Illocutionary Acts and Inequality: A Feminist Critique of Pornography and Liberal Freedom

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Illocutionary Acts and Inequality: A Feminist Critique of Pornography and Liberal Freedom

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Abstract

This thesis explores the philosophical debate surrounding pornography, focusing primarily on its role in the subordination and silencing of women. The key work throughout this thesis is Rae Langton's influential essay, "Speech Acts and Unspeakable Acts", in which I examine her claim that pornography functions as a kind of speech act that holds the authority to reinforce gender power imbalances. The central research question guiding this thesis is: Can pornography, as a form of speech, perform illocutionary acts that actively contribute to women's social and political subordination, and how should this challenge liberal commitments to freedom of expression and autonomy? Each chapter engages with different aspects of this question: first, pornography's role in women's subordination; second, pornography's role in women's silencing; and third, pornography's protection under the principles of individual liberties, such as freedom of expression or freedom of autonomy. I hold that Langton's work remains a powerful tool for feminist critique of pornography—rather than reflecting misogynistic culture, pornography actively reinforces and constructs misogyny through its linguistic and cultural force. This thesis advocates for a rethinking of free speech and autonomy that considers the social context in which such freedoms are exercised and denied.

Dedication

To Annie McAfee—my grandmother and namesake. I am who I am because of you.

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Introduction

The debate surrounding pornography's role in the subordination of women has long been a central issue in feminist philosophy. Specifically, Rae Langton's influential essay, "Speech Acts and Unspeakable Acts" is at the forefront of this discussion, in which she draws on J.L. Austin's Speech Act Theory to argue that pornography is not merely a depiction of sexual acts, but an action that actively subordinates women. In this way, Langton asserts that pornography operates as an illocutionary act that has the authority to reinforce gender hierarchies by ranking women as objects for male pleasure and thus normalizes and eroticizes male dominance and silences women.

This thesis is framed around Langton's analysis and engages with her two primary claims regarding pornography's illocutionary force and the part it plays in women's subordination and silencing. I explore and defend Langton's argument that pornography is not simply a reflection of pre-existing social norms and attitudes, but rather actively contributes to gender inequality by reinforcing harmful structures that rank women as inferior, legitimate sexual violence, and thus deprives women of their own right to autonomy.

In chapter one, I carefully analyze Langton's first claim: that pornography has the illocutionary force to subordinate women. I draw on feminist philosophers, such as Louise Antony, Mari Mikkola, Jennifer Saul, and Claudia Bianchi, who engage with Langton's work, examining both the supportive and critical responses to her arguments. These responses engage with Langton's

concept of pornography as language and the ways in which it enables subordination by depicting it. Some scholars support Langton's claim, while others question the role of formal conventions—such as socially recognized rules of authority, speaker intention, and viewer uptake—and the impact of informal conventions—such as pre-existing gender norms—in determining whether pornography can successfully perform the illocutionary act of subordination. In this chapter, I argue that feminist philosophers who critique Langton often underestimate the role of informal conventions, which shape cultural scripts that determine viewers' perceptions of women, and the part that these informal conventions play in pornography's enabling of the subordination of women. I contend that Langton's framework remains crucial in understanding how pornography functions within cultural and social contexts, even when intention and interpretation are inconsistent and unconscious.

Chapter two delves into an analysis of Langton's second claim: that pornography has the illocutionary force to silence women by depriving them of their ability to refuse sexual advances. I draw on feminist philosophers such as Nancy Bauer and Lori Watson, who engage with Langton's silencing in various ways. While Bauer critiques Langton, Watson affirms and expands her argument, exploring whether pornography can truly be understood as a form of speech, and whether it possesses the authority necessary to silence women. In doing so, I aim to defend Langton's claim, examining the roles of language and authority in pornography's illocutionary force of silencing women.

In chapter three, I shift the focus from dissecting Langton's "Speech Acts and Unspeakable Acts" to examining views of two liberal defenses of pornography—specifically those by

philosophers Ronald Dworkin and Andrew Altman. These liberal philosophers argue that pornography must remain protected under principles of individual liberty, on the grounds of freedom of speech and freedom of sexual autonomy. While defending the right to produce and consume pornography, Dworkin and Altman contend that feminist critics often overlook that censorship risks disabling other freedoms. I argue that their accounts disregard the cultural harms that pornography causes, particularly its role in reinforcing gendered power dynamics that subordinate and silence women. In this chapter, I contend that true liberty cannot come at the expense of equality, and that pornography infringes on women's entitlement to both.

Throughout this thesis, I aim to show that Langton's framework remains a powerful tool for feminist critiques of pornography. Ultimately, I assert that pornography subordinates and silences women by actively shaping cultural norms that define women's status in society and disables their refusals through informal conventions that uphold gendered power imbalances.

1. Speech Acts and Social Norms: Feminist Critiques of Pornography's Role in Subordination

The debate surrounding pornography's role in the subordination of women is a central issue in feminist philosophy. Specifically, Rae Langton's "Speech Acts and Unspeakable Acts" is one of the most significant contributions to this discussion. In this essay, she argues that pornography subordinates women by reinforcing gendered power imbalances, positioning women as inferior and powerless.[1] Langton draws on J.L Austin's Speech Act Theory[2] and asserts that pornography functions as an illocutionary act that subordinates women, as it affirms male dominance and women's objectifications. Her assessment is built upon the work of Catharine MacKinnon, who famously claims that pornography is not merely a depiction of sex, but a constitutive act that enables and perpetuates subordination by portraying women as dehumanized sex objects.[3] In this way, pornography contributes to the subordination of women by influencing cultural norms and actively validating them.

Langton's argument is divided into two: first, pornography has the illocutionary force to subordinate women; and second, pornography has the illocutionary force to silence women. This

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[1] Rae Langton, "Speech acts and unspeakable acts." In *Philosophy and Public Affairs* 22, 4 (1993): 293-330, https://www.jstor.org/stable/pdf/2265469.pdf.

[2] J.L. Austin, *How to Do Things with Words.* Harvard University Press, 1962. https://pure.mpg.de/rest/items/item_2271128/component/file_2271430/content.

[3] Catharine MacKinnon, "Francis Biddle's Sister," *Feminism Unmodified*. Harvard University Press, 1987 p. 176. https://silverbronzo.wordpress.com/wp-content/uploads/2017/10/mackinnon-francis-biddles-sister-1984.pdf.

chapter explores the former, examining responses of other feminist philosophers, such as Mari Mikkola, Louise Antony, Jennifer Saul, and Claudia Bianchi. Some scholars support her claims about language while others critique it, raising questions about the ways in which pornography is interpreted and what conditions give it the illocutionary force to subordinate.

Specifically, this chapter examines two central questions: first, whether the illocutionary force of pornography depends on formal conventions or on deeply ingrained, informal gender norms; and second, whether the illocutionary act of subordination depends on the context of interpretation and viewer uptake. In this chapter, I argue that critiques of Langton's claim underestimate the role of informal gender norms, which function like background conventions that enable the illocutionary act of subordination. Furthermore, I assert that the reliance on the viewers' interpretations is not enough, as audiences are conditioned by the norms that pornography reinforces. Thus, I aim to prove that Langton's framework remains a powerful foundation for feminist critique of pornography, even when uptake is inconsistent and unconscious.

Pornography as an Illocutionary Act That Subordinates

According to Austin's Speech Act Theory, words have the power to perform actions. If someone were to say *I'm sorry*, an action has been made—they have performed the act of apologizing. This specific action—the apology that has been said and by being said, is made in an action—is an example of an illocutionary act. Langton argues that pornography acts as this same type of speech act—pornography is not just expressive speech but a kind of illocutionary act that

subordinates women. Just as saying *I'm sorry* performs an apology, pornography constitutes the subordination of women through its depictions of sex and portrayals of women.

To begin her argument, Langton questions whether speech can subordinate.[4] She holds that words can determine civil status and by depicting subordination, pornographers perpetuate subordination. She explains that pornography can have the *illocutionary force* of subordination and not have subordination as its locutionary content or as its perlocutionary effect. So, Langton asserts that pornography has the power to subordinate women through its depictions, without the actual content—the acts or words—explicitly conveying subordination or relying on the viewers' subsequent behaviors to enact harm.

To understand this, it is crucial to differentiate between the perlocutionary and illocutionary effects of pornography when considering its role in the subordination of women. Perlocutionary effects regard the consequences that follow from an utterance, while the illocutionary effects refer to the social change that the utterance enacts. In the case of pornography, perlocutionary effects might include reinforcing attitudes that women are objects for men's use and pleasure. The illocutionary effects, however, might be that pornography contributes to the reality in which women are placed at a lesser rank and positioned as objects for sexual desire rather than seen as equal to men. Pornography not only reinforces misogynistic scripts and attitudes but also enacts a cultural change that defines women as nothing other than a means for arousal, thus shaping their social status and undermining their recognition as individuals of equal worth and dignity.

[4] Langton, "Speech acts and unspeakable acts," 34.

Langton outlines three ways in which illocutionary acts can subordinate.[5] First, an illocutionary act can unjustly rank those it targets. Pornography reflects and reinforces the ranking of women as sex objects, teaching viewers that women are less than human—that they exist solely for male pleasure. Second, illocutionary acts subordinate when they legitimate discriminatory behavior. Langton explains that people come to believe discrimination is legitimate because it is represented as such. Pornography does not only depict acts of violence and male dominance—it presents them as normal and pleasurable, thus legitimating such behavior and making it seem socially permissible.

Finally, illocutionary acts subordinate when they unjustly deprive individuals of important powers. In his Speech Act Theory, Austin identifies "verdictives" as a class of speech acts that issue authoritative judgments supported by institutional or social power. For instance, when an umpire calls "fault" during a match, the play is invalidated—the umpire's role grants his words their authority, not the words themselves.[6] If a bystander were to shout "fault", they would have no effect. Only a person in power can determine the worth of something. Similarly, pornography functions as a verdictive locution: it enacts judgments issued from a position of power about women's worth and status. Pornography contributes to a world where men hold the authority to define women's value and women are stripped of the power to stand as equals.

This normalization of women's subordination is vividly illustrated by Rion Sabean's photo essay, a project titled the "Men-Ups Project," which Lori Watson discusses in *Debating*

[5] Langton, "Speech acts and unspeakable acts," 35.
[6] Langton, "Speech acts and unspeakable acts," 36.

Pornography, where she elaborates upon Langton's subordination claim.[7] In Sabean's work, men are photographed in traditionally feminine, pornographic poses. The images themselves display how social femininity invites objectification and male dominance—there is a discomfort that is created when the viewer sees men occupying these positions, revealing how deeply society associates submissiveness and sexual objectification with women's bodies. If the subjects were women, the poses would appear normal and not surprising. By reversing the gender dynamic, the project highlights how female submission is eroticized and normalized. This supports Langton's claim that pornography does not simply reflect but enacts and causes women's subordination, showing how depictions of sexualization contribute to gender hierarchies and cultural messages that rank women as lesser.

Langton's Subordination Claim: Critiques and Defenses

Langton's account of subordination through pornography has been widely influential, but it has not gone without critique. Philosophers have challenged Langton on her argument that pornography holds authority—this will be explored in chapter two, which delves into an analysis of Langton's silencing claim. This chapter will focus on other issues that specific philosophers have raised about Langton's subordination claim. In particular, Louise Antony, Mari Mikkola, and Jennifer Saul raise concerns about the claim that pornography constitutes women's subordination.

[7] Lori Watson, "Sex, Equality, and Pornography." In *Debating Pornography, Debating Ethics* (Oxford Academic, 2019; online edition, December 20, 2018), 168-169.

Louise Antony doubts the philosophical basis of Langton's constitutive subordination claim, particularly in her essay, "Be What I Say: Authority Versus Power in Pornography".[8] Antony criticizes Langton's use of Austin's Speech Act Theory, arguing that it does not accurately fit in with the Austinian view that the success of illocutionary acts depend upon accepted background conventions.[9] According to Austin, illocutionary acts only occur when the surrounding social conventions recognize them.[9] In contrast, perlocutionary effects can happen through nonconventional means—an utterance can cause a response without needing background conventions that control that reaction.

In Mikkola's book *Pornography: A Philosophical Introduction*, particularly in her section, "Philosophical Tenability of the Constitutive Subordination Claim", she expands on Antony's views, arguing that subordination is a complex phenomenon that cannot be explained by focusing on pornography as a constitutive force.[10] Mikkola and Antony agree that while pornography undoubtedly has perlocutionary effects—such as reinforcing dangerous behaviors toward women—it is less clear whether pornography achieves illocutionary subordination in the Austinian sense.[11] In order for pornography to have the illocutionary force to subordinate women, background conventions are required—conventions that recognize pornographic speech as authoritative acts of ranking and discrimination. However, Antony and Mikkola suggest that subordination as a practice does not seem to require such conventional backgrounds in the way

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[8] Louise Antony, "Be What I Say: Authority Versus Power in Pornography." In *Beyond Speech: Pornography and Analytic Feminist Philosophy*, edited by Mari Mikkola, 59–87. (Oxford Academic), April 20, 2017.
[9] Antony, "Be What I Say: Authority Versus Power in Pornography," 77.
[10] Mari Mikkola. "Philosophical Tenability of the Constitutive Subordination Claim." In *Pornography: A Philosophical Introduction*. (Oxford University Press, 2019), 44-50.
[11] Mikkola, "Philosophical Tenability of the Constitutive Subordination Claim," *45.*

that illocutionary acts do. Unlike the Umpire declaring a verdict, which requires established conventions to succeed, subordination can occur without formally recognized rules or norms being in place. People can subordinate others in many ways that do not rely on formal conventions—for example, through violence or speech, which do not necessarily depend on a set of background conventions. Antony highlights that subordination can happen in many ways, simply through power, without needing to follow a script or be authorized by society as a recognized act.[12] Thus, Mikkola and Antony challenge Langton's argument that pornography subordinates women through illocutionary force. They hold that if pornography does have subordinating effects, perhaps pornography's effects are better understood as perlocutionary—as outcomes that follow from speech without being controlled by conventions—rather than illocutionary acts.[13]

Although I understand Mikkola's and Antony's skepticism about how well pornography's illocutionary act of subordination aligns with Austinian illocution, I worry that their critique overlooks the ways in which conventions are internalized, specifically surrounding sex and gender. While they argue that illocutionary subordination depends on formal conventions, Langton's claim allows for informal conventions to function the same way as formal ones—implicitly, rather than being established in a legal or linguistic sense.

Mikkola and Antony suggest that subordination can occur independently of recognized conventions and through power alone, which may underestimate how deeply ingrained informal

[12] Antony, "Be What I Say: Authority Versus Power in Pornography," 64.
[13] Mikkola, *"*Philosophical Tenability of the Constitutive Subordination Claim," 45.

gendered conventions are. These conventions shape everyday social interactions and cultural norms. In pornography, these norms and sexual power dynamics are depicted and communicated, which constructs an implicit set of conventions that viewers internalize. For instance, boys and girls watch pornography as a form of sex education. Even if people are not formally teaching them that what they see is normal, they will still absorb messages about what is expected of them in sex. Pornography educates through informal conventions and these conditions enable the illocutionary act of subordination.

In this way, Langton's framework may work well with Austin's theory—pornography does not need to rely on formal conventions to act as an illocutionary speech act and instead, pornography reflects and reinforces the widely accepted, informal expectations of gender, particularly regarding male dominance and women's objectification. These norms are upheld by being repeatedly depicted in pornography and function as the background conventions that give pornography its illocutionary force. The subordination of women in pornography, then, is not merely a perlocutionary effect, but an active, constitutive speech act that both ranks and subordinates women.

However, Mikkola acknowledges that even if pornography's subordinating effects are merely perlocutionary rather than illocutionary, the political and moral concerns regarding pornography remain significant. She maintains that pornography's influence on attitudes and behaviors toward women is harmful enough to warrant feminist critique, regardless of whether it satisfies the standards of illocutionary harm.[14] Yet, Mikkola contends that if it is true that pornography

[14] Mikkola, "Philosophical Tenability of the Constitutive Subordination Claim," 45.

illocutionarily subordinates women, then pornography poses a greater threat to women's liberty and equality, as this would mean that this subordination would actively strip women of their civil rights.

Building on these concerns, Jennifer Saul, in her chapter, "Pornography, Speech Acts, and Context," suggests that Langton must settle for a less radical claim that says pornographic viewings *sometimes* subordinate women.[15] She and Mikkola agree that pornography is context-dependent and thus, not all pornography necessarily subordinates women.[16] Austin explains that for an illocutionary act to succeed, the utterance must be recognized by the audience as performing that act, which he calls achieving uptake.[17] If uptake is not achieved, the illocutionary act fails—the speaker's intention on performing an act through speech is not enough for the illocution to succeed. Hearers must recognize and accept that speech as performing the action. So, for pornography to subordinate, the subordination must be acknowledged and accepted by the viewer. If the viewer does not accept pornography's content as authoritative, then uptake is not achieved, and the illocutionary act of subordination fails.

Consider Saul's example of Ethel, a woman who lives in a society where people communicate through signs rather than spoken words.[18] Ethel creates a sign that says, "I do" and plans to use it in different situations—she can use it in agreeing to marry, confessing to a crime, or in another context. In a wedding ceremony, "I do" functions as a marriage vow and in a courtroom, it could

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[15] Jennifer Saul, "Pornography, Speech Acts and Context." In *Proceedings of the Aristotelian Society*, 106 (2006): 229-48. https://www.jstor.org/stable/4545459.
[16] Mikkola, "Philosophical Tenability of the Constitutive Subordination Claim," 46.
[17] Austin, *How to Do Things with Words*, 36.
[18] Saul, "Pornography, Speech Acts and Context," 235.

mean confessing to murder. The phrase is ambiguous; it only gains force when applied to a particular setting.

Saul argues that pornography is similar to Ethel's sign—a piece of pornography does not inherently subordinate women simply by existing, nor does it do so because of the producer's intent.[19] Instead, the power to subordinate depends on how it is viewed and in what context. Saul and Mikkola both argue that pornography can be engaged with in different ways.[20] Some viewers might consume it in ways that reinforce misogyny and treat women as inferior by accepting its portrayals of women as normal and unproblematic. These viewers take pornography to be authoritative and allow it to influence their behaviors toward women. Others, however, might criticize pornography and recognize its depictions as false and controversial, and not allow it to shape their beliefs or attitudes. In this case, pornography does not subordinate women, as the speech act fails to achieve uptake.

While Saul and Mikkola are right to point out that pornography can be interpreted in multiple ways, alternative interpretations are rare. Formal conventions refer to established, recognized rules that control how certain acts are understood in a society. On the other hand, informal conventions are implicit, social norms that shape behavior, even without being formally established. Langton's concern—and mine—is with the prevailing consumption of pornography, which reflects and reinforces patriarchal norms. Even though pornography can sometimes be interpreted in critical or feminist ways, this does not negate the fact that pornography typically

[19] Saul, "Pornography, Speech Acts and Context," 238.
[20] Mikkola, "Philosophical Tenability of the Constitutive Subordination Claim," 47.

functions to subordinate. The misogynistic norms created by pornography are internalized unconsciously, which gives those norms the power they hold. The scope of Langton's claim does not need to include every individual viewing—she focuses on the broader function of pornography and the way informal conventions surrounding sex and gender give it the illocutionary force to subordinate.

Mikkola builds on Saul's point regarding viewer uptake by distinguishing between the encoding (production) and decoding (viewing) contexts.[21] She contends that the illocutionary force—if Langton is correct that it exists in pornography—emerges during the decoding stage, when viewers engage with the content, rather than the production. If so, this would mean that not all instances of pornography subordinate women, and not all viewings function as speech acts of subordination. Mikkola and Saul hold that some pornographic viewings are benevolent, as they do not make the viewer more likely to treat women as inferior, take the viewings to be acts of subordinating women, or treat pornographers as authoritative about sex.[22] Saul argues—and Mikkola agrees—that if every instance of viewing pornography subordinates women, then all viewings would be complicated, including those approached with feminist intentions.[23] Even a feminist critic analyzing pornography to question its subordinating content would, by the act of viewing it, be involved in that subordination, regardless of their critical stance.[24] Thus, it would be impossible to engage with pornography without subordinating women, even if it were in a resistant context.

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[21] Mikkola, *"*Philosophical Tenability of the Constitutive Subordination Claim," 47.
[22] Mikkola, 47.
[23] Saul, "Pornography, Speech Acts and Context," 235.
[24] Saul, 235.

Mikkola finds this wrongheaded, as it treats all viewings of pornography as morally equivalent and ignores context and interpretation. Rather than arguing that pornography as a whole subordinates women, Mikkola and Saul push for a different claim—one that holds that only *some* viewings of pornography illocutionarily subordinate women, particularly viewings that accept and reinforce pornography's misogynistic messages and depictions.[25] As a result, this weakens the scope of Langton's constitutive subordination claim.

While Mikkola raises doubts regarding Langton's assertion that pornography constitutes illocutionary subordination, Claudia Bianchi defends Langton's view and targets Saul in her essay, "Indexicals, Speech Acts and Pornography". [26] While Saul argues that pornography's illocutionary force is determined by the context of decoding (how viewers interpret the material), Bianchi contends that it is the context of encoding, particularly the intentions that are communicated by the producer, that fixes a speech act's illocutionary force.[27] If pornography is produced with the intention of subordinating women and this objective is made available to the audience, then no amount of benevolent viewing can negate its illocutionary force. So, if the speaker's (producer's) intention is to subordinate, and the hearer (viewer) is aware of that intention, the act succeeds and thus subordinates.[28] Bianchi's argument shifts the focus back to the producer's intention and maintains that pornography's subordinating power is intertwined with its production, specifically when the audience can recognize the intention.

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[25] Mikkola, *"*Philosophical Tenability of the Constitutive Subordination Claim,*"* 47.
[26] Claudia Bianchi, "Indexicals, Speech Acts and Pornography," *Analysis* 68, no. 4 (2008): 310-16, https://www.jstor.org/stable/25597904.
[27] Bianchi, "Indexicals, Speech Acts and Pornography," 314.
[28] Bianchi, 314.

However, Mikkola pushes back on Bianchi's claim—she questions the plausibility of her argument regarding the creator's intent.[29] Langton herself admits that pornography may subordinate women, even if it is not the pornographers' intention to do so. Saul holds that some pornographers may produce pornography simply to make money.[30] Thus, even if misogyny is a result of the pornographers' content, this might be a perlocutionary effect, or an unintended outcome, rather than an illocutionary act. Mikkola presses this issue further by arguing that Bianchi's view requires access to each pornographers' intentions, which Mikkola notes is impossible to achieve.[31]

Again, however, this critique may overlook the role of the informal conventions that enable illocutionary subordination. Langton's claim does not depend on the producer's intention or formal conventions, but on internalized cultural norms that surround sex and gender. These informal conventions influence the expectations of both the creators and consumers of pornography. A producer may not consciously intend to subordinate women, but their content nonetheless reflects harmful patriarchal norms that viewers recognize and absorb, even unconsciously. Bianchi might respond that even if pornographers do not intend to subordinate women, they likely expect their work to be consumed in ways that reinforce subordination—but if this is true, the illocutionary force lies in the intended context, not in the pornographer's intention alone.

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[29] Mikkola, *"*Philosophical Tenability of the Constitutive Subordination Claim,*"* 47.
[30] Saul, "Pornography, Speech Acts and Context," 232.
[31] Mikkola, *"*Philosophical Tenability of the Constitutive Subordination Claim,*"* 48.

Mikkola asserts that for Bianchi's defense to succeed, pornographers would need to satisfy three conditions: first, the pornographic speech must have subordinating effects; second, viewers must interpret pornographic speech as subordinating women; and third, viewers must consider pornographers as being authoritative about sex. Moreover, she contends that pornographers would have to intend for their works to be consumed by those audiences.[32] Saul notes that most audiences do not take pornographic viewings to be subordinating—the primary audience that interprets pornography as subordinating are feminist critics who are actively working against pornography and its messages.[33] To Saul, it is not plausible to claim that pornographers are aiming their work at feminist critics and seeking to perform acts of subordination through their pornographic material. However, I question Saul's and Mikkola's reliance on viewer interpretation to determine illocutionary force—it presumes that viewers are in an epistemic position to recognize subordination when it occurs.

While pornography's depictions of subordination may be understood in a variety of ways, this interpretation fails to account for the normalization of subordination within society. For instance, if young men are consistently taught misogynistic norms through repeated exposure to pornography, they will inevitably come to perceive its portrayals of women—as sexual objects, submissive, or silenced—as not only normal but desirable. Pornography does not solely rely on the viewer's active uptake or interpretation—it instead works through informal conventions, which are the deeply embedded cultural scripts that shape how pornography is produced and

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[32] Mikkola, 48.

[33] Saul, "Pornography, Speech Acts and Context," 240.

consumed. These conventions normalize subordination, making it not a matter of individual interpretation but of what is already established in the culture surrounding pornography.

Pornography has an inherent subordinating quality that operates within informal conventions, regardless of whether the producer intends it or the consumer consciously recognizes it. Even if the producer's intention is not to subordinate, or the viewer does not consciously interpret the material as subordinating, these informal conventions that are already in place are powerful enough to perpetuate and enable subordination. The cultural scripts that control the production and consumption of pornography function independently of individual intent or recognition, thus functioning as a force that reinforces gender power imbalances.

Bianchi's emphasis on encoded intent—the producer's intentions—might not be the most sufficient framework in understanding the ways pornography operates. While it is difficult to discern the exact intentions of each individual pornographer, the bigger issue lies in the role of the broader cultural, informal conventions that function implicitly, shaping how pornography is both understood and consumed. So, in determining the illocutionary force of subordination, these conventions are more important than the intentions of the pornographer or the viewer's interpretation.

In this chapter, I have explored Rae Langton's claim that pornography subordinates women through its illocutionary force and reinforces gendered power dynamics and women's ranking as inferior. She draws from J.L. Austin's Speech Act Theory to explain that pornography can enact subordination by functioning as a form of authoritative speech and does so through ingrained

social norms instead of formal conventions. Antony argues that Langton overlooks the requirement of background conventions—which must be recognized by the speaker and the audience—by suggesting that pornography can subordinate women independently of these conventions. Mari Mikkola further critiques Langton, asserting that the illocutionary act of subordination must have formal background conventions that recognize pornographic speech as authoritative acts of ranking and discrimination. Antony and Mikkola suggest that subordination cannot occur through the illocutionary force of pornography without formal conventions and instead, pornography's subordinating effects may be better understood as perlocutionary. Jennifer Saul joins this critique and highlights the role of uptake in Austin's theory, maintaining that the illocutionary force of pornography depends on context and viewer consumption and interpretation. She holds that pornography's act of subordination is not automatic but reliant on viewers' recognition and acceptance.

However, I have argued that these critiques underestimate the power of informal cultural norms and beliefs that influence the production and consumption of pornography. Subordination does not depend on formal conventions, conscious recognition, or formal uptake, but instead on the informal and unconscious ways in which misogynistic ideals are internalized and reinforced. In this way, Claudia Bianchi suggests a different argument—one that reinforces this claim, insisting that pornography functions in a society where gendered power imbalances are already established—meaning that pornography can subordinate women without the need for formal conventions.

Ultimately, the significance of this debate lies in how pornography participates in constructing a culture where women's subordination is not only depicted, but actively authorized. Antony, Mikkola, and Saul each raise important questions regarding speech acts and their boundaries, but it is necessary to consider the ways in which deeply embedded cultural norms allow pornography to subordinate. Both Langton and Bianchi reveal how pornography actively participates in determining women's inferior status rather than being a mere reflection of a misogynistic culture. To understand how women's objectification and inequality is ongoing, it is essential to recognize the ways that pornography contributes to the subordination of women.

2. Speech Acts and Silence: Feminist Critiques of Pornography's Role in Silencing

Rae Langton's "Speech Acts and Unspeakable Acts" has made a significant contribution to the ongoing feminist debate surrounding pornography, in which she argues that pornography silences women by interfering with their ability to refuse sexual advances.[34] Langton draws on J.L. Austin's Speech Act Theory [35] and asserts that in protecting men's liberty to both produce and consume pornography, women's liberty to speak is prohibited, and they are deprived of their illocutionary authority—the power to make their refusals of sexual advances count as refusals. Langton's assessment is built upon the work of Catharine MacKinnon, who claims that pornography is not mere words but an act of subordination that reinforces male dominance by depicting women as dehumanized sex objects who have been or are being injured in a sexual context.[36]

This chapter explores Langton's silencing argument in depth, outlining her claims, and simultaneously examines the responses of other feminist philosophers, such as Nancy Bauer and

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[34] Rae Langton, "Speech acts and unspeakable acts." In *Philosophy and Public Affairs* 22, 4 (1993): 293-330, https://www.jstor.org/stable/pdf/2265469.pdf.

[35] J.L. Austin, *How to Do Things with Words.* Harvard University Press, 1962. https://pure.mpg.de/rest/items/item_2271128/component/file_2271430/content.

[36] Catharine MacKinnon, "Francis Biddle's Sister," *Feminism Unmodified*. Harvard University Press, 1987, p. 176. https://silverbronzo.wordpress.com/wp-content/uploads/2017/10/mackinnon-francis-biddles-sister-1984.pdf.

Lori Watson, who engage with Langton's position in various ways. Some scholars support and refine Langton's analysis, while others critique what Langton argues regarding language, authority, and the social and political context in which pornography operates. By assessing these different perspectives, this chapter aims to clarify the ongoing debate over whether and how pornography functions as a way to silence women**,** focusing on three key questions: first, whether pornography counts as speech; second, whether it displaces individual responsibility; and third, whether it possesses the kind of authority necessary to silence women.

Pornography as an Illocutionary Act That Silences

In chapter 1, I introduced Austin's Speech Act Theory, which holds that words have the power to perform actions. For instance, when someone says *I'm sorry*, an action has been made—they have performed the act of apologizing. This type of action, performed through language, is what Austin calls an illocutionary act. Langton argues that pornography acts as this same type of speech act—pornography is not just expressive speech but a kind of illocutionary act that silences women. Just as saying *I'm sorry* performs an apology, pornography constitutes the silencing of women through its depictions of sex and portrayals of women.

To begin her argument, Langton discerns between two types of silencing: the silence that results from physical violence—being forced, beaten, or gagged into silence—and another where speech is prevented from performing an action.[37] The latter is the silence that Langton focuses on.

[37] Langton, "Speech acts and unspeakable acts," 48.

According to her, there are three kinds of silencing. The first way a woman is silenced is when she is intimidated or when she expects that no one will listen; she does not protest and does not speak up, for she believes that protest in this case is futile—no words are uttered, and she does not protest. The second form of silencing is perlocutionary frustration, which occurs when women *do* speak up, but what they say will fail to achieve the effects that they intend.[38] In this, a woman might refuse to have sexual intercourse and say "no" but will be ignored by a more powerful perpetrator. In this case, she prohibits, he fails to obey, and so she fails to achieve the goal of her refusal.[39] The third kind of silence is illocutionary disablement, which occurs when a woman speaks, the appropriate words are uttered with the appropriate intention, but she fails to perform the action she had initially intended. [40]

It is important to differentiate between the perlocutionary and illocutionary effects of pornography when considering its role in silencing women. Perlocutionary effects regard its subsequent effects, such as the reactions caused by an utterance, while the illocutionary effects regard what the utterance changes about reality. The perlocutionary effects of pornography might include discouraging men from caring about women's refusal, leading them to ignore their "no". The illocutionary effects changes what "no" in sex means and shapes what women's "no" can or cannot do. In particular, the illocutionary effect of pornography might be that "no" is culturally identified as a "yes", or at least, not a refusal. This causes women's complete inability to refuse sex in any situation.

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[38] Langton, 48.
[39] Langton, 48.
[40] Langton, 48.

Langton distinguishes between illocutionary and perlocutionary effects with the example of marriage. In a wedding ceremony, saying the words "I do" is to actually and legally marry—it is an illocutionary act. However, consider a case where both parties intending to marry are male in a country that has not legalized same-sex marriage. They follow all formal requirements: both men *intend* to marry, the correct locution ("I do") is spoken, there is a licensed officiant, and the ceremony abides by all legal rules. Yet, if the law prohibits same-sex marriage, preventing their words from carrying the intended illocutionary force. The act of marrying misfires—the groom can say "I do", but the legal system denies the utterance the power to enact marriage. While their words do not achieve their intended illocutionary function, there are still perlocutionary effects, such as emotional responses to their inability to marry, or their ethical commitment to each other.

Langton utilizes this example to emphasize the issue of pornography and sexual refusal. A woman's "no" in refusing sex should have the illocutionary function to stop the sexual advance. However, as pornography shapes cultural norms, her "no" may be structurally disabled from counting as a refusal. Her refusal is not only ignored. Rather, her "no" already fails to function as a refusal to begin with. In this, Langton aims to prove that pornography does not merely influence how people choose to react to women's refusals—it determines what refusals can and cannot do, just as the law determines whether "I do" can enact marriage.

The question then becomes if people in different positions have different powers and if so, then who or what sets these powers? Particularly, is pornography what gives people certain powers in sex? Langton argues that having this authority can enable a speaker to perform illocutionary acts

that are not otherwise available.[41] For example, a professor tells the class to open their books to page thirty. This is an illocutionary act with an intended effect—the students then comply and open their books, recognizing the professor's authority. Now, consider a student who tells the rest of the class to open to page thirty. He does not hold authority—he can speak, he can utter the words of a command, but he will not be obeyed. The professor is the only person in the classroom that holds the authority to be able to directly shape what happens in that space. The power to shape actions in the classroom does not come from the act of speaking, but from the institutional authority granted to the professor by the university and the class.

According to J.L. Austin, an utterance has the illocutionary force of a certain kind when it meets certain felicity conditions, which are a kind of rules that determine when speech acts work.[42] These felicity conditions require that the speaker occupy a position of authority in the relevant domain and that the hearer acknowledges their authority.[43] The illocutionary act then fails or lacks force if these conditions are not met.

Applying this to pornography, the question is not whether women can speak, but whether their speech holds authority within the system—whether it meets the felicity conditions that are necessary to be heard and recognized as authoritative. Pornography, as an institution, prioritizes men's speech and marginalizes women's. Just as the university sets the felicity conditions that grants the professor authority and denies it to the student, pornography reinforces men's authority in sex and shapes social norms that ultimately contributes to the silencing of women.

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[41] Langton, 49.
[42] Langton, 33.
[43] Langton, 37.

Langton's Silencing Claim: Critiques and Defenses

Bauer raises the question of authority by first asking whether pornography is speech at all, and whether pornography itself has the authority to silence women. In *How to Do Things with Pornography*, Nancy Bauer responds to Rae Langton's antipornography arguments and raises the primary issue of authority. Bauer's chapter, "How to Do Things with Pornography" questions whether pornography has the authority that Langton claims it must have in order to silence women.[44] Bauer challenges Langton's assumption that pornography is speech. Langton asserts that because pornography is legally classified as speech (and thus protected by the first amendment) and is also a kind of act (since it shapes social power dynamics), it can be understood as a speech act. However, Bauer pushes back on this claim—although pornography is legally considered speech, it does not function as speech in the sense Austin discusses. Much of pornography is produced through photography and film, which are not linguistic forms of speech. Austin's Speech Act Theory explicitly discusses how to do things with *words*. Although Austin acknowledges that nonverbal actions can have illocutionary and perlocutionary force, not all media function like language.[45] She is concerned with *how* photography and film do the things they do—she holds that in order to determine what illocutionary act a photograph or film might perform, it is necessary to consider whether these media are governed by conventions and if so, what the conventions particularly are. Even if conventions do not need to play a role in the

[44] Nancy Bauer, "How to Do Things with Pornography," in *How to Do Things with Pornography* (Cambridge, MA: Harvard University Press, 2015), 52-86.
[45] Bauer, "How to Do Things with Pornography," 63.

successful illocutionary act, there is still the question about how the media of photography and film play on viewers' sensibilities.[46]

While Bauer is correct in stating that pornography is often nonverbal, this does not mean that it lacks the power to function like speech. Film and photography convey meaning just as words do—they can represent meanings and establish conventions that shift the way viewers see and understand what is being depicted. Actions are arguably more important than words—they, along with images, can shape cultural expectations in ways that spoken language alone cannot. They shape not only understanding but also expectation. Advertising in general has the ability to convey messages about beauty standards without using many words at all. Magazine ads often feature women with "idealized" and "perfect" bodies and conveys a powerful message—that this is what beauty looks like. These images shape societal expectations and beliefs about body image and self-worth, particularly for women.

Similarly, pornography, even without words, reinforces societal beliefs about sex, gender, and power dynamics, through its portrayals of women often being objectified and dehumanized. Through represented action—who initiates sex, who accepts and who refuses, and how these refusals are handled—pornography creates and normalizes specific roles and sexual dynamics. Pornography often portrays men with the authority and power, while women are portrayed as submissive and voiceless, thus legitimating a sexual script where male dominance and female submission is both normalized and eroticized. These films, images, and conventions not only

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[46] Bauer, 64.

depict sexual acts, but they shape societal beliefs about consent and gender inequality—not by telling watchers, but by showing them.

Even if I am right that nonlinguistic media can do the same thing as language, what shows that it actually does have the authority? One possibility, as Bauer suggests, is that pornography gains its authority not from performing literal speech acts, but instead from *shaping* societal norms and expectations around sex and gender. While pornography may not speak in the Austinian sense, it depicts and conveys narratives that can influence how 'hearers' or watchers—especially men—view sexual encounters and power dynamics.[47] So, pornography plays a role in teaching men to ignore a woman's refusal, as this is often depicted in pornography. Pornography works by reinforcing the rules and ideas about sex that exist in society. According to Bauer, pornography participates in both creating and perpetuating cultural misogynistic norms—it does not silence women through the formal mechanisms of an illocutionary act, but rather by shaping the habits of the consumers.

Bauer further raises the question of what form the authority of pornography might take. According to Langton, pornography has the power to silence women. This is a form of authorization—pornography justifies their actions and deems them acceptable. Bauer critiques this—she gives an example of a man with a sexual fixation for dolphins, who practices his bestiality fetish through watching pornographic videos that portray this particular obsession.[48] But Bauer argues that just because websites with these videos exist, his dolphin fetish cannot be

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[47] Bauer, 64.
[48] Bauer, 77.

justified and if these particular pornographic videos held authority or were authorized, it would absolve the dolphin-lover of responsibility for his fetish.[49] Likewise, if a boy watches pornography and then continues to press sex onto his girlfriend (and her refusal is ignored and she is silenced)—and it is determined that pornography is authorized (like the dolphin videos)—then it absolves the boy of responsibility for raping his girlfriend.

Bauer presses that rape culture and the idea that women are sexual objects for men is already widely accepted in society—no person or institution holds authority unless it has been granted power by others.[50] She is concerned with moral agency—such as the boy who raped his girlfriend, who cannot say that he did so just because he watched a pornographic video that depicted this assault. She argues that even in a world that is flooded with misogynistic ideals and imagery, individuals nonetheless retain both the ability and responsibility to assess and resist influences. To Bauer, pornography cannot hold the authority that Langton argues it does, unless the watchers themselves grant such power to it.

I find difficulty in accepting Bauer's two claims: first, that users have to *grant* pornography its authority in order for it to have power; and second, that granting authority to pornography absolves individuals—such as the dolphin lover and rapist—of responsibility. Let me begin with the latter. As Langton argues, pornography's authority lies in its ability to justify actions and deem them acceptable. It reinforces the silencing of women, both through perlocutionary effects that lead men to ignore women's refusals, and through illocutionary effects that structurally

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[49] Bauer, 78-79.
[50] Bauer, 79.

change the meaning of "no" in sex to be understood as consent. In the case of rape, pornography may contribute to a cultural idea that sexual assault is normalized and excused. But this does not mean that this boy does not hold responsibility for raping his girlfriend. In contrast, he definitely *is* responsible for committing this crime—this influence does not erase individual responsibility. Similarly, the dolphin-lover's fetish is deemed normal through a form of pornography that portrays this bestiality fetish. But this does not mean that he is absolved from responsibility for his obsession. If we were to follow Bauer's logic, then no one would be responsible for their actions, so long as there were a cultural force influencing them. Recognizing the power of cultural conditioning is important but so is recognizing that individuals have agency. Many people consume media and still uphold ethical standards. Cultural forces matter, but personal responsibility prevails.

I am aware that in responding to me, Bauer would argue that if pornography truly silences women and nullifies their refusal, rendering them unable to say no, then the rapist cannot be held responsible for ignoring a refusal that was never performed. I accept that this is a compelling point. However, legal and moral responsibility do not only depend on responding to an explicit "no"—they depend on the requirement for affirmative consent. Not saying "no" is not consent—one must say "yes". The absence of consent (or absence of a "yes") is a no. Consent must be affirmative, not assumed through silence or inaction. This is the standard that is recognized in other areas of responsibility. For instance, a drunk driver may be too intoxicated to understand that they are running a red light. However, this does not absolve them of liability. Their inability to read and perceive the sign does not lessen their obligation to drive safely. Similarly, the

rapist's liability remains intact even if pornography has influenced cultural scripts around consent—he must respect and identify the absence of a clear, affirmative "yes" as a "no".

Even if I were to accept Bauer's argument that rapists may be less guilty due to pornography's structural silencing of women, this does not mean that no one should be held accountable. Responsibility must fall somewhere. If rapists are shaped by cultural conditions beyond their control, then responsibility must shift to those who create and perpetuate those conditions. In this case, the burden of accountability would fall upon the pornographers, the creators of pornography, since they generate and normalize scripts that nullify women's refusals and redefine consent. If individuals are products of the cultural environments that surround them, then those who actively reinforce that environment must bear accountability and face consequences for doing so. Someone must be held responsible, and it is the pornographers who wield the power to shape norms and expectations.

Take Langton's example of the South Africa apartheid case—where the utterance, "blacks are not permitted to vote," is spoken by a legislator in Pretoria. The utterance is both an illocutionary act and a perlocutionary act—it prohibits black people from being able to vote, leading them to stay away from polling booths, and perpetuates racism.[51] Once again, Bauer's claim is that If pornography is authorized, then individuals are absolved of responsibility for acting on its messages. I remain deeply skeptical of this logic. Even under apartheid, the people of Pretoria are still responsible for their racism despite the law. A discriminatory law may authorize racist behavior, but it does not excuse it. Similarly, pornography may authorize misogynistic behavior,

[51] Langton, "Speech acts and unspeakable acts," 35.

but it does not absolve individuals of their responsibility for following immoral and unethical ideals.

Now, let me turn to Bauer's second argument, which states that users themselves have to grant pornography its authority in order to have power. She maintains that no person or institution holds authority unless it has been granted power by others. However, this is not reality. In an ideal world, this would be the case—authority would only be enabled when people willingly recognize it. But power operates without consent—institutions, social structures, and cultural norms often exert authority over individuals whether or not they have allowed them to. Media influences how people think—magazine ads shape societal expectations of women's bodies and pornography shapes people's views of sex and gender. A consumer may not consciously "grant" pornography the power to shape these views, but that influence can be rooted through exposure. Authority does not need to be granted—it can (and often is) exercised subtly through repetition and normalization. Even if users do not intend to authorize pornography, its messages can nonetheless shape belief systems and behaviors in powerful and harmful ways. Users cannot simply step back and avoid being influenced—we are influenced by these forces regardless of whether we decide to accept them. Bauer argues that people must freely give power to pornography, but even if she is correct, the fact remains that pornography has real effects—such as contributing to rape culture—whether individuals actively consent to its influence. Plenty of things have authority without people giving it to them—they simply have it. A lot of pornography's power seems to work like that: it is not something people get much choice about.

Lori Watson offers her own insights through her book, *Debating Pornography*.[52] She acknowledges Langton's argument that pornography does have the power to silence women but addresses the social and legal context that gives pornography its authority. While Langton focuses on the illocutionary act of pornography (its ability to directly silence women), Watson claims that pornography's authority also operates through social and legal systems that recognize pornography as a form of speech.[53]

Watson agrees with Langton that pornography indeed does have authority but takes the argument further, maintaining that pornography is granted its authority by the legal systems that label it as speech. By recognizing pornography as speech, the law legitimates its influence and reinforces structures that silence women. Unlike Bauer—who questions whether pornography has the authority Langton attributes to it—Watson holds that pornography does have the authority, but its sources of power are multiple, through both media and law. By granting its status as speech, pornography is given the authority to define sex and ultimately silence women as a result of reinforcing male dominance.

Watson draws on Catharine MacKinnon's "ready, aim, fire" analogy to explain how pornography's legal power operates.[54] The ability to tell a firing squad to "ready, aim, fire" reflects the legal freedom that is given to pornographers to produce pornography. It is not mere individuals that are indulging pornographic scripts, but more of a legal structure that grants these

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[52] Lori Watson, "Sex, Equality, and Pornography." In *Debating Pornography, Debating Ethics* (Oxford Academic, 2019; online edition, December 20, 2018) 151-206.
[53] Watson, "Sex, Equality, and Pornography," 190.
[54] Watson, "Sex, Equality, and Pornography," 189.

pornographers the ability to do so. The law's validation of pornography as a form of speech does more than just allow its existence—it actively reinforces the harmful social structures. The legal recognition of pornography functions like an execution order—it is a legitimized act that nullifies consent and enables the silencing of women.

Pornography normalizes women's silencing, which as Watson argues, is both a cause and an effect of rape culture. Pornography eroticizes inequality and thus reinforces cultural norms that shape how men view sex—it does not merely reflect pre-existing social behaviors but actively shapes them and contributes to the definition of sex. Since pornography produces arousal, then male dominance and the silencing of women (as they are intertwined with pornography) become sex itself. This feeds into the notion that men are entitled to sex, which makes it more difficult for women to refuse their advances and to oppose cultural norms. Watson highlights that silencing is not a linguistic issue, rather a reality which is established by legal and social structures that legitimate it. Women are not only silenced in individual cases but are systematically ignored by authorized structures that define power, sex, and consent.

Let me return to Langton's South African apartheid law. Bauer maintains that because pornography is not a law, it does not hold the same authority that the South African legislator does. However, the power structures give the law the ability and power to silence black people and nullify their ability to vote. As Watson argues, this is how pornography is granted its authority to be able to silence women—through legal and social systems that validate and protect it as speech. Just as the apartheid law normalizes racism, pornography normalizes the silencing of women.

In this chapter, I have explored Rae Langton's argument that pornography silences women and interferes with their ability to refuse sex through its perlocutionary and illocutionary effects. She draws from J.L. Austin's Speech Act Theory to explain that an illocutionary act may only succeed if it holds authority, thus arguing that pornography has the authority necessary that grants them the power to actively silence women and disable their refusals. Nancy Bauer challenges this, questioning whether pornography has the authority that Langton attributes to it and if media can truly function as illocutionary acts without language. She highlights the importance of individual moral responsibility—however, I have argued that power and authority often operate independently of conscious consent. Pornography shapes expectations and norms regardless of whether individuals grant it authority to do so. Moreover, while pornography may not completely be understood as a speech act (as Bauer argues), it nonetheless participates in the redefining of consent and silencing of women through its influence. Lori Watson reinforces Langton's analysis and emphasizes how legal structures grant pornography its authority by recognizing pornography as protected speech. By doing so, the law legitimates conditions where women are systematically silenced.

Ultimately, the significance of this debate lies in how pornography participates in constructing a culture where women's voices and refusals are muted and powerless. Albeit in different ways, Langton, Bauer, and Watson reveal that pornography is not merely a medium but a powerful force that determines whose speech counts and whose does not. Pornography does not only reflect misogynistic ideals—it actively creates a culture that reinforces male dominance and disables women's refusals. It is important to recognize the ways in which pornography shapes

dangerous power dynamics and silences women, so that we can understand how women's autonomy is consistently undermined.

3. Pornography and Contradicting Freedoms: A Feminist Response to Liberal Defenses

Within the philosophical debate surrounding pornography, there has been a clear division between radical feminist critics against pornography, and defenders of individual liberty. As I have discussed in chapters one and two, some feminist scholars argue that pornography is not only offensive, but actively perpetuates harm, subordinating and silencing women, and thus reinforces systems of gendered power imbalances. On the other side of the debate, defenders of pornography maintain that such material falls within the realm of protected freedoms, whether that be the freedom of expression or the freedom of sexual autonomy. One of the most influential defenders of pornography in this debate is legal philosopher Ronald Dworkin, who defends the principle of free speech in his essay "Hate and Pornography." Another significant figure is Andrew Altman, who argues in *Debating Pornography* that adults have a moral right to sexual autonomy, and this includes their right to produce and consume pornography as one wishes.

Specifically, this chapter dissects these liberal views, examining questions of liberty and harm, and whether these arguments account for feminist concerns about pornography's enabling of women's inequality. I argue that freedom cannot be reserved for those in positions of authority—and that defending pornography on the basis of free expression or autonomy risks undermining the autonomy of those it harms.

To begin his argument, Dworkin draws from Isaiah Berlin's inaugural lecture, in which he makes the distinction between negative and positive liberty.[55] Negative liberty is described as the liberty to do what one wishes to do without being obstructed by others—for instance, the freedom to speak freely, or to act without unjust constraint. Positive liberty, by contrast, concerns whether one is truly in control of oneself. This involves more than freedom from interference; it is about individual self-rule. So, positive liberty is not only about personal autonomy, but about public control. Berlin warns that positive liberty can easily become corrupt. For instance, if someone believes they know what is best for another person, they may justify controlling that person for the good and thus freedom of that person, and this intervention upon one's freedom can ultimately become tyrannical.[56] Dworkin shares Berlin's concern of positive liberty being misused to justify excessive governmental control, even if it is well-intentioned, but both acknowledge that pure negative liberty can lead to inequality. Still, Dworkin remains cautious of sacrificing negative liberty for equality or the collective good on the basis that one's negative freedom is more important—it is not about what people want, but the importance of being free from other people's interference.[57]

Dworkin also highlights the second point of Berlin's lecture: the plurality of political values. Berlin warns against the assumption that all political principles can be achieved in one system. He contends that one freedom may conflict with another or with core values such as justice, happiness, and truth.[58] There is no ideal system that gives everyone what they want—conflicts

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[55] Ronald Dworkin, "Pornography and Hate," in *Freedom's Law: The Moral Reading of the American Constitution*, ed. Ronald Dworkin (Oxford University Press, 1996), 214–238.
[56] Dworkin, "Pornography and Hate," 215.
[57] Dworkin, "Pornography and Hate," 215.
[58] Dworkin, "Pornography and Hate," 216.

are inevitable within politics. Expanding one's freedom might limit another's and choosing to promote one value may require that sacrifice of another. Dworkin agrees with Berlin regarding the complexity of political values and reinforces rights and values in his own work. These rights and values—such as freedom of speech versus protecting people from harm—sometimes conflict, and it is important for judges to make decisions based on what is fair and morally right, even when they do not align with every value.

In applying this to pornography, Dworkin uses a case study of the Indianapolis anti-pornography ordinance, which was enacted by the efforts of Catharine MacKinnon, a feminist legal scholar, who defines pornography as an instrument for the subordination of women.[59] This ordinance aimed to prohibit the production, sale, and exhibition of pornography, but was ultimately overturned by the federal district court for being unconstitutional, as it was viewed as a violation of the First Amendment—the negative liberty of free speech.[60] Dworkin argues that this ordinance fails not only legally, but philosophically, because speech that is deemed offensive or dangerous must nonetheless be protected, and the ordinance threatens the core principle of free expression.[61] He asserts that although pornography is insulting to both women and men, there is no reason sufficient enough for banning it without destroying the very principle that hated speech is entitled to protection, just as any other speech. He argues that the essence of negative liberty is the freedom to offend.[62]

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[59] Catharine MacKinnon, "Francis Biddle's Sister," *Feminism Unmodified*. Harvard University Press, 1987 p. 176. https://silverbronzo.wordpress.com/wp-content/uploads/2017/10/mackinnon-francis-biddles-sister-1984.pdf.

[60] Dworkin, "Pornography and Hate," 218.

[61] Dworkin, "Pornography and Hate," 218.

[62] Dworkin, "Pornography and Hate," 218.

Lawyers who defend the Indianapolis ordinance argue that society has a justification for outlawing pornography—particularly because it not only causes offense to women, but harm as well. Dworkin dissects these feminist arguments into three key components: first, pornography causes physical harm to women; second, pornography contributes to women's inequality and subordination; and third, pornography distorts how women are perceived.[63]

Andrew Altman presents a new perspective in the debate over pornography, shifting the focus away from traditional free speech arguments towards a different right, which is the moral right to sexual autonomy. In *Debating Pornography*, he contends that this debate too often focuses on whether pornography qualifies as protected speech, either defending it on the grounds of freedom of expression or condemning it as low-value speech that can be restricted.[64] He challenges this, arguing that most pornography—particularly pornographic material online—is not used for its expressive or artistic value, but as an instrument for sexual arousal. To Altman, the issue lies not in whether pornography counts as free speech, but whether adults have the legal and moral right of sexual autonomy, which he argues is held equally by all adults, and this includes their right to purchase, sell, and consume pornography.

In his chapter, "Sex, Speech, and Autonomy," Altman defends the view that adults possess a moral right to pornography as an extension of their basic right to sexual autonomy.[65] He

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[63] Dworkin, "Pornography and Hate," 218.
[64] Andrew Altman and Lori Watson, *Debating Pornography* (Oxford University Press, 2018) 11-141.
[65] Andrew Altman, "Sex, Speech, and Autonomy," in *Debating* Pornography, edited by Andrew Altman and Lori Watson, 11-50 (Oxford University Press, 2018).

emphasizes the importance of sexual autonomy, contending that it should be understood as a basic liberty, as it plays a crucial role in human identity and intimacy, and thus must be protected. In particular, he offers several reasons why sexual autonomy deserves this moral status. He draws on philosopher Thomas Nagel to argue that sex is a source of physical pleasure—which Nagel asserts is the most intense feeling humans can experience.[66] He then delves into the idea that sex is intertwined with intimacy and romantic love, which makes sexual activity not only a tool in creating intimacy but is a manifestation of that intimacy and a way for one to express love for another.[67] Finally, and perhaps most importantly, Altman highlights the historical and social significance of sexual autonomy—he argues that throughout history and across cultures, one of the key aspects of oppressive systems has included the denial of sexual freedom.[68]

Ultimately, Altman argues that pornography is part of the exercise of sexual autonomy. He holds that for many adults, the use of pornography is a private aspect of their sexual fulfillment and is thus central to human identity and agency. Like Dworkin, Altman examines one of the most significant feminist critiques of pornography, which explores its role in the perpetuation of sexual violence against women. He draws on feminist scholars such as Susan Brison and Catharine MacKinnon, who argue that sexually explicit material, particularly the type that depicts violence and subordination, is not merely offensive, but harmful. They argue that

[66] Altman, "Sex, Speech, and Autonomy," 36.
[67] Altman, "Sex, Speech, and Autonomy," 39.
[68] Altman, "Sex, Speech, and Autonomy," 42.

pornography constitutes a form of discrimination and perpetuates a culture where women are subordinated, degraded, and violated, and thus reinforces sexual violence.[69]

This focus on sexual autonomy marks a shift from Ronald Dworkin's defense of pornography, whose argument lies in the principle of freedom of speech. While Dworkin argues for a liberal democracy, where individuals must remain free to express ideas, regardless of how harmful they might be, because censoring risks disabling people's freedoms to say, read, watch, and believe what they want. Altman, by contrast, defends pornography because of its connection to an individual's control over their sex life. In this way, Altman defends pornography while acknowledging both its little expressive value and its problematic influences—but ultimately contends that what matters is not what pornography says, but what it enables people to do, which is to exercise their right to sexual autonomy.

Responding to Liberal Defenses of Pornography

The first feminist argument that Dworkin engages with is grounded in the harm principle, suggesting that despite the importance of freedom, freedom can be justifiably limited when it causes significant harm to others. Feminist scholars argue that pornography does this—by depicting subordination through violence, rape, or battery, it reinforces and perpetuates harmful stereotypes of women, which shapes men's attitudes toward women both sexually and socially.

[69] Altman, "Sex, Speech, and Autonomy," 17.

This claim is not only that pornography offends, but that it actively contributes to the legitimating and normalization of sexual violence and rape culture.

Dworkin critiques this stance on two levels: first, he questions the evidence for the harm claim—he acknowledges that there is *some* evidence that exposure to pornography weakens people's critical attitudes toward sexual violence, but he insists that the evidence showing that pornography increases incidents of violence towards women is inconclusive.[70] Second, he argues that even if pornography does cause harm, the importance of free speech outweighs that harm. He warns that to restrict speech on the basis of its offensiveness is to abandon the core liberal principles that protect all speech, even the most hated forms.

While Dworkin is correct in asserting that it is difficult to prove direct causation between pornography and sexual violence, it is also true that evidence of any social harm is rare. Social harm, such as the perpetuation of misogyny, is rarely shaped by one direct cause—instead, it tends to be indirect and embedded in cultural norms and powerful institutions, making it harder to prove through empirical data.

The harm principle allows for the restriction of individual freedom when it causes significant harm to others, and the significance lies not only in whether harm exists, but if the kind of harm involved—such as the perpetuation of sexual violence and gender inequality—is enough to justify limiting a particular freedom, which in this case, it is. As Lori Watson examines in her chapter, "Sex, Equality, and Pornography," rape is the least reported, prosecuted, and convicted

[70] Altman, "Sex, Speech, and Autonomy," 17.

of all violent crimes.[71] Drawing from the National Crime Victimization Survey, Watson examines rape statistics from the years 2010-2015, ultimately proving that only 344 out of every 1000 rapes are reported to the police.[72] This indicates a widespread failure to take sexual violence seriously, which is also a product of ignoring pornography's role in the normalization of rape culture. The lack of empirical evidence that one film of pornography causes an act of violence does not lessen its broader consequences.

The second feminist claim—that pornography causes not only physical violence but a more general subordination of women—is grounded in the idea that pornography makes for inequality. Feminist scholars argue that pornography is not merely a depiction of sex, but a medium that actively reinforces gender inequality by presenting women as passive objects available for male enjoyment. Dworkin responds by arguing that even if it could be shown that pornography is responsible for the power structures that disable women from attaining top jobs or equal pay, it would still not justify censorship. In his view, the principle of free speech is more important than concerns regarding inequality: since the type of speech that openly supports women's inequality is protected, then pornography must be as well.[73] Since it is impossible to have complete freedom and complete equality, Dworkin holds that freedom of expression must prevail, even with the risk of facing inequality.

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[71] Lori Watson, "Sex, Equality, and Pornography," in *Debating Pornography, Debating Ethics* (New York: Oxford University Press, 2019), online edn, Oxford Academic, December 20, 2018, https://doi.org/10.1093/oso/9780199358700.003.0008.

[72] Lori Watson, "Sex, Equality, and Pornography," 176.

[73] Dworkin, "Pornography and Hate," 218.

Dworkin acknowledges the harm of inequality but nonetheless maintains that limiting freedom of speech for the sake of these harms would be to undermine a core liberal notion. In prioritizing freedom over equality, however, he might overlook a more fundamental issue—that freedom needs to be equally distributed amongst all people. Pornography undermines women's freedom by shaping cultural scripts in which dictate how they are viewed and treated. It prohibits their ability to speak and to be heard. Of course, freedoms are important—I am not arguing differently—but every person is entitled to every freedom. Freedom cannot only be granted to one particular group of people—it must be accessible to all.

Rae Langton responds to Dworkin in her essay "Speech Acts and Unspeakable Acts", engaging with his critique of the Indianapolis ordinance.[74] In this work, Langton questions whether his claim of free speech properly addresses the subordinating and silencing effects of pornography. While Dworkin defends pornography as protected expression under negative liberty, Langton challenges whether that freedom can be defended when it interferes with the freedom and equality of others, particularly women.

Langton does not argue that equality is more important than freedom. Instead, she shows how speech—like pornography—can prohibit women from attaining equal freedom to men.[75] If Dworkin is correct in insisting that we should prioritize freedom, then I argue, building on Langton's analysis, that it is vital to consider whose freedom is being preserved and whose is

[74] Rae Langton, "Speech acts and unspeakable acts." In *Philosophy and Public Affairs* 22, 4 (1993): 293-330, https://www.jstor.org/stable/pdf/2265469.pdf.
[75] Langton, "Speech Acts and Unspeakable Acts," 293-330.

being compromised. Censorship is not a threat to freedom, but rather possibly necessary in ensuring equal freedom.

The third feminist argument is rooted in the notion that pornography shapes how women are perceived and understood, preventing them from expressing themselves authentically.[76] Feminist scholars argue that pornography constructs how women are perceived, dehumanizing and objectifying them, and thus removes their autonomy. MacKinnon, through the Indianapolis ordinance, asserts that pornography institutionalizes male supremacy, prompting boys and men to treat women as who they see women as being, and pornography controls who that is.[77]

Here, the distinction between negative and positive liberty becomes significant. Feminists argue that pornography undermines women's positive liberty, which refers not only to their freedom from interference, but to the ability to have agency and be recognized as autonomous individuals. Positive liberty involves having the conditions necessary to express oneself and be understood on one's own terms—and when pornography consistently depicts women as subordinate and voiceless, it constructs cultural scripts that shape how women are viewed and treated, and subsequently creates gendered hierarchies where women are ranked inferior. Dworkin, however, prioritizes negative liberty—the freedom from interference—as more important than positive liberty, even when the latter is at stake. He argues that even if pornography influences how women's identities are distorted, censorship of pornographic material as speech is not justified.

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[76] Langton, "Speech Acts and Unspeakable Acts," 220.
[77] Catharine A. MacKinnon, "Pornography, Civil Rights, and Speech," *Harvard Civil Rights—Civil Liberties Law Review* 20 (1985): 1-65.

However, as Langton argues, pornography can act as a form of silencing by interfering with their ability to speak and to be heard.[78] Pornography does not only limit women's positive liberty, but it undermines their negative liberty as well. If Dworkin argues that negative liberty must always prevail, yet this liberty enables the subordination of others—such as when pornography reinforces cultural norms that silence women—then the very freedom he seeks to protect is not applicable to all. Negative liberty cannot be considered universal when the exercise of it is only available to some and undermines the freedom of others.

Altman similarly acknowledges the weight of sexual assault and the ways it denies the victim's autonomy; he contends that there is a difference between the depiction of sexual violence and the act of sexual violence itself. He argues that its depiction in pornography should not be treated differently than depictions of nonsexual violence, such as torture or murder—and suggests that treating it differently would mean setting a dangerous precedent of censorship, which would violate the basic liberties of a free society. Instead of restricting the distribution and consumption of pornography—particularly among consenting adults—Altman argues for alternative responses, such as strengthening the criminal justice system to secure better support for victims and identifying and punishing perpetrators, and more efforts toward fixing cultural norms to promote respect for victims.[79]

However, this argument undermines pornography's role in shaping culture—it is not a mere reflection of it but actively contributes to and reinforces the cultural norms he suggests fixing.

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[78] Langton, "Speech Acts and Unspeakable Acts," 48.
[79] Altman, "Sex, Speech, and Autonomy," 17.

Pornography presents women as objects to be dominated and violated, meaning it is insufficient to reform the justice system or promote respect for victims, as Altman proposes. While this is certainly important, cultural norms are nonetheless shaped by media, particularly pornography, which is widely influential in shaping more than just the individual viewer's perceptions and behaviors.

Moreover, if pornography shapes cultural norms and thus causes sexual violence against women to increase, as feminist critics argue, then pornography creates an imbalance of autonomy. To ignore pornography's influence is to ignore the dynamics that then constrain autonomy. While Altman is correct in insisting that adults should have control over their sexual lives, I worry that he fails to consider how pornography may restrict that control for women and their right to autonomy. Pornography both shapes and reinforces cultural scripts that prioritize men's pleasure at the expense of women's agency, actively functioning as a structure that actively teaches its viewers—men and boys—what sex is and what roles men and women are expected to have within it.

In her response to Altman in *Debating Pornography*, feminist philosopher Lori Watson critiques his assertion that the right to sexual autonomy is an important personal liberty, and that pornography is part of this right.[80] She argues that by emphasizing sexual autonomy in this way, Altman grants the men who consume pornography the right to access the bodies of women who are systematically disadvantaged. This perspective places men's sexual desires and masturbatory

[80] Lori Watson, "Do We Have a 'Right' to Pornography?" In *Debating Pornography, Debating Ethics* (Oxford Academic, 2019; online edition, December 20, 2018) 273-295.

sex lives above women's autonomy and thus prioritizes male pleasure and disregards the harm that pornography causes to women. In this view, sexual autonomy for men is treated as a right, while the autonomy of women is dismissed.

Altman also uses an example of alcohol—he asserts that although alcohol is notorious for causing harm and violence, adults have the right to consume it and in doing so, they exercise their personal liberty. Similarly, Altman argues, whatever harm may be caused by pornography is not enough reason to suppress one's personal liberty to consume it.[81] Like Dworkin's defense of negative liberty, this argument assumes that individual freedom can be exercised apart from consequences. If the consumption of pornography contributes to cultural norms that undermine women's autonomy, then this liberty is not equally distributed—it comes at the expense of others' freedom. As I have argued, pornography is not merely reflective of cultural norms, but rather constructs them, shaping what viewers think is acceptable and desirable in sex. As with Dworkin, Altman does not account for this formative role—even if one cannot prove that pornography causes an increase in violence, its repeated portrayal of women as subordinate and voiceless establishes pervasive norms that influence men's dangerous attitudes toward women both inside and outside sex.

While alcohol impairs judgement through intoxication, pornography may impair moral or social judgment by normalizing gendered power imbalances. If viewers—boys and men—are repeatedly exposed to depictions of women as subordinate and voiceless, they will inevitably come to internalize these depictions as normal or desirable. Alcohol creates a temporary state of

[81] Altman, "Sex, Speech, and Autonomy," 24-25.

mind, whereas pornography is a medium that educates and eroticizes its depictions of subordination and persistently normalizes gender hierarchies. While alcohol certainly has consequences, it operates in vastly different ways than pornography.

The liberal defenses of pornography, as argued by Ronald Dworkin and Andrew Altman, are both dependent on the principles of individual freedoms, whether through the notions of negative liberty or sexual autonomy. Both Dworkin and Altman undoubtedly raise important concerns regarding the dangers of censorship and the significance of freedoms, but I argue that their arguments do not address the cultural damage that feminist critics have long warned against. In particular, Dworkin's emphasis on the importance of negative freedom risks dismissing the ways in which pornography subordinates and silences women by shaping cultural scripts that prohibit their ability to have agency and to be heard. Altman's argument that pornography is a way of exercising the adult moral right to sexual autonomy overlooks how autonomy itself is governed by the very social norms that pornography plays a significant role in constructing.

I argue that freedom cannot be exclusive to those of higher authority—if it is meant to be as important as Dworkin insists it being. It is essential that the freedoms of one group do not conflict with another's ability to achieve equality and dignity. In this way, censorship of pornography is not contradictory to liberty, and can be necessary in protecting conditions where all individuals—not just the privileged—can be free. Ultimately, defending pornography on the basis of freedom of expression or sexual autonomy risks neglecting the cultural implications that such material can have, particularly on its role in reinforcing gender hierarchies that limit the freedom, dignity, and equality of others. If both liberty and equality are to be taken seriously, it

is crucial to recognize the ways in which pornography contributes to and enables the subordination of women and to consider ways to reshape freedom to be equal and tangible for all.

Conclusion

This thesis has explored Rae Langton's argument that pornography subordinates and silences women, and I have aimed to show that her account presents a compelling framework for understanding pornography as an illocutionary force that contributes to the degradation of women's status. Through three chapters, I have defended Langton's position by engaging with both feminist critics and liberal defenders of pornography, arguing that informal cultural norms and authority allow pornography to actively subordinate and silence, whether or not formal conventions and conscious uptake are present.

In chapter one, I countered critics that insist on formal conventions, illustrating the ways pornography enables subordination through informal conventions that reflect and reinforce gendered power imbalances. In chapter two, I responded to challenges by feminist philosophers who question whether pornography can function as a speech act, defending Langton's account of pornography as an authoritative force that illocutionarily silences women. In chapter three, I shifted the focus toward liberal philosophers such as Ronald Dworkin and Andrew Altman, whose defenses of pornography lies in the principles of freedom of speech and autonomy, contending that these perspectives fail to address the ways in which pornography constrains women's freedom by reinforcing cultural norms that strip them of their own autonomy and equality.

This thesis has focused primarily on the philosophical debate surrounding pornography—it has not sought to offer empirical evidence regarding the effects of pornography. My aim has been to

highlight how feminist philosophy in particular helps identifying the ways inequality is continuous and normalized, and how pornography contributes to the gender imbalances and the dangerous ways women are treated and perceived, that are established in culture and society. If we claim to care about equality and genuine freedom, it is important to consider not only who is free to speak and act, but who is subsequently silenced and subordinated.

Pornography functions within a culture that prioritizes male desire and power and reinforces women's status as inferior—which Langton's analysis emphasizes. Defending pornography without critique risks reinforcing the very hierarchies that feminism seeks to deconstruct in the first place. Ultimately, Langton asserts a powerful framework that offers a better understanding to how women's inequality is continuous and highlights the importance of rethinking the meaning of freedom in order to resist the subordination and silencing of women.

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