

Indexicals, speech acts and pornography

CLAUDIA BIANCHI

In the last twenty years, recorded messages and written notes have become a significant test and an intriguing puzzle for the semantics of indexical expressions (see Smith 1989, Predelli 1996, 1998a, 1998b, 2002, Corazza et al. 2002, Romdenh-Romluc 2002). In particular, the intention-based approach proposed by Stefano Predelli has proven to bear interesting relations to several major questions in philosophy of language. In a recent paper (Saul 2006), Jennifer Saul draws on the literature on indexicals and recorded messages in order to criticize Rae Langton's claim that works of pornography can be understood as illocutionary acts – in particular acts of subordinating women or acts of silencing women. Saul argues that it does not make sense to understand works of pornography as speech acts, because only utterances in contexts can be speech acts. More precisely, works of pornography such as a film may be seen as *recordings* that can be used in many different contexts – exactly like a written note or an answering machine message. According to Saul, bringing contexts into the picture undermines Langton's radical thesis – which must be reformulated in much weaker terms. In this paper, I accept Saul's claim that only utterances in contexts can be speech acts, and that therefore only works of pornography in contexts may be seen as illocutionary acts of silencing women. I will, nonetheless, show that Saul's reformulation doesn't undermine Langton's thesis. To this aim, I will use the distinction Predelli proposes in order to account for the semantic behaviour of indexical expressions in recorded messages – namely the distinction between context of utterance and context of interpretation.

1. Pornography and speech acts

Catharine MacKinnon's thesis that pornography *is* the subordination of women has been widely discussed and criticized. According to MacKinnon, pornography *subordinates* women by violating their civil right to equal civil status, and *silences* them by violating their civil right to freedom of speech (see MacKinnon 1987). Rae Langton and Jennifer Hornsby offer a defence of MacKinnon's claim in terms of speech acts: works of pornography can be understood as *illocutionary acts* of subordinating women, or illocutionary acts of silencing women (cf. Langton 1993, Hornsby 1993 and 2000, Hornsby and Langton 1998, West 2003). In particular, pornography subordinates women

by conditioning people to regard women as willing sexual objects; it silences women by creating a communicative environment that deprives women of their illocutionary potential. In my paper I will not address this contentious claim, but focus exclusively on Saul's reformulation and critique. Saul argues that it does not make sense to understand works of pornography as speech acts, because only utterances in contexts can be speech acts: 'we need to focus not on works of pornography, but on something like pornographic utterances – viewings or makings, maybe – in contexts' (2006: 237). In particular, works of pornography such as films, images or texts may be seen as *recordings* that can be used in many different contexts – exactly like a written note or an answering machine message. According to Saul, the question is to establish which context determines the speech act accomplished by a recording:

- a) the context in which it is recorded;
- b) the context in which it is heard or seen.

Saul examines the example of a sign reading 'I do' created by Ethel as a multi-purpose sign and used by her in different contexts to get married, to agree to return her books in time in a library or to confess to a murder. Intuitively, the different speech acts performed depend on features of the contexts in which Ethel *used* the sign, and not on features of the context in which she made it.¹ Hence Saul concludes that

viewings of a work of pornography are the times that matter for determining its illocutionary force. At each of these times, we have different audiences, who may interpret the pornographic work in different ways; and different felicity conditions may be fulfilled or unfulfilled (2006: 238).

Since some of the viewers are women, and some even feminist opponents of pornography, it follows that viewings of pornography are not illocutionary acts of subordinating women in all contexts. According to Saul, then, Langton's radical thesis must be reformulated in much weaker terms: only *viewings* of pornography are illocutionary acts, and only *some* of them are illocutionary acts of subordinating women. A conclusion far from sufficient to justify a strong condemnation of pornography.

¹ Cf. Saul 2006, p. 237: 'Which speech act was performed, intuitively, hinges on some combination of Ethel's intentions in using her sign, the audiences' interpretations of her utterances, and the fulfillment of necessary felicity conditions. These are all features of the contexts in which Ethel's sign was used (rather than features of the context in which it was made)'.

2. Indexicals, written notes and contexts

Saul correctly points out that a parallel may be drawn between the determination of the reference of the indexical expressions in recorded messages or written texts, and the determination of the illocutionary force of recorded utterances. As in Ethel's case, in order to determine the reference of the indexicals in the message of an answering machine like

(1) I'm not here now,

we must fix the relevant context. According to Saul, we have only two candidates:

- a) the context in which the utterance is recorded, or *encoded*;
- b) the context in which it is heard or seen, or *decoded*.

To clarify the matter, let us examine an example adapted from Predelli (cf. Predelli 1998a and 1998b). Suppose that, before leaving home at 8 'o clock in the morning, Mr. Jones writes a note to his wife, who will be back from work at 5 'o clock in the evening:

(2) As you can see, I'm not here now. Meet me in two hours at Cipriani's.

Intuitively, the note does not convey the (false) content that Mr. Jones is not at home at the time of utterance (the coding time) of the note, nor does it ask Mrs. Jones to be at Cipriani's at 10 'o clock in the morning – namely two hours after the note was written. Therefore, Saul would conclude, a) must be ruled out: the relevant context is b), the context in which the note is read, or decoded. According to this perspective – which Predelli dubs the *Remote Utterance View* - written notes and recorded messages allow one to utter sentences 'at a distance', so to speak; in other terms they allow the utterance of sentences at time t and location l without being in l at t . In this line of thought, Mr. Jones 'uttered' (2) at 5 p.m., when Mrs. Jones came home from work.

Oddly enough, in the very literature Saul examines, we find some powerful arguments against b).² Against the *Remote Utterance View*, Predelli imagines that Mrs. Jones comes home late, and reads the note at 9 p.m. Intuitively, Mr. Jones is not inviting her for a drink at 11 p.m.: she must

² Among others, Saul cites Predelli 1998b and 2002.

interpret the message not in relation to her actual time of arrival but to her *expected* time of arrival (the expected decoding time) – an intuition the Remote Utterance View cannot account for.

In order to account for (2), Predelli suggests that we distinguish between the context of utterance (or inscription) and a context the speaker considers semantically relevant, that is the (intended) *context of interpretation* (Predelli 1998a: 403 and Predelli 1998b: 112). The character of ‘now’ in (2) applies to the intended context and not to the context of utterance/inscription. In (2), the context giving the correct interpretation contains, as the temporal co-ordinate, Mrs. Jones's expected time of arrival (5 p.m.) and not the moment Mr. Jones wrote the note (8 a.m.) or the moment Mrs. Jones came home (9 p.m.): this intended context provides the correct values for ‘now’ and ‘in two hours’, i.e. 5 p.m. and 7 p.m., while keeping the usual characters for the two expressions.

Following Predelli's suggestion, I claim that to fix the reference of pure indexicals, the addressee should not consider (at least, not directly) either the place and time of utterance, i.e. the place and time of production of the utterance, or the place or time of actual decoding of the utterance. She should instead consider an ‘intended’ place and an ‘intended’ time, taken as semantically relevant by the speaker, and *available as such to the addressee*: this place and this time will be the contextual co-ordinates belonging to the context of interpretation - a context made salient or ‘created’ in the context of utterance. The speaker's intentions direct the addressee to this intended context - which is identified and sorted out by pragmatic means (knowledge of the world, of the speaker's desires and beliefs, of social practices, and so on).

3. *Intended context and pornography*

We have said that Langton and Hornsby aim to show, by endorsing a speech act approach, that MacKinnon's claim (‘pornography subordinates women’) is a plausible and coherent one. According to Langton and Hornsby, works of pornography are illocutionary acts of subordinating women. Saul's critique involves two moves. First move. Langton's thesis must be reformulated: *works* of pornography cannot be acts of subordinating, because only pornographic *utterances* can be understood as speech acts. Second move. In order to determine their illocutionary force, we must focus on the *viewings* of pornographic utterances (choice b) in § 2). Since different viewings of pornographic works could have different illocutionary forces, it follows, according to Saul, that

The best one can do is to claim that *pornographic viewings* are *sometimes* the subordination of women. And this is unlikely to be enough for those who seek a sweeping condemnation of pornography (2006: 247).

In light of her criticism, Saul invites opponents of pornography to abandon the speech act approach to pornography.

The goal of my paper is to challenge Saul's second move. If the parallel between indexical expressions and speech acts holds, we have a compelling argument against Saul's choice of b) as the context relevant to determine the illocutionary force of a speech act in general, and of a pornographic utterance in particular. What matters is the *intended context*: the illocutionary force of a speech act is fixed only once the intended context is fixed - a determination involving encyclopaedic knowledge of the world and of the speaker's desires, beliefs and intentions. What especially matters are the intentions the speaker (the author of the pornographic work) makes *available* to the addressee: if they are transparent, publicly accessible and manifest, these intentions determine which particular speech act has been performed. My claim is a conditional one. *If* a work of pornography is indeed intended as an illocutionary act of subordinating women (a claim I don't challenge in this paper), and *if* this intention is made available to the addressee, no benevolent viewing may change the illocutionary force of the utterance.³ It is not the *actual* viewing that fixes the illocutionary force of the pornographic utterance, but, so to speak, the *expected* viewing.

A couple of comments on communicative intentions are in order. To avoid criticisms of providing a Humpty-Dumpty image of language and communication (see Corazza et al. 2002: 9, and Predelli 2002: 314), it is not superfluous to underline the point that not just *any* intention will do. Mrs. Jones can't recognise every bizarre intention that Mr. Jones could have, such as, for example, the intention – writing (2) on the 4th of September - of referring to 5 p.m. of New Year's Eve, if no evidence of his intention was made available to her. A communicative intention must be something that an addressee in normal circumstances is able to work out using external facts, linguistic co-text, and background knowledge.⁴ In a similar vein, no arbitrary or unreasonable intention the author of a pornographic work could have plays a role in fixing the illocutionary force of a speech act. That means that not only no benevolent *viewing*, but also no benevolent *making* (if, for instance, a pornographer has the intention – producing degrading and violent pornography – to exalt women's role, to praise women's liberation, their right to self determination and to free

³ I leave it open whether *all* (or *any*) works of pornography are indeed intended as illocutionary acts of subordinating women: one may challenge this idea and claim that pornographers simply intend to make money (Cf. Saul 2006: 232). My inclination, though, is that making money is only a *perlocutionary* effect of the speech act: pornographers intend to make money *by* producing utterances that have the illocutionary force of subordinating or silencing women.

⁴ On communicative intentions and their availability, see Bianchi 2006.

speech), may change the illocutionary force of a pornographic utterance – if the author hasn't done enough to make her intentions available to the addressee.

4. Conclusion

Liberal defenders of pornography maintain that pornography – even when violent and degrading – should be protected to defend a fundamental principle: the right to freedom of speech or expression. This defence would be threatened if one could argue – as Langton and Hornsby do – that pornography (or at least violent and degrading pornography) violates women's right to free speech, by creating a communicative environment that deprives women of their illocutionary potential.⁵ We would be confronted with two different, and conflicting, rights or, better, with different people in conflict over the same right, the right to free speech (cf. West 2003). My goal in this paper is to show that Langton and Hornsby's claim is a plausible one, even in light of Saul's reformulation – i.e. even when contexts are brought into the picture. It is the intended context (and not the context in which the utterance is encoded, or the context in which the utterance is decoded) that fixes the illocutionary force of a pornographic utterance. If I am right, the speech act approach to pornography (contrary to Saul's claim) still deserves careful consideration and further development.⁶

University Vita-Salute San Raffaele
Palazzo Borromeo
20031 Cesano Maderno (MI) – Italy
bianchi.claudia2@hsr.it

References

- Bianchi, C. 2006. 'Nobody loves me': Quantification and context. *Philosophical Studies* 130: 377–97.
- Corazza, E., W. Fish, and J. Gorravett. 2002. Who is I? *Philosophical Studies* 107: 1–21.

⁵ Cf. Wieland 2007: 436–37: 'In the case of the protection of pornography as a form of expression, the Langton-Hornsby view proposes that pornography does much more than *express*; it acts to "silence" the expressions of women, thereby restricting their freedom of speech'.

⁶ I would like to thank Nicla Vassallo, for her comments and her encouragement.

- Garavaso, P. and N. Vassallo. 2007. *Filosofia delle donne*. Roma–Bari: Laterza.
- Hornsby, J. 1993. Speech acts and pornography. *Women's Philosophy Review* 10: 38–45.
- Hornsby, J. 2000. Feminism in philosophy of language: Communicative speech acts. In *The Cambridge Companion to Feminism in Philosophy*, ed. M. Fricker and J. Hornsby, 87–106. Cambridge: Cambridge University Press.
- Hornsby, J. and R. Langton. 1998. Free speech and illocution. *Legal Theory*: 21–37.
- Langton, R. 1993. Speech acts and unspeakable acts. *Philosophy and Public Affairs* 22: 293–330.
- MacKinnon, C. 1987. Francis Biddle's sister. In her 1993. *Only Words*, 163–97. Cambridge (MA): Harvard University Press.
- Predelli, S. 1996. Never put off until tomorrow what you can do today. *Analysis* 56: 85–91.
- Predelli, S. 1998a. Utterance, interpretation, and the logic of indexicals. *Mind and Language* 13: 400–414.
- Predelli, S. 1998b. 'I'm not here now'. *Analysis* 58: 107–15.
- Predelli, S. 2002. Intentions, indexicals and communication. *Analysis* 62: 310–16.
- Romdenh-Romluc, K. 2002. Now the French are invading England! *Analysis* 62: 34–41.
- Saul, J. 2006. Pornography, speech acts and context. *Proceedings of the Aristotelian Society* 106: 229–48.
- Smith, Q. 1989. The multiple uses of indexicals. *Synthese* 78: 167–91.
- West, C. 2003. The free speech argument against pornography. *Canadian Journal of Philosophy* 33: 391–422.
- Wieland, N. 2007. Linguistic authority and convention in a speech act analysis of pornography. *Australasian Journal of Philosophy* 85: 435–56.