating speech, but it also raised and acknowledged the importance of the authority of the speaker, the pornographer. The question is now whether or not the pornographer has any "authority".

Some may argue for the authoritative status of pornography by pointing to the existence of "power" – men's power over women. In fact, much emphasis has been made in the feminist literature on pornography on the relation between "male power" or "male supremacy" on the one hand and pornography on the other: "The major theme of pornography as a genre is male power" (Dworkin, A.

1981: 24); "[pornography] is a way of seeing and using women. Male power makes authoritative a way of seeing and treating women" (MacKinnon, 1987: 130); "[t]he power of pornographers is based on the collective power of men over women" (Kappeler, 1992: 98; also Kappeler, 1986; Itzin, 1992a). This view suggests that pornography can be authoritative simply because it reflects or represents the viewpoint of the powerful; it suggests that the perspective of the powerful imposes itself as what is true, objective, right, and legitimate (especially, MacKinnon, 1982, 1983).[1]

Liberal theorists, however, tend to deny pornography's social power, and besides, even if they accept that pornography reflects men's all-pervasive power, they would argue that power is not the same as authority. There is in fact an important and rather complex relation between power and authority; nonetheless, these are not regarded as conceptually synonymous. Joseph Raz says, for instance:

> It is clear that not every power amounts to an authority. My neighbour can stop me from growing tall trees in my garden by threatening to burn rubbish by my border. He, therefore, has some power over me but no authority. Nor does his power turn into an authority just by the fact that I acquiesce and do not pick a fight with him (Raz, 1988: 24).

Green similarly suggests that power by itself does not constitute authority, although it is sometimes an essential condition to justify the claim to authority. An authority's claims typically affect (and possibly alter) the beliefs and actions of others, but "[a]uthority...differs from other forms of effective social power in that it works not through brute force or manipulation, but through the giving and accepting of reasons of a certain kind" (Green, 1998: 293, 309, n. 25). In other words, if some entities are considered as authoritative, what they claim must be perceived to be "binding" or "legitimate" by other members of society. Equally, if the pornographer is to be authoritative, the norms which he

represents must also be seen to be "legitimate" and widely accepted in society.

Liberal theorists are generally dismissive of the thought that pornography *could* have any authority. Wojciech Sadurski is one such theorist. In countering Langton's suggestion that the pornographer might indeed be authoritative in the sexual domain of life, he argues that the pornographer simply does not meet the criteria of authority. He claims that the pornographer in our society is rather like the character of "low type", whom Austin mentioned in his examples of speech acts; that is, the pornographer is like someone who illegitimately tries to name a ship; someone who attempts to do some act despite not having the rightful authority to do so. In the case of the pornographer, he is attempting to give a "verdict" on appropriate sexual behaviour, in spite of lacking this authority. Sadurski believes that this should be obvious to anyone; no one recognizes the pornographer's "legitimate right to issue a verdict" on sexual conduct or on women, and it is even "counter-intuitive" to suggest that they have such authority over these matters. He shores up his claim by citing a survey which reported that both male and female adolescents say they regard pornography as the "least important source of sexual information" (Sadurski, 1996: 720-722, n. 26).

Green shares Sadurski's view. He thinks that pornographers essentially fail to pass the test of authority. Whatever norms they may stipulate to their audiences, pornographers fail to meet the conditions of "legitimacy" and "efficacy", which are crucial for someone's being authoritative. Pornographers are likely to lack those qualities, because their norms are significantly offset by other contending, "putative social authorities", such as "the state, the family, and the church". Green concludes that pornography in our society is nothing but "low-status", despised speech, which is only "tolerated" for the sake of our

commitment to such political values as freedom of speech (Green, 1998: 292-297).

The liberal theorists' views are actually in line with a common perception about the status of pornography. It does seem prima facie counter-intuitive to suggest that pornography is authoritative and respected speech. To some, even the combination of "authority" and "pornography" sounds oxymoronic. Moreover, the authority of pornography seems to be denied just as its effects are denied. Recall the earlier discussion in Chapter One, which introduced some sceptical views about the causal effects of pornography on sexual crime or sexual attitudes. The causal connection may be invoked in the opposite direction; it might be argued that the fact that there is not much proven influence of pornography suggests that it does not have any authority.

In fact, it appears to me that both positions are unsatisfactory. The power argument, though it looks attractive, to the extent that one agrees that men generally do hold social power, is still vulnerable to a criticism that "power" is not the same as "authority". The power argument does not explain the "legitimacy" of pornographic speech in society and does not satisfactorily answer a Green-type objection that pornographic norms are inevitably challenged and undermined by other authorities, values, and norms in society. Furthermore, even if pornography is a function of power, it still does not explain why the viewpoint of the powerful successfully maintains itself, not being destabilized by the presence of other views. In short, although an aspect of power might be present, it alone does not explain the special status of pornography.

The liberal (and the commonsensical) view on the other hand seems to preclude rather too readily any significance of pornography. They

seem to do so because they rather start *from an* assumption that authority is something that we always openly revere, or that an authority is an entity whose legitimacy we explicitly recognize and endorse. They seem to hold these assumptions and argue that it is patently obvious that pornography cannot be authoritative. It can nevertheless be argued that the kind of "authority" involved might require a rather different explanation, and therefore that the notions that are typically associated with the concept of authority, such as explicit recognition or acceptance of legitimacy, may actually prevent us from seeing what is involved by giving us certain perceptions about what authorities are to begin with.

It appears to me, therefore, that these liberal and feminist arguments have not fully explained the social meaning of pornography. How might it be, then, better explained? In this chapter I will attempt to explain this social meaning and significance of pornography, first borrowing ideas from, what may be called, the philosophy of the "Background" (for an account of this concept, see Hekman, 1999: 120-149; see also Searle, 1995: 127-147; and Taylor, 2004: 25). What I call the idea of the "Background" in this chapter, however, is particularly informed by the thoughts of Ludwig Wittgenstein and some communitarian thinkers. The philosophy of the Background tells us that the possibility and intelligibility of our particular beliefs, speech, and actions derive from, and depend upon, already existing and shared understandings, standards, norms, or practices of society. Particular beliefs, speech, and actions, if they are meaningful therefore, reflect or invoke such understandings, norms, etc., and their meaning becomes fully intelligible against the background of such a shared framework. I will argue that pornography can also be understood in the same manner; even pornography, which some see as only loathed and detested speech, is also part of the society's cultural form, and its meaning derives from its social context. Pornography reflects some

distinctive moral and cultural values and norms of society; perhaps not only that; it has come to *embody* these very values and norms in present-day liberal societies.

Although in the previous chapter I examined pornography's individual speech acts, in the present chapter, I treat pornography as a category of speech, or speech activity, and attempt to explain its social meaning and significance. In Section 2, I summarize some key ideas of the philosophy of the Background, especially focusing on that which appears in the later Wittgenstein's thought. In Section 3, I apply the concept to pornography, and argue that it probably reflects some quite familiar and commonly shared values and norms. In Section 4, I explain that people who hold these values and norms actually do not always have explicit awareness of these values and norms; nor do they, therefore, necessarily self-consciously choose or expressly endorse what these values and norms embody. These values and norms are more likely to involve people's unquestioned and unexamined habits of thought, everyday assumptions, or what Charles Taylor called the "imaginary" understanding. It is because of the nature of the way these values and norms are usually held that they are often not directly contested by other moral values. In Section 5, I point out the relation between such implicit, imaginary understandings and the notion of authority. Society has such understandings, values, and norms, which may be only implicitly assumed by members of society but still play a major role in shaping and guiding their everyday attitude, thinking, and behaviour. What pornography reflects can also be said to be such implicit but distinctive values and norms. In section 6, I will argue that the role of the contemporary pornographer is special, furthermore, because it is the social role that embodies and exemplifies these values and norms. It is the "exemplar" that carries and demonstrates these cultural understandings for other members of society.

In order to avoid possible confusion, I wish to clarify the terminology before I proceed. In the previous chapter I explained my use of words such as the "pornographer" or "pornography" (see Section 4, Chapter One). By "pornography" I referred to the type of speech which has an explicit sexual content and which is intended to stimulate heterosexual male audiences. This definition basically remains the same. But pornography is also seen as a form of meaningful human activity. I mean by "pornographer" anyone who makes pornographic speech or pornographic utterances, and therefore the use is not restricted to occupational pornographers, although, in real life, a large number of "pornographers" are probably such professional producers of pornography. But the pornographer here does not necessarily mean an occupational role but rather refers to a role which one engages in when one makes pornographic speech.

2. The "Background"

I start this section with a particular example given by Peg O'Connor. O'Connor reflects on the spate of church burnings and bombings which occurred in the southern United States in the 1990s (O'Connor, 2002: 41-59). A number of African-American churches were also involved in these incidents. The National Church Arson Task Force (hereafter the Task Force), which led the enquiry concluded that there was no "racially motivated conspiracy" behind these attacks. The Task Force's announcement somehow brought a sense of relief to the public, who thought that the matter had therefore been "dealt with" and resolved. O'Connor says that she anticipated that more public discussion regarding the whole incident would follow, but she found little. She argues that the way the public reacted to the Task Force's report was rather troubling. There was a certain tendency or complacency on the part of the white people to "slip easily from the conclusion that there was no racially motivated *conspiracy* behind the

burnings to the more sweeping conclusion that the burnings were not racially motivated *at all*" (*ibid.*: 43); or to think that, even if there were any racist acts, these were ultimately the acts of some wayward individuals, who are different and distinguishable from the rest of the population (*ibid.*: 43).

O'Connor argues that people overlooked the true implications of the incidents, because they tried to uncover their meaning by looking into *those incidents alone*. The Task Force, which investigated individual acts of burnings, thought they found no obvious connections among them; hence they concluded that these were essentially *individually motivated* acts, with no further implications. This conclusion led the public to assume that the incidents represented nothing but exceptional, deviant acts of a small minority in society. However, what the Task Force did not consider further, and what the public did not question, according to O'Connor, was the background condition against which these incidents took place.

After all, she suggests, the significance of these incidents comes to light only if we take into account the whole historical and social context of American society. The social context in which these burnings occurred encompasses the history of slavery, racial divisions and tensions, resentment, and other general "social and economic injustices" towards ethnic minorities. Historically speaking, African-American churches were repeatedly targeted for burnings in the antebellum South, as well as after the Civil War, and also during the civil rights movements (*ibid.*: 46-47). In short, O'Connor thinks that there is actually a complex of "attitudes," beliefs", and "unthinking habitual actions", collectively shared by the white population, *which are in the background of* individual racist actions, such as church burnings, and which ultimately make these actions "possible and intelligible" (*ibid.*: 48). Individual actions, even including abominable

ones such as these, are enabled, and are given sense, by some commonly shared mentality and practices.

O'Connor explains that this is a Wittgenstein way of looking at human behaviour, and argues that his notion of the *background* helps us to understand the meaning of social practices. Wittgenstein's notion of "the background" – or "form of life", rather, as it is usually referred to in the philosopher's text – features largely in his later works. The concept of the "background", or a thought akin to it, is in fact not unique to Wittgenstein's philosophy, but can be seen in many other theorists' works, including those of Pierre Bourdieu, Searle, and Taylor (Bourdieu, 1990, 1992; Searle, 1995; Taylor, 1993, 2004). Susan Hekman argues that the notion of the "background" actually permeated much of the late twentieth century philosophy – Hans-Georg Gadamer, Michael Oakeshott, and Michel Foucault, to give a few examples. According to her, they are the thinkers who expressed similar thoughts. Following Searle, Hekman calls this concept "the Background" (Hekman, 1999: 121-122), and I also adopt this terminology. In this section I mainly focus on the Wittgensteinian notion of the "Background".

The first thing to be noted might be that what is actually to be *included* under the notion of the Background is broad, and it does not specify any particular social phenomena. It may rather generally refer to a social setting or social context. Wittgenstein nevertheless had a certain specific idea when he used the term "form of life". For Wittgenstein this notion is meant to signify the whole "natural and cultural circumstances", which are "presupposed" by members of a particular society and make up the worldviews of these members (Sluga, 1996: 22).[2] Wittgenstein suggests that our beliefs, worldviews, as well as language, always *presume* such a shared framework or system, the Background; they are always *part of* a shared social life,

enmeshed, and interconnected with other various activities of the community. The idea of the Background tells us that the possibility and intelligibility of any particular beliefs, views, or activity ultimately derive from, and depend on, this Background. Any particular ideas, behaviours, and uses of language, if they are meaningful, always reflect or invoke already existing "common understandings", "standards", "norms", or "rules" in society, and can be made sense of against such understandings, standards, norms, rules, etc.

In *On Certainty*, Wittgenstein explains that we all have a certain "picture of the world", or ideas about how the world works. We share certain ideas about reality and facts of life; we take for granted certain things in the world and normally do not doubt these things. We do not doubt, for example, a certain fact such as "the earth has existed during the last hundred years", or a mathematical proposition that "12 x 12 = 144"; nor do we doubt simple and obvious facts that we have ancestors, or that people do not fly to and fro between the moon and the earth, or that solid objects like tables and chairs do not disappear suddenly (Wittgenstein, 1974: 20e, #138, 8e, #43, 31e, #234, 16-17e, #106-108). He says that we believe in these things and do not doubt, not really because we have "satisfied" ourselves of these facts. It is rather because we already "inherited" these worldviews; we "inherited" them from society, which already firmly holds these views. Our particular worldviews hence come from the Background: "I did not get my picture of the world by satisfying myself of its correctness; nor do I have it because I am satisfied of its correctness. No: it is the inherited background against which I distinguish between true and false" (*ibid.*: 15e, #94).

For one thing, therefore, the Background serves as the standard for judgements. It gives the conditions for doubt, "correctness, truth or

falsity, rationality and justification" (O'Connor, 2002: 31) for members of society. There is always such a shared background, or a system of beliefs, within which individual beliefs have their sense. Wittgenstein repeatedly stresses how children are inculcated into a particular system of beliefs:

> The child learns to believe a host of things. I.e. it learns to act according to these beliefs. Bit by bit there forms a system of what is believed, and in that system some things stand unshakably fast and some are more or less liable to shift. What stands fast does so, not because it is intrinsically obvious or convincing; it is rather held fast by what lies around it (*ibid.*: 21e, #144).

If a child insisted on asking whether or not the earth really existed 150 years ago or whether objects do not really disappear while he is not watching, he would be told that he still has not *learned* what he is supposed to learn ("He has not learned *the* game that we are trying to teach him" (*ibid.*: 40e, #315)). After a while the child would be told that he should stop doubting these things, for certain things in life just cannot be doubted. If an adult were also to doubt the existence of the earth 100 years ago, he would receive a very curious "reaction" from those around him.

Wittgenstein's main concern in *On Certainty* is epistemological, which surrounds such questions as doubt and certainty; therefore, his discussion there centres on the kind of background understandings, which are deeply embedded in the society's world-picture, and are usually taken as "certain" by the members of society. However, other kinds of ideas, beliefs, and knowledge-claims are also said to presuppose and invoke the Background. For example, someone may try to offer a reason for doing a particular action, or try to offer a justification for some belief. He may try to justify a certain knowledge-claim by invoking another knowledge-claim. But giving a reason or justifying a knowledge-claim needs to be made in a way that

is intelligible to other members of society. In the end, giving reasons and justifying knowledge always take place within an already shared system of knowledge, and are done by invoking available sets of knowledge and beliefs (cf. Kober, 1996: 416).

The nature of the Background is fairly broad, as stated earlier. It encompasses a particular society's shared understandings and practices. It can include customs, institutions, values, and beliefs, and practices, which carry out these values and beliefs. According to Michael Kober, Wittgenstein's idea of a world-picture, for example, comprises such things as

> traditions, tales, or legends...the world's shape and processes (the seasons, the weather, the behaviour of plants and animals, the sexes, reproduction of the species, etc.) as well as political structures, instructions of medical and/or psychological treatment, and religious beliefs – in brief, all those matters which may be of interest in a community's life (*ibid.*: 418).

What is included in the Background does not need to be rigidly structured and systematized (*ibid.*: 418); however, what is important to the idea of the Background is still the idea of a certain shared or common framework: shared understandings, norms, or practices, of a given society, which give meaning and significance to particular beliefs and behaviour. The Background is also that which enables common practices, a common social life, to take place (cf. Hekman, 1999: 122). What we will be focusing on in the discussion to follow, however, is the particular Background of a specific society; that is, that of a cotemporary Western liberal society, especially Britain and the United States of America. This will become relevant when we address the meaning of pornographic speech.

Wittgenstein also thought that language is governed by the standards in the Background, or "rules". Use of language is an application of

such rules, and therefore understanding of language involves " 'mastery' of a technique", learning the rules or "custom" by which it is used (Wittgenstein, 2001: 50e, #150, 68e, #198-199). Like Austin, Wittgenstein too thought that speaking a language is an activity, but he seemed to have gone further than Austin in emphasizing the extent to which language is embedded in society's form of life. The use of language is not an independent activity, severed from other human practices in the community, but rather "woven" into them. He called this activity, "consisting of language and actions into which it is woven" a "language-game" and stressed that "games" mean activities, which are "part of" the community's form of life (*ibid.*: 4e, #7, 10e, #23).

Earlier I cited O'Connor's interpretation of racist actions in American society. But already before O'Connor, Peter Winch extended Wittgensteinian philosophy, i.e., the idea of the Background, to the realm of social sciences and understanding of human behaviour in general (Winch, 1970a, 1970b, 1990). Winch argued that a human behaviour, if it is meaningful, must be governed by standards or rules existing in society. The question as to why humans act in a certain way can only be intelligibly answered in relation to their social setting. The explanation of human behaviour, therefore, should appeal to the "institutions and ways of life" of the society concerned (Winch, 1990.: 83).

Winch explains this by saying that human behaviours are often elucidated in terms of "reasons" and "motives". But "reasons" and "motives" are in turn made intelligible against certain "standards" or criteria already available in society. For example, a sociologist may offer an explanation of why a person *N* voted for the Labour Party at the last general election (*ibid.*: 45-46). He may say that *N* voted Labour because " 'that is the best way to preserve industrial peace' ".

But this reason, "to preserve industrial peace", can only make sense in terms of *N*'s understanding of certain social relations and standards existing in that society; that is, *N*'s understanding of what it means "to preserve industrial peace"; of existing social relations; of the form of government and its policies. In short, *N*'s own understanding of how this particular expectation is usually met in his society. *N*'s reason, in this sense then, invokes, and can be intelligible in the light of, the existing mode of social relations.

Someone's "motive" may also be explained in a similar way. Winch argues:

> To say, for example, that *N* murdered his wife from jealousy is certainly not to say that he acted reasonably. But it is to say that his act was *intelligible* in terms of the modes of behaviour which are familiar in our society, and that it was governed by considerations appropriate to its context. These two aspects of the matter are interwoven: one can act 'from considerations' only where there are accepted standards of what is appropriate to appeal to. The behaviour of Chaucer's Troilus towards Cressida is intelligible only in the context of the conventions of courtly love. Understanding Troilus presupposes understanding those conventions, for it is from them that his acts derive their meaning (*ibid.*: 82).

The theory of the Background therefore emphasises that our particular beliefs and behaviours must presuppose a social setting or the Background, and their meaning derives from this Background. Particular beliefs and behaviours, if they are meaningful, invoke or reflect some shared understandings, practices, standards, rules, or norms already existing in society, and they can become fully intelligible only against such understandings, practices, standards, etc. There are, however, two further points to add here; one is that this notion of rules, norms, and standards should not be taken to mean that members of society always self-consciously choose or adhere to such rules, norms, or standards, and I will discuss this further later. To be

sure, Wittgenstein often stressed that *children are "trained" to master* the use of language, and are inculcated into particular *worldviews of* the community. But what we adopt from the Background has not always resulted from such deliberate training and inculcation; nor are the norms or rules followed consciously. What I wish to point out here is that what members of society think and do *reflect* already available sets of norms and standards, and they can be elucidated in terms of such norms and standards.

The other point is that the notion of standards, norms, or rules need not imply that people's activities always follow strict patterns. For one thing, whether or not activities follow such a strict pattern depends on the nature of the activities themselves. For example, "calculus" may indeed involve strict applications of a rule, but other activities may not exhibit such "exactness" (cf. Hintikka and Hintikka, 1986: 197-198). Wittgenstein certainly argued that learning of language is "a mastery of technique", hence following of a "rule" or "custom". However, he also emphasised the "multiplicity" of ways in which our words are put into use; what we call language, he argued, does not have "something...common to *all*", but only "relationships", "similarities", or " 'family resemblances' " (Wittgenstein, 2001: 27e-28e, #65-67). There are, for instance, language-games of "ordering", "requesting", and "making a joke", etc., but there are numerous sentences we can create, or numerous ways in which we can engage in these language-games (*ibid.*: 10e, #23). This suggests that the "rule-following" in language does not need to imply a rigorous application of rules.

3. Pornography and the Background

The notion of the Background similarly applies to pornography. Pornography does not appear out of nowhere, but it too presupposes a

shared social setting, and its meaning derives from this Background. Wittgenstein also stated:

> How could a human behaviour be described? Surely only by sketching the actions of a variety of humans, as they are all mixed up together. What determines our judgement, our concepts and reactions, is not what *one* man is doing *now*, an individual action, but the whole hurly-burly of human actions, the background against which we see any action (Wittgenstein, 1967: 99e, #567).

Thus, take pornography on the one hand and "the hurly-burly of human actions" on the other. If we compare pornography and some other practices that take place in society, we may notice some similarities or relations among these activities. We may see, for example, some recurrent images in advertisements or television programmes, or encounter similar storylines in novels and magazines. In any society or culture, there are norms of sex and gender. Society has sexual values and norms, some of which may be found often in banal expressions of sexuality. People also have norms of gender; they have ideas about the male and the female; the ideas of their nature, sexuality, etc. In short, there are some quite familiar and common ideas, values, and norms surrounding sex and gender, which are reflected in everyday, ordinary practice. What pornography reflects are, therefore, such ideas, values and norms.

O'Connor notes that the aspects of the Background are often so "familiar" that they might escape our attention. "As Wittgenstein says, 'The aspects of things that are most important to us are hidden from us because of their simplicity and familiarity. (One is unable to notice something – because it is always before one's eyes.)' " (O'Connor, 2002: 5; Wittgenstein, 2001: 43e, #129). What pornography reflects, therefore, may too have escaped our attention because of such "simplicity and familiarity".

O'Connor also points out that, in the ordinary use of the word, the backgrounds are usually considered as those which "set foreground objects in relief" (*ibid.*: 2). This is pertinent to our discussion here, for if we take pornography in "the foreground", so to speak, and see it more carefully against the background of its social setting, pornography's meaning indeed seems to emerge more clearly. Once we attend more closely to the relation between pornography and its Background, we may not be able to assume so easily that it is only a *minority* and *marginal* activity, which has not much to do with the wider society. It is also argued that "[p]arts of [the] backgrounds can stand out in relief when we look more closely at particular objects in the foreground" (*ibid.*: 3). By investigating the meaning of pornography, we would come to consider also what are those values and norms that make pornography possible and intelligible. Thus, attending to pornography will eventually highlight certain parts of the Background. Those Background values and norms related to pornography are examined in detail in Chapters Three and Four.

4. Values, norms, "social imaginary"

I have suggested that pornography reflects some rather familiar and common values and norms that members of society share. I want to elaborate a little further on the way these values and norms are usually carried and expressed. I want to point out that people who share these values and norms actually may not always have explicit understanding of these values and norms; nor do they, therefore, always self-consciously follow them or overtly endorse what they stand for. These, in other words, involve people's implicit understanding and unquestioned habits of thought. I will illustrate this by drawing on the idea of the "social imaginary" offered by Taylor.

Taylor also attended to the role of the Background, or "background understanding", in human practice (Taylor, 1993, 2004). Our beliefs, theories, everyday activity, and our sense of relation to the world around us – these are ultimately given their meaning and content in relation to background understandings. But Taylor remarks further how some background understandings differ from our more explicit beliefs and ideas.[3]

In fact, we may distinguish, in line with Taylor, different levels of human understandings. These understandings may all relate to the same subject matters, but the level of explicitness or our reflection involved is different. Thus, at one level, we have a range of explicit beliefs and understandings. These are our "well-formulated" understandings, concepts, and theories; it articulates clearly our thoughts about society, God, nature, etc. Social scientists, according to Taylor, have long been focusing, perhaps too narrowly, on this level of thought. But below this explicit, or theoretical understanding, we have a body of less explicit understanding. Taylor argues that this is a set of largely "unformulated (and in part unformulable) understandings". To be sure, these understandings may be rendered as explicit and formulated into "beliefs", but they are normally not "functioning as such in the world" (Taylor, 1993: 215-216). An example of such "unformulated" understandings might be our familiar and taken-for-granted assumptions about the world, the kind of "world-picture" discussed by Wittgenstein. It includes, for example, our assumption that the earth did not come into existence just "five minutes ago", or that there will not be a "huge pit" in front of our house as we set off in the morning. Perhaps it is undeniable that we have such understandings. It is only that we normally do not reflect upon these things; they are only implicit in the whole way of our interaction with the world (*ibid.*: 215).

Such implied understanding, or one may say "pre-reflective" level of thoughts, also includes our "embodied" social and cultural understanding, which Bourdieu called "habitus". The "embodied" understanding or "habitus" is reflected in the ways we conduct ourselves in various social situations (*ibid.*: 217-218). We learn and pick up particular attitudes, manners, and outlook from a particular cultural setting. We learn and pick up, for example, the appropriate manner towards the elderly from the way others usually behave towards them. The "habitus" or "embodied" understanding thus shapes our attitudes and behaviour, and teaches us how to behave appropriately in various social contexts, but it then "become[s] unreflecting, 'second nature' to us" (*ibid.*: 217). We come to know how to conduct ourselves without reflecting upon what to do; we come to know, so to speak, our way around without consulting any guidance. Taylor argues that such embodied understanding in fact is wider. We may have explicit beliefs and doctrines about society and God, but our sense of relations to these things are also importantly shaped and nourished at the level of such embodied understanding.[4]

Taylor, however, points out another level of less-than-explicit understanding, which he calls "the symbolic", or the "social imaginary" (*ibid.*: 218, 219). It is a kind of understanding that lies somewhere between the embodied understanding and the doctrinal or well-formulated understanding. Taylor explains that the "social imaginary" means "whatever understanding is expressed in ritual, in symbols (in the everyday sense), in works of art"; it differs from the embodied understanding in that it is "more explicit" than that, and involves a certain "mimetic or an evocative dimension, and hence points to something which they imitate or call forth" (*ibid.*: 218). It also importantly differs from the doctrinal understanding, for it is usually not "submitted to the demands of logic", or examined against "a metadiscourse", etc. (*ibid.*: 218).

Taylor expanded the notion of the "social imaginary" in his later work. He explains that, by the social imaginary, it is meant "the way ordinary people 'imagine' their social surroundings", social reality, or social relations; the way they imagine "how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations" (Taylor, 2004: 23). In short, the social imaginary is a loose, unorganised, and unformulated thinking, but it is still significant in that it is widely shared, "common understanding that makes possible common practices" (*ibid.*: 23, 25). It is indeed important to notice, firstly, how this imaginary understanding differs from theory. An imaginary is "often not expressed in theoretical terms, but is carried in images, stories, and legends" (*ibid.*: 23). And unlike theory, it is more widely shared by a large number of people in society. Although the imaginary is not well-formulated, conceptualised understanding, it still importantly informs and enables people's common practices. People in a democratic society, for instance, know what it means to participate in "a general election" or "a demonstration", without having to be told about the meaning of these matters. Common practices like these are made possible by the already shared and implicit imaginary understanding of a democratic nation (*ibid.*: 24-26).

Now what I want to suggest in relation to pornography is that the values and norms reflected by pornography are usually carried and expressed at the level of such social imaginary. These are probably different from deeply embedded worldviews, because they are certainly more explicit and call forth some images and ideas. But they also importantly differ from well-formulated or "doctrinal" understanding, because they are usually not held as explicit ideas as such. They do not reflect consciously and carefully examined thoughts,

but rather involve our much looser understanding. They are likely to be our unexamined and unquestioned habits of thought, everyday assumptions, or just the way ordinary people casually "imagine" and expect social reality. And thus they are often given expression in "images, stories, and legends", or "work of art". These values and norms of course could be made explicit, conceptualised and explained, but they are often not articulated in those terms.

These values and norms are therefore not always self-consciously chosen or explicitly endorsed. It is true that, when we adopt a particular belief, or choose to take a particular action, we often engage in conscious decision-making. We consider alternatives carefully and chose one course of belief and action over another. When theists become atheists, for instance, they examine the arguments for and against these alternatives and make conscious decisions (Taylor, 1993: 219). But it is not the case with the mode of the values and norms that I have been discussing. People have not considered the good and the bad of them carefully, but may have just "inherited", or picked them up, from their social surroundings, and practice them without questioning very much. It is therefore possible that, after some reflections, they might actually come to say quite contrary things to what those values and norms usually stand for. For instance, people may share certain ideas of femininity, which are often expressed in an informal, private setting – such ideas that good women are modest, fine cooks, etc. But if they are questioned formally, they may say that these are not really important attributes of women.

In the original context where Taylor advances the notion of social imaginary (Taylor, 1993), he is engaged with the question of transition of pre-modernity to modernity. He argues that this transition cannot be explained wholly in terms of our change in "explicit beliefs". "Some important shifts in culture, in our understandings of personhood, the

good, and the like...can only be seen if we bring into focus the major changes in embodied understanding and social imaginary which the last centuries have brought about" (*ibid.*: 220). I mention this passage, because the point contained in this paragraph importantly applies to the present issue – although, of course, the issue of pornography is much narrower than that of "modernity". Human practice cannot be explained solely by looking at explicitly held ideas and beliefs – they are also critically shaped by the embodied and imaginary understanding. Pornography, also, cannot be adequately explained in terms of explicit ideas and beliefs alone.

Green's, and also Sadurski's, mistake therefore consists in this. They have given only restricted attention to explicitly articulated ideas and beliefs. It made them easier to assume that, because pornography may have a minority of followers, the wider society does not endorse pornography. Green, particularly, thought that society has these explicit ideas, such as law or church doctrine, which universally condemn and devalue pornography's norms (Green, 1998: 292-297). However, the consequence of their thought is that they missed the way the practice of pornography reflects, and is maintained by, the implicit social imaginary. It is because of the way the values and norms reflected by pornography are only implicit, and not consciously examined or questioned, that these are not directly contested by other moral values and beliefs. And it is also because of the way these values and norms involve implicit assumptions and habits of thought that they are not so overtly endorsed by people who actually share them.

5. Social norms and authority

Thus, I have argued that the meaning of pornography also derives from its Background; it reflects some familiar values and norms of

society. These values and norms are, however, likely to be different from explicitly held ideas and beliefs.

I want to suggest further that these discussions also have some relevance to the notion of "authority". I did not start by discussing the notion of authority, but what we usually consider as authoritative entities *also* presupposes society's shared understandings, norms, customs, and ways of life. In fact, it is nothing new to suggest that authorities reflect the shared values and beliefs of a particular society. The studies of authority, especially in the tradition of Max Weber, have pointed out such relation between authority and shared values and beliefs of members of society (Weber, 1978). What we usually call "authority" is based on such shared values, beliefs, and norms of society, and sometimes these are only implicitly assumed. I want to discuss briefly this aspect of authority.

In the literature on authority we often find two types of authority: what may be called "institutional" or "practical" authority, and "knowledge-based" or "expert" authority. In the former case someone is "in" the position of authority, and in the latter case someone is "an authority" in some subject area (Flathman, 1980: 16-17). In the case of institutional authorities, it is said that their authority derives from the property of offices, and ultimately rules and legislation which establish such offices. But when members of society choose to have one set of rules and offices over other possibilities, there must be some belief on the part of them that this form of rules and offices are legitimate or rightful rather than others. There must be some degree of shared beliefs about the justification of having such rules and offices. When we accept the legitimacy of our tax authority, it is not only because its legitimacy has been codified and institutionalised but also because we believe in the rightfulness of the system of collecting tax in the first place. There are also cases where the authorities' actions or

decisions just come to reflect or express the existing values and beliefs of society. There is an illustrating example. Raz mentioned that, in respect of the conscription imposed in Britain during the First World War, "[b]y and large, those who approved of conscription when it came did so because they believed that it was everyone's duty to serve in the armed forces in any case", and to those who welcomed the law, "it merely declared what people ought to have done" (Raz, 1988: 45).

Shared values and norms are also relevant to "knowledge-based" authorities. When we consider some persons as authorities on certain subject matters, we already share some criteria of considering these persons as authorities. The criteria would include, not only the degree and substance of knowledge demonstrated, but also the style or fashion of presenting that knowledge. The value of the subject matter itself would probably also count in considering someone as having certain authoritative status.

Authoritative entities, therefore, are said to reflect some shared values or norms of society. But we should note further that there are *those values and norms which may not themselves be explicitly recognized as "authoritative" but still importantly shape and guide people's everyday thinking and behaviour.* Richard Flathman specifically attends to the relevance of "conventions, customs, practices, norms, and ways of thinking" in any society (Flathman, 1980: 25-26). He argues that such "conventions", "customs", and "ways of life", may not always be grasped as "authoritative" as such by the members of society but nevertheless play a significant role in guiding their day-to-day conduct. He calls such customs, practices or norms *the authoritative*, and argues that what we usually call authorities are also ultimately founded on such set of values and norms and cannot be grasped independently of them.[5]

Thus, society may have such values and norms – or social imaginaries – which may not be thought of as "authoritative" but nonetheless importantly affect people's everyday attitude and behaviour. In relation to pornography, I want to suggest that what it reflects are also such implicit yet distinctive values and norms. These values and norms may not be explicitly considered as, or taken to be, "authoritative", "legitimate", or "right" by the members of society but nonetheless still serve as certain "standards" in society, by which people learn how to relate to others, how to conduct themselves, and also what to expect from others, in some social situations. To borrow Taylor's phrase again, they come to "imagine" and expect some aspects of social reality, especially sexual/gender relations, in terms of this set of values and norms. They offer people certain expectations about how these relations usually occur; how the ideas of masculinity or femininity are normally expressed; and therefore the thoughts of how they themselves should behave. They still fashion people's attitudes, thinking, and behaviour in a distinctive manner. In this regard, these values and norms are said to have some significant meaning.

6. Pornographer as a "social character"

I have thus argued that pornography reflects some distinctive values and norms of society, which may not be expressly endorsed by those who actually share them but nevertheless shape and guide their day-to-day attitude and behaviour. People normally do not give much thought to these values and norms but probably only habitually and unquestioningly follow them.

In this final section I want to attend to an argument that some social roles are special because they *embody* certain moral and cultural ideas of society. It can be argued that pornographers in the present liberal

society have a similar status; their role is unique, because they not only reflect particular norms of society but they are the ones who symbolically express them.

The idea that some social roles embody particular ideas and values of society was put forward by Alasdair MacIntyre (MacIntyre, 1985, 25-35).[6] MacIntyre argues that, in many societies, we may find what he calls "characters". By this he means some particular social roles that emblematise the moral and cultural values unique to the society. MacIntyre used the idea of *character* chiefly to portray the "social content" of the modern emotivist age. He suggested that the characters of any particular society represent special social roles with which some moral, philosophical, and cultural values and ideas of that society are associated. His use of the word "character" is intentional, because of its connotation of a setting and some associated or invested meaning. It is sometimes said that literary characters – those which appear in stories and novels – express and "embody" particular ideas which the authors wish to call forth (Gass, 1970: 52). Similarly, MacIntyre claims that there are *social* characters who embody particular ideas of the age and the society.

The social characters are, according to MacIntyre, more than just ordinary social roles or occupational roles. They are special because of the way they relate to their social settings. The characters can reveal the "content" of the social and cultural space. The specificity of particular cultures can be seen through the specificity of its range of these roles, the characters. To give some examples, "the culture of Victorian England was partially defined by the *characters* of the Public School Headmaster, the Explorer, and the Engineer; and that of Wilhelmine Germany was similarly defined by such *characters* as those of the Prussian Officer, the Professor, and the Social Democrat" (*ibid.*: 28). These characters, "Victorian Public School Headmaster",

the "Prussian officer", and the "Professor", etc. had unique roles in their cultures, because they embodied, in their roles, some significant sets of values and ideals specific to their society. Looking at the range of characters in any society therefore offers us an insight into the complex of values, norms, and ideals that characterize the society concerned.

The characters are also unique in the way certain ideas are embodied by the role *as well as* by the person who inhabits the role. MacIntyre stresses the "fusion" between the role and the personality in the case of characters, or the agreement between the ideas already assumed by the roles and the ideas and actions of the individuals who occupy these roles (*ibid.*: 27, 29). This is so because characters are the *living embodiment* of social ideas. Their behaviour is constrained, because they are the figures who *exemplify* certain moral and cultural standards for the rest of the public.

To understand how the role of characters and their personality fuse, MacIntyre asks us to imagine a "set of stock characters" cast in a drama, such as a Japanese Noh play or an English morality play. These characters are "immediately recognizable to the audience", who would know straight away what "plot and action" are to come from the actors. This is so because the roles are already invested with certain ideas; the possible range of the characters' actions is already importantly "defined". This is the same with social characters. We recognize social characters and recognize how they would think and behave, because they are the "exemplars" of a certain way of life. Thus, characters receive expectations from the public: "[T]the requirements of a character are imposed from the outside, from the way in which others regard and use characters to understand and evaluate themselves" (*ibid.*: 29, emphasis suppressed).

MacIntyre argues that the characters are "moral representatives of their culture and they are so because of the way in which moral and metaphysical ideas and theories assume through them an embodied existence in the social world. *Characters* are the masks worn by moral philosophies" (*ibid.*: 28). However, moral ideas presupposed and embodied by the characters need not be universally supported. In fact, MacIntyre's own aim in the discussion of the social characters is to bring to our attention and critique the characters of our own time, who embody and practice the values and norms of emotivism – morality which he argues characterizes the culture of many advanced societies. Characters "articulate the ways of life available in any society – both those that should be achieved, and those that should be avoided" (Code, 1995: 74).

It should be also added that there is no reason to suppose that what the characters express are explicitly formulated moral and metaphysical ideas and theories of society. MacIntyre also says that theories and ideas can manifest themselves in society in different ways; sometimes as "explicit ideas in books or sermons or conversations"; in other times "as symbolic themes in paintings or plays or dreams" (MacIntyre, 1995: 28). What the characters may stand for can be what is usually implicit, or only symbolically expressed in society. In fact, a character may embody a social imaginary.

Perhaps it could be argued that the pornographers in today's liberal societies *are* such social characters. I argued that pornographers reflect some shared values and norms related to sex and gender; in fact, it may be said that they are the embodiment of these values and norms. They emblematise those values and norms surrounding sexuality and gender relations, which have become more pronounced in recent times. Pornographers, nevertheless, have existed for centuries, and in this respect it might be thought that there is nothing particularly unique

about the existence of this social role. However, so too have existed the engineer, the headmaster, and the professor, in many societies for many centuries, and they were not always characters in MacIntyre's sense (certainly, engineers and explorers in contemporary Britain would not represent what they represented in the nineteenth century). There is actually a comfortable "fit" between the characters and the social setting (cf. Rorty, A., 1976: 301-323). Some social roles become characters; they come to embody certain moral and cultural ideas of a particular social space. It is in this respect that MacIntyre seems to say that characters manifest the social "content" of a particular society.

I would argue therefore that the pornographer in the present liberal society occupies a similar status to a MacIntyrean character; he is the living "exemplar", or embodiment, of certain values and norms of the society. It is in this sense that some distinctive social norms are reflected and also symbolically embodied by the role of pornographer that I argue he is "authoritative".

7. Conclusion

In this chapter I have attempted to show that pornographic speech can be authoritative, drawing on some ideas from the philosophy of the "Background". I firstly argued that the social meaning of pornography would be better understood if we attend to its relation to the shared Background. Pornography presupposes this Background; it reflects some distinctive values and norms related to sex and gender. Following MacIntyre's idea of "social characters", I also argued that the contemporary pornographer is such a character, who embodies and exemplifies in his role these values and norms. It is in these aspects of the pornography's role that I claimed that it has an authoritative status.

I also pointed out the way these values and norms are not ordinarily explicitly understood by the people who follow them. They are more likely to involve our unexamined, or unquestioned habits of thought, and everyday assumptions; they are usually carried and expressed at the level of "social imaginary". I said, following Taylor, that it is crucial to take heed of this level of thought – the meaning of pornography, also, cannot be fully explained if we attend only to clearly formulated and articulated ideas and beliefs.

Notes

[1] "[M]en *create* the world from their own point of view, which then *becomes* truth to be described. (...) *Power to create the world from one's point of view is power in its male form*" (MacKinnon, 1982: 537).

[2] I owe this idea to Hans Sluga. I slightly modified Sluga's explanation of Wittgenstein's concept of "form of life" in which he said: "[T]he notion...serves to identify the complex of natural and cultural circumstances which are presupposed in language and in any particular understanding of the world" (Sluga, 1996: 22).

[3] The way Taylor contrasts "explicit beliefs and ideas" with "background understanding" gives one an impression that the former is not part of the Background. However, it can also belong to the Background, in the Wittgensteinian sense adopted here – every understanding is internal to a shared system. However, the point I am making in this section is that, within a body of understandings that society holds, there are some understandings which are well formulated and explicitly articulated, while there are others which are less significantly so. But the latter type of understanding is also crucial in making sense of some human practices.

[4] The realm of our unreflective practice or implicit understanding seems to have been given more emphasis, especially from the poststructuralist standpoint. Instead of focusing exclusively on the well-formulated or

formalized concepts and ideas, which represent our reflective activity, some theorists directly engage with "images, symbols, metaphors, and representations which help construct various forms of subjectivity" (Gatens, 1996: viii) and which often operate at the level of the unconscious. These images, symbols and metaphors, or what is sometimes called "the imaginary" have been central to the works of some French philosophers, including Luce Irigaray and Michèle Le Dœuff, but Moira Gatens more generally shows the relevance of the notion in the Western philosophical tradition, and defends the philosophers' engagement with our "unconscious" or "background" practice, partly for its pervasiveness and unrecognised influence in our everyday life (*ibid.*: vii-xvi, especially, xi-xii). David Couzens Hoy went as far as to question the usefulness of the concept of "consciousness" itself. While his main concern is the notion of ideology and "false consciousness", Hoy argues that "the idea of consciousness needs to be replaced with other ideas such as 'mentality,' 'discourse,' '*habitus*,' or 'the background' that capture the sense in which the structures of social behavior often are below the threshold of conscious decision-making" (Hoy, 1994: 4, 7).

[5] The idea originated from anthropological studies of a group of Native Americans, called the Fox (especially referring to the studies by Walter Miller, cited in Flathman, 1980: 24-25). He has discovered from the studies that there was widespread aversion to hierarchy among this people, and there was little trace of the notion of authority, in the two senses of authority described above, in their society. Nevertheless, there are plenty of "conventions, customs, practices, norms, and ways of thinking" among them, which play the role of normative guidance in society. There were no apparent authoritative figures in the community, but the set of social arrangements or conventions the Fox had are very much "authoritative" in character: they adhered to this social order "largely *because* they believed that the arrangements had a distinctive standing" (*ibid.*: 25).

[6] I am grateful to Susan Mendus for originally bringing this to my attention.

Chapter Three

Sexual Values and Norms

In this and the following chapter, I carry the arguments of the previous chapter further. Although pornography has possibly existed for centuries, the social and cultural circumstances surrounding pornography have undergone significant changes. It is argued here that the pornographer embodies the sexual values and norms of liberal society – those values and norms which are usually carried by the society's imaginary understanding. This point is specifically explained within the context of Western societies.

1. Introduction

In Chapter Two, I argued that the meaning of pornography derives from, and depends on, its social context, the Background. Although pornographic speech may have existed for many centuries, its social meaning has not always been constant in the societies where it emerged. Its overall meaning, role, and significance seem to have changed as its Background changed. The argument in this chapter tries to explain this point further.

It was argued that the contemporary pornographer is a "social character", who embodies particular values and norms of society. Specifically, the pornographer embodies the sexual values and norms of the present liberal culture, which are usually carried at the level of

the imaginary. In what follows, I will elaborate on what those values and norms are. In doing so, I am aware that what I argue may be controversial; it may be questioned whether the pornographer indeed embodies these values and norms, or whether I have omitted others that may be important. Nevertheless, I believe that my argument concerning the relation between these cultural norms and pornography, and also the status of the pornographer in this culture, appears to be a plausible one.

One thing that is remarkable about the issue surrounding sexuality – and most of us would probably agree on this point – is the way this expression came to change dramatically in the last century. There is now what some would call a "culture of sexual story telling" (Plummer, 1996), especially in contemporary Britain and the United States. There is a proliferation of sexual stories in books, comics, magazines, the Internet, on television, etc.; in short, in the whole array of cultural mediums. The twentieth century, especially the latter half of it, witnessed a huge increase in the amount of speech about sex. An erotic theme is, of course, not only invoked in stories but also increasingly in commercial advertisements. There are likely to be complex social reasons that led to the rise of this culture, and I shall not be able to discuss them fully at present; but I will focus here particularly on the spread of some important "ideas" surrounding sexuality, which seem to underlie crucially the spread of sexual stories.

It is sometimes suggested that the popularisation of Freudian psychoanalysis (theory of "repression") and the movement of "sexual liberation" have led to the relaxation of social attitudes towards sex. The linkage is indeed plausible, and I do not deny this connection. The ideals of liberation of individual sexuality and sexual fulfilment certainly seem to have encouraged more open talk about sex. However, to consider a more general context, it may be the widespread diffusion

of liberal ideas, especially of the idea of the sphere of individual freedom and choice, that helped to ease society's enforcement of strict sexual morality and to create a social atmosphere where sexuality came to be expressed more freely. The basic idea of individual liberty has extended to the sexual area of life, and this idea gradually spread among the ordinary people, changing their everyday attitudes and thinking concerning sexual expressions. Expressions of sexuality now seem to be not only accepted but also even encouraged in some contexts. The current culture of sexual stories can be understood in terms of these changes surrounding sexuality. The significance of the role of the pornographer can also be seen against the background of these cultural values and norms. To be sure, not all kinds of sexual stories current in society would be deemed "pornographic"; nevertheless, it may be argued that it is this general cultural background which permits and produces numerous stories about sex that gives meaning and significance to pornographic speech. The pornographer may be said to embody this norm of sexual story telling and its underlying values. He is the exemplar in society, who carries out these cultural ideas to the full.

I therefore think that the pornographer generally embodies the values of sexual freedom in liberal society, but there is another tendency in the present culture, which seems to make pornography, or some types of pornography, special. There is a tendency in stories, especially fictional stories, to depict extreme sexualities, or to combine a sexual theme with some shocking activities, such as violence, cruelty, or murder. These stories in fact combine a sexual theme with some extraordinary motifs, something that would transcend the boundary of ordinary human experience. It appears that the linking of sex and such extreme themes is in fact not a rare combination in the tradition of the Western culture (cf. Cameron and Frazer, 1992), and the trend seems to be accentuated with the overall growth of sexual stories, as well as

other stories dealing with shocking subjects. It looks as though such a motif could not be simply dismissed as an offensive aberration; it rather appears to be a powerful theme that draws people's attention and imagination from time to time. The idea that sexuality involves transcendence of the ordinary is one of the symbolic ideas about sex which recurs as a motif in stories, and it has been given more expression by the present culture of sexual stories. It has been, of course, known that some pornography is concerned with such a theme; in fact, it is the perfect example of speech that contains this theme. It might be said that it is the pornographer who most clearly expresses this cultural idea surrounding sexuality in society.

Thus, in this chapter, I will try to explain the relation between the role of the pornographer and these cultural values and norms. However, first, I will restate a general case for thinking that the contemporary pornographer is different from those of previous centuries.

2. The past and the present

If pornography is special in the present age, what is it which makes it so special? Some may raise this question, because of the fact that pornography is not a recent invention; it existed throughout the past centuries, even including Victorian England. The etymology of the word "pornography" tells us that it derives from the Greek words *porne* (prostitute) and *graphe* (writing), therefore suggesting that something like pornography has existed since the time of ancient Greece (when Andrea Dworkin said that pornography is " 'the graphic depiction of whores' ," she was probably thinking about this etymology (Dworkin, A., 1981: 9)). Historically speaking, pornography has been offered on "the market" for centuries; it has regularly found a group of willing audiences, whose needs it has

catered to. What then makes contemporary pornography different from its predecessors?

An obvious point that might occur to anyone's mind is a certain transition that happened in the last century: the twentieth century witnessed the movements of the so-called "sexual revolution" or "sexual liberation", and there was a relaxation of people's attitudes towards sex. It is therefore tempting to say that pornography reflects this overall trend. What makes contemporary pornography special is that people are nowadays more open about matters concerning sex. Whereas our forbearers were on the whole sexually "repressed" and more cautious about discussing sex, we are largely "de-repressed", more "liberated"; therefore, we produce significantly more speech about sex and sexuality. And pornography is the embodiment of this norm – so goes the reasoning. However, there is a certain influential argument which claims that sexual speech in earlier centuries was not simply suppressed or silenced in the way that is commonly thought. Michel Foucault's account of the history of sexuality in the West is perhaps well-known in this regard. A straightforward suggestion that there was a sudden expansion in talk about sex *in the twentieth century*, therefore, apparently runs counter to his claim.

Foucault's argument challenges the more conventionally received view about sexuality in the West, especially the simple "repressive" argument about sexual discourse in earlier centuries. Contrary to such a view, he argued that, since the seventeenth century, there has been a "discursive explosion" or "proliferation of discourses", surrounding the subject of sex (Foucault, 1998: 17-18). Foucault's point is not that there were no codes of conduct about the speakable and the unspeakable concerning sex, but that, around the cluster of some subject matters, there has been a continued growth or "multiplication" of speech about sex over the last four centuries. He argued that this

discursive expansion especially "gathered momentum from the eighteenth century onward" (*ibid.*: 18), revolving around such issues as "population", "pedagogy", and "medicine / psychiatry".

Foucault explains that the issue of population became increasingly a political and economic concern in European nations in the eighteenth century. "Subjects" were no longer just "people", but perceived to be the nation's "wealth", "manpower", and "labour capacity", necessitating that political authorities regulate, control, and manage the sexual affairs of their citizens. Thus, "[b]etween the state and the individual, sex became an issue", and governments began to intervene directly and sought to "[regulate] sex through useful and public discourses" (*ibid.*: 25-26). Since the eighteenth century, there has also been a proliferation of discourse surrounding the issue of adolescent sex in the educational institutions. "[T]he sex of children and adolescents" was not simply a hushed topic; "[o]n the contrary...it multiplied the forms of discourse on the subject", which was, according to Foucault, "a constant preoccupation" of those educational institutions (*ibid.*: 29). The development of modern science also expanded discourse on sex, especially in "medicine" and "psychiatry", which attempted to uncover the aetiology of mental illnesses, spurred further talk about sex and sexuality of individuals (*ibid.*: 27-31).

Jeffrey Weeks's study of the history of sexuality in Britain echoes Foucault's argument to some extent. Discourse on sex was not simply silenced in previous centuries, but it steadily grew around some subject areas. Weeks also argues that the public concern over the question of population led to "a significant expansion of writings on sexuality in the late nineteenth and early twentieth centuries" (Weeks, 1989: 141). Also, as scientific knowledge progressed, sex and sexuality became "an object of study" itself, which produced further

interest and discourse concerning sex. Some influential works on human sexualities or the sexual instinct, including those by Havelock Ellis and Sigmund Freud, appeared around this period. Sexologists like Ellis attached a "social importance" to the realm of the sexual, and painstakingly analysed and catalogued different manifestations of human sexuality (*ibid.*: 141-159). Weeks also suggests that the early feminists, i.e., those in the nineteenth and at the beginning of the twentieth centuries, though they were primarily concerned with the achievement of women's voting rights, were also interested in such matters as "voluntary motherhood" and "women's control over their own body", and these issues did raise some public discussions over sexuality (*ibid.*: 162-163).

Some historical accounts therefore deny that speech about sex was simply silenced in earlier centuries. Sex and sexuality have been major public concerns, and they have been discussed, debated, and scrutinized, especially around the domains of "population", "pedagogy", medicine, psychology, and psychiatry. It may be indeed not so accurate to suggest, in a simplistic manner, that talk about sex or sexuality was generally suppressed before the mid-twentieth century but that this radically changed afterwards. Nevertheless, there *were*, of course, some major changes; both Foucault and Weeks would agree that there was stricter sexual morality in previous centuries and that there was a considerable increase in the overall speech about sex in the last one hundred years. And the change was not merely a quantitative one; there was some significant qualitative change in the way sex came to be discussed in the last century. We may agree that there was a certain change in the kinds of sexual discourse that we encounter, and that people's attitudes towards sex and sexuality, as well as the expression of these, have undergone a noticeable change. If the contemporary pornographer is said to be special, we would have to take into account such qualitative changes in the Background. Even

though the pornographer existed in ancient Greece and Victorian England, the social context surrounding pornography must have changed significantly, and this needs to be considered in order to fully understand the present status of the pornographer.

Peter Wagner studied the history of the erotic art and literature in the eighteenth century England and America (Wagner, 1988). While he observes that the origin of pornography "at least" goes back to the sixteenth century, he also mentions that

> the function of pornography in the various societies from 1500 to 1800 was not the same. Initially, pornography served entertaining and didactic purposes and gradually became a vehicle of protest against the authority of Church and State, and finally against middle-class morality. By the eighteenth century, pornography was like a chameleon, appearing in various guises...and assuming different functions (*ibid.*: 6).

Wagner also suggests that the increase of scientific and medicinal knowledge in the Enlightenment led to growing interest in sexuality, producing numerous publications on the topic. These books on sex and sexuality, which often contained vivid descriptions, were taken advantage of, so to speak, by some pornographers who used them for their own purposes. But pornographic material was also used as a medium of social protest against the established authority of church and state during the Enlightenment period. In the latter half of the eighteenth century, however, the socio-political dimension of pornography withered away, and talking of sex became an end in itself – it came to be seen just as "immoral story" about sex, upsetting and destabilizing the moral order of the day (*ibid.*: 6, 8-46).

Thus, according to Wagner, pornography between the sixteenth and the eighteenth centuries was not always the same; it assumed varied roles and functions, depending on the exact context in which it occurred. It was sometimes a medium for sexual education, sometimes

an instrument for social protest; but in other times, it was a pure entertainment in itself. It was assigned different meanings and functions, reflecting the different social matrices of the time. It seems, and it is indeed very plausible, that the Background of pornography shifted once again in the twentieth century. What happened in the last century is likely to include a significant change within the complex of ideas, values, and attitudes concerning the sexual domain of life; whether people began to hold new sets of ideas or some older ones, they came to be embraced positively. There seem to be now different understandings, or a different "social imaginary", concerning sex and sexuality, and consequently, the social meaning of pornography has also changed. What Wittgensteinian philosophy suggests, which was discussed in the earlier chapter, is precisely this aspect. Every particular speech and activity is integrated into the Background, or the form of life. It is interwoven with other beliefs, ideas, and practices shared by members of the community. If the Background changes significantly, so do the meanings of particular speech and activity. Pornography's significance has also changed over the last century; to use Wittgensteinian terminology, it has become a different "language-game."

3. Sexual freedom

The "culture of sexual stories"

Ken Plummer discusses the emergence of a new culture which became distinctive around the late twentieth century. He calls it "a culture of sexual story-telling" (Plummer, 1996). The idea of "stories", Plummer tells, has recently gained a significant currency in social theory, but the kind of stories which Plummer is concerned with are "sexual stories", or "the personal experience narratives of the intimate" (*ibid.*: 34). By these sexual stories or sexual narratives he means such stories

as "told by men and women of coming out as gay and lesbian; of women who discover they 'love too much'; or tales told by the survivors of abortion, rape and incest; or of 'New Men' rediscovering their newly masculine roots through mythical stories" (*ibid.*: 34); in short, the kind of stories that are most likely to be found in popular television talk shows ("Oprah"), autobiographical accounts, or self-help books.

Plummer seems to be right in saying that there are now more and more instances of individuals narrating their sexuality or sexual experiences. But the types of sexual stories we encounter nowadays in general may well extend beyond such first-person narrative models that Plummer mainly talks about. In fact, I would like to use the notion of a story more widely here in order to include also those which are told to respond to individuals' sexual needs (e.g., sex guidebooks), or which largely feature sexual contents, or which are intended to arouse the audience sexually (pornography). What is commonly happening, nonetheless, seems to be summarized by the view that more and more stories are told, centered on individuals' sexuality, sexual needs, and sexual relations. Although, as stated earlier, not all sexual stories in society are considered as "pornographic", and, conversely, not all pornographic speech may be technically called "stories", there seems to be nonetheless an important connection between these different types of sexual speech, and the social meaning of pornography also seems to be better understood against the background of this particular culture.

Among the possible reasons given by Plummer for the rise of this "culture of sexual story telling", two are especially noteworthy.[1] One of the factors is the "growth and proliferation of communications" or mass media, which has steadily expanded since the nineteenth century (*ibid.*: 35-36, 38-39). The possible media of communication in which

(sexual) stories can be told now include not only conventional print media, such as books, newspapers, or magazines, but also television chat shows, the Internet, etc. Plummer argues that the modern media have broken down the "traditional boundaries around stories", shifting the "social spaces" of story tellers and audiences. Stories which previously were only local can now be transmitted on a mass, global scale, the result of which is that story tellers may find it now easier to find more sympathetic listeners. He says that stories are told when they find such appreciative community of listeners, or a "community of support". It is true that stories are told more when there are some understanding audiences who are willing to listen. Modern media can transmit a single story on a massive scale, but at the same time they also make it possible to generate customized stories for a small number of audiences with special needs. These stories then serve to give a sense of community to audiences who come to sympathize with one another. Communities of gays and lesbians may be an example of such specialized ones. Stories are again created, distributed, and recited within these communities. The modern mass media are, in short, a vital infrastructure, upon which various stories flourish.

Plummer also mentions "consumerism" as another key factor that gave rise to the expansion of sexual stories (*ibid.*: 39-40). Like so many other goods and services, sex also has been turned into "a commodity", an object to be consumed. Since generally sex "[sells] well", it is now sold not only as a product in itself but used in advertisements to boost sales of other products. As the law of capitalism operates wherever profits are to be reaped, it is logical that there has been a huge growth of sexual stories circulating in the market.

These two reasons, the expansion of modern mass communications and consumerism/capitalism, certainly seem to be important factors

which led to the growth of sexual stories. Modern technologies make it physically possible for stories to spread, and the consumerist culture and the drive for profit give a further incentive for stories to be told. Although these are no doubt significant reasons, they are, however, not the only ones. In fact, alongside the proliferation of communications and consumerism, there has been a development of important moral "ideas" surrounding the sexual domain of life, which influenced the present trend of sexual stories. Indeed, one may argue that, without the development of these ideas, various sexual stories that are current today may not have emerged in the way they do now. People, of course, would not tell stories, especially intimate ones, if the social atmosphere were very hostile to them. Many societies impose strict sexual morality, and this also has been the case in societies with a strong Christian tradition. If that morality is to be relaxed, however, this perhaps would not be explained solely by the emergence of modern social organization. There must be also some ideas which influence the individual to think that speaking of sexuality in public is not an immoral or shameful thing to do. These ideas then first legitimated, and then encouraged, the appearance of contemporary sexual stories, and the other factors, such as mass communications and consumerism, may be said to have facilitated this process.

Background ideas

In thinking about the possible ideas which have helped to create the climate of sexual stories, an obvious one might be that of "sexual liberation". The liberation movement certainly seems to have contributed to the rise of sexual stories, inasmuch as its objective was not only the emancipation of people from various forms of oppression, as testified in feminist and gay movements, but also ultimately the achievement of individual sexual freedom or sexual "fulfillment".

Popular guidebooks giving advice on sexual practice or different sexual techniques seemed to have increased in number and variety during or after this liberation period (Jeffreys, 1990: 91-144). It is sometimes suggested that the sexual liberation movement itself owes its development to the popularization of Freudian psychology or psychoanalysis, especially to psychoanalytic talk of sex as a "need" or "tension" that must be "reduced" (May, 1972: 23). The concept of "repression" certainly does not have a positive connotation in the way it is ordinarily used. Modern psychoanalysis very plausibly spread the notion among the public that personal happiness or well-being also consists in the satisfaction of these individual sexual "needs". Although the sexual liberation movement and Freudian psychoanalysis are probably both important contributors to the rise of sexual stories, there has been a gradual but steady diffusion of another significant idea surrounding the sexual domain of life, which, I believe, is most crucial in thinking about the present culture of sexual stories.

Since the nineteenth century sexuality has increasingly, if gradually, come to be recognized as forming an important component of the individual's life. Historians of sexuality, such as Foucault and Weeks, suggest that the evolution of modern science and medicine led to a significant increase in interest in human sexuality and writings on this subject. We may say that the scientific "will to knowledge" or investigative spirit inevitably had spread into the area of human sexual behaviour, and produced more writings on this topic. Although the social influence of sex research in the nineteenth century was by and large still very limited, and researchers in general took care not to upset the conventional morality, some sexologists such as Ellis started to claim openly that sexuality deserved serious attention "because of its significance for the whole existence of the individual and society" (Weeks, 1989: 142). As already mentioned, the development of modern psychology and psychoanalysis also contributed to the

growing awareness of the importance of sexuality to the individual's life.

But alongside this growing interest in sexuality in the field of science, there emerged a more critical view, which called for a relaxation of excessive societal control over individuals' sexual conduct. Freud is one of the earlier figures who voiced such a view. He famously highlighted the tension between the demands of civilization and human instincts (Freud, 1991b) and also exposed the relation between the suppression of sexuality and nervous illnesses (Freud, 1991a), although he himself sometimes vacillated, when it came to the question as to how one might conceive of the proper balance between the two sides. Nonetheless, Freud's experience in psychiatry occasionally led him to express his concern that strict social controls over sexual conduct may turn out to be an unjust burden to individuals. He once observed: "The requirement…that there shall be a single kind of sexual life for everyone, disregards the dissimilarities, whether innate or acquired, in the sexual constitution of human beings; it cuts off a fair number of them from sexual enjoyment, and so becomes the source of serious injustice" (Freud, 1991b: 294). Freud's theory of repression and the tension between social structure and the individual's sexuality later come to be synthesized with more radical social criticisms, such as that of Herbert Marcuse (Marcuse, 1987).

It seems, however, that it was ultimately the overall infiltration of influential liberal ideas, especially the distinction between the public and the private realms of conduct, that helped to ease excessive social interference in the individual's sexual behaviour, and spread the notion that the sphere of sexuality essentially falls in the realm of the private in which the individual should exercise his or her autonomy.

Mill's *On Liberty*, published in 1859, charted the distinction between *self-regarding* and *other-regarding* domains of life. In the former, actions of the individual concern no one but himself, while in the latter, actions may concern others in society. In the self-regarding sphere of life, Mill argued that the individual remains "sovereign"; his "independence" is "absolute", insofar as the actions would not harm anyone (Mill, 1975: 11). Society may, of course, render judgements, pass opinions, and even show "distaste" towards certain individual conduct, but short of causing definite harms to others, the individual is "the final judge" of deciding what to do or what not to do (*ibid.*: 72). Mill thought that when society intervenes in the individual's affairs, it often intervenes wrongly; the interference is frequently nothing more than the majority's attempt to enforce its own moral preferences. However, Mill firmly believed that there are domains of human life in which the individual's own feeling outweighs the preferences of any other: "[T]here is no parity between the feeling of a person for his own opinion, and the feeling of another who is offended at his holding it; no more than between the desire of a thief to take a purse, and the desire of the right owner to keep it" (*ibid.*: 78). Mill therefore forcefully argued for the domain of human conduct which ultimately belongs to the sphere of the individual's discretion and autonomy.

Mill's doctrine came to be reflected in the enforcement of law and to affect practically the sexual life of individuals. The case of the Report of the Committee on Homosexual Offences and Prostitution in Britain (hereafter the Wolfenden Report) is a pertinent example. The Report, which appeared in 1957, recommended changes in the law governing homosexuality and prostitution, and specifically suggested that, with regard to homosexuality, private conduct between consenting adults should not be a crime, and with regard to prostitution, only the public solicitation should be illegal. H. L. A. Hart notes the "strikingly similar" tone between the Wolfenden Report and Mill's position in *On*

Liberty (Hart, 1963: 14-15). The Report set out that "[the function of the criminal law]...is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others..." (United Kingdom 1957: 9-10), which thus made explicit the grounds for making "offensive" public solicitations illegal, but not the act of prostitution itself. With respect to the decriminalization of private homosexual practices among adults, the Report justified it because "[there] must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business" (*ibid.*: 24).

Hart defends the line taken by Mill and the Wolfenden Report against some critics. In response to those who argued that the law should be properly invoked to protect positive morality of society, Hart argued that the fact that a certain conduct is regarded as immoral by conventional morality is not a sufficient reason to justify its prohibition (Hart, 1963: 24); that is, for the legal enforcement of morality, one must consider the balance between any conceivable harms of individual conduct and the misery inflicted by the legal punishment of these conducts. Hart generally considered that "the suppression of sexual impulses...affects the development or balance of the individual's emotional life, happiness, and personality" (*ibid.*: 22), and that the punishment of homosexual conduct would generate more personal miseries than the case where there are no such punishments. With regard to the issue of homosexual conduct, he therefore argued that it should incur a punishment only if it causes a harm to others; that is, if it offends "public decency" (*ibid.*: 44-45). To those who say that there are people who get "harmed" by the "bare thought" that someone is engaging in an "immoral" conduct in private, Hart insisted that in this case the value of the individual's liberty prevails over any claims of "harm" caused to others' sensitivities. In this context he clearly defended personal liberty and autonomy, in a

manner similar to Mill. He said: "[L]iberty to do those things which no one seriously objects" is "nugatory" (*ibid.*: 47).

Hart notes a similar development in America in the 1950s. The American Law Institute is said to have recommended that all consensual adult sexual relations should be exempt from the criminal law, for " 'there is the fundamental question of the protection to which every individual is entitled against state interference in his personal affairs when he is not hurting others' " (American Law Institute Model Penal Code, cited in Hart, 1963: 15). The actual decriminalization of homosexual conduct in Britain took another decade after the appearance of the Wolfenden Report, but the emergence of the Report seems significant, because it seems to mark the development of influential liberal ideas represented by Mill. Millian liberals, of course, usually object to society's moralistic and paternalistic interference with the individual's private conduct. Weeks mentions that the Wolfenden Report constituted a "hallmark" of the series of liberalization policies that emerged in Britain around the period ("the laws governing gambling, suicide, obscenity and censorship, Sunday entertainment" and the reforms of laws on abortion and divorce), and suggests that similar reforms also took place in other liberal democratic countries in the 1960s (Weeks, 1989: 249, 251-252).[2] In mid-twentieth century, the sexual domain of life, as well as other domains of human conduct, seemed to be acknowledged more and more as belonging to the realm of personal choice, and this came to be reflected to a significant degree in public policies.

More recently, Martha Nussbaum has raised the same issue of law and sexual morality, and restated Mill's principle (thus defending the same position as Hart's) regarding the sexual life of individuals. Nussbaum first raises these questions: "To what extent should a moral argument...be permitted to ground a legal restriction on sexual

conduct? To what extent should we refuse to allow legal interference with people's sexual choices, however immoral?" (Nussbaum, 2000: 21-22). She then answers that "a Millian no-harm principle in the sexual domain seems the one that best supports our desire to conduct our lives in accordance with our own moral views and with our sense of our equal dignity as citizens"; and that "[i]f people are told what not to do with their lives in the intimate area of sexual conduct, this seems especially invasive of their humanity" (*ibid.*: 22).

The liberal idea of autonomy and the realm of the private therefore extended to the *sexual* domain of life and came to affect thinking surrounding sexual morality. Its first obvious effect was to de-legitimate the state's unnecessary intrusion into the individual's sexual life. Matters concerning sex or sexuality basically fall within the realm of the non-political and private in which the individual is to exercise his or her personal choice, and coercion is only justified when it is thought that the individual's behaviour causes harm or a definite risk of harm to others, or that it breaches the code of "public decency". Within certain limits imposed by the harm principle, the individual is free to act according to his or her moral views in relation to sexual matters.

From theory to imaginary

To go back to the issue of "sexual story telling", I have argued that it is not only the growth of modern communications and consumerism that led to the proliferation of sexual stories. They are no doubt significant factors, yet it is also important to take into account the development of crucial moral ideas surrounding sexual conduct. Indeed, I like to connect the present trend of sexual stories with the transformation of the Background initiated by psychoanalysis, the sexual liberation movement, and liberal theory, but especially, the

outcome of the spread of liberal ideas of individual liberty and the sphere of the private, because of its more steady and pervasive diffusion (Freud's own view as well as the ideology of "sexual liberation" and "fulfillment" also fundamentally share the value of individual freedom). Liberal ideas led to the view that the sexual domain of life essentially belongs to the private realm in which individuals exercise their freedom and choice, as long as they do not harm others. These ideas helped to liberate the sexual life of the individual from excessive social interference, and this played an important part in the spread of sexual stories.

This is, however, not to say that everyone now concurs with liberal ideas, or shares the same attitude towards the issue of sexuality, or that most sexual stories can now be told freely. Sexual issues are in some respects still very polemical, especially those surrounding minority sexualities, and they are frequently the subject of debate in academic as well as nonacademic forums.[3] At the explicitly verbalized level, in particular, sexuality can be a site of contestation, and every now and then there are loud protests, such as those coming from religious conservatives, at open sexual expressions. Still, if we glance at people's overall *everyday* attitude and behaviour concerning sex or sexual speech in the present liberal society, it would seem that there is a distinctive current, and this reflects the liberal values that I have sketched. At the imaginary level, the liberal attitude toward sexuality is becoming more and more widely shared. That is likely to explain the proliferation of current sexual stories and the fact that sexual talk would not cause so much shock or offence as it might have done decades ago. What some consider the "eroticisation" of social life[4] is therefore closely related to – among other things, such as the transformation of social structure discussed earlier – the general reception of liberal thinking surrounding sexuality. One might say that

the liberal theory has now largely come to influence people's ordinary thought and behaviour.

Taylor mentions how theoretical ideas may gradually penetrate into society's imaginary understanding (Taylor, 2004: 24, 29). Ideas previously held by a few elites may eventually come to be shared by the wider society, giving rise to "the new outlook", "new practices", and then finally become settled as "taken-for-granted" assumptions of the society. A similar thing has probably occurred to the idea surrounding expressions of sexuality. The idea that the sexual domain of life essentially belongs to the realm of the private, in which the individual should exercise choice, has come to be shared by the wider society and is now carried by its imaginary understanding. As long as it is carried by the imaginary understanding, it is, of course, not as coherent or as clearly articulated as in theory. Many people may now just habitually follow what others do and do not reflect on the meaning of their practice. Nevertheless, what plausibly happened when the liberal idea permeated into people's common imaginary is that they came to think that *the individual has freedom to make choices concerning sexual matters, and excessive interference with this liberty is inappropriate; and that there is nothing wrong in principle with talking about sex, and expressing one's sexual feelings and needs* (as long as this does not harm or offend anyone). It is not merely that people have become more "tolerant" towards others' expressions of sexuality as a result; but they themselves have come to exercise this freedom more positively. This new understanding surrounding the expression of sexuality thus encourages more sexual stories to come forward, and therefore there are more sexual stories in books, magazines, on television shows, etc.

The culture of sexual story telling, therefore, can be explained in terms of these changes in thinking and attitude surrounding sexual

expression. Previously there might have been more moral constraints surrounding sex, but today it is increasingly linked with personal liberty, choice, and needs. To be able to talk about sex and express one's sexuality is an important aspect of this individual sexual freedom. The social meaning of the pornographer can also become intelligible against the background of this culture, which produces a whole array of sexual narratives – from popular sex guides to household dramas and tabloid tales. The common social imaginary about sexuality now gives significance to the role of the pornographer. The pornographer may be the paradigmatic sexual story teller in society; he makes the most explicit sexual speech, openly celebrates (and makes most of) the freedom to do so, and encourages others to share this freedom. In short, as a MacIntyrean character, he embodies in his role the culture of sexual story telling and its underlying value of individual sexual freedom. He demonstrates, and carries out, a way of life, which exemplifies these cultural understandings.

It might be of interest to note, however, that this new climate of sexual freedom has ironically created a different kind of constraint or pressure on some individuals. A more open attitude toward sexuality may seem to fulfill a genuine promise of individual freedom in the sphere of sex. However, to those who are unable to express sexuality or who feel uneasy about such expressions for whatever reasons there is a different pressure. As more sexual stories are circulated in society and the expression of sexuality is now becoming increasingly a common affair, there seems to be an atmosphere that presses individuals not to be diffident about sex or speech about sex. It might have been the case that in previous centuries society imposed stricter sexual morality, and whether it caused significant misery to some or not, individuals could shift the blame upon society. Now with society's interference largely gone, the question of how to handle sex has largely become a matter of individual choice and adequacy. That

apparently produces a burden upon some individuals, who feel ashamed if they cannot experience or express their sexuality in the way that others do. Rollo May observes this problem from the standpoint of a psychiatrist:

> Where the Victorian didn't want anyone to know that he or she had sexual feelings, we are ashamed if we do not. (...) Our patients often have the problems of frigidity and impotence, but the strange and poignant thing that we observe is how desperately they struggle not to let anyone find out they don't feel sexually. The Victorian nice man or woman was guilty if he or she did experience sex; now we are guilty if we *don't.* (...) In past decades you could blame society's strict mores and preserve your own self-esteem by telling yourself what you did or didn't do was society's fault and not yours. (...) But when the question is simply how you can perform, your own sense of adequacy and self-esteem is called immediately into question, and the whole weight of encounter is shifted inward to how you can meet the test (May, 1972: 15-16).

May's idea is that the spread of new sexual freedom in societies like America or Britain actually caused another kind of "straightjacket" to some individuals concerning their sexuality. If more and more social emphasis is laid upon expressions of sexuality, the opposite tendency would come to be something undesirable. The deeper psychological issue is not one that can be discussed here, but the point is indicative of an interesting aspect of the culture that we are observing – the idea was that people should be free to express sexuality or achieve sexual fulfillment; but among some people, this "should be free to express" has been turned into "must express". Expression of sexuality is perceived as a binding norm, ironically constraining freedom of some individuals.

4. Sex and extreme themes

The culture of sexual story telling and the value of sexual freedom which underlies it are embodied in the role of the pornographer. But

there seems to be a further reason which makes pornographic speech significant in our culture. The ideas of sexual freedom have led to the increase in sexual stories, but this overall trend has also led to the growing interest in diverse sexual practices (sex guidebooks such as Alex Comfort's *Joy of Sex* may reflect such interests). The sheer availability of the number of sexual stories gave people an opportunity to be acquainted with a variety of human sexualities, and the ideal of "fulfillment" gave a certain license to people to experiment with different sexual styles and techniques, in order to satisfy their specific individual "needs". There are also some reports that there is now more interest in what might have been regarded as unconventional or eccentric forms of sexual practices.[5] It may be that such a tendency has also been largely created, as Plummer pointed out, by the growth of modern communications. Today's mass media make it easier to spread diverse stories to wider audiences. The communication medium, including the Internet, probably has a particular role to play. The Internet originally enabled a production of "customized" sexual advice for a small number of audiences with special needs; but as such stories are transmitted worldwide, they may engender more potential customers, who happen to have contact with, and take interest in, these stories.

What I want to focus on in this section is, however, a *certain tendency* among popular stories, especially among fictional stories. It seems that there are now more stories told, which combine sexuality with some shocking themes, such as cruelty, violence, or even death. Some stories may depict 'extreme' sexualities, such as sadistic or masochistic ones, while others may narrate sexual aggression or sexualized murders. In the stock of Western stories, there is actually a recurring motif which connects sex with some extraordinary events that would transcend, or transgress, the boundary of everyday human experience. Traditionally speaking, the combination of the erotic and

extraordinary seems to be indeed one of the symbolic themes in the Western discourse and narratives (see below). Such a theme appears to be attracting more attention and is given more expression in popular cultural representations, which may in part reflect the rising interest in different sexualities mentioned earlier, but perhaps it is more likely to do with other reasons, such as the overall increase in sexual stories, as well as other stories which centrally depict shocking and violent themes. Against this background, one may again notice the significance of the place of the pornographer in society; some argue that the theme of sex and transcendence of the ordinary is exactly what pornography is all about – pornographic speech deals with the subject of human sexuality in its extreme form. Although it may be accurate to suggest that some pornography, not all, has been concerned with such a theme, it does seem to point to an important feature of some pornographic speech.[6] There is a recurrence of sex and extreme themes in popular Western stories, and we may say that this is exemplified in some types of pornographic speech.

The point about extreme themes may be understood if we glance at popular sexual stories offered by the mass media. Mainstream films also employ such a theme occasionally. Paul Verhoeven's well-known film, *Basic Instinct*, is such an example. The film is a story about a bisexual woman, who is suspected of being a serial sexual murderer, who commits murder after the climax of a sexual act. Other popular films, such as *Dressed to Kill, Fatal Attraction*, and *Jagged Edge*, are also known to invoke the theme of sexuality and sexualized murder (Smith, 1996: 31-45).[7]

Some suggest that it is quite understandable for works of art to concern themselves with the subject of extreme sexualities, and that the aim of pornography is exactly to engage with this theme. Susan Sontag offers such a view (Sontag, 1983). Sontag herself considers

pornography to be a form of "art" or "literature", and argues that the subject of its theme is an exploration of human sexuality. She says that human sexuality, at least potentially, has a very extraordinary dimension; it has a "dark", dangerous, even aggressive and vicious side. Everyone, for instance, she says, feels erotic attraction towards something cruel, offensive, or "vile and repulsive" (in "dreams" for example). What is so remarkable about human sexuality is that it involves some powerful "demonic forces", which drive one "close to taboo and dangerous desires", ranging from "impulse to commit sudden arbitrary violence upon another person" to the "yearning for the extinction of one's consciousness, for death itself" (*ibid.*: 221-222). In short, human sexuality potentially contains very "extreme forms of consciousness," and "belongs... among the extreme rather than ordinary experiences of humanity" (*ibid.*: 221). What the artist, like the pornographer does, is, therefore, to push the boundary of normal erotic experience and to explore its extreme forms. He aims to render the "dark" side of sexuality visible to the audiences (*ibid.*: 212).

Sontag mentions *Story of O* as an example of such an extraordinary erotic story. In the story, the heroine, named only as "O", lives the life of a sexual slave under the control of her lovers. O undergoes a succession of tortures and humiliations, and seems to descend gradually towards the annihilation of her ordinary existence as a human being. But we are told that this annihilation is exactly what she aims; by devoting herself as a passive being, she wishes to "reach the perfection of becoming an object" (*ibid.*: 220). "O progresses...toward her own extinction as a human being and her fulfillment as a sexual being" (*ibid.*: 222). O's sexuality here is in fact a quite masochistic one. By devoting herself as a sexual object, she attains her sexual fulfillment. If O retains a degree of self-respect and moral conscience, however, she would not be able to achieve this fulfillment. O then has to make a choice. Sontag suggests that, whether we like it or not,

one's "sexual fulfillment" and "personal fulfillment" (that which one obtains as a moral and social being) are perhaps quite "distinct" ones. For some people, therefore, to achieve sexual fulfillment means to discard his or her moral and social consciousness. It could require, in fact, transgression of the accepted boundaries of conduct, or as Sontag puts it, "transcendence" of one's ordinary existence as a human being.

Sontag argues that this is what pornography generally does: its aim is to "drive a wedge between one's existence as a full human being and one's existence as a sexual being" (*ibid.*: 222-223). In normal life, people may be too reluctant to drive such a "wedge" (*ibid.*: 223), but may still want to explore it in imaginary form. Sontag argues that the artists' position is very unique in this regard; they are privileged to investigate such extraordinary experience of humanity in their works (*ibid.*: 212).

The idea is, therefore, that human sexuality contains a very dark, extreme side, and the fulfillment of this sexuality comes to involve transcendence of ordinary human experience. Artists are privileged to explore such motifs, and the pornographer especially does that. But there is a slightly different explanation for the combination of sex and extreme themes in stories. It is suggested that the theme is rooted in the patterns of Western discourse, which provides the idea that transcendence or transgression offers particular sexual pleasure and satisfaction.

We may first note that the depiction of extreme sexualities is, in itself, strictly speaking, not a recent invention. Cameron and Frazer point out how the themes of the erotic pleasure and cruelty significantly featured in Romantic literature, the most notable one being that of Marquis de Sade (Cameron and Frazer, 1992: 371-372). According to Cameron and Frazer, Sade's erotic works actually reflected his ideal

of human transcendence, which was in its own way influenced by the Enlightenment thinking of the day. Sade philosophized that it is by "transgressing" the bounds of conventional morality exemplified by the state and religion, man would "transcend" his limitations and achieve real freedom. Sade came to combine this idea of transcendence/transgression with the idea of sexual pleasure, and expressed it in his novels.

What featured in Sade's works does not seem to have died away today. In the tradition of the Western narratives and fiction, the idea of transcendence is occasionally connected with the theme of extreme, transgressive acts, and the ideas of transcendence or transgression are contexualised in an erotic theme. Cameron and Frazer argue that there are in fact threads of ideas and discourse in the West that would make possible the association of such themes as sex, transgression (murder), and transcendence. For example, there are "popular representations, many of which portray the murderer as a rebel and a hero: true crime magazines and journalism, crime fictions, waxwork museums, movies, 'bodice ripper' Gothic novels", etc. (*ibid.*: 373).

The subject of sex and murder may be more explicitly invoked in films and fiction, but it can also be featured in other forms of discourse, such as medico-scientific literature, including forensic, criminological, and psychiatric journals (*ibid.*: 375). There are, in short, *a nexus of discourses* that would offer a source of inspiration to people and enable them to link sex with transcendence and transgression, and to acquire the idea that transcendence or transgressive human acts would offer particular erotic thrills and pleasure.

Whether it is sexuality that at bottom contains a dark impulse, as Sontag suggests, or it is the ideas of transcendence/transgression that

become eroticised by the forms of discourse, the idea which seems to emerge is that human sexuality involves a dimension that transcends the sphere of ordinary experience. This is one of the symbolic cultural ideas surrounding sexuality, which recurs as a distinctive theme in stories. To be sure, ordinary people may not necessarily have an idea that our sexuality involves an "extreme form of consciousness", nor do the storytellers always consciously invoke the ideal of transcendence when they present extreme stories. But perhaps the "imagery" is something that they acquire from the stock of available stories. Surely, a sex act that defies the ordinary experience, or the combination of the ideal of transcendence and sex, is such a powerful theme that it is likely to attract people's attention and imagination. Cameron and Frazer suggest that the forms of discourse in the culture offer individuals a variety of meanings, ideas, or modes of interpretation about sex. It may be indeed that the range of available stories now offered in society makes people easier to come up with extraordinary themes. There is an overall increase in stories, not only sexual stories, but also others, which generally deal with unusual human events, such as mystery, violence, and crimes. Newspapers also daily report real-life shocking events, which is also a form of discourse that would offer images and ideas to individuals.

Pornography seems to occupy a unique status in this culture. Pornography, especially hardcore pornography, is known to depict extreme sexual activities – sadistic, masochistic, even repugnant and violent sexual acts. What the pornographer is dealing with in outrageous sex scenes, etc., however, may not be simply a subject matter that interests only a minority in society, but rather a reflection of a certain distinctive idea surrounding sexuality. The pornographer, of course, may elaborate and exaggerate this theme in a way that other stories, such as popular novels, may not do, but what he invokes also seems to be importantly connected with these other stories. What he

depicts may be inspired by other narratives, but his stories could also become a source of inspiration for other artists and story tellers. The pornographer, however, is the one who most clearly renders this idea of sexuality in society.

5. Conclusion

Freudian psychoanalysis, the sexual liberation movement, and liberal theory seem to have affected greatly the social imaginary surrounding sexuality in the twentieth century. Especially liberal ideas of individual liberty and the sphere of the private permeated into the common imaginary and changed people's thinking and attitude towards expressions of sexuality. I have argued that the pornographer embodies the present culture of sexual story telling, and its underlying value of sexual freedom in liberal society. I have also pointed out a particular tendency among stories in the Western culture; that is, a tendency to connect a sexual theme with some extreme human activities, such as cruelty, violence, or death. The idea that sexuality involves transcendence of the ordinary is one of the distinctive cultural ideas surrounding sexuality, which recurs as a theme in these stories. The pornographer most paradigmatically deals with and expresses this idea in society. The meaning of pornography seems to become more intelligible against the backdrop of this culture, which contains these sexual values and norms.

Notes

[1] Other reasons which Plummer gives are the rise of "cultural intermediaries", such as television talk show hosts, who let people talk about their sexual stories in public, and the "individualistic 'therapeutic/expressive culture', which fosters the telling of self narratives" (Plummer, 1996: 40).

[2] Weeks argues that the purpose of the Wolfenden Report was in fact more the state's attempt to "search for a more effective regulation of sexual deviance". What the Wolfenden Committee primarily considered was, according to him, "not how to liberalize the law...but whether the law was the most effective means of control" (Weeks, 1989: 242). Thus, he argues, the Street Offences Act which later came into effect *enforced* the form of the state's control of individuals' sexual behaviour (*ibid.*: 252). (Public solicitation continued to be illegal.) In short, Weeks sees the Report more as the state's strategic response to, and another means of controlling, sexual misconduct of individuals. I would not dispute pragmatic implications of the Report, which itself does not offer many moral arguments. However, it still seems to me right to say that it did reflect some important moral claims, which were significantly underpinned by the liberal idea of the separation between the public and private spheres of life.

[3] Plummer suggests that the polemics surrounding sexual stories often actually contribute to a further increase in these stories, by drawing more public attention and interest (Plummer, 1996: 40-41).

[4] This idea is derived from Weeks (Weeks, 1989: 251).

[5] It is reported that there is a rising demand for "rough, unprotected", "anal" sex in the sex industry, and prostitutes in Britain, especially migrant women from Eastern Europe, are being forced into such dangerous sex practices (Cowan, *The Guardian*, 11 February 2005, p. 13).

[6] This way of characterizing pornography, I believe, would not necessitate a change of my definition of pornography. The minimum definition of the term that I adopted could still accommodate this special type of pornography. Whereas someone like Susan Sontag seems to think that this is the essence of pornography, I only mean to suggest that perhaps some pornography exhibits this feature.

[7] Smith contends that such stories are imbued with "misogynistic" biases. I will discuss the implications of cultural norms in the final chapter.

Chapter Four
Gender Norms, Male Power, and Pornography's Authority

1. Introduction

The analysis of the sexual values and norms and their relation to pornography in the last chapter was made in a quite *gender-neutral* way; that is, it did not make any specific references to the aspect of gender relations with regard to these matters. Such an approach to sexuality would in fact seem to appear "incomplete", or even "flawed", from some feminists', especially radical feminists', perspective. For they would ask, undeniably, how it would be possible for anyone to separate an analysis of *sexuality* from an analysis of *gender*; they would argue that "sexuality itself is a social construct, *gendered to the ground*" (MacKinnon, 1991: 198, emphasis added). From their point of view, the argument in the last chapter left unanalysed what they see as crucial in the domain of sexuality, namely, the disparate situation and experience of men and women as regards the matter of sex, which results from, and typically takes place in the context of, men's power and dominance over women. From their point of view, the analysis has in fact left out this vital dimension of hierarchy and power, which is integral to sex practices.

The feminists' critique of pornography, of course, has brought to the fore a gender-specific critique of pornography. The critique is not

about obscenity or morality as such but about politics; it is about "power and powerlessness" – the fundamental inequality between men and women (*ibid.*: 196). Radical feminists, such as MacKinnon, see that sex in our society is paradigmatically something that men force on women, and reflects the reality of "male dominance" and "female submission". Unless this issue is fundamentally addressed, any analysis of sexuality, or pornography, for that matter, would be, therefore, far from complete from the radical feminists' point of view.

The reason that the last chapter took up neither the issue of power nor gender was simply that this can be dealt with separately and so need not be there. As explained earlier, my approach to the question of the "authority" of pornography crucially differs from the approach taken by others, who take the fact of male power as central to their analysis. I hope that the discussion in this chapter will clarify these differences further. Later in this chapter I focus on MacKinnon's critique of pornography and explain in detail what its problems are, and why it fails to explain the significance of pornography in society.

First of all, however, I turn to the issue of gender. Indeed, pornography reflects a different existence of men and women in society. In this chapter I pay attention to a particular norm of gender, which identifies women primarily with their bodies and sexuality. It is sometimes said that women are "the sex", or sexual beings, in our society. In a liberal society, this cultural meaning of woman appears to have become more and more accentuated with the overall increase of sexual stories. Pornographic speech, of course, also reflects and invokes it; it in fact socially embodies this idea of woman as a sexual being.

2. Cultural meaning of woman

Judith Butler said of gender that it is "a cultural interpretation of sex", of our sexed body (Butler, 1987: 128). To the extent that we are all our bodies and these bodies are always "already culturally interpreted" (*ibid.*: 128) on the basis of anatomy, none of us is really free to escape this cultural imposition of gender. This is true of both men and women.

> We are not only *male* and *female*, but expected to be *manlike* and *womanlike*, and the expectation can be at times quite intransigent.

Today, cultural interpretations surrounding "woman" may be many and various – a woman can be intuitive, emotional, yet attentive, caring, and cooperative, etc. But one of the most conspicuous and prevalent norms about women is that which associates them primarily with the body and sexuality. It appears to me that the popular culture of Western liberal societies treats women as though they were essentially sexual beings, or sexualises them in the way that the sexual and bodily aspects of women are given elaborate attention, as attested in many representations (think about, for instance, the roles played by "sex symbol" or "sex goddess", like that of Marilyn Monroe (see Griffin, 1981: 201-217)).

It nonetheless seems that being sexual or sexy is commonly thought to be a "good" attribute of gender.[1] Individual women strive to live up to this cultural expectation by carefully selecting their attire and cosmetics, and even by undergoing a plastic surgery. Precocious young girls soon learn what is essentially expected of "a woman" and emulate adults' behaviour. Monique Wittig claimed that "sex is a category which women cannot be outside of" (Wittig, 1982: 67). Wittig's claim can be taken to mean that the sexual meaning of a woman, and hence a certain expectation about her appearance and behaviour, always surround her, whether she be a lawyer, entrepreneur, teacher, or housewife.

There is, however, an ambivalence surrounding the culture's association of women and sexuality. Although women *are* thought to be sexual creatures and this attribute is expected or even encouraged in some contexts, it is also true that women who are sexual are said to be "promiscuous" and morally bad. In fact, the sexual connotation of a woman can easily slip into the connotation of her promiscuity and licentiousness. The language we use attests to this norm. The English language, especially, contains so many vocabularies referring to female prostitutes (which is said to be 220 words) that it seems to suggest almost that they are the "paradigmatic" women (Stanley, cited in Cameron, 1992: 108). A woman can be a "slag", "pricktease", or "cunt", and interestingly, formerly neutral or binary words (i.e., containing both male and female forms) have come to imply something "negative" when connected particularly with women (e.g., "harlot", "courtesan") (Schulz, cited in *ibid.*: 108). There is also a double standard in the way the culture regards women's sexuality and men's sexuality. Men, of course, can also be associated with sexuality – in fact unbridled sexuality, as reflected in the characters of Don Juan, Casanova, or Lord Byron. Men collectively are, however, never as strongly connected with sexuality as women generally are, and men's promiscuity is traditionally dealt with more leniently than in the case of women.[2] The equivalent of "whore" simply does not apply to describe men's sexual (mis-)behaviour. For men's sexual indulgence is said to be more than a matter of sex; it is an experimentation of a way of life, or an exploration of human freedom. Women's equivalent behaviour, on the other hand, is thoroughly a fleshly affair; they are denounced for "succumbing" to their lust.

The ambivalence surrounding women and sexuality is actually consistent with the contradictory attitude that the culture shows towards the norms of femininity in general. Norms surrounding

women in fact often reveal conflicting and confusing ideas of womanly characters and womanly virtues. According to Kathryn Pauly Morgan, the ideas of womanly virtues, for instance, can make such conflicting demands upon women that they can only be described as being in a state of "moral madness", or moral confusions (Morgan, 1987). One way in which women are subjected to such "moral madness" is by the phenomenon of "moral metamorphoses" (*ibid.*: 212-214). Under the term of "moral metamorphoses", the same womanly characteristics are transformed from "virtues" into "vices" in some contexts and from "vices" into "virtues" in some other contexts. The outcome of such practices is that women may be "simultaneously blamed and praised" for displaying the same attribute. Some literature (in the tradition of Jean-Jacques Rousseau), for instance, advises women to cultivate the womanly virtues of "submissiveness, frailty, fearfulness", or "self-abnegating sacrifice", "dependence", etc. They tell women that the appropriate behaviours of good and virtuous women are somewhat like those of a "little canary". These same characteristics are, however, quickly transformed into "vices" in a different context where other virtues are called for. (The "metamorphoses" of gender norms depend on whose judgements and interests are largely involved. Sometimes one and the same person shows contradictory attitudes towards gender. The ambivalence of norms of femininity in fact reflects the ambivalence of men's views on women.[3])

Morgan also remarks on different reactions men and women receive for displaying the same behavioural characteristics. Moral evaluations turn out to be "gender mediated". The identical conduct is judged differently depending on the sex of the agent; a man's behaviour is assessed positively while the same act by a woman is not. A man's manner is "praised for being aggressive and assertive", and a woman's is decried as being "pushy"; he is admired for "his attention to detail",

and she is deplored for "her pickiness"; he is thought "steadfast", and she is called "dogmatic and hard"; he has "firm judgements", and she has "prejudices and biases"; he is "frank" and she is "mouthy and strident", etc. "What are virtues in him are, invariably, vices in her" (*ibid.*: 216).

The norm concerning women and sexuality also reveals similar "metamorphoses", ambivalence, and double standards. Woman's nature is thought to be sexual, and she is rewarded for being that way, while at the same time her sexuality implies promiscuity and she is blamed for it. Men can also be sexual beings and indulge in sexual activity, but they are not deplored for such behaviour. The crucial point, however, is that a woman's identity is, much more strongly than a man's, tied to her body and sexuality. She may be blamed or praised for having this attribute, but the interpretation of the gender of woman, whether positive or negative, frequently revolves around her sexual body.

To be sure, the association of women with the body and sexuality is strictly speaking not a recent phenomenon, and may also be found in other cultures, too. In *The Second Sex*, Simone de Beauvoir made a philosophical statement about how women's existence is persistently reduced to the bodily sphere, their nature often interpreted in terms of the feminine body and sexual functions. De Beauvoir also saw that these dominant cultural images of woman largely reflect a male point of view and male interests.[4] In contrast to men, who have been traditionally associated with the realm of "reason", women have been principally the embodiment of nature and carnality. She pointed out many cultural "myths" surrounding women's bodies, and argued that the idea of woman as the body ("the flesh") is also undeniably manifest in the tradition of Christianity (de Beauvoir, 1988: 171-229, 282-292).

Nevertheless, women's association with "the body" appears to be especially true in the present culture of the West. The connection of women with the body and sexuality is even more pronounced today, partly because modern entertainment and advertisement make it far easier to spread this image. It is also importantly because the growth of contemporary . sexual stories collaborates and promotes the sexualisation of women; one could argue that what has been principally expressed with the expansion of sexual stories is women's sexuality, rather than men's. It looks as though to some people sexual liberation principally meant women's more open sexual expressions. This in itself need not be a wrong thing; however, the terms in which women have to express sexuality are often framed to suit men's interests and male sexuality (Jeffreys, 1990). (This may also be attested by pornographers' claims that what they do helps to liberate female sexuality (MacKinnon, 1987: 134-145).)

One may, however, still wonder why men could not be sexualised in the same way as women are with the increasingly open expressions of sexuality in society. Perhaps, a reason might be that, empirically, men have achieved the status of more than body; the social status of men as creators and directors of meaning and life has long been established, while those of women, comparatively speaking, less so. Hence the difference between men and women – whether or not their respective existence is so closely bound with body and sex – is probably not unrelated to men's overall dominance and prestige in nonsexual spheres of life.

Susanne Kappeler remarks that "[i]n our culture, women *are* 'the sex' ". As the gender of "woman" has been culturally reduced to "sex", she argues, a woman's body on display necessarily suggests "sex" (Kappeler, 1992: 93). Thus, women are sexual bodies and their bodies

imply sex; this idea is, of course, perfectly illustrated by pornographic speech. Pornography in our society is the exemplar of this idea of woman as sexual being. What the pornographer does, in fact, is to give the most concrete expression to this prevalent cultural meaning of woman.

3. Male power and pornography's authority

In this and the previous chapters, I explained those important values and norms which are embodied by the pornographer. There is a shared framework in the Background which makes pornography possible and intelligible and, as I also argue, "authoritative". In this section I will focus on MacKinnon's critique of pornography and explain in more detail why her arguments fail to explain the significance of pornography in society. Some of MacKinnon's views are shared by other theorists and anti-pornography campaigners (e.g., Dworkin, A., 1981; Itzin, 1992c; Kappeler, 1986, 1992), but I concentrate on MacKinnon here, for she offered the most systematic criticism of pornography. Although MacKinnon offered a powerful critique of pornography, explicating its role within the overall system of male power and domination, it has not fully convinced her critics of the special significance of pornographic speech in society. In this section I will argue that MacKinnon, by heavily focusing on the structure of power relations, has failed to reveal the complex way in which pornography is connected with and supported by the shared social imaginary. First, however, I will summarize MacKinnon's key arguments.

To understand MacKinnon's criticism of pornography, one also needs to understand her overall critique of the reality of sexual relations and her critique of male power. What differentiates MacKinnon's feminism from other strands of feminism is her view that women's

subordination in contemporary industrial society like America is primarily that of *sexual* subordination. Like others who have raised concerns over this issue, she thinks that women's social existence is reduced to that of sexual being or sexual object; however, her argument makes more explicit the "fact" of male *use* and *control* of female sexuality. As she bluntly puts it: "A woman is a being who identifies and is identified as one whose sexuality exists for someone else, who is socially male" (MacKinnon, 1982: 533). Closely analysed, the *gender* of woman, that is, the notions of femaleness or femininity, reveals the requirement for women to become sexually attractive and accessible "on male terms" ("Good girls are 'attractive', bad girl are 'provocative' ", and so on). Typical womanly characteristics of being "docile, soft, passive, nurturant, vulnerable, weak", etc., also conceal men's interest in having access to women's sexuality; "passivity means receptivity", and "softness means pregnability", and so forth (*ibid.*: 530-531). More fundamentally, however, the significance of sexuality to women's subordination arose out of a range of issues that concerned feminists for decades, such as "abortion, birth control, sterilization abuse, domestic battery, rape, incest, lesbianism, sexual harassment, prostitution, female sexual slavery, and pornography" (*ibid.*: 529).The practice of "consciousness raising", in which women talked about the most intimate issues and opened their hearts to one another, also revealed the reality of women's situation and their vulnerability in the domain of sexuality (MacKinnon, 1991: 127, 83-109).

MacKinnon believes that society is fundamentally organized along the divisions created by sexuality. Sexuality, in her view, is itself a social construct, but it divides society into two classes – the male and the female, and determines gender, as we know it. Sexuality and gender are so constructed and defined that the male dominates the female. Sexuality thus emerges as the "linchpin" of gender hierarchy, and as

the locus of *male power*. Men fundamentally dominate, and women submit, and this is socially most manifest in the sexual relations. Male power, however, is hegemonic; it forces its way of viewing upon the world and upon women's existence; women's nature, identity, and sexuality are crucially constructed and defined from men's point of view (MacKinnon, 1982: 515-516, 531, 533; 1983: 636).

MacKinnon says: "Having power means, among other things, that when someone says, 'This is how it is,' it is taken as being that way" (MacKinnon, 1987: 164). When the powerful say that something is the case, then the world becomes as the powerful claim it is, and this will *not* be negated by what the powerless say to the contrary – this is simply the nature of male power. Male power imposes on the world its own perspectives. Therefore the powerful can force their own way of seeing on others. Power and epistemology are hence closely connected, and MacKinnon cites de Beauvoir, according to whom: "Representation of the world, like the world itself, is the work of men; they describe it from their own point of view, which they confuse with the absolute truth" (de Beauvoir, 1988: 175). Men indeed construct the world from their own standpoint and that "*becomes* the truth to be described" (MacKinnon, 1982: 537).

Men's power, however, operates ingeniously. Their perspective is often masked as that of a "nonsituated", "disinterested", and "objective" observer, thus carefully concealing the power and interests on which it is based. MacKinnon argues that this appearance of "aperspectivity" and "objectivity" is the key "strategy" for men to legitimate and impose their own point of view (MacKinnon, 1982: 537; 1983: 636). Their perspectives are presented as not being particular, but rather universal and objective; as reflecting the reality of life and nature – in fact just the way things are.

This male stance of "objectivity" socially involves the practice of *objectification.* According to MacKinnon, "sexual objectification" is the principal social mechanism that maintains gender hierarchy and subordination of women (MacKinnon, 1982: 537-541; 1983: 635). In principle, to objectify someone is to turn someone into an object, or treat him or her as an object. Women are, in male eyes, sex objects. Since objects are something that is "objectively knowable", sexually objectified women are claimed to be an "objective" description, that which corresponds to reality. In short, through the process of sexual objectification, men project their own views of women (and of sexuality), legitimate them, and construct the reality of what a woman is. Therein, *pornography* emerges as a crucial medium that achieves this dynamic (MacKinnon, 1987: 3). If social reality is that of male supremacy, pornography is a primary form of sexual objectification, which serves the ideological function and keeps the dynamism of gender inequality.

But how exactly does pornography play a part in engendering the inequality of the sexes? MacKinnon frequently says that pornography "sexualizes inequality", or turns male dominance and female submission into sex:

> In pornography, there it is...all the unspeakable abuse: the rape, the battery, the sexual harassment, the prostitution, the sexual abuse of children. Only in the pornography it is called something else: sex, sex, sex, sex, and sex, respectively. Pornography sexualizes rape, battery, sexual harassment, prostitution, and child sexual abuse; it thereby celebrates, promotes, authorizes, and legitimizes them. More generally, it eroticizes the dominance and submission that is dynamic common to them all. It makes hierarchy sexy and calls that "truth about sex" or just a mirror of reality. (...) This is what the pornography means (*ibid.*: 171, emphasis omitted).

Thus, pornography "eroticizes" male dominance and female submission. It constructs the reality of sex inequality as sexuality; it in

fact turns it into sex, something "enjoyable", it makes sexism and hierarchy "sexy" (*ibid.*: 3, 200). Men come to acquire sexual gratification by dominating women and women by being dominated by men. Pornography also apparently legitimates what it constructs, by giving the audience an impression that women "consent" to what is being done to them in pornography, or portraying women's sexuality as inherently "masochistic" (MacKinnon, 1991: 141). Furthermore, pornography poses sex inequality as a natural *gender difference*; women's passivity or men's dominance is claimed to be rooted in biological difference or explained as a necessary consequence of socialisation, thereby masking the way inequality is "imposed by force" (MacKinnon, 1987: 3).

MacKinnon thus argues for the crucial role that pornography plays in creating and "institutionalising" the sexist order of society. However, this is the most contentious point on which MacKinnon's critics vehemently disagree with her. As we have seen, many theorists are generally very dismissive about pornography's significance in society and its power to legitimate its views (see Chapter Two; also R. Dworkin, 1991, 1993, 2000; Hawkins and Zimring, 1991; cf. Butler, 1997; Feinberg, 1985; Segal, 1998). Critics so far have not appeared to be convinced by MacKinnon's arguments which link male power, objectivity, objectification, and pornography. Although they may concede the existing sexist social order, they still do not see the significance of *the genre* of the speech, nor its legitimacy or efficacy to impose its views. Critics contend that pornography is widely regarded with disrespect; it has neither legitimacy in the sexual domain nor the efficacy to convey its sexist messages to the wider society. They also do not accept MacKinnon's claim that pornography's messages are legitimated because they have the air of objectivity. Liberals insist that any sexist views in pornography are generally condemned and discredited by the liberal law and the state.

Thus, MacKinnon's argument, although it may offer an insight into the system of male power, has not fully persuaded her critics of the importance of pornography in our society.

MacKinnon nevertheless has another explanation of why pornographic views might be legitimated in our society. This is where she alludes to the continuity between pornography and the rest of social reality, and an example of this appears when she reviews the "harm" of pornography. She says that pornography sends harmful messages; it constructs the falsehood, the "lies" that women have to live with. However, this "harm" of pornography is difficult to see, because male supremacy has already succeeded in "making the world a pornographic place"; "[s]pecifically, the harm cannot be discerned from the objective standard because it is so much of 'what is' " (MacKinnon, 1991: 204). In other words, we already live in the world where the male viewpoint has become the de facto measure of things. What men tell, or what pornography tells, therefore, cannot be discredited because there is no other standard against which their claims can be compared. "[Women's real lives] are so seamlessly consistent with the pornography that it can be credibly defended by saying it is only a mirror of reality" (*ibid.*: 198).

In discussing the meaning of pornography in the general social context, MacKinnon may have gained potentially more by exploring this aspect carefully. Yet, in my view, she failed to do so. An unfortunate part of MacKinnon's argument is that she has the tendency to *overgeneralize*; that is, when she compares different social practices to make her case, she talks as though these were really identical practices, in no way distinguishable from one another. Her explanation of sexual practices, including pornography, is also often couched in the paradigm of "men forcing sex upon women". This tendency is apparent in the way that she does not draw any distinctions between

rape and ordinary sexual intercourse. She says, for instance: "[P]ornography converges with more conventionally acceptable depictions and descriptions just as rape does with intercourse, because both are acts within the same power relations" (MacKinnon, 1991: 203). As MacKinnon thinks that what a woman wants, or "wills", sexually, is already defined in male terms within the system of male dominance, she does not find meaningful in making the conventional distinction between normal intercourse and rape, by introducing an adage of "consent" (MacKinnon, 1983: 650). Rape, in her view, is "an undiluted expression of a norm that permeates many ordinary interactions" (MacKinnon, 1991: 146). "Compare victims' reports of rape with women's reports of sex. They look a lot alike". Also, "[c]ompare victim's reports of rape with what pornography says is sex. They look a lot alike" (*ibid.*: 146). In short, in MacKinnon's explanation, there is a continuum between pornography, rape, and "ordinary" sex, and the relation between pornography and the rest of social practices just emerges as the one seamless reality of "forced sex". This appears as the lynchpin that explains the "normality" of pornography.

MacKinnon's analysis lays a heavy emphasis on men's control of the world and of female sexuality, but it is ultimately unsuccessful in demonstrating the special importance of pornography. By pointing out what she takes to be the fundamental social structure, which is predicated on male power and domination, she seems to think that the significance of pornography is explained. Critics however contend that the pornographic norms are disapproved of in the wider society. MacKinnon's way of generalizing social practices also undermines, rather than strengthens, her critique; many find it hard to accept her conflation of consensual sex and rape.[5]

Although I do not deny the implications of power in pornography, I argue that the issue would be better explored – rather than deducing the significance of pornography from the fact of men's power over women – if we attended more to the complex relations between pornography and other social values and norms. For one thing, it may be better, as I did in the previous chapter, to examine the way in which pornography is intertwined with and reflects society's shared values surrounding sexuality.

There are in fact important relations between pornography and other social norms, which are critical in thinking about the status of pornography in society, but they are not as MacKinnon suggests; the relations are more subtle. When MacKinnon considered the relation between pornography and other speech practices, for instance, she could have pointed out how these individual practices share the particular background of the specific culture; these practices ultimately reflect and invoke some common background assumptions and ideas – people's unquestioned and unexamined acceptance of certain norms about women. What we should be looking at is what different social practices seem to presuppose. It is perhaps the way we see this connection; what the pornographer essentially deals with – it is speech about sex, especially speech about women's sex – reflects the ideas which are already widely shared and implicitly assumed among the members of society. To take the norm of gender discussed earlier, the frequent association of women with the body and sex in our culture, which is invoked not only in pornography but in other forms of speech and practice (e.g., dramas and soap operas), makes the depictions of women in pornography look "normal", "natural", or even "appropriate" ("appropriate to the gender"). If pornography appears "legitimate" to some, it is because of this connection between women and sex. It is this social and cultural context that gives sense and significance to what the pornographer does. To the extent that

pornography's meaning ultimately derives from shared societal norms, it could not be dismissed as isolated, exceptional, or purely insignificant, as some theorists seem to suggest.

It is also the prevailing cultural meaning of woman that would make women potentially more "vulnerable" to their demeaning description or caricatures in pornography. Gordon Hawkins and Franklin Zimring, although overall critical of MacKinnon and Dworkin, acknowledge this point. They agree that

> it is not altogether misleading to assert that women are differentially at risk from any degradation involved in pornography. (...) Whereas male authority figures have long been accepted in modern Western societies, the assumption of women of high-status roles that are independent of their sex is much less firmly rooted. (...) [A]n extended portrayal of women as "voracious cunts," to use Andrea Dwokin's phrase...would have more impact on men's comfortably accepting a woman as physician or tax accountant than an equally extended portrayal of men as aggressive penises would have on women's acceptance of the authority of a male doctor or tax accountant. The reason would be the greater difficulty men have segregating the sexual meaning of women in their midst from social roles where feminine sexuality is not relevant to performance (Hawkins and Zimring, 1991: 173-174).

Hence, it appears that the problem with pornography may not be solely to do with what is contained, but also with the relative status of men and women in society, and also the associated gender norms. It is what is presumed by the audience (and by the culture) and the association he makes between pornography, mundane norms, and the day-to-day gender relations that appears to become problematic. If women are habitually seen as sexual things, then it would indeed seem normal to treat women as sex objects in pornography, whose status is essentially to satisfy men's sexual needs and desires.

As argued in the last chapter, pornography not only reflects gender norms but also the values surrounding sexual expressions. There are now shared values of sexual freedom and proliferation of sexual stories, which also makes significant the position of the pornographer in the society. The pornographer is "a social character" in a MacIntyrean sense; he occupies a special place in the present culture, because of the way in which he embodies and articulates these Background values and norms. He exemplifies these in a way that is clearly visible to the rest of society. Not everyone, of course, is fully aware of what the pornographer actually does, but the social presence of the pornographer is quite manifest. It is in this way that pornography and the pornographer reflect, and embody, distinctive values and norms of society, and it is said that they have "authoritative" status.

MacKinnon's argument is occasionally criticized on different grounds. Some critics argue that MacKinnon's approach to women's oppression is "sexual reductionism"; for it reduces the issue of women's subordination to that of sexual subordination, at the cost of addressing other issues, which are deemed of more importance to women's situation, such as economic dependence and family structure (e.g., Valverde, 1995). This is in fact a common critique made against feminists who concentrate on sexual issues. A similar criticism is that speech other than pornography also degrades and demeans women; women are subordinated by non-sexually explicit speech, perhaps more than by sexually explicit speech. It may be true that radical feminists like MacKinnon and Dworkin have focused too heavily on sexuality, but the charge of sexual reductionism is not warranted against those who generally object to pornography. Many women in fact agree that sexuality is one of the main areas where women are subordinated. The fact that there are gender inequalities in the legal and economic spheres does not mean that the sexual sphere need not

be addressed. To resolve women's overall oppression therefore requires addressing sexual issues, as well as nonsexual matters (Itzin, 1992b: 14). Moreover, now that we know in particular the important place of pornography in our society, we have a good reason to maintain objections to pornography.

Gender norms and the question of power

There are complex connections between norms of femininity, male power, and the issue of subordination of women, and I want to remark on this, to the extent it concerns the present issue. MacKinnon's critique of pornography, as we saw, is also a critique of male supremacy. The problem with MacKinnon's approach, however, is that it often suggests that what lies behind all this is always men's *deliberate* will to sexually subjugate women. The language of "force" frequently surfaces in her writing. For instance, "sexuality [is] a social construct of male power: defined by men, forced on women, and constitutive of the meaning of gender" (MacKinnon, 1991: 128); "[m]en force women to become sexual objects..." (*ibid.*: 141). The paradigm of forced sex has also already been mentioned.

In MacKinnon's theory, men often appear as collective actors, whose power is truly hegemonic and also very systemic; it systematically ensures men's control of women's sexuality. She theorizes that male power is implicated in state power; the liberal state and law, in fact, are framed from a male point of view, and basically safeguard and promote male interests (MacKinnon, 1983). MacKinnon's suspicion of the state is fuelled by its apparent unwillingness to support women's fight against pornography. She is very critical of the American Supreme Court's decision to strike down the anti-pornography ordinance initiated by feminists, while continuing to preserve the law of obscenity. The feminist ordinance defined

pornography as "a women's civil rights violation" and enabled individual women (any woman in fact) to sue for the damages resulting from the production, distribution, and consumption of pornography. It was held unconstitutional by the Supreme Court in 1986 on the grounds that it amounted to a "content-based regulation" of speech. MacKinnon, however, wonders why the obscenity law of 1973 does not similarly count as a "viewpoint law", which restricts speech on the basis of the expressed content (MacKinnon, 1987: 212).

Under American law, obscenity means

> that which 'the average person applying contemporary standards, would find that, taken as a whole, appeals to the prurient interest; that [which] depicts or describes, in a patently offensive way, sexual conduct as defined by the applicable law; and that which, taken as a whole, lacks serious literary, artistic, political, or scientific value' (Cited in MacKinnon, 1991.: 201-202).

The obscenity law was never invoked by the state to prohibit pornography; it supposedly repudiates it, but also lets it thrive. Thus, MacKinnon argues:

> The law sees and treats women the way men see and treat women. (...) If part of the kick of pornography involves eroticizing the putatively prohibited, obscenity law will putatively prohibit pornography enough to maintain its desirability without ever making it unavailable..." (MacKinnon, 1983: 644).

In MacKinnon's arguments, there emerges a system of male power, which permeates every level of the state, and systematically controls and binds women. Whether it is ultimately her intention or not, she evokes a picture of the ruling power, which is all pervasive, and is simply forcing its views upon women against their will.

The idea that men force their views on women's existence is also shared by de Beauvoir. She quotes an explicitly chauvinist comment made by Honoré de Balzac: " 'The destiny of woman and her sole glory is to make beat the hearts of men...she is a chattel and properly speaking only a subsidiary to men' "; " '[p]ay no attention to her murmurs, her cries, her pains; *nature has made her for our use....*' " (de Balzac, cited in de Beauvoir, 1988: 285). De Beauvoir thinks that men's "myths" of woman have no doubt reflected male "utility" and "interests", and "deliberately used by patriarchal society for purposes of self-justification" (*ibid.*: 290). Men have the power, and they adamantly refuse to listen to women's voices.

The language of force or deliberateness, however, would skew the understanding of the issue at hand, i.e., the relation between cultural norms, men's power, and women's subordination to men. The gender norm that we have been discussing, the norm that women are associated with the body and sex, certainly largely reflects men's point of view and serves their interests. The existing power relation is exercised and reproduced through such cultural norms. Nevertheless, it is not, for this reason, always coercively or deliberately imposed on women's lives. It appears true that this norm reflects men's overall social power and superiority over women, but this power should not be thought always to involve coercion or deliberate intention on the part of men to enforce their views.

As Iris Young suggests, if some social groups are oppressed, because of the fact that the existing social norms and institutions by and large operate unjustly or disadvantageously to their interests, it is not necessarily the result of "the tyranny of the ruling group over another" or of their "coercive power" to impose their will (Young, 1990b: 41). Rather, the inequality is maintained because "[i]ts causes are embedded in unquestioned norms, habits, and symbols...underlying

institutional rules and the collective consequences of following those rules" (*ibid.*: 41). In a liberal democratic society, where the fundamental rights of each citizen are formally protected, oppression of some groups is likely to take the form of such "structural" constraints, rather than a deliberate policy of the ruling power.

This does not mean to say that men's power does not involve coercion or force, which it undeniably does. The point here is rather to indicate the way that this particular cultural norm is expressed and maintained, at its *mundane* level, by ordinary men and women in society. The fact that women are viewed and treated as sexual beings probably largely reflects the male point of view and benefits men's, rather than women's interests. If, however, women face disadvantages or injustice as a consequence of this norm (e.g., the practice of sexual harassment, pornography), or if the norm of treating women merely as "a sex" seems to contradict the democratic principles of gender equality, this is not always because men force this norm upon women. It is rather because of the "collective consequences" of people's unconsciously and unquestioningly following this norm on an everyday basis. Both men and women, of course, now share the norm and express it in their everyday assumptions and behaviour, but this does not involve their self-conscious decision-making. I have earlier suggested that our Background contains "social imaginary", the level of unstructured and less clearly articulated understanding, which still shapes and governs people's attitudes and behaviour. The gender norm in question seems to involve the same level of implicit understanding; its meaning or implication is not explicitly understood, and this is why it is apt to call it "imaginary". The practice of pornography is also sustained by this commonly shared yet less clearly grasped imaginary of society.

Social norms thus operate more subtly than MacKinnon suggests. Many men in liberal democratic society openly embrace the

fundamental equality of men and women, but the same men from time to time may treat women merely as sexual objects and find no inconsistency among their thoughts. This is plainly because the norm usually does not involve the same terrain of thoughts as the ideas of equality of human beings. This unreflective following of the norm also seems to explain why it is so persistent and pervasive, and the reason why pornography, which itself reflects this norm, thrives despite the fact that there are other countervailing values in society.

Thus, in the last chapters, I have been examining the social meaning and social status of the pornographer and pornography. I have argued that the meaning and significance of pornography would be understood if we examine closely the way it is connected with other everyday, commonly shared values and norms. Pornographic speech reflects the existing values and norms, and it is from these that it ultimately derives its sense and significance.

I have claimed that the pornographer has an "authoritative" status, because of the way his role expresses and embodies these shared values and norms of society. Now we seem to have an answer to the question raised in the first chapter. As an authoritative speaker, his speech acts would carry a different force of illocution from nonauthoritative speakers. His speech has the force of "verdict" or "declaration", and his saying of "so-and-so" would in fact count as "so-and-so". His speech, furthermore, would have more power (i.e., potential) to bring about, causally, the subordinate status of women in reality.

Notes

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[1] Sally Haslanger defines gender as the *role* one is assigned to in society. Gender norms are, in her view, "clusters of characteristics and abilities that

function as a standard by which individuals are judged to be 'good' instances of gender; they are the 'virtues' appropriate to the gender" (Haslanger, 1993: 89). Haslanger argues that gender roles, like other social roles, have a certain "point or purpose". If one performs this assigned gender role very well (meaning that it serves the point or purpose), then it is a "good" or even "excellent" case of gender. Hence "gender-norms capture how one should behave and what attributes are suitable if one is to excel in the socially sanctioned gender roles" (*ibid.*: 89). Although I do not necessarily follow Haslanger's definition of gender and gender norms, it is an interesting teleological analysis of gender.

[2] Simone de Beauvoir interprets this as follows: "[M]isbehaviour of a man in more modern societies is only a minor folly, often regarded indulgently; even if he disobeys the laws of the community, man continues to belong to it; he is only an *enfant terrible*, offering no profound menace to the order of society. If, on the other hand, woman evades the rules of society, she returns to Nature and to the demon, she looses uncontrollable and evil forces in the collective midst. Fear is always mixed with the blame attached to woman's licentious conduct" (de Beauvoir, 1988: 221-222).

[3] Morgan's own argument is that this "moral madness" is the result of "patriarchal ideology" and practices.

[4] For a good discussion of de Beauvoir, see Toril Moi (Moi, 1994: especially, 148-178) and Rosemarie Tong (Tong, 1989: 195-216).

[5] In her 1983 article, MacKinnon in fact offers an insightful analysis of the problems of the law of rape. What is wrong with the law is that the definition of rape or what counts as a violation of women's sexuality is often framed in "male sexual terms". Although the law of rape may be fraught with problems, it would also seem to distort many women's experiences and therefore it is inappropriate to suggest that most sex is after all "forced sex". The paradigm of "forced sex", however, is consistent with her overall view of the *basic* social structure, where men fundamentally "use and control" women's sexuality.

Chapter Five

Illocutionary Silencing and the Role of "Uptake"

So far I have focused on examining the authoritative status of the pornographer in society. If the pornographer has such a status, it was said, his subordinating speech acts would carry more social weight and would have the power to construct social reality according to his claims.

Maybe one way in which pornography brings about a subordinate status of women in reality is to deprive them of the power to speak, or to make women's speech count less than the pornographer's speech. Feminists have contended not only that pornography constitutes subordination but that it also *interferes with women's speech*, or it *silences* women. If the pornographer has an authoritative status in the present society, then pornography may in fact have the social power to interfere with women's speech – but, one may ask, how might it actually happen?

In this and the following chapter, I will examine the phenomenon by which it is claimed that women are silenced by pornography. Like the problem of subordination, the question of silencing has been more recently rekindled by Hornsby and Langton's re-examination of the issue from the perspective of speech act theory. In the present chapter I concentrate on their argument about "illocutionary silencing". Hornsby and Langton have argued that pornography may contribute to

a social climate where women are deprived of the ability to perform certain vital illocutionary acts, such as the act of sexual refusal. The main objective of this chapter is to defend the premise of this silencing argument against some criticisms. I will elaborate on the sense of "silencing" in the next chapter and examine how pornographers' speech relates to it.

1. Introduction: "Pornography silences"

The argument that pornography *silences* women may now be a well-known feminist argument. MacKinnon and Andrea Dworkin suggest that pornography silences women by "eroticizing" men's dominance over women and propagating inauthentic views of female sexuality (e.g., MacKinnon, 1987, 1991, 1996; Dworkin, 1981). Pornography, for example, may depict women as though they enjoyed sex that was forced upon them, thereby making it difficult for women to refuse unwanted sex, or making women's protests against such sexual violence less credible and persuasive. MacKinnon argues that pornography sexualises women's public image and thus in effect women's allegations of sexual abuse and sexual harassment are heard askance: "She is told it did not happen, she imagined it, she wanted it. Her no meant yes" (MacKinnon, 1996: 5). The pernicious effect of pornography is claimed to be not only that women's voices are suppressed and denied this way but that women eventually acquiesce to a falsely constructed female identity themselves. MacKinnon often suggests that the liberty of producers and consumers of pornography simply collides with the liberty of women to speak: "So long as pornography exists in the way it does there *will not be more speech by women*" (MacKinnon, 1987: 193).

MacKinnon and Dworkin are not the only ones who argued that pornography may thus interfere with women's liberty to speak. Susan

Griffin also made a similar claim that the "pornographic idea of the female" condemns women (women's "real self") to silence (Griffin, 1981: especially, 201-250). This silencing argument, however, has met with strong criticisms. The objection is raised not so much because the objectors deny the problem that feminists identify, but because they do not believe that the problem can be properly described as "silencing"; that is, "silencing" as usually conceived by liberals. They argue that pornography does not silence women, for it does not deprive women of their "negative liberty" to speak (Dworkin, R., 1991); it does not violate women's right to free speech (cf. West, 2003). Pornography, after all, does not prevent women from protesting. Ronald Dworkin hence argues that the silencing argument is simply a conceptual "confusion" and fundamentally unconvincing. He warns that it is plainly wrong to describe someone's idea "silencing", depriving others of their "negative liberty" to speak, even though the consequence of such an idea might mean that some other ideas do not have equal chances of being heard and accepted (Dworkin, 1991: 15). If Dworkin is right, the silencing argument is indeed difficult to sustain. Frank Michelman, who is otherwise sympathetic to MacKinnon, also suggests that the claim that pornography silences women should be taken in a rather "figurative" sense (Michelman, 1989: 296). If MacKinnon's sympathizers like Michelman too believe that the meaning of "silence" is only "figurative" or "metaphorical", the term would seem to lose much persuasiveness and also the explanatory power over the problem which women are said to be facing (cf. Jacobson, 1994: 66-67).

Griffin, MacKinnon, and Andrea Dworkin may nonetheless offer a helpful insight into the problem of silencing, and I will expand my analysis, partly based on their insights, later on. The present chapter, however, focuses on Hornsby and Langton's argument on "illocutionary silencing" (especially, Hornsby and Langton, 1998;

Langton, 1993; also Hornsby, 1994, 1995). Hornsby and Langton wish to rescue the feminist claim from the charges of confusion and argue that this problem of silencing can be understood "literally", not "metaphorically". They argue that it could be real at least in some contexts. Drawing on Austin's idea that *to speak is to do things with words*, i.e., to do "illocutionary" things or illocutionary acts, Hornsby and Langton suggest that women's silence means that they are prevented from doing such illocutionary acts with their words. Women may well utter meaningful words and phrases, yet they are unable to perform acts which they intend to perform with these words and phrases. Since to speak is generally (among other things) to do illocutionary acts, the speech that does not perform these acts is somehow a failure – in fact an important failure. When illocution fails, one cannot literally do what one wants to do with one's speech. It is in this sense that, Hornsby and Langton claim, women may be silenced: they experience silencing of their illocutionary acts.[1] They argue that looking at the issue in this way would enable us to understand why women may well have locutionary freedom (freedom to put their thoughts in the open) while they may still lack the freedom[2] "to do things with their words" (illocutionary freedom) in some circumstances.

This argument concerning illocutionary silencing rests on the idea that most illocutionary acts are *communicative*, and essentially *relational*, acts. In performing various illocutionary acts, we typically try to communicate certain things to our hearers. For example, when we warn, refuse, request, etc. (i.e., when we perform the illocutionary acts of warning, refusing, requesting, etc.), we try to let our hearers know that we are doing these acts, and we generally achieve these acts by securing understanding of these acts by the hearers. The performance of our illocutionary acts hence involves the hearer's understanding – what Austin called *uptake* – of illocutionary acts. If the hearer fails to

understand what the speaker is doing, i.e., what the speaker is trying to say, illocutionary acts are not successful and communication is unfulfilled. When illocution thus fails, we have not *really* said to our hearer what we wanted to say.

Hornsby and Langton suggest that one way of understanding the bearing of pornography on the problem of women's silence is perhaps to understand that pornography somehow contributes to a social climate where men's capacity to understand women's speech is weakened – pornography prevents men's "uptake" of women's utterances, especially in a sexual context. For example, women's utterances of sexual refusal may not be understood *as* refusal by the hearer, and thus they are unable to perform the illocutionary act of refusal. In this sense they may be silenced.

This new silencing argument has been challenged on several grounds. In particular, the role of "uptake" in the performance of illocution has been fundamentally called into question. Daniel Jacobson and Alexander Bird argue that the performance of our illocutionary acts in no way hinges on the hearer's uptake of these acts, and therefore the argument on *illocutionary* silencing is essentially untenable (Jacobson, 1994; Bird, 2002). They also claim that, if Hornsby and Langton are right, it would have rather "troubling" or "disturbing" implications. In this chapter I assess these counter-claims made against illocutionary silencing. I will try to show that these critics may in fact be mistaken about their assumption about the role of uptake. The charge of "troubling" consequences may also be overstated. I argue that we can perform various illocutionary acts by virtue of there being hearers who can recognize such acts, and that most of our illocutionary acts do rely on the hearer's understanding of these acts for their performance. We cannot dismiss the role of the hearer from this activity.

Incidentally, also, the debate on uptake may cast light on why some feminists say they are dissatisfied with a certain tendency in mainstream philosophy, the root of which is claimed to be individualism, and why they suppose that this way of thinking is inimical to feminists' concern. I will briefly remark upon this issue before concluding the chapter.

If the argument on uptake presented here is right, and if it is indeed found that women are prevented from achieving certain illocutionary acts due to an interference of some kind, then it might be considered as a case of silencing. I wish to clarify, however, the limited aim of this chapter. Firstly, I will not discuss here whether or how pornography might contribute to this problem of illocutionary silencing. I will deal with this issue in the next chapter. Secondly, I will not consider here the question of whether or not the *right* to free speech should include the right to free illocution. If successful illocution requires hearers' understanding, the notion of the *right* to free illocution certainly suggests the right to our hearers' understanding of what we say. Caroline West has attempted to show that there is a liberal case for arguing that the conception of the right to free speech extends to a "minimal comprehension" of hearers (West, 2003). However, I will not enter this discussion. The objective here is mainly to defend the premise of the feminist argument on silencing – that "happy" performance of our illocutionary acts, in most cases, involves uptake by our hearer. Although the critics contend that the new silencing argument is conceptually unfounded and totally untenable, I will try to show that it is not.

2. Illocutionary silencing

Hornsby and Langton approached the problem of silencing from Austinian speech act theory. One crucial idea behind their argument is

that speech is not simply a matter of pronouncing meaningful sounds and syllables; it is more than words; it is a kind of *action*. As Austin told us, we generally do many things with words. Hence, *silence* implies not merely a matter of failing to make meaningful sounds, but also failing to do those things that one wants to do with words; that is, in Austin's terminology, failing to perform *illocutionary* acts (Hornsby and Langton, 1998: 23; see also Hornsby, 1994: 199-200; 1995: 138). Illocutionary acts are the acts that we do *in* speaking (see Chapter One). Recall speech act theorists' emphasis, which was cited in the earlier chapter, that locutionary acts typically entail illocutionary acts. Austin stated: "To perform a locutionary act is in general...and *eo ipso* to perform an illocutionary act" (Austin, 1976: 98). Logically speaking, then, silenced locution should also mean silenced illocution. However the feminists' point is not that women's illocution is silenced because their locution happens to be silenced. Their point is rather that, although their locution is made, women's illocution is silenced; their speech fails to count as the act they intend, and in the worst case, even a gesture may not convey their intention. The crux of the matter seems to be that they are somehow prevented from *doing* certain things with words.

Hornsby and Langton explain how illocutionary silencing might occur. They argue that it may occur, for example, when a woman tries to refuse a man's sexual advances. The woman says "no", intending to refuse, but her intention to perform the illocutionary act of refusal is not recognized by the hearer. Her intention in saying "no" is not understood. Since the hearer does not have uptake of the woman's speech, her intended act "misfires". Although she may utter the right words, and thus performs a locutionary act, she is "not fully successful in refusing: she fails to perform the illocutionary act of refusal" (Hornsby and Langton, 1998: 27).

Hornsby argues that, in general, for the speaker to perform illocutionary acts, a certain "felicity" condition must be present. Although what the speaker can do with his or her speech is normally constrained by the meaning of the words and the context of the utterance, aside from these constraints, illocutionary acts may be simply performed if the hearer is so disposed that he or she understands what the speaker is attempting to do in speaking. Although Austin thought that illocutionary acts are essentially "conventional" acts, acts done according to social convention, institutionalised rules or procedure (Austin, 1976: 14-15, 25-38, 105, 109), Hornsby thinks that, as discussed in Chapter One, the majority of speech acts are *communicative*, rather than conventional ("ceremonial" or "ritual"), in nature. Such communicative illocutionary acts are successful if the hearer takes the speaker's utterance to be what the speaker means it to be. The important felicity condition for communicative illocutionary acts is therefore the hearer's *understanding*, or *recognition*, of the speaker's intention to perform these illocutionary acts. This is what Austin meant by saying that the success of illocution involves "securing of uptake" (Austin, 1976: 116-117, emphasis omitted).

In general, illocution is achieved if the hearer recognizes what the speaker is attempting to do in speaking. If, for instance, the speaker intends to warn by saying something, i.e., intends to perform the illocutionary act of warning, and if the hearer recognizes that the speaker is intending to warn, then the illocutionary act of warning is successful. Similarly, also, if someone intends to advise another about a healthy diet, saying, "Eat more fruits and vegetables", and the hearer understands that the speaker is intending to advise, the illocutionary act of advising is achieved.

Hornsby calls this felicity condition, which enables us to perform communicative illocutionary acts, "reciprocity". "Reciprocity" refers to the mutual "minimal receptiveness" of linguistic partners to one another's speech. While this "reciprocity" is present, "the audience and the speaker [are] parties of a normal linguistic exchange", and "they are such as to recognize one another's speech as it is meant to be taken" (Hornsby, 1994: 192). They would know what illocutionary acts the others are trying to do. Hornsby further argues that "communication, which is a relation between people, requires more than common ways of interpreting patterns of sounds: it requires understanding on an audience's part which is attuned, not only to sounds' significance, but also to speakers' attempted performances of acts..." (Hornsby, 1994: 193). Hornsby and Langton thus emphasize that a "fully successful" communicative act, or *illocutionary* act, requires uptake on the part of the hearer (Hornsby and Langton, 1998: 26).[3]

Let us go back to the example of the woman whose utterance of refusal failed. In this case it is said that she failed to perform the illocutionary act of refusal because there was no uptake by the hearer. There was no uptake because there was no condition of reciprocity. The woman, whatever she says, is not in a position to successfully communicate her refusal and remains unheard. Thus, it is said: "When reciprocity fails the speaker, she is silenced" (Hornsby, 1994: 28).

A silencing case, such as this, is thought to explain what some would possibly call a date rape. Hornsby and Langton argue further that pornographic speech may contribute to creating a social climate where this is likely to occur; it may help create an environment where the condition of reciprocity breaks down, weakening the hearers' (men's) ability to understand the intended meaning of women's illocutionary acts (Hornsby and Langton, 1998: 27-28). For example, pornography

may spread among its audiences a belief that, when a woman says "no" in a sexual context, she does not actually intend to refuse. Although the arguments in the previous chapter made the case that the shared social Background makes pornographic speech possible, now, the silencing argument suggests that pornography can also affect the Background. This connection between pornography and the Background is indeed also plausible.

Whatever the actual role of pornography in creating such a social climate, Hornsby and Langton argue that the problem of silencing can be real, not metaphorical, at least in some contexts.

3. The problem of "undesirable consequences"

This argument about illocutionary silencing has been challenged on several grounds.[4] Criticism is partly that the scenario of such silencing, especially in the case of sexual refusal, is very unlikely (see Chapter Six), but a more substantive critique is that Hornsby and Langton's argument, if they are right, would actually have some "troubling" or "disturbing" implications. Critics contend that the consequence of the feminist argument means that they cannot call this silencing a "rape". Let us first consider this problem.

Jacobson and Bird suggest that, if the act of refusal *depends on the hearer*'s uptake, as the feminists claim, then nothing that the woman utters in this context would ever count as refusal (Jacobson, 1994: 77; Bird, 2002: 3). Whatever utterances she makes, nothing can be a refusal (because the man does not recognize them). In fact, according to the feminist scenario, *there can be no refusal at all*. If the woman does not refuse, Bird asks, how can the man be a rapist?

Hornsby and Langton counter Jacobson's criticism on this issue (Hornsby and Langton, 1998: 31). They answer that, although the hearer's state of mind does affect the question of whether or not the illocutionary act of refusal was performed, it in no way affects "the content of the speaker's intentions". That there was no illocutionary act of refusal does not mean that the woman gave her consent – an absence of refusal is not the same as giving consent. As the speaker's intention is no doubt crucial here, the hearer's viewpoint about the speaker's mind does not establish what illocutionary act the speaker *intended* to perform – the fact that the man *believes* that the woman consented does not mean that she so intended. Thus, Hornsby and Langton argue that the speaker's mind does matter, and that Jacobson simply confuses "a condition necessary for refusal" with "a condition sufficient for consent".

Bird agrees with Hornsby and Langton on this point. Perhaps there is an independent issue of legal definition of rape, but even setting aside this technical issue, Bird thinks that the worst thing that the feminists could say of this case is that the man had sex without consent, and this does not seem as bad as the man's *ignoring* the woman's refusal (Bird, 2002: 3). Both Jacobson and Bird suggest that such a "strange" consequence of the feminist argument could be avoided if we say that uptake is *not* necessary for the performance of illocution. Jacobson says: "[S]urely, by clearly and forcefully saying no, a woman *does* refuse" (Jacobson, 1994: 77), *regardless* of the man's understanding. That is why we can call this rape. He thinks that the act of refusal *is* performed in this case (and therefore it is not silenced). One may refuse (warn, etc.) whether or not the hearer actually understands it. To say that illocution requires uptake is, according to Jacobson, "to hold the performance of an illocutionary act hostage to the perversity of one's audience" (*ibid.*: 73-74).

Although Jacobson and Bird here may have a point, the charge of a "disturbing" or "absurd" consequence may be nevertheless overstated. To return to the feminists' scenario, there might indeed be a sense in which the woman in this case refuses, as they suggest – the woman says "no", and the literal meaning of "no" is "no"; no dictionary ever says that a woman's "no" in a sexual context means "yes". And assuming that the woman's intention is sincere, that she does intend to refuse and she thus makes such an attempt, we may retain the sense that she refuses. Her intention is to refuse, and she does use the right word in the right context. However, it seems equally compatible to say that she is not really successful in her communicative act. There is no contradiction in saying here that she does not "fully succeed" in refusing.

Consider what Hornsby and Langton said about one's being "fully successful" in performing a communicative act. They say of a speaker, who has failed to warn his hearer, that we may still use the verb "warn" in such a context. For example, we sometimes hear an expression, " 'I warned him, but he didn't realize that I was serious' " (Hornsby and Langton, 1998: 26). But even in this case, we can allow for the sense that the speaker is not "fully succeeding" in the act of warning. That the act of warning is not "fully successful" means that, although the locutionary act is performed, the *illocutionary* act of warning is not successful.

In the case of sexual refusal, in saying "no" and intending to refuse, what the woman is trying to do is in fact to communicate to *the man* that she is refusing. She attempts to produce an understanding in him that she is refusing. Since that understanding does not materialize, it is claimed here that the illocutionary act of refusal is not performed. We indeed allow that she has a communicative intention and makes an attempt, but that intention remains unfulfilled (we also have to

remember that the feminists' claim that the woman is somehow "prevented" from doing this illocutionary act of refusal). In general, what we are trying to do in the performance of an illocutionary act is to let our hearer know that we are doing this act; thus, unless the hearer understands what we are trying to do, we do not succeed in doing it. However, both Jacobson and Bird argue that the hearer's understanding is not essential for the performance of illocutionary acts. Could the hearer's understanding really be made redundant for illocution? Since the question of hearer uptake is the crucial element in the argument about illocutionary silencing, in the next sections I will examine this issue in detail.

4. Is uptake unnecessary?

Some initial reflections

Even prominent speech act theorists seem to disagree about the importance of the audience's understanding in our performance of illocutionary acts. Austin was clear on this point, and Hornsby and Langton follow this Austinian premise. Austin stated:

> I cannot be said to have warned an audience unless it hears what I say and takes what I say in a certain sense. An effect must be achieved on the audience if the illocutionary act is to be carried out. (...) Generally the effect amounts to bringing about the understanding of the meaning and of the force of the locution. So the performance of an illocutionary act involves the securing of *uptake* (Austin, 1976: 116-117).

Searle's view is said to be less clear (see Jacobson, 1994: 73), but he does emphasize that the intentions that make up illocutionary acts are *reflexive*; that is, they are intended to be recognized. He says that these intentions are "achieved" if the hearer recognizes such intentions. Since this is a crucial point, it may be worthwhile quoting Searle at length:

> In speaking I attempt to communicate certain things to my hearer by getting him to recognize my intention to communicate just those things. I achieve the intended effect on the hearer by getting him to recognize my intention to achieve that effect, and as soon as the hearer recognizes what it is my intention to achieve, it is in general achieved (Searle, 1969: 43).

And he also says:

> In the case of illocutionary acts we succeed in doing what we are trying to do by getting our audience to recognize what we are trying to do. But the 'effect' on the hearer is not a belief or response, it consists simply in the hearer understanding the utterance of the speaker (*ibid.*: 47).

Strawson, however, seems to disagree. He says that "*the aim, if not the achievement*, of securing uptake is an essential element in the performance of the illocutionary act" (Strawson, 1964: 448).[5] Jacobson sympathizes with Strawson, but contends that he makes a "weaker claim" than Strawson; namely, he thinks that "at most the aim of securing uptake…is required" (Jacobson, 1995: 74); and "[o]ur success in performing an illocutionary act does not depend on our success in securing uptake…" (*ibid.*: 77-78). Bird believes that uptake is not in general required for illocution, for it "may be effected by the words, their normal meaning and the context alone" (Bird, 2002: 13). Illocutionary acts, in his view, need not involve any "effect," i.e., understanding, on the part of audiences. He even suggests that the speaker's "intention" to perform a particular act is in general not necessary for illocution. Is the hearer's uptake really unnecessary for illocutionary acts, as these theorists suggest? In what follows I aim to show that uptake is indeed necessary for most, if not all, illocutionary acts. I proceed by way of examining examples, including some of the counter-examples that Bird offers.

As Bird argues, there may be cases in which neither the speaker's communicative intention nor the hearer's recognition of the speaker's

intention is central to the performance of illocutionary acts. In these cases, the words used in the utterance and the context may, in fact, be decisive in determining what illocution is performed and whether or not it is successful. Highly conventionalised or institutionalised illocutionary acts seem to fall into this category. The kind of utterances which Austin himself was primarily concerned with, such as, "I do" at a marriage ceremony, or "I name this ship the *Queen Elizabeth*", may be successfully performed, or may still *count as* certain illocutionary acts (illocutionary acts of marrying and christening, respectively), independent of the speaker's actual intention in making the utterance or of particular audiences' uptake of this intention.[6] Highly conventionalised illocutionary acts may still be effected as long as appropriate rules and procedures are in order. Circumstantial factors may be crucial in such convention-guided acts. However, Bird claims that the case is not restricted to such conventional or institutional illocutionary acts; it would extend to communicative ones also.

Interestingly, he suggests such acts as "grumbling", "rejoicing", "gossiping", and "slandering", to prove his case (Bird, 2002: 8-9). He argues that these acts substantiate his point that non-conventional or communicative illocutionary acts are also done without involving the speaker's intention or the hearer's recognition of that speaker's intention. "Grumbling" and "rejoicing" can be done, even without anyone really listening to the speaker. Some people may just "gossip" without their noticing what they are doing. Also, one may slander someone "without anyone's taking one to have that intention". An act counts as slandering by virtue of the content of speech ("the falsity of the report") and the malicious intent of the speaker alone, and does not require any recognition by the hearer. He also mentions the case of "lying", which he believes strengthens his case. When one lies, of course, one's intention is better not recognized.

However, these examples of "grumbling" and "rejoicing" are, as Bird himself admits, whilst being non-conventional, strictly speaking, not communicative either. The speaker may perform these acts without having any communicative intention, and therefore no uptake is required. "Gossiping" may be a description or characterization that we assign to some other illocutionary acts, and that is why the speaker's intention need not feature in the act of gossiping itself. The problem common with these examples is that we do not know whether or not they are technically called "illocutionary" acts themselves. Austin excluded certain acts that we do *in* speaking from the category of illocutionary acts. Strawson seems to explain this by saying that an important feature of the illocutionary act is that the speaker's illocutionary intention is essentially "avowable" (Strawson, 1964:454, 458-459); this means, one can in principle make explicit one's intention to perform a certain illocutionary act. Thus, Strawson suggests, if a verbal act is an illocutionary act, one can use a formula, which Austin called the "explicit performative formula", such as "I warn", "I request", "I order", etc. According to this, Austin considered that the act of insulting, although it is no doubt done by speaking, is not an illocutionary act; that is, we cannot allow such an expression as "I insult you" (Austin, 1976: 30-31). Similarly, therefore, we might disallow slandering and lying as illocutions. Nevertheless, I take Bird's point that these are also acts that we perform with speech. It may be that these would also turn out to be illocutionary acts. However, even if we allow that these are illocutionary acts, they seem to make up a special class, and do not substantiate his generalization that neither the speaker's intention nor the audience's uptake is necessary for illocution.

Bird's contention is that illocutionary acts are achieved solely by the meaning of the words used and the context of the utterance. Although

these are no doubt important factors, often, they do not fully determine the force of illocution or its success. Quite often we do not make our statements so explicit. We do not always use a "performative formula" to state explicitly what we are doing. In such a case the speaker's intention in saying certain things does indeed seem to become crucial in determining the illocutionary act, and the speaker expects the hearer to understand his intention in order to succeed in doing the thing that he is trying to do. For instance, a child may say to his father, "I'm getting thirsty"; in so speaking the child may be simply *describing* his state of affairs, or he might be *asking* his father to buy him a drink from the nearby vending machine. Or, in a bar, a bartender may come around and say, " 'The bar will be closed in five minutes' ". Thereby he may be simply *informing* the customers that the bar will be closing or actually *urging* them to finish up their drinks and leave (these examples are borrowed from Bach, 1998: 82, 85, slightly altered here). In each case what determines the nature of illocution is not merely the words used or the context but also the speaker's *intention* to perform these acts. What the meaning of the words and the context provide may be actually a clue as to what the speaker is intending to do in making a speech. And importantly, the speaker relies on the hearer's recognition of his intention to achieve these acts. If the bartender means that he is urging, rather than simply informing, in making the statement, he must be so understood by his customers; otherwise his act of urging is not "happily" performed. Except for some of the cases that we considered earlier, it does not seem right to dismiss so flatly the role of the speaker's intention or the hearer's uptake. The feminist argument on silencing therefore makes sense, because we do rely on the hearer's recognition of our intention to perform particular illocutionary acts.

Further reflections

Bird and Jacobson, however, may contend that the case of explicitly made utterances is different. In the case of the sexual refusal that we considered, the woman makes an unambiguous statement. She clearly says "no" to refuse. If the words are explicit, and they are made in the right context, would not the illocutionary act be performed, regardless of the hearer's uptake? Bird offers a couple of illustrative examples to show that this is the case. And he argues that these also show that the acts of warning and refusal, which are typically communicative acts, do not require uptake in particular. Here are summaries of some of his examples (Bird, 2002: 10-11):

(a) Burglar

A burglar approaches a property at night. He ignores a clearly written sign, " 'Warning: premises patrolled by fierce dogs' ", assuming that it is only a bluff. He enters the premise and belatedly finds out his mistake.

(b) A conceited chef

Jacques is a conceited chef, who believes that no one really wants to refuse his delicious meals when offered. Thus, despite the fact that Sara, a customer, clearly declines his offer, saying, " 'No, thank you' ", Jacques takes it as a request and brings her yet more food.

Bird points out that, in each case, the hearer (the burglar and Jacques) does not have uptake of the speaker's intention of warning and refusing. According to Hornsby and Langton, we would have to say that there was no (illocutionary) act of warning or refusing. But, Bird argues, this is not the way that people normally interpret it. A clear warning sign does issue a warning, irrespective of the burglar's uptake. He argues that the burglar cannot complain, for, surely, "[h]e was

warned alright". Similarly, Sara does refuse, by clearly saying "no", regardless of the failure of Jacques's uptake. In both cases, the illocutionary acts of warning and refusing are done, and a failure of the hearer uptake does not prevent these acts from being performed.

It seems to me, however, that there is an important difference between case (a) and case (b). The warning sign may have a communicative intention, but it is addressed to multiple audiences, and hence the success of its illocutionary act of warning may not hinge on the particular uptake of the burglar. Whereas in case (b), Sara's communicative act is specifically directed to Jacques. In this sense, the role of Jacques as hearer weighs more than that of the burglar in the situation. Let us then concentrate on case (b) first.

As I discussed in the sexual refusal case, we can allow that Sara's communicative intention is sincere and she makes an attempt to express her intention. She uses the right word in the right context. Thus, in this respect we may retain the sense that Sara "refuses". However, it is equally reasonable to say that Sara's act of refusal is not "fully successful", because her illocutionary act is not successful. In saying, "no, thank you", and attempting to perform the illocutionary act of refusal, Sara is in fact trying to communicate to Jacques that she is refusing. She intends to produce understanding in him that she is refusing. Since she is not understood in that way, she does not succeed in the illocutionary act of refusal vis-à-vis Jacques.

Some seem to think that our intention to perform an illocutionary act (warning, refusing, etc.) and the intention to secure uptake are separate things; therefore, they are also separate acts. Jacobson seems to think this way. He gives an example of Sally inviting Billy, and says that Sally is doing these different things in speaking: "[G]et Bill to come to her party (bring about a perlocutionary effect), invite him

(perform an illocutionary act), and get him to recognize her act as an invitation (secure uptake)" (Jacobson, 1994: 73). By dislodging the performance of illocutionary acts from the securing of uptake this way, one assumes that uptake is not essential for illocutionary acts. However, I doubt that we can sever the illocutionary act from securing of uptake of this act. For to perform a certain illocutionary act is to aim for an understanding that one is doing this act. To invite someone in saying something is precisely to aim to secure an understanding by the hearer that one is inviting. If you are inviting someone by speaking, and if you *mean* it, you are generally intending to produce understanding of this act by the hearer.

Perhaps this point can be defended by employing the concept of "meaning". Searle linked the notion of illocutionary acts with the notion of the speaker's meaning something by saying something. He says that "the difference between *just* uttering sounds or making marks and performing an illocutionary act" is that those sounds or marks that one utters are said to "*have meaning*", whereas, one is typically said to "*mean something*", in the performance of an illocutionary act (Searle, 1969: 42-43). Searle thinks that there is a clear connection between a speaker's meaning something by saying something and the speaker's intention to perform an illocutionary act. In fact he argues that "saying something and meaning it is a matter of intending to perform an illocutionary act" (Searle, 1969: 46). Thus, what amounts to the same thing is that when you are intending to perform an illocutionary act, you are *meaning* that your act is such and such an act. When you say "no" and intend to perform the illocutionary act of refusal, you mean that your act is that of refusal. And when you mean something by saying something, you typically intend to produce an "effect"[7] (i.e., understanding of your meaning) on the hearer. Therefore, an attempt at an illocutionary act is an attempt at producing understanding *by our hearer* that we are doing

this act. What we are trying to achieve in the performance of an illocutionary act is this understanding; we intend that we will be taken by our hearer to be doing such and such an act.

Further, we normally achieve this understanding and thus achieve illocutionary acts by "getting" our hearer to recognize these *intentions* (Searle, 1969, 43, 46-49). To use Searle's example, when we say " 'Hello' " to someone and intend to greet him (i.e., intend to produce understanding by him that we are greeting), as soon as the hearer recognizes that we are intending to greet him, then we have successfully greeted him. We intend to do some illocutionary act in saying something, and as soon as our hearer recognizes this intention; that is, as soon as he recognizes what we are intending to do, we have successfully done the act. This is the reason why this intention is called "reflexive". It is intended to be recognized to achieve its effect.

What is unique about communicative illocutionary acts is said to be that they can succeed, unlike other common activities, once the hearer recognizes the speaker's intention to perform these acts. Kent Bach stated: "One cannot succeed in running a marathon just by virtue of someone's recognizing one's intention to do so, but one can succeed in stating something, requesting something, and so on, by virtue of one's addressee recognizing that one is stating it, requesting it, or whatever" (Bach, 1998: 83).

Thus, what I am stressing here is that the securing of understanding is an essential element in the performance of illocutionary acts, and cannot be separated as Jacobson seemed to do. Equally important is the fact that we *actually* normally perform these acts by securing such understanding. In daily life we perform a variety of illocutionary acts, such as refusing, ordering, asking, requesting, urging, etc., by "getting" our hearer to recognize what we are trying to do. It is not

only because words have some meanings but also because our hearer understands what we are doing with these words that we could achieve these diverse speech acts. The feminists' position actually appears more in tune with our intuition and experience. Suppose you say that you want to visit me tomorrow; I say, "I have an important visitor". In saying so I may be just stating this fact to you, but perhaps also indirectly asking you not to come to my house tomorrow. I succeed in asking by getting you to recognize my intention to do so. "Getting", however, is slightly misleading, in that it gives an impression that the capacity to perform the illocutionary act solely rests on the speaker. In reality, the speaker also relies very much on the hearer to perform a variety of illocutionary acts. The speaker expects that the hearer will rightly infer, and recognize, the speaker's intention. Although Jacobson thought that it is bizarre that we require uptake, for it means, in his view, to hold illocution "hostage" to one's hearer, it is actually because we have those hearers who can recognize what we are doing that we can normally engage in various linguistic activities, including illocutionary acts. This is what Hornsby meant by the condition of "reciprocity", or mutual and "minimal receptiveness" of linguistic partners, by virtue of which we perform illocutionary acts.

Thus, when speaking of the illocutionary act, we may be able to say the following: in speaking, we intend to produce understanding in our hearers that we are doing such and such an act; we intend that our hearers will take us to be doing such and such an act; and by actually being "so taken" by the hearers, we successfully do these acts.

We have, however, to come back to case (a), the case of an explicit warning sign. I have mentioned that it is addressed to multiple audiences; therefore, the success of illocutionary act may not hinge on a particular person's uptake. Bird argues that this also weakens the feminist position that uptake is required for communicative illocution

in general. He admits that in many face-to-face situations people do try to communicate certain things to others. However, in the case of "written" or "broadcast" speech, it is in fact not clear whether or not anyone's uptake determines the success of illocution. "A politician in a political broadcast may argue for some proposition. On whose uptake does this illocution depend? On all the audience? On just some of the audience? On some sort of average? None of these seems right" (Bird, 2002: 12-13). He thinks that this last example again strengthens his case that "actual uptake" is irrelevant to the nature of illocution.

In the case of multiple hearers, it seems indeed difficult to argue on "whose" uptake the success of illocution depends. It does not, however, seem to be enough to discredit the previous argument that uptake is essential in many other communicative situations. Although mass communications and the print media are increasingly an important aspect of modern life, they have not replaced more basic person-to-person oral communications. A majority of speech acts are done in quotidian situations where an individual is trying to communicate something to another individual. Even in the case of multiple hearers, we may not in the end deny the role of uptake; at least it seems odd to say that it is unnecessary. If actual uptake does not matter, as Bird suggests, it would seem to follow that a broadcasting politician could perform any illocutionary act without having anyone's uptake. But if he intends to warn the population about an impending terrorist attack, is he really warning even when no one really takes him to be warning? This also does not seem to be right. As to a warning sign also, if the entire population of a village believe that the sign near the level crossing is bogus (that it is there for the sake of the regulation; it does not mean what it says), if no one there ever thinks that the sign is warning, is the sign *really* performing the act of warning in this village? At least it is strange to call this a successful warning act.

Thus, the premise of Hornsby and Langton's argument on illocutionary silencing is conceptually sound; we do rely on the role of others (their "uptake") to perform our illocutionary acts. There may be indeed occasions where women cannot perform their illocutions, because this uptake fails.

5. Illocution and perlocution

If the preceding argument is right, illocutionary acts are the acts that have an "effect" on the hearer. This is the position most clearly taken by Austin, Hornsby, and Langton, and I think that other theorists (Searle, 1969; Bach and Harnish; 1979) also support this view. However, according to Austin, the distinguishing feature of *perlocution* is also the bringing of an "effect" on the hearer: it brings about "certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other person" (Austin, 1976: 101). Bird asks that, if both illocution and perlocution thus produce effects, what is it that really makes a difference between these acts. He claims that the correct way of distinguishing illocution and perlocution is that the nature of the former does not depend on any effect on the hearer, while that of the latter does depend on it (Bird, 2002: 12-13).

It is claimed that illocutionary acts produce certain effects on the hearer, but how do they differ from the perlocutionary effect? It has been contended that the illocutionary effect amounts to no more than "understanding", or "recognition", on the hearer's part of the speaker's illocutionary act (or intention to perform this act). The illocutionary effect is achieved as soon as the hearer understands what the speaker is trying to do. As Hornsby explains, linguistic partners may recognize one another's speech as it is meant to be, as long as

there is a condition of "reciprocity" among them. However, the intended consequence of perlocution requires *more* than such "reciprocity" provides. For instance, persuading is said to be typically a perlocutionary act. Persuasion aims to achieve an effect by speaking. In order to succeed in persuading someone about something, however, one would need more than the linguistic condition of "reciprocity". Hornsby illustrates this:

> If I am to *persuade* you that Austin was wrong about convention, it is not enough that you should realize that I mean you to come to think that Austin was wrong: to succeed in persuading you, I must avail myself of the power of reason working in you, and not just of the power of a language working for me (Hornsby, 1994: 195).

In other words, the success of the act of persuasion depends on a variety of factors, including non-linguistic factors, such as your previous academic background, or the cogency of Hornsby's argument. Hornsby does not succeed in persuading just by getting you to recognize that she is trying to do so. Note, however, that, in this example, Hornsby is performing an illocutionary act of arguing, and this act of arguing can succeed by your recognition of it.

Thus, a difference between illocution and perlocution is that illocutionary effects involve only understanding by the hearer, whereas perlocutionary effects depend on more than this understanding, and may be subject to various other factors. Furthermore, the difference between illocutionary and perlocutionary effects is said to be that when one speaks, one typically intends to produce understanding, but one may not necessarily intend to produce further effects beyond this understanding. As Searle points out, "When I say 'Hello' and mean it, I do not necessarily intend to produce or elicit any state or action in my hearer other than the knowledge that he is being greeted" (Searle, 1969: 46). In general,

when we say "Hello" to someone, we intend that the hearer takes it that we are greeting him. Some may intend an *additional* perlocutionary effect on the hearer, such as pleasure or surprise, but this is not invariably the case. One may say of the difference between illocutionary and perlocutionary effects that the former is more "basic" to language use than the latter.

Illocutionary silencing and perlocutionary failures

If we accept that the illocutionary act is normally within the sphere of language use, we may understand the feminist claim that a failure to perform illocutionary acts freely means a failure to exercise one's capacity of language freely. If one finds oneself systematically unable to perform some illocutionary acts, or is somehow prevented from doing them, then there is something wrong with the operation of speech. Hornsby and Langton suggest particularly that women's ability to perform an illocutionary act may be disabled in a sexual context, and that may be due to the influence of pornographic speech. Previously, when MacKinnon made an argument that pornography silences women's speech, the issue surrounded the "credibility" or denial of women's speech. She argued that, due to the kind of social climate created by pornography, women's stories of sexual abuse encounter incredulous audiences, or their protest against sexual violence is not taken seriously. In a sense, MacKinnon accounted for the problem of women's speech at the *perlocutionary* level; although they do speak, their speech fails to bring about anticipated further responses from their audiences. Hornsby and Langton's argument now points out the failure of women's speech at the illocutionary level. As we have seen, there is a reason to think that the failure at the illocutionary level, rather than at the perlocutionary, may be largely claimed to be a failure of speech itself.

Yet, this, of course, does not mean that perlocutionary failures are not problems. This should be obvious from the case of sexual refusal; in a case like this it is important that the woman brings about the intended perlocutionary effect of stopping the man's advances. But to achieve this perlocutionary effect, it is necessary that she succeed at the illocutionary level. If a woman is not taken to be refusing to begin with, it is unlikely that she will prevent a man's advances. Perpetual perlocutionary failures may also result in illocutionary misfires. If some men habitually mistrust women, they may, in some contexts, fail to understand women's illocution. A strong presumption may affect their receptiveness ("reciprocity") to women's speech. The case for illocutionary silencing should not be therefore taken to mean that perlocutionary failures of utterances are relatively unimportant.

6. Relational dimension of language activity

The debate on uptake shows the contrasting views of the nature of illocutionary acts and differing views of language users. It also seems to underline a kind of "dissatisfaction" shared by some feminists with respect to an account of language or an account of persons, which is claimed to be prevalent in mainstream (analytic) philosophy.

The main feminist contention in the debate was that uptake is essential for illocution, which is fundamentally a communicative, interpersonal, and relational act. Their account of illocution thus involves the role of a hearer. On the contrary, the critics argued that uptake is inessential for illocution, which can be done in principle without invoking the reception by a hearer. In arguing this way, the critics in effect make the role of a hearer redundant in the performance of illocutionary acts.

So far I have tried to demonstrate the communicative and interpersonal nature of illocutionary acts, mainly drawing on

observations of speech act theorists. But there are also others who similarly argue that there is something wrong with saying that our communicative acts can be done without any reception by our listeners. The significant point is how much these acts can be meaningfully individuated; whether these acts are in essence activities of discrete individuals, or whether they are necessarily interdependent and relational acts. Marilyn Frye also referred to Austin's concept of speech acts in an entirely different context, and argued that these acts are essentially social and relational acts, which do not " 'come off' " without the hearer's uptake. Frye does not always seem to distinguish "illocutionary" and "perlocutionary" acts, but she makes sense when she says that our speech acts must have a reciprocal character in order for them to be the acts they are:

> When you say something like "I promise" or "I apologize," you do not just assert or report something about yourself, you also reorient yourself and another person to each other. (...) This alteration of relations requires and involves a certain cooperation from the second party. You can say, "I promise I'll write to you," but also the other must take herself to be someone to whom you are obligated and must count on your doing what you said you'd do. If the second party's "uptake" is not forthcoming, the relation between the two does not take the intended shape, and the "promise" collapses. Your speech just hangs there — embarrassed, unconsummated (Frye, 1983: 88).

Hornsby argues that many philosophers fail to acknowledge the fundamentally communicative, interpersonal nature of our speech activity, and this may be because they succumb to a kind of "individualistic" thinking. What is claimed here is that these philosophers tend to treat individual language users as "self-sufficient" or "self-contained" subjects. They might accept that the speaker has an audience-directed intention, but still suppose that " '[w]hat one can do with a hearer-directed intention, one can also do without' ". They think that, even in a communicative setting, "a basic speaker-related ingredient" can be extricated from that of hearers. In

short, they reflect a kind of "decompositionalist" thinking, under which an account of the relation between the speaker and the hearer simply disappears (Hornsby, 2000: 93).

Hornsby suspects that the basis for this is the "individualist" way of thinking, which she argues pervades much of mainstream philosophy – whether in philosophy of mind, epistemology, or political philosophy. It may now be a familiar claim that Western philosophy has this tendency; it has also been argued, particularly in the feminist literature, that this way of thinking is gendered. Merrill Hintikka and Jaakko Hintikka quote research on a gender-related difference in intellectual thinking, which apparently confirms such a view. They point out that "women are generally more sensitive to, and likely to assign more importance to, relational characteristics (e.g., interdependencies) than males, and less likely to think in terms of independent discrete units. Conversely, males generally prefer what is separable and manipulatable"; it is found that women tend to think more "holistic[cally]" or "total[lly]", while men tend to think in terms of what is more "intrinsic" or "essential (non-relational)" properties (Hintikka and Hintikka, 1983: 146).

This claim is, of course, arguable; as far as the present topic is concerned, Austin's or Searle's theory seems to contain as much relational component as the feminists'.[8] However, the debate on uptake and silencing does exhibit the difference between the feminists, who emphasize the relational nature of speech acts, and others, who are less inclined to do so. The present debate is but one example, but it seems to offer an insight into why some feminists are dissatisfied with the individualistic way of thinking, and suggest that this kind of thought may not advance the feminists' cause (see, e.g., Jaggar, 1983, and Scheman, 1983). Illocutionary silencing is a step in the direction for the case against pornography; but it shows that, it is only when we

see the nature of illocutionary acts relationally, we would understand the claim that women are unable to do these acts in some contexts. As long as we conceive it as an act of an autonomous agent, we would not be in a position to see the problem at all.

7. Conclusion

I have argued that most illocutionary acts require uptake by the hearer; we normally intend that our illocutionary acts be taken by our hearers as what we mean them to be, and we successfully perform these acts by being so taken by the hearers. Thus, to perform our illocutionary acts successfully, we need hearers, who are so disposed to recognize our intention in making the speech. If women are indeed unable to secure uptake in such a case considered here, they are then unable to perform the illocutionary acts.

It has not yet been determined whether or not pornography actually contributes to this silencing; whether or not it is likely to undermine men's uptake and thus the condition of "reciprocity" in a sexual sphere. These matters will be addressed in the following chapter.

Notes

[1] To be precise, Hornsby and Langton characterize the notion of illocutionary silencing differently. For Langton, "the silenced person encounters illocutionary disablement: his or her speech misfires"; for Hornsby, "the silenced person is deprived of illocutionary potential: she does not have it in her power to do with language what she might want to" (Hornsby and Langton, 1998: 21). This does not affect my discussion here.

[2] This point might be ultimately understood in the sense that pornography may be *preventing* women from achieving some illocutionary acts; they are not "free" in the sense that they are prevented from doing so.

[3] Hornsby's position on this point has apparently changed over the years. In earlier articles, she argued that there can be an illocutionary act even where there is no uptake, where there is no "perfect" or "successful" illocutionary act (Hornsby, 1994: 199; 1995, 137). She now seems to hold that there is only an unsuccessful attempt at it when there is no uptake.

[4] Judith Butler takes issue, from a postmodernist standpoint, with MacKinnon and Langton's argument about silencing (Butler, 1997, especially Chapter 2). Butler opposes the idea of the fixed meaning of utterances, and seems to deny, in effect, the agency (or, what she calls the "sovereignty") of the speaker in performing speech acts. She claims that no one, including the speakers themselves, has authority over the meaning of utterances. Although I am aware of this type of objection to the silencing argument, I cannot adequately deal with the issue in the present enquiry.

[5] Strawson, however, acknowledges the "overt" and reflexive nature of the speaker's illocutionary intention, which is meant to be recognized. He says: "[T]he illocutionary force of an utterance is essentially something that is intended to be understood". "In the case of an illocutionary act of a kind not essentially conventional, the act of communication is performed if *uptake* is secured, if the utterance is taken to be issued with the complex overt intention with which it is issued" (Strawson, 1964: 459, 458, respectively).

[6] However, Austin thought that, in cases where the speakers do not have requisite feelings or intentions in making utterances, the speech acts are "unhappy"; although they are not "void", and in his view still "achieved", they would constitute a case of infelicity, which he called "abuse" (Austin, 1976: 16).

[7] This concept originates from Grice, and was incorporated into Searle's theory of speech acts. Searle argues that the kind of "effect" that Grice suggests is "perlocutionary," and he fails to notice what is actually involved is the "illocutionary effect" (Searle, 1969: 43-44, 46-47).

[8] This thesis points out that Wittgensteinian and communitarian philosophy also emphasize the relational nature of human activities. Hornsby claims that Austin is also guilty of individualist thinking, for he in the end did not see that the nature of illocution lies in its "effects" (Hornsby, 2000: 93).

Chapter Six

Asymmetry in the "Rhetorical Space"[1]

This chapter investigates why women's illocution may be "silenced" in a sexual context, or why the hearer's uptake may not be forthcoming in such circumstances. In the first part of the chapter I address the cases where a speaker's utterance can be unheeded, because of some strongly implicated subjective aspects about the speaker, i.e., certain socially transmitted and imposed assumptions about him or her. In the second part, I make a case that pornography may be playing an important role in creating an environment where women's illocutionary silencing can occur.

1. Introduction

In Chapter Five I argued that one's illocutionary act typically requires uptake by one's audience to succeed, and therefore that the feminists' argument on illocutionary silencing was not unfounded. Although there *are* sometimes failures of illocution (misfires), I maintained, against some critics, that we do need and rely on the audience's reception to succeed in our speech acts and to communicate what we are attempting to do, and that at times it *is* crucial that we can do so. I also think, however, that not all illocutionary failures would constitute a problem. The feminists' concern is with particular instances of misfire of women's speech, such as when a woman's utterance of sexual refusal is not taken as refusal. Hence, I aim to elaborate in this

chapter on why this counts as a matter of silencing; or in what sense it is different from other common misfires and thus needs to be considered as a problem.

One way to explain this is to reveal the mechanism of the illocutionary failure in question; that is, to explain the way in which a woman in a sexual context may not be able to secure uptake by her audience. For what reasons does it fail to arise? Granted that we agree on the role of uptake in our usual communicative situation, some of us may still be unconvinced about the claim that women's *explicit* refusal fails to be understood as refusal. The point sometimes raised was thus that any normal and "reasonable" person would understand it as it is. Nonetheless, feminists like Hornsby suspect that there may be something wrong with the background operation of our linguistic practices for something like this to happen, and I think that this direction of thought is right. For a thorough understanding of such illocutionary failures, it appears that it is necessary to go beyond the analysis of speech acts and consider their relation to the wider operational context, as I did in Chapters Two, Three and Four.

Some theorists, who are not necessarily concerned with the theory of speech acts or philosophy of language, have pointed out precisely such a broader dimension of (failed) utterances from different perspectives. Simply put, their arguments suggest that there are two principal factors that could affect the performativity of our utterances; i.e., how successfully our speech could be communicated to the audience. The major factors are "the context" and the "subjectivity" of the speaker.

The "context" can mean a particular situation where a certain utterance is made, but I especially consider here the implication of the wider social context, or the Background of speech, which has been

alluded to. The Background constitutes the circumstances of a particular society, which encompass shared customs, norms, institutions, etc.; it is a social setting where any utterances are made. Here I first borrow the notion espoused by the metaphor of "rhetorical spaces" provided by Lorraine Code to illustrate the point that utterances are always issued in a particular moral, cultural, and discursive context, which could limit the range of speech that can reasonably be heard and understood. Throughout the chapter I take the stance that not everyone is symmetrically placed in such a "space", meaning that some are perhaps more privileged than others in finding sympathetic listeners, because of some prevailing social and cultural practices and/or because of the existing power/authority relations within the space. What is meant by "subjectivity", on the other hand, are the subjective factors that hold for the speaker; I also limit the use of the word at present to consider especially such factors as gender and racial/ethnic identity of the speaker. Of particular relevance here is the question of how others may perceive such subjectivity on the part of the speaker. As will be shown, since the issue of subjectivity constitutes an important aspect of the "context" itself, more discussion will be devoted to this subject in the body of this chapter.

This chapter consists of two main parts, addressing the related issues with separate focuses. In the first part of the chapter, I trace and explain the mechanism of "silencing", especially considering the problem of "subjectivity". It appears to me right that the subjective factors of the speaker are often implicitly implicated in, and affect, speech situations, and if this connotation is negative, the speaker may indeed be *prevented* from communicating successfully to his or her audience. I will occasionally draw on Code's analysis of the problems surrounding knowledge claims to explain this point. Some theorists imply further that this implication of subjectivity can be especially negative when it comes to express certain socially circulated and

sustained, but *unfairly* imposed, norms and expectations about the character of the speaker. They suggest that such widely shared assumptions about the speaker could determine (or undermine) the audience's receptiveness to the speaker' speech. Such an account was given of the high-profile Clarence Thomas—Anita Hill controversy in 1991, and I will also use this example myself; re-reading the Hill case now seems to shed some light on the problem of illocutionary silencing.

Thus, in what follows, I will first make a general claim that certain socially sustained and unfairly imposed assumptions about particular groups of persons may indeed block the hearer's receptiveness to these people's speech either at perlocutionary or illocutionary level, and that this could explain the sense of illocutionary "silencing". If women's illocution fails to secure uptake by the hearer in some contexts, that may also be because of certain available norms or assumptions about them that are held by the hearer. But there is a further question regarding the role of pornography in contributing to this problem. Does it really play a significant part in silencing women's speech, as feminists claim?

Drawing on some ideas from the philosophy of the later Wittgenstein, I will argue that pornography may indeed play an important part in creating an environment where women's speech, such as speech of sexual refusal, may fail. The significance of pornography here again seems to depend on its social surroundings; in a society where pornography can be "authoritative", its claims about women's sexuality or sexual behaviour would seem to carry significant weight. Although I will attempt to explain here why pornography may be silencing speech, my argument is not meant to be an *empirical* explanation of a causality between pornography and women's illocutionary failures. Its aim is rather to highlight the significance of

pornography in a particular social setting and to offer a theoretical construction of the important relation between pornography and women's speech.

2. The "context" and the implication of subjectivity

Code evokes the metaphor of "space" to emphasize the sense of "location" in which a particular speech or speakers always find themselves. Code's idea of "rhetorical spaces" appears to refer to a specific cultural, moral, and political milieu whose structure and characteristics are such that there is only a (contingently) limited range of available and possible discourse. She says:

> Rhetorical spaces, as I conceive of them here, are fictive but not fanciful or fixed locations, whose (tacit, rarely spoken) territorial imperatives structure and limit the kinds of utterances that can be voiced within them with a reasonable expectation of uptake and 'choral support': an expectation of being heard, understood, taken seriously" (Code, 1995: ix-x).

The "rhetorical spaces" are thus discursive contexts whose internal characteristics can largely determine the kinds of subjects that are sensibly voiced, heard, and discussed within. The existence of such a "space" is not hard to imagine. For instance, think of making a statement about "fly[ing] into Newark or La Guardia airport in the year 1600" or "productive public debate about abortion in the Vatican" at the present time; such statements would be simply pointless or hollow, because the already existing discourse just cannot make sense out of them, or because the discursive environment is simply not the one that is open to the expressed idea (*ibid.*: x). The particularities of the time and space do impose certain limitations on the range of topics that may reasonably be expected to be discussed within society.

In relation to this notion of "space", Code also says, "it matters *who* is speaking and where and why" (*ibid.*: x, emphasis added). In what follows, I will at least try to address the question of "who" and "where," as it bears on the issue of pornographic speech. Although the examples of flying in the seventeenth century and the debate on abortion in Vatican may suggest to some that "rhetorical spaces" impose very strict limits to the range of possible discourse within, they in fact imply the structures of social spaces which are "either closed against [some speech], or so constrained in the possibilities they offer that what is 'really' being said is slotted automatically into categories, ready-made places, where the fit is at best crude, at worst distorting and damaging" (*ibid.*: 61-62). I started off, borrowing the metaphor here chiefly to highlight the significance of social context in thinking about the success and failure of speech. Whereas the primary concern of Code's own project is about the position and situation of "knowing subjects", who advance some knowledge claims in these "rhetorical spaces", my task here centres on those of "speaking subjects" within such an environment. Imagine that pornographers also inhabit one such "space". What kinds of "discursive possibilities" are there in this space? Is it favourable to pornographer's speech? I believe that these questions are in fact partly answered, as I tried to explain the "authoritative" status of the pornographer in the present society. I described the contemporary pornographer as a "social character", who expresses and embodies certain distinctive values and norms of society. To the extent that the pornographer's speech reflects and expresses these widely shared values and norms of the community, it should follow that it normally has no difficulty receiving uptake.

But what about women's utterances? Their utterances are made against this wider background where pornographic speech can be authoritative speech. Suppose for the moment that the feminist claim about pornography is true and that it does reflect a particular view

about women's sexuality, their nature, and behaviour, and it influences crucially a male audience's thinking. In a sexual context, then, it may well be that women's utterances which contradict the audience's assumed view fall outside the "discursive possibilities", and are unrecognized or denied. In this sense, the utterances of pornographers and those of women do not have symmetrical effectiveness in this "rhetorical space".

As we saw in the last chapter, however, this claim about women's failed speech has been strongly contested. I have already examined some criticisms of illocutionary silencing, but the critics are also unconvinced about the feminists' point that the hearer may not *recognize* women's speech for what it is; they argue that any person of normal sense and ability would *not* fail to recognize what is issued as an explicit and unambiguous statement. If, by any chance, the hearer does fail to understand, that would then just amount to an "abnormal" or "deviant" case, and women's illocutionary acts are normally understood as intended. Thus, referring to the example of sexual refusal, Green says, "any *reasonable* person would take the refusal for what it is" (Green, 1998: 298, emphasis added).

Green also takes issue with Langton's example of a misfire of women's "protest". In the example, Langton speaks of *Ordeal*, an autobiographical account written by a former pornography star Linda Marchiano. Langton argues that Marchiano's book, written to *protest against* the pornography industry, was once actually reclassified and resold as adult entertainment. The book, which was meant to be Marchiano's voice of political protest, hence misfired. Langton argues that something about Marchiano or "the role she occupies" prevented her book from counting as an illocutionary act of protest (Langton, 1993: 321-322). Green, however, contends: "*Ordeal* is normally

bought and sold for what it is. We must take care to distinguish possible outcomes from typical outcomes" (Green, 1998: 298).

Jacobson similarly thinks that the scenario of sexual refusal is "unlikely". He argues that illocutionary acts are just what they are if they are ordinarily taken to be so by "competent" hearers. Thus, for instance: "[W]hat a competent auditor would take as an unambiguous warning *is* one, even if on some occasion the actual person being warned fails to recognize it, through some lapse of attention or sensitivity" (Jacobson, 1995: 77). Moreover, "[i]n general to perform a given illocutionary act it is necessary that a *competent* auditor – where this will require more than purely linguistic competence – would recognize the illocutionary act as such" (*ibid.*: 78). In other words, Jacobson, like Green, believes that any "competent" person would understand a woman's intended illocutionary act, such as an explicit act of refusal. (And if it is normally so understood by a "competent" person, then it *is* refusal.)

The assumption which underlies these critics' arguments is about the "competency", "normality", or "reasonableness" of ordinary hearers; thus, it is assumed, *anyone*'s utterance, as long as it is clearly issued, would be understood. I do not doubt that characteristics like these are usually present in a speech situation, and my discussion in the previous chapter is also based on such an assumption. But it may still be too hasty to assume here that the "competency" of the hearer and "explicitness" of the statement would always ensure successful communication.

There are two reasons for saying this. For one thing, it would not seem to do justice to the feminist argument on silencing to invalidate the examples of sexual refusal or *Ordeal* and to conclude that anyone would understand and would be understood in cases like these.

Philosophers often rely on concrete examples to illuminate their abstract points, but simply refuting each one of their examples and drawing a conclusion might in fact end up not being able to see the forest from the trees. Frye suggests that, if one is to study such a phenomenon of social oppression as gender oppression, "microscopic" attention to individual instances may fail to grasp the bigger picture and hence fail to see what is really going on. Using the metaphor of a "birdcage", she says, you would not notice why the bird in the cage is not free to fly away, as long as you keep looking at each individual wire. But you would see why, once "you step back...take a macroscopic view of the whole cage"; there is there "a network of forces and barriers which are systematically related and which conspire to the immobilization..." (Frye, 1983: 7, 19). My point is that, even if the sexual refusal and *Ordeal* examples sounded unlikely – I argue later that they are in fact not that unlikely – there might be other similar instances that women are experiencing and that it may be hasty to assume that these represent only "atypical" cases.

My other objection surrounds the presumed status of *the hearer*. Both Jacobson and Green in fact invoke a very abstract or rationalized image of a hearer. Although I do not necessarily question the "competence" of ordinary hearers, I want to question the supposed neutrality, detachedness, disinterestedness, or otherwise unbiased nature of those hearers; that is, if the hearer has certain preconceptions or assumptions about the nature and character of the speaker, it could affect the hearer's understanding of the illocutionary force of what the speaker says, even though such speech may be clearly and unambiguously expressed. In order to illustrate this point, I would like to turn to Code's observations concerning the problems of making knowledge claims, and draw an analogy between someone's failure in having his or her knowledge claim acknowledged and someone's failure in securing uptake in a communicative situation.

According to Code, epistemologists traditionally hold that someone's knowledge claim – its propositional form is "*s* knows that *p*" – is justifiable when it meets "a set of necessary and sufficient conditions", and that such justificatory criteria should obtain for "a range of 'typical' instances" (Code, 1995: 23). Code objects to this traditional paradigm on several grounds. One of her objections concerns epistemologists' assumptions about the status of knowers, who are presumed to be detached, neutral observers, capable of achieving " 'a view from nowhere' ".

Code argues that mainstream epistemology has an affinity with positivist-empiricist, or "scientific", thinking. Since epistemology aspires to discover a set of objective and universal conditions under which anyone's knowledge claims are justified, anything that appears to interfere with these conditions is seen to be problematic. Partiality of the cognitive agent is one such problem. It is hence required that any knowledge claimant should be detached from his or her particular circumstances, in order that "cognitive outcome" will not be tainted. In fact, it is tacitly presupposed that, unless the knowing agent transcends any particularities, "then there is no knowledge worth analyzing" (*ibid.*: 24-25). In epistemology, the knower is assumed to be, and *must be*, such an ideal, detached observer.

The implication of this requirement is therefore that the *subjectivity* of the knower (i.e., "factors that pertain to the circumstances" of the knower, such as his or her "location" and "identity" (Code, 1991: 4; 1995: 10)) is *irrelevant* to epistemology. Epistemologists further hold that, anyone's knowledge claim, in so far as it satisfies the justificatory "necessary and sufficient" conditions, would be validated.

Now the stance of neutrality, objectivity, or aperspectivity in Western philosophy has long been under attack from those influenced by postmodern thinking. Code's critique here also involves in many ways a similar thought; she calls into question the assumed neutrality or objectivity of traditional epistemologists. She is critical of their assumption that the neutrality of knowers is actually sustained. But she also contends that subjective factors of the knower – the *s* part in the proposition – *are* in fact epistemologically significant. She argues that the supposedly universal justificatory criteria, the "necessary and sufficient" conditions, in the epistemological paradigm can be conceived for only a limited range of instances. Often, the question of subjectivity – *who* is making a knowledge claim – affects the credibility and outcome of such a claim.

In an earlier work Code advances Wittgenstein's claim that "knowledge is in the end based on acknowledgement" (Code, 1991: 215; Wittgenstein, 1974, 49e, #378). One's knowledge claim, she argues, ultimately depends on *others*' confirmation or corroboration for it to count as "knowledge". The importance of acknowledgement may be understood if we remind ourselves of the fact that even a simple perceptual claim, such as " 'the cat is on the mat' ", needs someone else's affirmation to make sense. If Sara's claim that " 'the cat is on the mat' " is constantly denied by everyone else around her, how long could she continue making this claim? (*ibid.*: 216). If no one ever accepts what she says, can she really say she *knows* that the cat is there?

Attention to acknowledgement leads to the issue of why it fails to arise in some contexts. Knowledge claims may be gainsaid or not acknowledged because of the implication of *subjectivity* of the knower; yet, epistemology traditionally failed to heed this fact. It is important to note that Code's concern here is with what she calls "an

epistemology of everyday life" (Code, 1995: xi, 24). She distances herself from mainstream epistemology's preoccupation with "ideal knowers" and instead focuses on what actually happens to concrete people in various social locations. Therefore, she draws attention to the fact of how some social groups readily gain acknowledgement while others do not, and argues that the issue of claims to knowledge (and "cognitive authority" in general) is significantly intertwined with the issue of subjectivity.

Code gives an example from James Thurber's fable, "The Unicorn in the Garden", to illustrate the point. In the story, a man claims to his wife that he saw a unicorn in the garden. The wife scorns him and replies coolly, "The unicorn is a mythical beast". Believing he has gone crazy, she summons the police and a psychiatrist. However, when they arrive and ask the man to confirm his sighting of a unicorn, he replies that he said no such thing. He says, "The unicorn is a mythical beast". Thereupon, the wife is "pronounced as 'crazy as a jay bird' and taken away cursing and screaming to be shut up in an institution, while the husband lives happily ever after (Thurber, cited in Code, 1991: 203).

Thurber's story is, of course, only a fable, but Code thinks that the story is very illustrative. She asks whether or not it could be just a coincidence that it was the husband's, and not the wife's, account that was believed in this case. Code also cites Martin Hollis, who said, commenting on the story:

> It seems patent that the truth of the various beliefs makes all the difference. If there actually was a unicorn in the garden, his belief is not certifiable. If he actually said that there was, her belief that he did needs no psychiatrist to explain it. The psychiatrist intervenes only where beliefs are false or irrational (Hollis, 1982: 76).

Code questions Hollis's tacit assumption that a rational and objectively informed psychiatric view would ensure that the separate claims of the husband and the wife would be unfailingly assessed. She thinks it rather too "sanguine" to believe that different experiential accounts are so neutrally and impartially judged as Hollis believes, with all " 'subjective' factors...scrupulously eliminated (Code, 1991: 203-204).

In Thurber's story, the wife's "claim to know" based on her "empirical evidence", so to speak, was not given acknowledgement. In a society where women are traditionally associated with psychiatric illnesses and irrationality, it may not be an accident that the wife's claim could not have much credibility compared to the husband's. Traditionally speaking, it seems to be the case that women's professed "knowledge" counts generally less than men's, and it is suspected that such subjective factors as the *gender* of the knowing subject are also the conditions that influence the outcome of knowledge claims. Hence, it is suggested that someone's knowledge claim (*even though it may satisfy the "necessary and sufficient conditions"*) may still fail to be acknowledged if others have some preconceived ideas concerning the subjectivity of the knower.

If we turn our attention from the philosopher's narrow preoccupation with paradigmatic instances to concrete, everyday situations, Code's argument appears to be persuasive; we would indeed notice that there are many social instances in which someone's knowledge claims are assessed against the background where certain presumptions about the knower operate. The same claim made by pupils and teachers, or doctors and nurses, may not receive equal recognition. The capacity to gain acknowledgement is often mediated by subjective factors, and if this implication is negative, acknowledgement may fail to arise. Code argues that such cases are by no means atypical in real life; some

social groups daily report their experience of their claims being denied or not taken seriously at all; women encounter disbelief when they report their experiences of sexual abuse, and a black man is met with incredulous responses when he is stopped by police officers (Code, 1995: 59-60).

This issue of subjectivity surrounding the claim of knowledge would seem to apply equally to other mundane speech situations. Code's observations also invoke a dialogical picture between the would-be knower and the listener who acknowledges the former, and it seems fair to suppose that some subjective factors about the speaker are often tacitly presumed by the hearer in communicative settings. The failure of having one's knowledge claim acknowledged is usually a failure to secure the intended *perlocutionary* effect of speech; one has failed to *convince* or *persuade* one's audience of the reliability of one's claim. But an *illocutionary* failure would also appear to occur, or the speaker may fail to secure uptake of his intended act, if the hearer has certain strong assumptions about the speaker; a soldier, who has been disciplined always to look up to his superiors, may think that the general is *ordering* him to do a certain thing when actually the latter is only making a *suggestion*. The hearer's preconceptions about the speaker are likely to affect the *receptivity* of the hearer to the speaker's speech. Such strong assumptions may "precondition", or "dispose", the hearer's mind in a certain way, thereby the hearer would not have "uptake" of the illocutionary force of words that the speaker says. To the hearer's mind, certain speech acts of the speaker are just unimaginable. Hence, an illocutionary act may fail, although words are unambiguously spoken.

Code complained that epistemology traditionally neglected the relevance of subjectivity, but it may be said similarly that critics of Langton and Hornsby have overlooked the implications of subjective

factors in a speech context. Indeed, the critics seem to hold an image of an ideal hearer (or men in a sexual context), who is unencumbered by any cultural presumptions. Actual speech situations turn out to be more dynamic than is supposed by these critics. Illocution can be affected by how the hearer perceives the identity of the speaker, and it matters therefore who is speaking in what context.

To be sure, the subjectivity of the speaker can imply factors that pertain to a particular individual speaker alone. At present, however, by the concept of subjectivity I specially consider those social categories to which the speaker belongs (i.e., "identity", such as gender, class, and ethnicity), and the implications of these. If the relevance of subjectivity in a communicative situation is thus understood, the case of failed sexual refusal does not appear that implausible. To return to the earlier scenario, it was suggested that the man had a certain expectation about the behaviour of women in general; he had an assumption about how women would behave in a sexual encounter; he somehow assumed that women do not really mean to refuse sex even when they say "no". In such a circumstance, it is plausible that the illocution of refusal might not be recognized as refusal. As clear and unambiguous a statement as it may be, the hearer's perception about the woman could block the recognition of her intention to refuse.

3. Norms, stories, and failed utterances

Thus, what has been argued is that the subjective dimension of the speaker could influence the outcome of illocutionary acts. If it is negatively implicated in speech situations, even an explicit utterance may fail to obtain understanding of the intended meaning. Nevertheless, this alone perhaps does not fully account for the sense of "silencing", and the concept needs to be further refined.

Some theorists have pointed out the systematic inability or difficulty that some social groups (mostly minorities) often face in finding "empathic" listeners in the public domain. They suggest that this is because certain widely shared public images about these people's identity and personality – which is often just unfairly imposed stereotypical assumptions and norms – precondition others' perceptions and sometimes undermine their receptiveness to these groups' concerns. It seems to suggest in turn that the subjective aspects of the speaker which might negatively affect the performance of utterances could be traced to such norms and assumptions operating in society, and that the sense of "silencing" could be derived from such background linguistic practices, and from the connected sense of systematic unfairness and powerlessness involved in the phenomenon.

To demonstrate that this may be the case, I will draw on some commentaries of the testimony of Anita Hill given at the United States Senate hearings in 1991. Hill's sexual harassment charges against Clarence Thomas were made at the hearings over his nomination to the United States Supreme Court; it was a highly publicized incident at the time and subsequently a subject of much debate. Although so much has been written on this already, rethinking "what went wrong with Anita Hill" now would seem to offer an insight into the problems of women's illocutionary silencing.

My argument still surrounds the role of "uptake", or due "acknowledgement" in our various communicative activities, and the question of why uptake may nonetheless fail. I have emphasized the importance of the hearer's uptake of illocutionary acts, but others' acknowledgement of our intended act is often crucial in many other daily exchanges, and this simple fact is also likely to be forgotten. Frye argues that even such emotions as one's anger need to be

acknowledged or directly engaged with: "Being angry at someone is somewhat like a speech act in that it has a certain conventional force whereby it sets people up in a certain sort of orientation to each other; and like a speech act, it cannot 'come off' if it does not get uptake" (Frye, 1983: 88). However, she also claims that when women get angry, they are often not accorded uptake: "Deprived of uptake, the woman's anger is left as just a burst of expression of individual feeling. As a social act, an act of communication, it doesn't happen. It is, as Austin would have said, 'non-played'" (*ibid.*: 89). Frye takes such an emotive expression as anger to be also fundamentally a relational, interpersonal act, which needs to be acknowledged by the one to whom it is directed; otherwise, it is said, it just "doesn't happen".

Hill's speech at the hearings was also an example of a woman's failed speech. In fact, it may be said that Hill failed in different ways. Code also examines the commentaries upon Hill and considers it specifically as an instance of *failure of a person's testimony to count as a source of knowledge.*

Code seems to use the word "testimony" here in a general way, as an epistemological category of sources of human knowledge. Testimony is said to be "an act of telling...intended to impart information," and may state knowledge or prejudice; but if it is believed, the knowledge contained in the testimony is transferred to other persons (Fricker, 1999). Thus, testimony is our indirect way of gaining knowledge. According to Code, Anglo-American epistemologists usually cite "perception", "memory", and "testimony" as the sources of knowledge. It is said, however, that "perception" is now commonly regarded as the most reliable source of knowledge among these three; "memory" is less reliable; and "testimony" is the least trustworthy of all three. The reason appears to be that, in mainstream epistemology,

first person, direct observation is privileged as the paradigmatic model for obtaining knowledge (Code, 1995: 64).

Earlier on, Wittgenstein's remark was quoted, in which he claimed that knowledge ultimately depends on acknowledgment. Code also points out, however, that, among these sources of knowledge, only "testimony" invokes such interpersonal or interactive dimension and looks to acknowledgement for its completion. "Perception" and "memory", on the other hand, involve only a self-standing epistemic agent, as if the role of others were not relevant in knowledge stating (Code, 1995: 64-65).

Code argues that the testimonial form of knowledge is actually a socio-cultural fact of our everyday life, and hence that traditional philosophy's mistrust of testimony is rather baffling (*ibid.*: 65). Indeed, our ordinary communication involves numerous instances of such "testimony"; we ubiquitously exchange pieces of knowledge or information with other persons. Although I cannot enter here into a proper epistemological discussion as to whether or not "testimony" is really a reliable source of knowledge, it does appear an undeniable social fact that we ordinarily rely on others' "testimony" to gain knowledge in our everyday life. Wittgenstein also claimed that "it isn't for example just *my* experience, but other people's, that I get knowledge from" (Wittgenstein, 1974: 36e, #275).

Nevertheless, as a testimony inherently relies on the role of the listener for its fulfilment, the testimonial situations are said to be "often tangled negotiations where it matters *who the participants are*..." (Code, 1995: 67, emphasis added). Hill's testimony seems to have been precisely such a "tangled situation". The fate of Hill was that she was not so lucky with the "participants" and in the end her testimony failed to be acknowledged as evidence against Thomas.

Hill's speech was also a failure of speech acts; especially, *a failure of perlocutionary acts*. She did not succeed in convincing others of the truth of her story, or others did not take her story to be credible. With regard to Hill, MacKinnon thinks that she was silenced. The unsympathetic and incredulous responses that Hill received, in MacKinnon's view, amounted to the same thing as silencing. In fact, MacKinnon thinks that Hill's case was a perfect example of women's silence created by pornography. Because Hill spoke about sex and pornography (although repeating Thomas's words), and because in a world saturated with pornography, women's words about sex and pornography become "live" pornography itself, Hill herself became sexualised on the scene and her speech was deemed "unworthy of belief" (MacKinnon, 1996: 64-68). Butler, however, later argued that MacKinnon downplayed or ignored the *racial* implication of the incident, which was also a central element in the whole affair (Butler, 1997: 83-84). Indeed, it may be difficult to construe the direct link between pornography and Hill's testimony, and to claim that Hill was silenced because of pornography; nonetheless, one may still see the sense in which Hill failed in her speech acts, and it appears that it was importantly to do with certain subjective factors about Hill.[2]

Kimberlé Crenshaw (Crenshaw, 1992) argues that Hill's testimonial utterances were made against a socio-cultural context where certain norms, "myths", and stereotypes about *black women* could effectively constrain what she can reasonably say in a public sphere. Crenshaw points out the fact that, in the context of American society, black women are frequently associated with sexual licentiousness, and unlike white women, the fact of their sexual victimhood is often invisible and unheeded in public discourse. In such a context, Hill's accusation of sexual harassment did not seem to carry much credibility to many audiences. In contrast to Hill, Thomas availed

himself of the entrenched imagery of systematic discrimination against *male* African-Americans by white Americans. He alleged that the enquiry at the hearings constituted a "high-tech lynching" of him, and managed to appeal to the imagery of racial oppression in the history of America to portray himself as another innocent victim of social injustice (Marable, 1992; Panter, 1992; Lubiano, 1992). Even though such a claim was plainly unreasonable, in a situation where the accuser and the accused were both black Americans, Thomas's strategy seems to have helped him out in the end. He was able to take advantage of some existing images and stories in society to win (enough) sympathy from the audience. Hill, on the other hand, could not find any such helpful story in the background to boost her credibility. Thus, Crenshaw points out that the "lack of available and widely comprehended narratives to communicate the reality of her experience as a black woman to the world" proved to be Hill's great disadvantage (Crenshaw, 1992: 404).

Hill's handicap, in one sense, therefore, was the unavailability of a sympathetic social narrative against which she could recount her own story. But it is not really that there were no stories about "black women" in American society; there actually were, but these worked more to Hill's disadvantage rather than to her benefit.

Wahneema Lubiano argues that such "categories" as "black lady", or "black woman" in a particular society are "not simply social taxonomies" but are more "loaded" concepts, usually with some stories associated with them. Such stories may not have permanently fixed storylines, but they do work as a sort of perceptual tool, as "building blocks of 'reality' for many people" (Lubiano, 1992: 330). Through such easily available narratives people tend to perceive the identity and characteristics of certain others in society. Analogous to literary characters in narratives, then, a category like "black woman"

offers some stories; the problem is, however, that these stories may be littered with stereotypical norms, images, and assumptions, or in short "myths", about the protagonists. For example, the character of "black woman" in America is said to revolve typically around such images as "Mammy, welfare cheat, [or] Jezebel"; Nell Irvin Panter remarks that these were also the roles assigned to Hill (Panter, 1992: 210).

Unlike the MacIntyrean "social characters" quoted in an earlier chapter, these characters may not epitomize the morality of society, but they similarly generate certain expectations from other members of society about their personality and behaviour. Whereas MacIntyrean characters are in tune with social expectations (they have to be, for they *embody* social values and norms), the expectations for the character "black woman" may actually be out of sync with the wishes of the real person who occupies the role. The character of "black woman" may impose a certain imagery on the public mind, such as her promiscuity, even when the reality is otherwise, and such an image comes to set a certain domain of "speakability" for a black woman in the public sphere. It may have been the case, then, that such socially sustained narratives with their concomitant norms and expectations about the character of "black woman" put the audience "on guard" when Hill spoke and effectively worked to remove credibility from her allegations. That may be a possible explanation for Hill's failure of perlocutionary acts.

I suppose, however, that it is also plausible to argue that Hill's speech met another failure; that is, it may be possible to construe that she experienced an *illocutionary* silencing in the course of the hearings. Hill is said to have recited as much as she could remember what Thomas had privately said to her. Thus, to use an "explicit performative formula", in accordance with Austinian language, she might have said something like this: "I testify that Judge Thomas said

to me that...."; or "I quote him saying as...." However, she may not have used such an explicit formula, and even if she had used one, there are still chances that her illocution was not understood for what it was. If the audience in effect had some preconceptions about the character of a "black woman", or the character of "Jezebel", the cited dirty words which really must have come from Thomas may have been implicitly associated with Hill. In such a case the audience may fail to recognize the intended meanings of "I testify" and "I quote", and instead might hear them as "I think I heard", or even "I dreamed him saying...." In this respect, Hill's speech fails to be an act of testimony, but an act of fantasizing.

This may sound implausible to some, because the setting was undeniably a testimonial session, but I have argued that not only perlocution but also illocution can be affected by the subjectivity of the speaker. In fact, there are close relations between perlocutionary and illocutionary failures. Perlocution, of course, can fail even when illocution is successful (successful perlocution requires more than understanding of the hearer; see Section 5, Chapter Five). But one possible reason for a failure of perlocution is a failure at the illocutionary level; if the hearer does not grasp what the speaker is attempting to do, it is unlikely that the speech would achieve its intended effect. Therefore, the failure of Hill's testimony may have been partly the result of an illocutionary failure.

Thus, Hill's speech made at the Senate hearings failed in different senses. Firstly, though she had the freedom to speak against Thomas, her testimony in the end did not count as "evidence"; that is; it did not count as a reliable source of knowledge for others. Secondly, she failed to bring about the desired perlocutionary effect of convincing others. Thirdly, during the procedure of the hearings, Hill also possibly failed to secure uptake of the intended illocutionary act.

The case of Hill is instructive, for it suggests that certain socially circulated and sustained norms and expectations about the speaker could prevent the speaker's utterances from counting as an act that was intended in some circumstances. Such prevention could happen either at the illocutionary level in the form of failed uptake or at the perlocutionary level in the form of denial. A similar thing may be said to be happening when a woman's speech of sexual refusal is not recognized as refusal. If there are in fact certain widely shared assumptions and expectations about women's sexuality and behaviour among men, it could constrain what individual women could say (in men's minds) in a sexual situation. To be sure, the example of sexual refusal and the case of Hill (and that of *Ordeal*) are not exactly parallel. In the former, when a woman speaks and means one thing, she is taken to mean another. In the latter, a woman cites another (e.g., quotes sexually explicit speech), and she is taken to be speaking on her own behalf. But the analogy here is that, in both cases, the intended illocutionary act of the speaker fails to be recognized (refusal, protest, and testimony are not taken as such), because of the hearer's assumption concerning the subjectivity of the speaker. And the cause of the failure is likely to be attributable to some other practices in the background.

People's ideas about the characters of "woman" or "black woman" then could constrain the realm of speakability of a woman or a black woman in some situations. The same, of course, could be said for the character of "man" as well. Thus, it may not be only women whose speech acts can be affected in some ways. It is also true that there are different images about the characters of "woman" or "black woman" in society. However, certain images are perhaps more prevalent than others; existing social narratives reproduce and spread stereotypical assumptions about some social groups, which indeed become a

convenient tool for some to interpret the nature and behaviour of others.

I trace the meaning of "silencing" to the sense that such social norms and expectations, which are often just unfairly imposed on some social groups, *intervene* in the background to constrain these people's capacity for speech in important situations. To be sure, some stereotypes appear innocuous, being just what they are, existing and circulating in society without any clear origin or instigators. In this sense it might be debatable whether or not we could duly characterize them as something "unfair". But we should also note that the sense of unfairness may be occasionally felt by *those* who are often labelled by, and live with, such stereotypical norms. As the instance of Hill's testimony may show, these cultural images may prove to be "disadvantages" for the stereotyped people in very crucial settings. It is when such norms are adversely involved that the mutual receptiveness of partners in the linguistic exchange, what Hornsby called the condition of "reciprocity", breaks down. The capacity of speech inherently relies on a certain receptiveness of others, but such receptiveness may frequently be blocked, and some people are simply unable to do certain things with their words.

The word "silencing", though, may still irk some political theorists. I do not, however, think that it is really problematic to use the term, for there is a sense in the phenomenon that some speakers' capacity for speech acts is hindered; they are not in the position to communicate freely certain things that they want to communicate, because of the condition set by other linguistic practices. I am not suggesting here that anything directly follows from this observation about the methods that should be employed to counter this problem, for this would involve different considerations.

Thus formulated, this "silencing" argument does not implicate any specific individuals but only refers to some shared practices in a community. This does not mean, however, that no one is hence responsible; it means rather that anyone in the community could be from time to time participating in such a practice and engendering an environment that can silence some groups' speech. In the following section of the chapter, I will specifically consider the place and role of pornographic speech in connection with women's silencing.

This silencing argument, however, might still invite the kind of objection that Ronald Dworkin raised earlier. Dworkin's objection is mainly raised against MacKinnon's contention that pornography should be banned, because it intimidates women into silence or "conditions men to misunderstand what they say" (Dworkin, 1993: 38). In MacKinnon's view, it is *women*, not pornographers, who should be really given First Amendment protection of free speech. Dworkin retorts to this as follows:

> [I]t is premised on an unacceptable proposition: that the right to free speech includes a right to circumstances that encourage one to speak, and a right that others grasp and respect what one means to say. These are obviously not rights that any society can recognize or enforce. Creationists, flat-earthers, and bigots, for example, are ridiculed in many parts of America now; that ridicule undoubtedly dampens the enthusiasm many of them have for speaking out and limits the attention others pay to what they say. (...) But it goes far...to insist that freedom of speech includes not only opportunity to speak to the public but a guarantee of a sympathetic or even competent understanding of what one says (*ibid.*: 38).

In fact, such liberals as Dworkin believe that it is an "unacceptable" extension of the right to free speech to include under this notion a right to others' understanding of what one says. To admit such a notion would entail imposing unjustifiably heavy burdens and obligations on hearers and end up sacrificing other important

individual liberties (West, 2003: 392-393, 405). Langton and Hornsby, who advanced the notion of "free illocution", may nonetheless defend their claim by saying that certain kinds of speech acts (such as women's speech of sexual refusal) are so vital that it would be justified to grant them special protection. However, of course, the liberals' contention that the individual ought not to be bound by unacceptably grave duties and obligations in the name of free speech is a reasonable and understandable argument.[3] In the course of the discussion, I have not proposed that the right to speech should include such a "*right* to circumstances".

Dworkin, nevertheless, on his part, seems to envisage rather a simple notion of what *free exercise* of speech requires; if the arguments so far presented are right, the circumstances of speech *are* important. To speak, and hence to perform speech acts – remember that, according to Austin, to speak is *ipso facto* to do things with words – inherently rely on the community of hearers who are minimally receptive to what the speaker says. It is not merely because one is allowed to speak but also because there are others who understand what one is trying to do that one can freely exercise one's capacity of speech. One invariably depends on others (except where one is altogether doing a monologue) to say anything that is meaningful, and it is by no means "asking too much" to suggest that one needs such minimally "sympathetic" listeners.

The enquiry in this chapter also suggests that the speaker's subjectivity tends to be pre-interpreted and implied in a speech situation; there is certainly a more dynamic dimension between the speaker and the hearer in a concrete communicative setting than what an abstract linguistic theory allows. If some social groups indeed systematically face illocutionary failures and if that is likely to do with some unfairly imputed norms about them, then in fact this social

environment needs to be changed, if not by law, then by other available means. The first thing to note, however, is not to deny the importance of "circumstances"; both the speaker and the hearer are situated in particular social contexts, and in most social situations, the speaker also crucially depends on the hearer to meaningfully exercise his or her capacity of speech.

4. The role of pornography in the Background

I have argued that the subjectivity of the speaker could affect the outcome of illocutionary acts. Socially circulated stories and narratives spread certain assumptions about the speaker, which could undermine the hearer's receptivity to the speaker's speech. Illocutionary silencing is said to occur when the speaker is unable to perform illocutionary acts, due to such socially transmitted assumptions regarding his or her subjectivity. Thus, for example, if women are unable to perform the illocutionary act of sexual refusal, because men's uptake fails, it may be because, as it has been contended, pornography is spreading a belief that women's refusal does not really mean refusal.

Nevertheless, there is still a question about whether or not pornography actually says such things, whether or not it is really responsible for women's illocutionary failures in sexual contexts, or how it may contribute to such failures. To limit our attention to the issue of refusal for the moment, there are in fact some suggestions that this stereotype surrounding women and sex is nothing new; it is in fact centuries old. West, for instance, evocatively recites the following lines from Otto von Bismarck. West herself does not make much of it, which is only quoted in the epigram of her article, but it hints at the main issue, which is that a woman's "no" is not taken as "no" in a

sexual situation. The quoted lines imply that this gender stereotype, or an idea very similar to it, existed in Bismarckian Germany:

> When a diplomat says yes, he means perhaps.
> When he says perhaps, he means no.
> When he says no, he is not a diplomat.
> When a lady says no, she means perhaps.
> When she says perhaps, she means yes.
> But when she says yes, she is no lady (von Bismarck, cited in West, 2003: 391).

Some also suggest that such an idea is even implicit in courtly love poems.[4] Although the case of courtly love is actually slightly complex, a "modern feminist" reading of the poems may offer such an interpretation. Courtly love poems, which were mainly the products of the Middle Ages, were principally written from a "male perspective"; they rarely took account of a woman's viewpoint (MacLennan, 2001; Owen, 1975: 29). Although, in courtly time, it was the man who had to offer "service" to his lady and to prove his faithfulness and loyalty, enduring the tests of hardships (such as, a long separation), the irony of courtly love is that it was also believed that the man's devotion would "entitle" him to his beloved's love (cf. Owen, 1975: 29). In fact, the man would often suffer; he had to suffer the lady's unresponsiveness, indifference, fickleness, etc. He was subject to disappointment and his passion often remained unfulfilled. Yet, the theme of courtly love had mixed motifs of rejection, one-sided hope, and expectations. A courtly lover may have thought that his lady's apparent rejection may not be really intended to be a rejection but a step in her playful "game" or another "test" she is imposing on him to check his commitment. It is because of such one-sided thinking and expectations in courtly poems that it is alleged that it also contains a version of the thought that a woman's refusal does not always mean refusal.

Courtly poems and the quote from Bismarck are just a few illustrative examples. The main contention is that this idea, which has so far been largely attributed to pornography, *has been a conventional stereotype* of the gender. If pornography says that a woman's "no" is not a "no", it is not the origin of this idea. It only gives an expression to an old, traditional gender stereotype, or "recites" and perhaps somewhat "exaggerates" it (Butler, 1997: 69).

If, nonetheless, pornography does express an idea that women's "no" does not mean "no" in the present age and culture, in certain senses it will be more problematic than courtly poems, and possibly more than other contemporary speech. The reasons for this are: (i) even if courtly poems and pornography express the same idea, it would not in the end carry the same meaning and significance, because of the surrounding social context; (ii) pornography's utterances are likely to influence the audience, given the social background; (iii) the particular way pornography renders its ideas to the audience and its "authoritative" status in the domain of sex would give it a special presence.

I will address these reasons in turn. But in addition to the question of the significance of pornographic speech, there is also a separate issue of whether or not pornography actually says that women's "no" does not mean "no". This itself is an empirical matter, which cannot be addressed from a purely theoretical reasoning. There are, however, some who suggest that pornography does express such an idea, or an idea quite similar to it. According to Peter Baker, who confesses to have been once a regular consumer of pornography, one of the common themes of pornography is that "women are all really 'desperate' for sex with men;" and thus "women [in pornography]...initiate sexual activity or respond immediately to male advances" (Baker, 1992: 133). He also observes: "[P]ornography expresses more than the view that women are mere sex objects. It tells

men that women enjoy sex and are always available for it, even when they deny it. It tells men that women secretly enjoy rape" (*ibid.*: 140). Pornography, then, may be sometimes telling its audiences that women do not really intend to refuse sex even when they say "no".

If it actually says such a thing, then its overall meaning would certainly differ now from what it would have been in Bismarckian or courtly days. The general social context again becomes relevant. Wittgenstein often stressed that the meaning and significance of a particular speech and action depend on its circumstances. "What is happening now has significance – in [the] surroundings. The surroundings give it its importance" (Wittgenstein, 2001: 129e-130e, #593). Moreover, "[o]ur talk gets its meaning from the rest of our proceedings" (Wittgenstein, 1979: 30e, #229). The relevance of "surroundings" applies similarly in thinking about the *social* meaning of speech. The concept of the "Background" was meant to capture this relation between individual speech and activity and the wider social context.

Wittgenstein's notion of "language-game" may also help to illustrate the point. For one thing, Wittgenstein used the concept of "language-game" to advance an argument that language has no common essence, but rather has multifarious uses, i.e., "language-games". Language does not have a core unifying structure, but consists of a multiplicity of ways through which uses of words are "related" to one another. Wittgenstein says, if one looks at language-games, one would not find "something that is common to *all*", but only find "similarities, relationships", "complicated network", "overlapping...fibres", and "family resemblances" (Wittgenstein, 2001: 27e-28e, #65-67). Thus, "language-game" refers to a web of similarities, relations, or patterns among language uses, which together constitute what we call language. But the notion also importantly serves to illustrate that speaking of

language is an activity, which is not isolated from the rest of the community; uses of language are integrated and embedded in the form of life. Hintikka and Hintikka point out that it is wrong to interpret the concept of "language-game" merely as "verbal" language-game (Hintikka and Hintikka, 1986: 195, also 217-220). In fact, Wittgenstein stated: "I shall...call the whole, consisting of language and the actions into which it is woven, a 'language-game' " (Wittgenstein, 2001: 4e, #7). Hintikka and Hintikka explain that "language-games" are our uses of language "*in practice*"; they mean language and its "interactions with our nonlinguistic environment" (Hintikka and Hintikka, 1986: 195)

If our uses of language are language-games, which necessarily *interact* with their social environment, the language-game of pornography obviously differs from that of the courtly love poem, and hence even if they are to make the same utterances, their respective social meanings would largely differ. In courtly time, there was actually a practice of chivalry in place, and courtly lovers in fact valued a "spiritual" bond more than physical relations between them (MacLennan, 2001, Owen, 1975). Suppose that a courtly poem did say that a woman's "no" does not mean "no". Because of its overall context, however, this may not have had a sexual connotation in courtly days. Even if it did have a sexual subtext, it would not have had much social significance in a context where a platonic or spiritual union between lovers was a supreme ideal.

In contrast, when pornography says that women do not mean "no", it invariably means sexual intercourse. And such utterances appear to carry weight in a society where sexuality is far more openly expressed, and it itself is considered a value. It appears to gain "appropriateness" and currency in a culture where women's status as sexual beings is

more firmly entrenched. The surroundings, therefore, give more significance to pornographic speech.

Would individual men, however, be really likely to believe what pornography says? It is sometimes claimed that pornography is just a fantasy, and it does not really mean anything by what it says. Is it misguided to take seriously what pornography says only "fantastically", which is unlikely to affect men's thinking?

Wittgenstein, nevertheless, said that we distinguish the truth or falsity of an idea against the "inherited background", or *worldview*; against the system of shared understandings of the community. He also argued:

> When we first begin to *believe* anything, what we believe is not a single proposition, it is a whole system of propositions. (Light dawns gradually over the whole.)
>
> It is not single axioms that strike me as obvious, it is a system in which consequences and premises give one another *mutual* support (Wittgenstein, 1974: 21e, #141, 142).

Wittgenstein here talks about a network of related beliefs which mutually reinforce one another. It is the aspect of *connectedness* that matters. Hence, the question of whether pornography's utterances are believable or likely to be believed would also appear to depend importantly on the connection of beliefs and ideas that individual men would make. That means the comparison, association, and connection that these men make between pornography and some shared ideas, beliefs, and norms in the Background. In men's mind, pornography's claim may be corroborated, for example, by what *other men* say of women generally (in a private setting), or their ideas of how women are commonly viewed and treated in society. The audiences of pornography possibly have a nexus of understandings, including of

"what women are essentially like", and they would believe what pornography says if they think that it makes sense to them.

Searle also argued that our linguistic and perceptual interpretations too (among others) are enabled by, and take place against, the Background understandings. That is, our interpretations of the meaning of even simple sentences like " 'Sally cut the cake' ", or " 'Bill cut the grass'" depend on our common understandings of the world, interactions with the world, and our capacities and abilities to deal with this world (Searle, 1995: 130-131). When pornography makes utterances, these were also interpreted against the audiences' understanding of how the world normally functions around them.

Given the kind of the Background, I argue that it is quite possible that pornography's speech is believed by its audiences. It is, nonetheless, to be acknowledged that it may not be only pornographic speech that would spread a certain idea about women's nature and behaviour. Speech other than pornography may similarly say that women's "no" is not "no", which could equally influence men's thinking. The particular problem of pornography nevertheless might be that it is the speech that most paradigmatically says such an idea in public. It may clearly illustrate and repeatedly suggest it (Baker suggests that a repetitive theme is in fact quite common in pornography (Baker, 1992)). Considering the "authority" of pornographers in the sexual domain in the present culture, their emblematic status as the exemplar of certain sex/gender related values and norms, it seems right to think that pornographers' speech has some important resonance. It has been said that pornography offers inspirations to other artists and film directors. Pornography may exploit the existing gender stereotypes, but it also typically reproduces and reinforces them, and these are in turn reflected back in society.

Thus, pornography may indeed be playing an important role in spreading certain ideas about women, creating a social climate where men's uptake of women's speech can fail and illocutionary silencing can occur. In this sense then pornography may be "silencing" speech.

It needs to be emphasized, however, that this claim is not meant to be an empirical or straightforwardly causal argument about silencing. I attempted to show that there appears to be indeed an important connection between pornography and some of women's illocutionary failures, but this connection is, as MacKinnon suggested previously, not meant to imply "linear causality", or causality in terms of strict generalizations (if A then B follows). Pornography may be silencing, for it seems to be playing an important role in creating a social environment which is conducive to failures of women's speech in a sexual context. This sense of silencing is indicated by Langton and Hornsby's suggestion that some speech "set the (felicity) condition for other speech" (Langton, 1993: 324; Hornsby and Langton, 1998: 27). My argument in this chapter in fact sought to defend and expand this claim.

5. Conclusion

In this chapter, I have attempted to explain the sense of silencing, focusing on how the speaker may fail to secure uptake in some contexts. Drawing on an analogy between the failure of knowledge claims and the failure of illocutionary acts, I argued that the subjectivity of the speaker is also a key factor in a communicative situation which could influence the outcome of illocutionary acts. If the hearer has some preconceptions or assumptions concerning the subjectivity of the speaker, then the speaker may indeed fail to secure uptake and to perform the intended illocutionary acts successfully.

The concrete example of Hill casts light on why the speaker's illocution may be silenced. Some socially circulated and sustained norms, "narratives", and stories spread certain assumptions and expectations about the speaker. I defended the notion of silencing, because these unfairly imputed subjectivities can in fact *prevent* speakers from achieving uptake. In this sense, it is said some speech "sets a condition" for other speech.

I also argued that pornography may be creating such a condition for women's speech. What pornography says has significance and is likely to affect the audience's thinking, given the structure of the Background we have. As has been suggested, it may be playing an important part in generating a social climate where women's illocutionary silencing can occur.

Notes

[1] "Rhetorical space" is the term which I borrow from Lorraine Code's book, *Rhetorical Spaces: Essays on Gendered Locations* (1995).

[2] Code also offers an analysis of Hill's testimony, highlighting especially the central problems of subjectivity and of the uneven distributions of epistemic privilege in society that the Hill case illustrates (Code, 1995: 58-82, especially, 67-69, 74-80). She argues that "rhetorical spaces ...generate presumptions of credibility and trust that attach differentially according to how speakers and interpreters are positioned within them" (*ibid.*: 60). Disparity in epistemic privilege may result not necessarily because the knowledge professed is "false", but rather because of such social "presumptions" and the existing structures of hierarchy and power. For the purpose of this chapter, I mainly relied on other theorists whom Code also consults.

[3] West argues that "there is some powerful liberal reason for thinking that the right to free speech should include a minimal comprehension

requirement" (West, 2003: 396); thus, the consumption of pornography may be said to violate women's right to freedom of speech, and anti-pornography legislation can be defended on free speech grounds. West also defends the thought that "communication of ideas is a two-sided process", and argues that the liberal notion of free speech includes "the speaker's freedom to communicate ideas" to others (*ibid.*: 406, 408, respectively; emphasis omitted). This entails that the hearer's comprehension should not be prevented by the action of another agent (*ibid.*: 408-409). In contrast to West, I have not committed in this thesis to demonstrating that the right to free speech should include such a right to audience comprehension. Rather, I attempted to show that our capacity of speech importantly depends on the role of receptive audiences; therefore, it hinges more on the structure of the "environment" than is sometimes supposed.

[4] I am grateful to the audience at the Philosophy Society Meeting at the University of Brighton in May 2004 for drawing my attention to this point.

Chapter Seven

Critique of the Form of Life

The earlier chapters assessed the meaning and problems of pornography through speech act analysis and also through the examination of its "Background". It has been suggested that the social meaning and significance of pornography would become clearer once it is seen against the backdrop of related social values and norms. Pornography reflects and is intertwined with such values and norms, which often manifest themselves at the level of "social imaginary". Given this social background, I argued, pornography can be authoritative, and can also constitute subordinating and silencing speech, though its significance ultimately derives from its surroundings; i.e., shared community norms and values.

Pornography and its related norms and practices are thus part of a cultural community, or as Wittgenstein put it, of a "form of life". A logical next step of the enquiry would seem to lead to a renunciation of such cultural norms and practices. Wittgenstein, however, is known for saying that our form of life is something that "has to be accepted",. and this will have implications for the kind of critique engaged in this chapter; although Wittgenstein's philosophy apparently denies us a means of criticizing the existing form of life, feminists, who are concerned with pornography, do want to critique and transform it. I will argue here that, even if one adopts a broadly Wittgensteinian perspective, the present form of life is "immanently" changeable.

1. Introduction

In assessing the meaning and status of pornographic speech in contemporary society, I articulated the need to go beyond speech act analysis. I then drew an insight from what is called the philosophy of the "Background"; from the ideas of the later Wittgenstein, and some communitarian and feminist thinkers, who emphasized the relevance of the social context that surrounds individual activities, or the interconnectedness among these (seemingly independent) individual activities. The central insight drawn was that our speech and actions are given their meaning and significance by their social settings. That is to say, speech and actions are essentially interwoven with other community activities and practices, and reflect some shared values, beliefs, and norms of the community. The meaning of individual speech and actions therefore often becomes salient against the background of such related community norms and practices. Wittgenstein argued that a family of similar or related activities together form a language-game, and constitute part of the community's form of life.

I have suggested that pornographic speech could be understood essentially in the same way. Its social meaning and significance may not become entirely manifest as long as it is treated as an autonomous and isolated speech. In this regard, speech act theory, though it illuminates certain constitutive harms of pornography, seems to leave unexplained the ultimate source of those harms; for example, the theory could not explain the authoritative character of that speech. Pornography is also woven into, and reflects, other community values, norms, and practices – and I have specifically discussed some sexual values and norms of gender, which appear to have become more distinct in recent times. I argued that pornographers in contemporary

society are "authoritative" in the sense that they not only reflect such distinctive norms and values but also have come to occupy the social position – in MacIntyre's term, the role of *social characters*; pornographers embody in their life and personality these very values and norms. They exhibit these standards, and what they say and do may also set a model for other members of society.

If pornographers are indeed the kind of authoritative social figures who embody society's norms about sex and women, which other community members might look up to, it seems reasonable to think that their speech would have more social relevance. As we have seen, authoritative speech acts normally carry a legitimating force of utterance, and hence more power to bring about the subordination of women. And if pornography essentially reflects shared community norms and practices, then its locutions would be likely to have more credibility, whereas women's speech that does not conform to such norms may even fail to obtain uptake by the audience. I argued that pornography can be subordinating and silencing speech, although its authority and efficacy ultimately depend on its surroundings, the background of shared norms and values.

It appears now that we have some grounds to raise objections to the practice of pornography. However, to impugn the practice of pornography logically entails that we call into question those background norms and values that are reflected in pornography, and this is, to some extent, also necessary. For even though pornography may play a special role in effecting the subordinate status of women, many existing problems may not be fundamentally resolved as long as those cultural habits, people's assumptions and attitudes are not addressed at the same time. The norms that pornography expresses are not carried by it alone. What is therefore needed is perhaps to pay critical attention to pornography, *as well as* those background norms

and values that make this speech possible. It seems that the norms of gender affect the status and liberty of women more directly than sexual values as such. However, as the sexual norms may serve to reinforce the existing gender roles, and some sex norms may be criticized on certain moral grounds, it seems pertinent that this also becomes the subject of our attention. It may not mean that all the values and norms that are reflected by pornography will thus be judged as harmful and condemnable, but it will mean that, after some reflection, some proposals to change the present practices will be made. As the background of pornography thus changes, it might lose eventually its authoritative character as well.

I have argued that pornography and the norms and values which it reflects constitute part of a shared cultural landscape, or what Wittgenstein called, "a form of life" ("*speaking* of language is part of an activity, or of a life-form" (Wittgenstein, 2001: 10, #23)). Although this concept of a form of life, like that of language-game, was never so elaborated by Wittgenstein himself, Michael Kober thinks that it probably refers to "a medley-like mixture or garland of practices somehow supporting or complementing one another", and is perhaps best seen as "the setting in which (e.g. discursive) language-games are practiced" (Kober, 1996: 418). Furthermore, he thinks that the idea of forms of life presupposes the idea of "community", "custom", and "institutions" (*ibid.*: 418). As explained in Chapter Two, what the concept of the form of life represents is the same as the concept of the "Background". A form of life connotes a particular community's shared understandings, culture, and contacts with the world in general, which enable members of the community to engage in various common activities, and speaking is also part of this community life. When I use the term "form of life" in this chapter, however, I am primarily considering the social and cultural aspect of it; especially

that part of the form of life which comprises and enables the pornographic language-game.

What appears to raise an issue with regard to the critique of the form of life, however, is Wittgenstein's observation that this form of life, which enables our language-games, is something that we should leave as it is; he claimed: "What has to be accepted, the given, is – so one could say – *forms of life*" (Wittgenstein, 2001: 192). He also repeatedly urged us not to replace the actual language with something that we deem more ideal by way of philosophical theorizing: "Philosophy may in no way interfere with the actual use of language; it can in the end only describe it. / For it cannot give it any foundation either. / It leaves everything as it is" (*ibid.*: 42, #124). Peter Winch, who applied the Wittgensteinian approach to social sciences, endorsed this comment by Wittgenstein (Winch, 1990: 103). On the face of it, these remarks are puzzling, and have some implications for the present inquiry and the approach that has been taken; Wittgenstein, whose philosophy was also crucial in my investigations, seems to tell us here that the current language-games, including pornographic language-games, are the only language practices available to us. Perhaps one is forgiven for wondering why one is urged to accept the existing language-games and forms of life, and why philosophy is said to be in no way evaluative or critical.

We might suppose that, though a Wittgensteinian approach to speech may offer a way of understanding meanings, it stops short of offering tools for evaluating them. To be sure, Wittgenstein's was simply not a *political* theory, and does not seem to offer much in the way of *criticism* of our existing form of life. By seemingly endorsing a particular community's way of life, the philosophy of Wittgenstein or Winch at times appears to come close to relativism.[1] Hekman, on the other hand, also notes that most theories of the "Background", such as

that of the later Wittgenstein (to which I add that of communitarians), have prima facie a conservative character. For "[i]t assumes that meaning rests on something like tradition – the set of meanings handed down to us from our forefathers" (Hekman, 1999: 131). And she points out that Edmund Burke was one of such "Background" theorists (*ibid.*: 131).

Nonetheless, part of what concerned Wittgenstein has some echoes in much of the recent debate in political philosophy, especially, in relation to the issue of cultural diversity and cultural critique (Scheman, 1996: 384). What Wittgenstein apparently negates is the availability of a transcendent standpoint, or an absolute standard according to which diverse practices can be universally evaluated. In what follows, I will first draw implications for my enquiry from Wittgenstein's claim that our form of life is "given", or that philosophy leaves everything as it is. There are in fact certain reasons why a criticism of our form of life might not be as straightforward as it seems, and the critique of pornography and its related norms also does not appear to be an exception. Nevertheless, in spite of some apparent difficulties, I do hold that certain criticisms are possible, and that the initial feminist objections to pornography remain valid. Even accepting the Wittgensteinian premise, there are still means of criticizing and revising our existing social practices. In general, what is known as the "immanent", or internal, form of social criticism appears to be compatible with a Wittgensteinian view of the form of life. Within this broadly immanent approach, there are different ways of assessing and engaging with the form of life, and I will discuss these in turn.

2. The lack of an absolute standard

In an article entitled, *Forms of life: mapping the rough ground*, Naomi Scheman gets to grips with Wittgenstein's claim that our form of life is "the given", and asks why he seems to deprive us of the very possibilities of engaging in meaningful social criticism. When he asserted that the form of life is "what has to be accepted", she wonders, "what is the force of this 'has to'?" (Scheman, 1996: 384). Since I also drew on his philosophy to approach the meaning of pornography, I will discuss a little what was implied by it and what implications it would have for my enquiry. My aim here, however, is not to offer an exposition of his thoughts but to consider the questions that might arise from this Wittgensteinian approach to the form of life.

It is perhaps important to mention that, as discussed earlier, in Wittgenstein's later works, the concept of a form of life is said to indicate the circumstances or setting in which multiple activities and language-games take place. But the notion also seems importantly to serve as a system or *basis* of our beliefs, knowledge, and justifications.[2] What Wittgenstein suggests is that it is only against such a shared system or background that conditions of doubt, rationality, correctness, and language-games ever become possible (O'Connor, 2002: 29-31). He stated: "I did not get my picture of the world by satisfying myself of its correctness; nor do I have it because I am satisfied of its correctness. No: it is the inherited background against which I distinguish between true and false" (Wittgenstein, 1979: 15e, #94); "All testing, all confirmation and disconfirmation of a hypothesis takes place already within a system. (...) The system is not so much the point of departure, as the element in which arguments have their life" (Wittgenstein, 1979: 16e, #105). Thus, the thought is that any "confirmation or disconfirmation of a belief always already presupposes such a system and is *internal* to it" (Sluga, 1996: 22,

emphasis added). As the concept served as the foundation of our beliefs, knowledge, and activities, and it is what makes our language-games possible, the form of life was probably claimed by Wittgenstein to be "the given" of the world. Although this notion of a shared background as bedrock of our beliefs and activities obviously plays a crucial part in his later philosophy, his thoughts can also be gleaned somewhat from his comments on philosophy and the nature of language, which are, I believe, not unrelated with the philosophy of the "Background".

In a passage in *Philosophical Investigations*, Wittgenstein invokes a metaphor of smooth, pristine ice and contrasts it with that of the "rough ground" (Wittgenstein, 2001: 40, #107, also mentioned in Scheman, 1996: 383). The ice is pure and looks ideal, but it is slippery, and therefore we cannot walk; the rugged ground, which has friction, is actually the place where we can stand and walk. Here the metaphor of "slippery ice" represents the ideal purity of logic, while the "rough ground" describes the inexactness and untidiness of ordinary spoken language. The contrast is made here to bring up the importance of the latter. Earlier, when he wrote *Tractatus Logico-Philosophicus*, Wittgenstein seemed to believe that a single, underlying logical structure of language was discoverable, but in later periods, he came to the view that language actually contained no such single "essence" (Sluga, 1996: 9-10, 13, 16; Grayling, 2001: 78-79). As mentioned in earlier chapters, Wittgenstein came to think that language has only its multifarious uses, which are fundamentally and intrinsically connected with various other human activities (Wittgenstein, 2001: 4e, #7, 10e, #23; cf. Bloor, 1996). Wittgenstein now claimed that it is a plain mistake to seek some "hidden essence" of language; for everything, he said, "lies open to view" (*ibid.*: 37e, #91-92, 38e, #97, 39e, #101-103, 40e, #108, 43e, #126). The working of language is understood, not by searching for some hidden structure underneath, but by paying

attention to its manifold characters, which are given their meaning through our actual, everyday use.

Time and again, Wittgenstein remarks upon the logicians' or philosophers' "mistakes". Logic deals with words and propositions which are "pure and clear-cut", but actual language often betrays this purity of logic. "Conflicts" arise, therefore, when logicians could not find this purity, or exactness, in ordinary language (*ibid.*: 39e, #105, 40e, #107). But the problem emerges, because logicians are essentially misunderstanding the nature of language. As stated, Wittgenstein's view is that we understand what language is by studying how it is actually used in our everyday settings and not by looking for its "hidden" uniformity. What is thus required is to bring words back from logical scrutiny to their "original home": "What we do is to bring words back from their metaphysical to their everyday use" (*ibid.*: 41e, #116, emphasis omitted). In other words, to use the metaphors, to leave the ideal purity of ice and go back to the rough ground.

However, from this discovery that neither logical purity nor essential structure of language is attainable, Wittgenstein seems to go further and suggests that we should in no way attempt to interfere with it. He seems to demand that philosophy, especially, should not seek to replace it with "some non-spatial and non-temporal chimera" (*ibid.*: 40e, #108). Wittgenstein appears to have certain beliefs about what philosophy could and could not achieve, and what approach it should take. He seems to argue that mistakes and misconceptions tend to arise when philosophers try to *transcend* the actual, temporal, and imperfect ("Philosophical problems arise when language *goes on holiday*" (*ibid.*: 16e, #38)) and attempt to offer in lieu some uniform and universalizable theory, such as, an account of "essence", "property", etc. Instead, he argues, philosophy should only "describe" what is already laid open; it should neither "explain" nor "deduce"; it should

not advocate a theory; "it simply leaves everything as it is" (*ibid.*: 40e, #109, 42e, #124, 43e, #126).

Thus, in important ways Wittgenstein's apparent endorsement of the form of life reflects his beliefs about the nature of language, and also his view of philosophy. If one understands how language really works and admits that there is no single standard against which it is measured, one may be inclined to accept it as well as the form of life, which makes speech activity possible in the first place. It is our practices, shared activity, and agreements that give meaning to what we say and do ("it is not a kind of *seeing* on our part; it is our *acting*, which lies at the bottom of the language-game" (Wittgenstein, 1979: 28e, #204)). Moreover, Wittgenstein seems to have believed that philosophy is bound to make "mistakes" when it seeks to go beyond actual human practices and attempts to evaluate them against such a standpoint. Scheman notes that there is some element in Wittgenstein's later thought that indicates his "[distrust] of the employment of practice-transcendent reason...in the attempt to shape changes in forms of life" (Scheman, 1996: 385).

One thing that Wittgenstein seems to deny is the availability of some absolute criteria, which would be obtainable through pure philosophical reflection, and which could transcend the actuality of a particular human society. What he suggests also has some echoes in many of the movements which are sceptical or critical of any theorizing which aims to claim a universalist or objectivist grounding. As Scheman points out, this issue thus has wider repercussions (*ibid.*: 384). In the practical course of life, as well as in theory, it is exactly an issue to know how to engage in reasoned criticism against some existing social practices of our own, or those of others, which we believe to be unjust. Critique is not easy, especially when such practices are intricately bound up with deeply held traditions and

culture. Thus, the question is, if it is not from some "transcendent" viewpoint, how we could obtain some reasonable, justified ground from which we can judge various social practices. Could one say that Wittgenstein was simply wrong on this point; that we could rightly employ our reason; that there are some objective, legitimate standpoints from which we can rationally and fairly evaluate existing cultural practices? Or are our judgements inevitably "partial", in which case they are bound to lose their legitimate force? (*ibid.*: 384)

With respect to the critique of the pornographic language-game, there may be a certain point in acknowledging that an objectivist or somehow "privileged" standpoint cannot be invoked to assess the social norms and values that underlie pornography. The difficulty is how we can judge neutrally some of those norms and practices. Consider, for example, the cultural norm which tends to sexualise women's nature and identity. Women are often identified with their sexual bodies and sexuality, and characterized as essentially sexual beings. Although I have suggested that such a norm perhaps should be challenged, it might be contended that this is not possible, insofar as there is no way of speaking of the *correct* or *incorrect* identity of woman; we could not say that the sexualised identity is wrong, because there is no way of determining it. The objection is therefore that my argument presupposes a wrong move; a move which assumes that there is somehow such a thing as *true* or *false* female identity, against which the present practices can be evaluated.

It might be thought that the sexualised existence of women has been entirely constructed out of a male point of view, and has been imposed on women, and that those women who are unaware of this are having false consciousness. However, there is a difference between saying that the current practice largely reflects a male standpoint and serves male interests, and saying that this view is definitely "false". It is not

certain how to demonstrate the second point. Indeed, there may be no such thing as true or false femininity, or no "essence" of woman, and here Wittgenstein may concur with this point. Butler has made an analogous claim in respect of the meaning of a woman's utterance, which has been the issue of the last two chapters. She argues that we cannot determine a single meaning for every utterance; at the very least, *no one* would be in a privileged "position to 'assign' the same utterances the same meanings" once and for all (Butler, 1997: 87).

If there is no such thing as a single essence of woman, it may be argued, the gendered identity of women and its expression just depend on the form of life. As a child is initiated into a particular language, she also "inherits" the world-view of that particular community, which would normally encompass ideas about the nature and roles of the sexes. Could it be argued that there is no truth or falsity of gender norms but there are only their cultural variants, interwoven with the world-views of each community? And thus the norm which sexualises women's identity is rather like the kind of community norms which people understand as just " 'the way we happen to do things around here' " (Waldron, 1989: 576). Such norms are often mundane and mostly relatively trivial, but very familiar and usually escape our attention. As Jeremy Waldron stated:

> [t]he norms for beginning and ending letters.... We begin with 'Dear John' rather than 'John:' and sign off with 'Yours sincerely' rather than 'Good-bye for now.' Other societies do these things in different styles and it is not a difference that we take particularly seriously.... The norms of letter writing serve their purpose even though those whose behavior they govern have thoroughly internalized the point that they are simply matters of convention. So we are in a position to think it perfectly appropriate for members of some other community to end their letters with exclamations like 'Allah be praised!' or conventional optatives like 'May your loins be fruitful!' even though we would never do the same (*ibid.*: 576).

The question is whether or not some social norms are almost analogous to such a "convention". Conventions and customs are not uniform across cultures, but equally deemed acceptable in their own social settings. Thus, some cultures tend to associate women and sex, though others do not, and that is the way people "happen to do" things in their respective societies, which are equally regarded as "appropriate", or at least as quite "normal" in their own settings. One might say that there are simply different attitudes and perspectives when it comes to the idea of what woman is. A similar thing may be said about people's attitudes about sexual practices.

I would like to argue that certain norms and practices are nonetheless troublesome. However, what Wittgenstein seems to suggest, and others say more explicitly, is that a transcendent or absolute standpoint from which we can universally judge existing social practices could not be found. It certainly appears to be the case that an argument from metaphysics, for example, would not help to resolve the question of gender norm that we are discussing; it does not look optimal to point to some *real* identity of woman and argue that some practices contradict this reality. In some respects, the postmodernists' view comes close to Wittgenstein's view of the form of life. Richard Rorty's view, for instance, is said to indicate that "the attempt to question and challenge the values and norms of one's own culture or that of any other in terms that transcend their self-understanding is illusory" (Benhabib, 1995: 242). Rorty in fact urges feminists to give up the thought of ever finding such a "neutral court of appeal" in order to seek changes in the present way of life:

> [D]o not charge a current social practice or a currently spoken language with being unfaithful to reality, with getting things wrong. Do not criticize it as a result of ideology of prejudice, where these are tacitly contrasted with your own employment of a truth-tracking faculty called 'reason' or a neutral method called 'disinterested observation'. Do not even criticize it as 'unjust' if

> 'unjust' is supposed to mean more than 'sometimes incoherent even in its own terms'. (...) Drop the appeal to neutral criteria, and the claim that something large like Nature or Reason or History or the Moral Law is on the side of the oppressed (Rorty, 1991: 7).

What feminists could do, he adds, is just to "make invidious comparisons between the actual present and a possible, if inchoate, future" (*ibid.*: 7).

The difference between Wittgenstein and postmodernists like Rorty lies in what they seem to say or said about the present language-games or form of life. Whereas Wittgenstein claimed that our form of life had to be accepted,[3] postmodernists do not appear to be committed to such a view; in fact, for them nothing is sacred or stable. Sabina Lovibond discusses postmodernists' (i.e., Rorty's and Lyotard's) distrust, and dismissal of, any notions of "universality", "consensus", or "unity" of human reason and practice. Since human history would contain no such convergence, postmodernists would say, current language-games are perfectly replaceable with some new games. It only means that "the replacement of one 'game' by another [cannot] be evaluated according to any absolute standard" (Lovibond, 1987: 7). Rorty believes that anyone, whoever it is, could initiate changes in the existing practices or carve up a space within society, in order that more previously neglected voices would be heard. But this entails "struggle" among differing views to seek prominence over one another (Rorty, 1991: 4). From this point of view, any language-game or form of life becomes just as "contingent" as the one before (Lovibond, 1987: 7). There is no way of assessing which form of life is fundamentally just or inherently better; only the "struggles" could prolong the life of one over another.

Yet, to summarize the main issue: the implication of Wittgenstein's philosophy points towards a view that we lack some absolute criteria which would transcend the limit of a particular human culture and

according to which we can judge the existing social norms and practices. I will argue, however, that this need not mean that criticism of present practices is never possible. In fact, a criticism of the present form of life appears to be possible, even without appealing to an absolute standard. In the following sections I will try to explain how this might be done.

3. "Immanent criticism"

One of Wittgenstein's claims about philosophy appeared to be that it should not seek to go beyond actual human practices; that it should not seek "some non-spatial and non-temporal chimera" (Wittgenstein, 2001: 40e, #108). However, to say that context-transcendent critique is not available is not to say that critique is no longer viable. Scheman insists that it is a mistake to interpret Wittgenstein's philosophy as actually foreclosing the opportunities of our social and cultural criticisms. She argues that such a mistaken view holds that Wittgenstein is leaving us only two alternatives; that is, we are left with either accepting the present ways of life or changing them by means of following some " 'super-idealized guidance' ", such as "objectivist epistemologies and realist metaphysics" (Scheman, 1996: 386, 403). She believes that we can "reject" such a choice. Our form of life is "immanently and empirically revisable" (*ibid.*: 386); we can initiate changes "by attending to those aspects of our practices that are critical and transformative" (*ibid.*: 403). What we ought to do when we initiate changes is "calling not for a repudiation of human practice in favor of something independent of it, but for a change in that practice, a change that begins with a politically conscious placing of ourselves within, but somewhere on the margins of, a form of life" (*ibid.*: 387). In other words, the resources for criticism and change can be and should be sought from the existing culture and traditions.

What Scheman suggests here, and what is compatible with Wittgenstein's philosophy, is so-called "immanent" form of social criticism, and it has also been advocated by Michael Walzer (Walzer, 1987). To defend this immanent method of critique, Walzer firstly argues that moral philosophy in general is best pursued in an "interpretive" mode. It means that moral claims have a stronger force when they are based on, or are an account of, already existing morality. Although philosophical approaches have involved "discovery or "invention" of moral principles, Walzer argues that these are ultimately unnecessary, for we usually already have rich resources within the existing moral traditions. Furthermore, he argues that what is likely to happen when we engage in critical reflections is to give an interpretation of existing morality. He believes that moral reflections can only begin within, and ultimately should always proceed from, such existing morality, because this "moral world" we inhabit "provides us with everything we need to live a moral life, including the capacity for reflection and criticism" (*ibid.*: 21).

Walzer explains that social criticisms can be carried out in the same manner. The best social critic is the one who finds resources within the existing local values, and connects her arguments with those locally held values. The appeal of this form of criticism – at least to the other members of the same society – is intuitively clear, because its validity derives from the already shared values and norms. The criticism becomes persuasive, as it invokes the local language, the local moral vocabulary, which are immediately intelligible to the rest of the members of society. Walzer gives as an example an account from John Locke's *Letter Concerning Toleration.* He claims that the ultimate appeal of Locke's argument on the toleration of religions to his contemporaries was his use of the idea which these people already shared; namely, that of " 'salvation by faith alone' " (*ibid.*: 54). Locke argued that people cannot be forced to be saved by a religion which

they "distrust"; it is only faith, or "the inward persuasion of the mind", that could achieve "the salvation of men's souls" (Locke, 1990: 41, 20). Walzer suggests that this is the kind of thing that an ideal social critic would do: advancing a new moral argument by means of interpreting (or reinterpreting) an already shared moral discourse.

In our time, the Nobel Peace Prize laureate Aung San Suu Kyi might be the best example of such a social critique. When the dictatorial military regime of Burma crushed the popular movement for democracy and dismissed the ideas of "democracy" and "human rights" as purely Western concepts, Suu Kyi pointed out that these were not unknown in the indigenous culture; she argued that the traditional Buddhist teachings, which are the moral fibre of the Burmese culture, also encompass the idea of legitimacy of the ruler (the king) based on popular consent and of the ruler's duty to be subject to the "will of the people" (Aung San Suu Kyi, 1995: 167-173). Suu Kyi also argued that the idea of equal moral worth of each human being is already inherent in the teachings of Buddhism: "Buddhism...places the greatest value on man, who alone of all beings can achieve the supreme state of Buddhahood. Each man has in him the potential to realize the truth through his own will and endeavour and to help others to realize it. Human life is therefore infinitely precious" (*ibid.*: 174). Suu Kyi thus defended the ideas of democracy and human rights for the Burmese, saying that these were not at all foreign to local values. Similar ideas in fact already existed in the traditional values of Burma.

Thus, the best social critic – like Locke and Suu Kyi here – is said to connect his or her claims with the already shared morality of the community. As the criticism calls upon the community's own assumptions, it is said to be "immanent".

Although it has a certain appeal, a worry about immanent criticism was sometimes whether or not it could truly call for a radical social reform. If you are "inside", and if you already have certain particular relations and attachments with other members of society, could you really objectively distance yourself from these attachments? As it is sometimes assumed that ideal social critics are rather "detached" and "disinterested" observers, devoid of any partiality, internal critics appear to lack this crucial quality of "critical distance" (Walzer, 1987: 35-36).

Nevertheless, Walzer argues that the kind of distance at stake here is not the detachment from the society at large but rather the distance "from certain sorts of power relationships within society" (*ibid.*: 60). What critics need to detach themselves from is "not connection [as such] but authority and domination" (*ibid.*: 60). The best social critic is thus someone who is *in* the society yet *outside* of its dominant power structure. "Marginality" of critics is hence "one way of establishing (or experiencing) this critical distance" (*ibid.*: 60). Those placed at the margins of society are probably the best critics, because they are outside of the mainstream positions and the dominant paradigm of thought. Because of this status, they see and experience what those in the mainstream may not see and experience, and as such could bring truly keen and critical insights. Their views are valuable to unsettle received ways of life. Thus, internal criticism is most likely to arise from the margins of society, where experience is different and vested interest in the status quo is absent.

The importance of marginality of critics was also pointed out by Scheman (Scheman, 1996: 387, 389-390). The existence of marginality demonstrates the sometimes neglected fact that a culture is never truly homogeneous; that on the margins of a seemingly consensual social life, there may be those who do not fit this

prevailing norm. As she also discusses, the frequent invocation of "we", such as in the remark I cited earlier – "that is the way *we* happen to do things around here" – may exaggerate the extent to which such norms are actually accepted by the members of society.

But Scheman particularly stresses the role of a position that might be termed "privileged marginality" (*ibid.*: 390). The phrase is indeed a curious juxtaposition of opposites; normally, the privileged are those situated at the "centre" of a power structure of society while the marginals are those at the "periphery" of that structure. According to Scheman, the combination of these two means, importantly, that the location of marginality itself is a privilege (because they can obtain critical views against the dominant standpoint). But it also means that there are those in society who are both "privileged" enough to have their voice heard by the rest of society and yet "marginal" in the sense that their social positions are not quite within the power structure. Academics and philosophers, especially, in her view, are said to have such privileged marginality.

Scheman's suggestion is interesting, although, closely examined, the notions of privilege, power, and marginality involve not so much static but rather shifting positions, reflecting different dimensions of power relations in society. Academics, in Scheman's view, are said to be generally outside of the power apparatus of society, but they possess a certain privilege of belonging to the professional class, as well as of commanding intellectual authority. As a shifting notion, however, the question of marginality may be potentially complicated, as when we try to determine which social groups are truly in the position of the marginal to claim the status of the privileged critic. Nonetheless, the idea is a hopeful one, and can also be applied to the present issue. A criticism can begin from inside a culture, from the margins of it, and some critics are even ideally situated for it. It may

be that feminist academics are such privileged marginals. As women, feminist scholars may be outside of the influential structure of society, and as those who study feminism, they possess marginality in that they are often distanced from, or critical of, the dominant paradigm of thought. However, qua scholars, they nonetheless have the privilege of access to the resources of knowledge and also have the capacity and opportunity to disseminate their critical views. Their status also commands a certain respectability in society. If some initiatives are to start to bring about a change in the existing status of women in the culture, they are also the ones who could initiate such a task.[4]

Nevertheless, if their criticism is to win wider support, it should appeal to already existing local values and norms. What critics should do, according to Walzer, is to interpret and elaborate on those already shared norms and morality, and give an account of them in a way that shows the connection between these morals and critics' own contentions. What, then, could one say about pornography and the form of life according to this immanent form of criticism? Walzer claims that the existing morality "provides us with everything we need to live a moral life" (Walzer, 1987: 21); that "[e]very human society provides for its members...standards of virtuous character, worthy performance, just social arrangements. (...) [T]hey are embodied in many different forms; legal and religious texts, moral tales, epic poems, codes of behavior, ritual practices, etc." (*ibid.*: 47-48).

It may be that valuable resources to oppose pornographic culture are found in other stories and narratives coexisting in the form of life.[5] Novels are often good illustrative examples that attest to our already shared morality. We would find alternative stories of love and sexual relationships that articulate different values that are largely absent in the pornographic language-game. We would find, for example, the value of a mutually caring and supportive relationship between a man

and a woman, and descriptions of sexual relations that are thought to be valuable and meaningful, *because* they reflect and constitute a generally loving relationship. Some of the contemporary sexual norms separate sex acts from this overall context, and thus appear very much "reductive" in their treatment of our sexual life or even look contrary to those other values that we hold. Storm Jameson is thus severely critical of pornography and contrasts its treatment of sexual relations with that in *Romeo and Juliet*:

> By cutting the sexual act out of the complex web of human relationships, to expose it in the form of naïve recital of bodily gestures and sensations, its authors make everything much too easy for themselves. Nothing, but nothing, is so easy to describe as physical postures. What Romeo may have done with the parts of his body, or what he said in the act, his creator did not think worth recording. Since what he wanted was to give a sense of overwhelming erotic delight, its intensity would have been lowered and dulled by insisting on attention to the animal gestures (Jameson, 1972: 211).

Nussbaum's objection to *Playboy* also partly reflects a similar reasoning. The magazine's treatment of women, she argues, shows that sex is cut off from "any deep connection with self-expression or emotion", and the sexual partners are merely seen as pieces of "interchangeable commodities" (Nussbaum, 2000: 234). Whereas, if we turn to such works as those by D. H. Lawrence, we see the kind of sexual relationship that is fully reciprocal and takes place in the context of mutual sympathy and concern. Furthermore, sex is regarded there not only as the expression of one's love for one's partner but also as an important medium for one's own self-expression (*ibid.*: 230-231; see also Section 5). Jameson and Nussbaum in fact hold that norms reflected in pornography disregard human values and emotion, which they think ought to be the universal standards. However, the point here is that such values are already represented in locally existing narratives; here we see different attitudes towards sexual relations. These stories suggest that it is also part of the community's

world-view that sex is embedded in a deeply emotional human affair; it reflects one's fundamental regard for one's partner and can also be a significant expression of oneself. Thus, *when* some sex norms and pornography appear essentially to contradict such values, there are grounds for criticism.

It is not entirely clear, however, how customary values might be employed to challenge norms of gender as such. Such values are often known to be complicit with, rather than transformative of, the existing social roles of the sexes. As discussed in the chapter on silencing, traditional gender stereotypes are also reflected in pornography. As I argue in the next section, a critique of gender norms may in the end have to be more explicitly a political one. However, one way of resisting the prevailing image of sexualised female identity, for example, is to provide alternative descriptions of it. It could be done partly, by stressing various roles that women already play in diverse spheres of society, and a variety of skills, talent, and qualities that they manifest in respective fields. There are professional women, career business women, and women athletes, to name a few, and women's identity can be, empirically speaking, multiple and various.

Immanent social criticism thus does not invoke anything like an objective, universal truth that transcends a particular human culture. It rather finds resources for a critique from within the culture, by means of reinterpreting the already existing shared morality, values, norms, and practices. The worry sometimes expressed about this interpretive method of social criticism is, however, that we cannot always tell "bad" interpretations from "good" ones, and that there is in the end no way of telling which is the best account of our morality. Walzer acknowledges such an objection and agrees that there is indeed "no definitive way of ending [our] disagreement" about better interpretations (Walzer, 1987: 28). In such a case, we would simply

need to continue our arguments. But whether our arguments are immanent or not, their acceptance is not always guaranteed, and the chances of that acceptance seem higher if the ideas and beliefs are not so foreign.

As far as the norm of gender is concerned, however, the problem may arise in another dimension. People's ideas about women's nature are often formed not through particular theoretical reflections but through looking at the already existing relationship between the sexes, and also through prevailing images, art, and stories circulating in society. The current stories and narratives are, however, often filled with stereotypical images of women, which seem to pose an obstacle to a redescription of women's identity. One can only hope for incremental change in people's attitudes and perceptions through constant offering of alternative accounts.

Overall, however, the interpretive or immanent method of social criticism seems to best accord with Wittgenstein's philosophical approach. All approbation or disapprobation of practices is internal, and no transcendent guidance is called for. "The problems are solved, not by reporting new experience, but by arranging what we have always known" (Wittgenstein, 2001: 40, #109).

4. Political criticism

Scheman argued that our social practices are "immanently revisable", by "calling...for a change *that begins with a politically conscious placing of ourselves within, but somewhere on the margins of, a form of life*" (Scheman, 1996: 387, emphasis added). This suggests that an immanent form of social criticism can have a political character. It seems that, for feminists, who are concerned with pornography, there is another way of problematizing the existing form of life. They can

also engage in a "politically conscious" form of critique; they could argue that pornography and some norms which it reflects are "oppressive"; that these social norms conflict with women's equality and liberty.

After all, the liberal society is expressly committed to equality and liberty of all citizens; these are also the values that the society holds. In fact, these are some of the supreme values that the members of the society share. Feminists could invoke these values and argue that some social norms, or some interpretations of women are problematic, because they are not conducive to women's equality and liberty.

As we know, however, this is the central feminist argument against pornography, and this is why I stated that the feminists' objection to pornography would still hold in the light of the suggestion that there is no transcendent or absolute ground for a critique. By appealing to our already expressed commitment to democratic values, the criticism becomes not only immanent but a more overtly political one. Pornography and the related gender norms therefore still remain problematic in this regard. I want to explain this point a little further.

Gender norms and subordination of women

I have argued that pornography reflects the cultural norm which associates women with sexuality. I have, however, also acknowledged that such a norm may not be dismissed outright as wrong, because there are no ways of telling the correct or incorrect identity of woman. Some may argue that we simply have different views on this issue. I have also said that people's ideas about female identity are often formed not in the way of theoretical understandings but in the way of much less rigorous understandings. Such ideas tend to be influenced by what they commonly see and read in images, stories, art, and daily

practice; i.e., what Taylor called "social imaginaries". If one were to oppose the pornographic descriptions of women, according to the previous argument, one would invoke the existing morality, which would disapprove of the fundamental separation of sex from our other cherished values and emotions. Or, another way to cope with characteristic images of women is to offer alternative interpretations of women's identity, by pointing out various other nonsexual roles women already play in society. Nevertheless, the difficulty here seems to be that we do not have a means of telling which interpretation of women is, in the end, better or worse; and hence whether a change in the prevailing imagery is ultimately better or worse for women. From an earlier discussion, an immanent critique seems to suggest only that "there are different ways of seeing" women in the community.

Feminists, however, often found problematic the range of typecast feminine models offered in conventional narratives. The female characters that often appear in our social imaginaries do not suggest innovative roles. When women play a positive role, they are more or less tied to conservative positions which they have been assigned to, such as the role of good mother, wife, or daughter. Lovibond also noted that in our everyday life we are often led to "interpret ourselves and our neighbours in terms of a rather more topical range of 'imputed characters' "(Lovibond: 1987: 23),[6] and a list of such quotidian "imputations" does not look so inspiring in terms of offering alternative accounts of women's identity or empowering women's situation.

The point is that conventional norms about women often militate against women's achieving substantive equality with men. Historically speaking, the prevailing ideas about women's nature or identity often contributed to the marginalization of women in society (e.g., such ideas as that women have a weak moral capacity; see Morgan, 1987).

In many parts of the world cultural traditions still bind women in different ways and assign them to predetermined social roles.[7]

What may be called for therefore, in addition to, or perhaps more than, just pointing at alternative interpretations of female identity, is to call into question directly some of the customary ideas about women's nature or identity; that is, to call them into question, because we do not think that the following of these norms is favourable in terms of protecting and improving women's status in society. Lovibond suggests that such censuring and challenging of conventional assumptions is ultimately crucial if we are to alter the persisting inequality between men and women. If we want to rectify the existing gender inequality, she suggests, then it would entail "a thorough-going revision of the *range* of social scripts, narrative archetypes, ways of life, ways of earning a living, etc. available to individual women and men" (*ibid.*: 22).[8]

The argument about pornography in fact made the case that pornography and the gender norm which it reflects can indeed conflict with women's equality and liberty. This is the reason why these practices are objected to. It is not argued, however, that these norms thus *always* adversely affect women's status, liberty, or power; nor is it claimed here that they are the only cause for women's having these disadvantages; it is argued that they seem to importantly contribute to such social and political disadvantages.

Some feminists in fact point to "culture" in general as the key factor in explaining women's inequality. Elizabeth Frazer and Nicola Lacey argue that the "explanation of women's subordination and the experience of femininity cannot be reduced to biology, economics, psychic drives or irrationality, but is institutionalised in values, practices, and discourses" (Frazer and Lacey, 1993: 107). They

criticize liberal theorists' tendency to focus on "traditional, concrete political institutions", and not to pay sufficient attention to "less tangible factors", such as "discourses and traditions" (*ibid.*: 1993: 54). People's mundane and unquestioning following of cultural values, norms and discourse reinforce the stereotyped nature, function, and role for women, perpetuate the existing gender division and hierarchy, and thus can become the cause of oppression (cf. Young, 1991b: 41). Pornography and the norm of sexualisation of women are also such cultural norms that bring about similar consequences. Some may question whether "culture" really is the crucial factor in producing women's subordinate status, and whether other reasons, such as legal and economic circumstances, might not be more relevant. However, although there are perhaps complex causes that could explain women's subordination, it seems undeniable that "culture", which vitally affects and guides people's everyday attitudes and behaviour, must be an important factor that underlies the structure of social organization and relations.

The point is therefore that cultural norms can be a cause of subordination of women, and it appears to be the case too with pornography and the gender norm which it reflects. The critique thus becomes a more explicitly political one in the sense that it brings to our attention the political significance of existing cultural norms and practices. This political critique of the form of life is still compatible with an immanent critique, in the sense that it appeals to our commitment to the principles of liberty and equality; i.e., the values presupposed in liberal democratic society. The existing form of life is criticized, because it is not favourable to promoting women's liberty and equality.

There is, however, also the issue of how to achieve the transformation of the form of life. If norms are pervasive, it may not be effective to

attempt to select and regulate certain speech and conduct. Although a case for regulating pornography may still be made, in practice, to determine what exactly counts as pornography could prove to be difficult. This seems to suggest the importance of *politicisation* of the norms, critical dialogue among the public, to unsettle the taken-for-granted pattern of following the norms. What is needed is to educate the public about the implication of some social practice and to aim for changes in the habits of thought, everyday attitudes and behaviour, concerning gender norms and relations. People's unquestioning following of norms would need to be called into question to initiate a change in the form of life.[9]

Sometimes the non-interventionist approach is defended on the grounds of a distinction between the realm of essentially private conduct and that of public and political matters. Matters pertaining to sex and the sexual, and such cultural norms as gender norms, may be thought to belong to the private realm according to this distinction. But the separation of personal and political is sometimes misleading, and no legal intervention, of course, does not have to preclude public discussion at all. Furthermore, a clear demarcation between the personal and the public political realm may not be maintained, especially when cultural norms and habits have political implications. We may not recommend our objection to existing norms as law; however, in order for people's awareness to be raised and perceptions to be changed with regard to the implication of pornography and related norms, these need to be much in the public discussion and have to be politicised. The aim, then, first, is to raise awareness in order that it will lead to changes in perceptions and attitudes.

I started this section discussing a certain difficulty with an approach which only points to an alternative interpretation of women's identity to challenge the prevailing norm of femininity; from this approach, we

could not say confidently which interpretations are ultimately better or worse. However, this is not the only critique possible under the immanent method; I have argued that pornography and the gender norm which it reflects are problematic, because they tend to contribute to women's social and political disadvantages. Hence, a change in these norms, a change in the form of life is *better* in terms of empowering women's status and promoting their interests.

5. Social norms and women's dignity

I have thus attempted to show that the immanent form of social criticism is still available, even if we broadly accept the Wittgensteinian view of the form of life. Feminists can still assess and question pornography and the related norms, by invoking other norms and values, which are also present and shared, including the democratic values of liberal society.

In criticizing the existing cultural practices, some explicitly part with the Wittgensteinian standpoint, arguing that there *are* universal standards of right and wrong, against which the existing practices can be duly evaluated. Nussbaum takes such a view. In her recent books on the issues of culture and sexual justice, Nussbaum clearly argued for the rightness of appealing to the universal, "humanist" values in assessing social norms and institutions (Nussbaum, 1995a, 2000). Nussbaum's philosophical position certainly appears to be at odds with the Wittgensteinian one, which denies the availability of values which would transcend the existing practices. Nonetheless, the moral values which Nussbaum invokes in her arguments do not appear to be "alien" to liberal society; in fact, they are also part of the moral language that people in liberal society often invoke, either implicitly or explicitly. Her view, therefore, would seem to offer another way of examining the existing form of life, which, as far as the present issue

is concerned, is still compatible with an immanent critique. I would thus like to turn to Nussbaum's arguments briefly, before I conclude this chapter.

Nussbaum argues that all human beings have dignity, which deserves respect from other members of society and institutions. This dignity of human beings entails "an idea of *equal* worth" of each person, regardless of sex, race, and class, etc.; i.e., regardless of any innate or contingent characteristics of the person. Human dignity is accordingly held equally by all persons, "just in virtue of being human". This idea of the equal worth of human beings is also said to be strongly connected with "an idea of liberty"; for to respect the equal worth of individual humans is also to respect their capacity to shape and direct their lives according to their own values and wishes (Nussbaum, 2000.: 5).

She thinks that the dignity of human beings is therefore a central moral value that needs to be protected anywhere in the world. The importance of human dignity is also expressed in her concept of essential "human capabilities" or "human functions" – a concept which she believes can serve as a critical standard against which the existing social institutions and norms can be evaluated. There are, she argues, certain vital human activities or functions, which "are likely to have a special importance for everything else [humans] choose and do" (*ibid.*: 40). To protect human dignity, in a fundamental sense, consists in the preservation of these important human capabilities of all citizens.

Nussbaum has devised a long list of such essential human capabilities ("being able to have a good health"; "being able to be secure against violent assault," etc.; (see *ibid.*: 41; also Nussbaum, 1995a)), but one of them is explicitly linked to the idea of the dignity of each human

being itself. One of the central human capabilities is that every member of society is able to "[have] the social bases of self-respect and nonhumiliation; ... be treated as a dignified human being whose worth is equal to that of others..." (*ibid.*: 41).

The centrality of human dignity is also reflected in her criticism of sexual objectification, especially pornography, in American society (Nussbaum, 1995b; Nussbaum, 2000). She argues that, although pornography, such as *Playboy*, claims to celebrate women's beauty and sexuality, taken as a whole, what it does is in fact the denial of the regard for the dignity of women. *Playboy* treats women fundamentally as an object of male sexual use; the message the magazine relates to the reader is, "Whatever else this woman is and does, for us she is an object for sexual enjoyment" (Nussbaum, 2000: 234). Women, whoever they are and whatever class they belong to, all essentially turn into "cunts" before male prowess. In *Playboy*, women – whether they are tennis players or Ivy League students – all come to play the same function. They also become pieces of "interchangeable commodities...very like cars, or suits, namely, expensive possessions that mark one's status in the world of men" (*ibid.*: 234). Thus pornographic objectification involves the commodification, fungibility, ownership, and, of course, fundamental instrumentalization of women (*ibid.*: 234-235).

Nussbaum's criticism of pornography in fact resonates with that made by MacKinnon and Andrea Dworkin (see also Garry, 1978). Although the radical feminists do not explicitly invoke the language of the dignity of persons, the idea is very much implicit in their critique; fundamentally, for these feminists, pornography is objectionable, because it entails the *dehumanisation* of women: the denial of women's dignity and autonomy; women who are made to exist not as ends in themselves but merely as instruments or "things" that gratify

male sexual needs. It is not difficult to find some passages in MacKinnon's and Dworkin's writings which indicate this thought. MacKinnon says, for example, women are "beings that exist for men" (MacKinnon, 1983: 531) (indicating instrumentality); they are defined by pornography as "to be acted upon" (MacKinnon, 1987: 130) (indicating a passive object). MacKinnon and Dworkin's civil rights ordinance against pornography partly defined it as that which "[dehumanize women] as sexual objects or things for use"; pornography, in their view, is something that treats women "less than human, on the basis of sex" (MacKinnon, 1996: 22-23).

The value of dignity of each human being is indeed the value that liberal society is already strongly committed to. It may be argued that one reason why the social norms are currently not so propitious to women's interests and become a cause of oppression is that they are often expressed in a way that disregards this basic requirement of respect for the worth of women. Stereotypical characterization and "use" of women's sexuality not only in pornography but also in some corporate advertisements (e.g., motor shows) are a testimony that women in our society can still be "less than fully human"; they can be an instrument, a sexualised object for use by another.

If the contention of the opponents of pornography is mainly that it "destroys something of value" in society (Mendus, 1985: 111), then pornography and similar social norms do commonly denigrate "something of value". The moral value, which may be invoked to criticize the form of life, therefore could also be women's dignity as human beings; this is also a cherished idea of liberal society. Some social norms are deemed to be incompatible with our commitment to respect each one's dignity – one may say of this idea that to respect a person's dignity is not to treat her as one's subordinate, an inferior human being; to treat her as a morally autonomous human being with

her own reason and emotions; and not to regard her as something to be possessed, sexually dominated, and brutalized. Furthermore, to accord her respect is not to belittle her moral status, by debasing her character, by equating her body with impurity, or her sexuality with immorality. Fundamentally, to respect her humanity means to give her symmetrical regard and concern.

Although Nussbaum advanced the idea of human dignity as a universal humanist value to be protected, this is also a value not foreign to liberal society. Feminists, hence, could also appeal to this idea of dignity and argue that some existing social norms are problematic, because they undermine women's dignity.

6. Conclusion: Critique and transformation of the Background

I have thus argued that a critique of the form of life is still possible, even if one follows a Wittgensteinian perspective. The form of life of liberal society contains those values which could be invoked to call into question the pornographic language-game. Our form of life is not monolithic; it includes diverse views and positions, and these are the resources that could be deployed to question existing practices. Thus, a critique and changes in the form of life, as Scheman noted, could commence from somewhere *within* the form of life.

This, however, raises a question as to what extent our form of life is indeed "given". At one point, Wittgenstein remarked that our "language-game does change with time" (Wittgenstein, 1979: 34e, #256; cf, Winch, 1990: 15). Hekman suggests that Wittgenstein's philosophy in fact involves a very complex notion of changes in the form of life. This appears in the context where he evokes the metaphor of the water running through a river and the "riverbed". The riverbed here seems to imply the bedrock of our beliefs, our world-views

(Wittgenstein in fact calls world-views "mythology" here). Wittgenstein suggests how changes in our individual beliefs might occur, and how these changes might slowly but eventually alter the bedrock (the riverbed) itself:

> It might be imagined that some propositions, of the form of empirical propositions, were hardened and functioned as channels for such empirical propositions as were not hardened but fluid; and that this relation altered with time, in that fluid propositions hardened, and hard ones became fluid.
>
> The mythology may change back into a state of flux, the river-bed of thoughts may shift. But I distinguish between the movement of the waters on the river-bed and the shift of the bed itself; though there is not a sharp division of the one from the other (Wittgenstein, 1979: 15e, #96-97).

What Wittgenstein calls "empirical propositions" express our beliefs and ideas which can be assessed as "true or false" (O'Connor, 2002: 32-33; Mulhall and Swift, 1996:268). Some of these are "fluid" and can be doubted, but others may function as the ground against which other propositions could be assessed. But these relations could alter "with time". The riverbed, itself, finally, seems to change its path slowly. Wittgenstein here in fact suggests that our form of life does transform itself over a long period. Hekman argues that this shifting-riverbed metaphor by Wittgenstein would offer a valuable insight to feminists, who wish for changes in the current practices:

> The riverbed...shifts not overnight but over time. It changes course eventually because the water flows through an adjacent section of the riverbed, a section connected by rock and sand to the main riverbed. Change is thus effected by connection, not radical relocation. I interpret this to mean that social and linguistic change is a function of the redeployment and redefinition of words and practices that already exist in social life. Social reformers take linguistic tools that are already at their disposal and reemploy them in new areas; they take the familiar and turn it to unfamiliar purposes. The result is new social/linguistic practices (Hekman, 1999: 130-131).

Transformation in the form of life therefore proceeds gradually. The change can begin by our politicising and questioning the background habits and assumptions, and by refusing to conform to accepted norms. Individual women may then "redefine" the norms of femininity. As Hekman argues, the changes would not entail a sudden overthrow of the form of life, but would involve, first of all, people's conscious engagement with it.

Notes

[1] Hans Sluga, however, argues that Wittgenstein's is not "careless relativism" but "a form of naturalism", (Sluga, 1996: 22), by which he is said to mean that the world constrains the nature of language-games that can be played.

[2] This theme is mostly taken up in *On Certainty*, where Wittgenstein uses the term "world-picture" to describe a shared background of beliefs or knowledge (e.g., Wittgenstein, 1974: 15, #94). Kober points out the resemblances between the notion of a "form of life" and that of a "world-picture" (Kober, 1996: 418-419).

[3] Hekman, however, argues that Wittgenstein's concept of the Background involves a complicated notion of its change (Hekman, 1999: 129-130). I will come back to this point later in the chapter.

[4] I do not wish to deny the tremendous dedication and contribution to women's causes that have been made and are made daily by non-academic women activists. I think they are also critics on the margins of the form of life. I only wish to point out that feminist academics have some privileges that accrue to their professional status.

[5] This is partly the approach taken by Nussbaum in her discussion of objectification (Nussbaum, 1995b; 2000), which is thus compatible with an

immanent criticism, although her ethical arguments are fundamentally universalist.

[6] In the original context, Lovibond raises the issue with respect to MacIntyre's claim in *After Virtue* that the community's "mythology" is a good source of moral guidance. She argues that it is not so assuring in terms of sexual politics.

[7] For examples of such traditional norms, see, e.g., Nussbaum and Glover (1995) and Nussbaum (2000).

[8] Again, it should be perhaps mentioned that, in the original context, Lovibond's central contention is against those postmodernist theorists whom she regards as failing to offer a means of condemning the unjust social arrangements, including the fixed pattern of sex roles. Of the social norms and institutions which she is critiquing, she seems to have in mind particularly the society's "functionalist" assumption that women's role is "to reproduce and nurture the species" (*ibid.*:22).

[9] See Cheshire Calhoun (1990). Calhoun argues that, although individuals cannot be held "morally blameworthy" for unconsciously following some (oppressive) norms and habits, they may still be held "responsible" for not undoing or unlearning such practices.

Conclusion

Feminists who opposed pornography contended that it is a practice of "sex discrimination", a "violation of women's civil rights", and an institution of subordination of women. Although feminist activists who raised objections to pornography were often publicly maligned by their opponents (witness, for instance, pornographers' vilifications of Andrea Dworkin (Bindel, 2005)), in this thesis, I have tried to show that the main thrusts of these feminist arguments are defensible; there are in fact ways in which pornography contributes to women's lesser standing in society and limited freedom. I have, however, attempted to illuminate these problems by exploring the issues which have not been fully examined by these feminists; crucially, I offered an account of the meaning of pornography, informed by a Wittgensteinian view of social practices.

I first attended to Langton's (later also Hornsby's) analysis of pornographic speech made from a perspective of speech act theory. Hornsby and Langton attempted to show that the feminist claim that pornography subordinates and silences women is philosophically coherent and defensible. Langton argued that pornography may be said to constitute subordinating speech, because its illocutionary acts subordinate women. Hornsby and Langton further claimed that pornography possibly contributes to a social climate, whereby the linguistic condition of "reciprocity" between men and women is undermined; that is, pornography's social influence is such that it

prevents men's "uptake" of women's illocutionary acts, depriving women of the ability to perform these acts, especially in a sexual context.

I elaborated speech act analysis, and defended Hornsby and Langton's position against some critics. I particularly defended the point that our illocution requires the audience's "uptake" to succeed. The attention to relational and communicative nature of our speech acts would offer an understanding of why some speech could "fail" even though the utterance act itself is not physically prevented.

Although Langton and Hornsby's speech act argument is illuminating, their analyses seem to leave further questions. I addressed these questions and supplemented speech act analysis by drawing on ideas from the philosophy of the "Background". The concept of the "Background" (or "a form of life") in this thesis was meant to capture the sense that our speech and actions are always part of a shared social life; they are enmeshed with, or related with, other speech and activities in the community; individual speech and actions are given their meaning and significance by this Background.

Drawing on this idea of the Background, I attempted to explain the social meaning of pornography. I argued that pornography is also integrated with the shared community life and reflects some cultural norms and values presupposed by members of the community. Our pornographic language-game derives meaning from, and is enabled by, these Background norms and values. Borrowing the notion of "social character" from Alasdair MacIntyre, I further argued that the pornographer in the contemporary liberal culture may be said to be such a "social character;" the pornographer embodies and exemplifies shared values and norms related to sex and gender. It is in this

pornographer's unique capacity to embody certain norms of society that I argued that he may be said to have "authoritative" status.

It was explained that the linguistic approach to the issue of pornography was a relatively recent innovation, and it was an approach which distinguished itself from a standard empirical and causal harm argument against pornography. But the investigation into the meaning of pornography carried out in this thesis points also to an intricate causal connection between cultural norms and women's status (cf. Cameron and Frazer, 1992; MacKinnon, 1987: 156-157). Cultural norms often reinforce existing roles and functions for women and also offer ready-made ideas of femininity (stereotypes, if you will), which people can daily interact with. The collective consequence of people's acceptance and following of these norms can lead to social and political disadvantages for some individual women. Cultural norms, such as pornography, in short, are playing an important part in creating a social condition which is conducive to women's social and sexual subordination. This does not mean to suggest a straightforward causal relation between cultural norms and the status of women in society. This rather suggests a complex way in which the idea of female identity, or subjectivity, is constructed and sustained through everyday social norms and the way in which this could come to affect individual women's lives in different ways.

Although the Wittgensteinian view of the form of life has a prima facie conservative character, I argued that the immanent form of social criticism is still available and the present form of life and the pornographic language-game may be transformed. There are divisions and diversities within the form of life, and these are the resources that could be employed to assess and criticize the existing social norms. Some of the received values of the liberal society, such as the idea of

sexual equality and respect for the dignity of human beings, could be appealed to for this purpose.

The suggestion that cultural norms affect women's status also means that cultural practices cannot be simply exonerated as "private" matters located outside the scope of our political concern. Although the thesis has not offered much in the way of providing a blueprint for actions to change the present form of life, it has indicated the importance of individuals' consciously and critically engaging with accepted habits of thought and practice. Some individuals, such as feminist academics and activists, may need to take the initiative in order to unsettle some of our Background assumptions and norms and call for a change in the form of life.

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