

PORNOGRAPHY AS A SPEECH ACT

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1. Langton offers four examples of illocutionary disablement: “fire!”; gay marriage; attempting to vote under Apartheid; a woman attempting Islamic divorce.

The actor says words that are appropriate for the action he wants to perform. He gets the locutionary act exactly right. He intends to warn; if appropriate intention is among warning's felicity conditions, then that is a condition he satisfies. But he does not warn. Uptake is not secured. Something about the role he occupies prevents his utterance from counting as a warning. Something, perhaps, about the conventions of theatre constrains the speech acts he can make.

The felicity conditions of marriage are such that two male participants cannot succeed. The act of marriage is not speakable for homosexual couples. The power to marry, an important power available to other citizens, is not available to them.

Something about who he is prevents him from satisfying a crucial felicity condition. South African law prevents his utterance from counting as a vote: voting is not speakable for him. He too lacks an important political power available to other citizens.

Pronounced by a husband to his wife, [“I divorce you”] is an act of divorce. Not so if it is pronounced by the wife to her husband. No matter how hard she tries, a woman cannot succeed in divorcing her spouse by making that or any relevantly similar utterance. Divorce of that kind is an act that is unspeakable for women.

2. How can one speech act silence other speech acts? Specifically, how can a speech act produce illocutionary disablement for others? Langton takes this issue up starting on p. 319. It has to do with the way that a speech act can *set the conventions* that determine the felicity conditions of a speech act: e.g., the legislative act that bans gay marriage or denies black South Africans the right to vote.
3. Langton offers two plausible examples of illocutionary disablement caused by pornography: the inability to refuse consent by saying ‘No’ (320; 324); the uptake of Linda Lovelace’s *Ordeal* as a work of pornography rather than a work of protest (321). We should talk through these examples.

Saying “no” sometimes doesn’t work, but there are two ways in which it can fail to work. Sometimes the woman’s hearer recognizes the action she performs: i.e., he recognizes that she is refusing. Uptake is secured. In saying “no,” she really does refuse. By saying “no,” she intends to prevent her hearer from continuing his advances. But the hearer goes ahead and forces sex on the woman. She prohibits, but he fails to obey. She fails to achieve the goal of her refusal. Her refusal is frustrated. “Perlocutionary frustration” is too meek and academic a label for what is simple rape. (320)

Sometimes “no,” when spoken by a woman, does not count as the act of refusal. The hearer fails to recognize the utterance as a refusal; uptake is not secured. In saying “no” she may well intend to refuse. By saying “no” she intends to prevent sex, but she is far from doing as she intends. Since illocutionary force depends, in part, on uptake being secured, the woman fails to refuse. She is in the position of the actor in Davidson’s story, silenced as surely as the actor is silenced. (320)

In pornography of this kind there would be all kinds of locutions the women depicted could use to make the consent move. “Yes” is one such locution. “No” is just another. Here the refusal move is not itself eroticized as in the pornography considered earlier: it is absent altogether. Consent is the *only* thing a woman can do with her words in this game. Someone learning the rules of the game from this kind of pornography might not even recognize an attempted refusal. “Coming from her, I took it as consent,” he might say.⁵⁴ Refusal would be made unspeakable for a woman in that context. (324)

4. Langton claims that *refusal* is an *exercitive* illocutionary act—that is, one that requires the speaker to have the relevant sort of authority, and suggests that the sort of illocutionary disablement involved in the inability to refuse consent by saying ‘No’ implies that the speaker lacks authority over her own body.

Refusal, here, is a kind of prohibition, and it is an exercitive illocution, in Austin’s terms. To satisfy its felicity conditions, the speaker must have authority in a relevant domain. [...] A woman who prohibits sexual advances also has authority within the local domain of her own life, her own body. If she cannot prohibit, cannot refuse, the authority is absent. If she is disabled from speaking refusal, it is a sign that her body is, in a sense, not her own. If pornography prevents her from refusing, then pornography destroys her authority as it twists her words. (325)

5. What is the relation between illocutionary silencing and authority? (p. 315-16) In light of this, how might social inequalities both enable and limit speech? How might speech create, perpetuate, or eliminate social inequalities? What is the relation between social power, social authority, and the conventions that determine (and limit) what speech acts are possible?
6. Langton suggests that the classic Liberal defense of pornography begins from the assumption that it is the pornographer who lacks authority, who is the “underdog”. But she argues that, when it comes to the “game of sex”, the pornographer is actually the one who has authority. Discuss.

What is important here is not whether the speech of pornographers is universally held in high esteem: it is not-hence the common assumption among liberals that in defending pornographers they are defending the underdog. What is important is whether it is authoritative in the domain that counts-the domain of speech about sex-and whether it is authoritative for the hearers that count: people, men, boys, who in addition to wanting "entertainment," want to discover the right way to do things, want to know which moves in the sexual game are legitimate. (312)

7. A nearby concept, introduced by Miranda Fricker, is the concept of *hermeneutic injustice*. This is when you lack the concepts needed to express crucial facts about your own experience—the paradigm example is that, prior to the invention of the concept of sexual harassment, those who were being sexually harassed lacked the concept needed understand their own experience. Is that also a form of illocutionary silencing, or are they different?
8. Pornography is often debated as an issue having to do with free speech. Here are some things Langton says that relate to that:

On Austin's view, locutions on their own are nothing. Locutions are there to be used. Words are tools. Words are for doing things with. There is little point in giving someone tools if they cannot do things with them. And there is little point in allowing women words if we cannot do things with them. That, at any rate, is not free speech. (327)

The silencing claim is not really about ideas at all, but about people and what they do. It is not uncommon, in discussions about free speech, to cast ideas as the heroes of the story. Free speech is a good thing, because it provides a free marketplace for ideas where the best and truest ideas can win out in the end. (327)

The claim that pornography silences women is not about ideas, but about people. Free speech is a good thing because it *enables people to act*, enables people to do things with words: argue, protest, question, answer. Speech that silences is bad, not just because it restricts the ideas available on the shelves, but because it constrains people's actions. (328)