

Nancy Bauer

*How to Do Things with Pornography.*

Cambridge, Mass.: Harvard University Press, 2015 (ISBN 978-0-674-05520-9)

Lynne Tirrell

**Lynne Tirrell** is an associate professor of philosophy at the University of Massachusetts Boston, where she is affiliated with the Women's Studies Department. She currently chairs the American Philosophical Association's Committee on Public Philosophy. Tirrell's articles, on the politics of discourse, metaphor, hate speech, pornography, genocide, transitional justice, apology, forgiveness, feminist theory, and storytelling, have appeared in numerous journals, including *The Journal of Philosophy*, *Noûs*, *Hypatia*, *The Journal of Aesthetics and Art Criticism*, and *The New England Journal of Public Policy*, plus many edited collections. Recent publications include "Genocidal Language Games," "Apologizing for Atrocity," "Transitional Justice in Rwanda," and "'Listen to What You Say': Rwanda's Post-Genocide Language Policies."

---

The social, political, and philosophical project of Nancy Bauer's *How to Do Things with Pornography* transcends the topic of pornography, aiming to weigh in on "women's sexual experience, autonomy, and safety" (115), and offering advice on the importance of publicly engaged philosophy (147). Most important, perhaps, it sets out an alternative reading of Austin's landmark lectures: *How to Do Things with Words* (Austin 1975). Although five of its nine chapters do specifically address topics in women's sexuality, desire, identity, sexual objectification, and varieties of representations of these, the heart of the book is found in the three central chapters where Bauer discusses feminist uses and abuses of J. L. Austin. Bauer's bold views on "pornutopia," hookup culture, Lady Gaga, sexual objectification, and more are anchored in her interpretations of Austin, with nods to Cavell and Wittgenstein, so this will be my main focus. This is not to say that only the philosophy of language matters, but to say it matters a great deal, and if we can be clear about this, the rest will be much easier to apprehend. Readers looking for an attack on or defense of pornography will instead find a richly nuanced discussion that takes seriously real-life experiences and resists easy answers. This is a brave and insightful book, which philosophers, students, and interested nonacademics will find richly rewarding.

A driving force in Bauer's book is her claim that Austin urges philosophers to be more aware of and attuned to the illocutionary force of our own speech. Bauer argues that our insularity in speaking to one another--the rest of the world be damned--renders moot what we say, stripping it of its content and robbing it of its force. Bauer says, "in failing to attend carefully to how real people actually speak, or what phenomena in the world (pornography, say) are actually like, what we say is at worst wrong and, at best, hollow" (105, see also 114--15). Bauer accuses philosophers of having "a robust lack of interest in what actual people's utterances mean in actual circumstances," which she deems tantamount to "a willingness to empty our own discourse of its illocutionary force and, therefore, of human weight" (106). She's right that philosophers need to look more carefully at the phenomena, but this doesn't settle the audience question. There remain

very real questions of audience, genre, and style: just what can one accomplish within the parameters of philosophical discourse? Do our discursive norms undermine our capacity to notice what we ought to notice, and do they block our capacity to communicate what we understand? Bauer laments the "lack of widespread interest among philosophers in attempting to make ourselves intelligible in the wide world" (147). These twin failures--not caring much if real people understand what we say, while too often overlooking what they say--weaken our work in ways that feminists have noted for a long time. Bauer brings this concern to the intersections of speech-act theory and feminist anti-pornography arguments.

Bauer's book is an attempt to wrestle Austin from the grips of anti-pornography speech-act feminists, Searle, and Grice. Bauer's critique of speech-act feminists has two main strands. First, she charges them with holding an impoverished understanding of what Austin actually attempted and accomplished (55, 88). (Bauer's advice: Eliminate the anachronistic Searle stuff, to start with. Add more skepticism of theory, more attention to actual uses, more attention to the complexity of what we are doing with language, images, and film.) And second, Bauer thinks that the stronger, richer, more audacious Austin that emerges on her view can be more promising for genuinely helping feminists to "think about how to combine philosophy with the furthering of our political aims" (55). I'll focus on these two concerns: what Bauer thinks the speech-act feminists miss, and what the audacious Austin opens up. My current take on these two strands is that the second is more promising than the first, and that readers are well rewarded if they look to Bauer's book for its prodding us out of a particular anachronistic Searle-ist reading of Austin, instead placing Austin more in tune with the later Wittgenstein. I doubt Bauer's criticism of the speech-act feminists actually detracts from their project in all the ways she might hope, but this is perhaps immaterial, because the direction she points to is worth pursuing for positive reasons, not simply as an alternative to a supposedly failed account. I think they succeed in developing a rich theory of illocutionary force, and Bauer is right that there is even more to the story.

Let me lay some cards on the table at the outset. *Card #1*: I think the work that Rae Langton, Jennifer Hornsby, Caroline West, Mary Kate McGowan, and Ishani Maitra have done is important, clear, insightful, powerful philosophy, rooted in feminism but also with relevance far beyond its politics. Addressing the ways pornography harms women, they have developed a richer theory of oppressive speech that also, often, applies to images and other cultural modes of expression. Their work introduces concepts that are relevant to *any* theory of discursive action. In particular, I find myself turning, again and again, to the concepts of *illocutionary disablement* (Langton 1993) and *conversational exercitives* (McGowan 2003). I'll say a little about each below, in connection to Bauer's project. *Card #2*: David Lewis's metaphor of a *conversational score* traverses the feminist speech-act literature (Lewis 1979). It is helpful for understanding not only how an individual speech act can change the viability or value of what follows it, but also how incremental change in norms and permissions can happen in a culture. The point isn't to get us to think agonistically of winners and losers in conversational games, but to notice how what counts as fair play shifts with nearly every move, how moves shape norms as much as norms shape moves. That's because we try to *accommodate* one another's beliefs and attitudes. The scorekeeping approach, with its central concept of accommodation, is friendly to Bauer's concern that we respect Austin's attack on the distinction between semantics and pragmatics, and offers support for Bauer's larger project.

Bauer's critique of speech-act feminists focuses on Langton as its standard-bearer. Langton started with Catharine MacKinnon's claim that pornography both silences and subordinates women, that it doesn't just *cause* harm to us by promoting rape or making rape permissible, but it also in itself *constitutes* harm to women. Many readers found these claims to be utterly outrageous when MacKinnon first made them, and Langton set about supporting MacKinnon's view by locating these harms in the damaging illocutions of pornography and the power of pornography to disable women's illocutionary acts. Illocutionary disablement undermines not only our capacity for self-expression but also our capacity for self-governance, our autonomy. Specifically, the speech acts of pornography illocutionarily disable women's speech acts of refusal, especially our refusal of sex, such that we can utter the words of refusal but those words *from our mouths* don't count as refusing. They do not get the uptake that they would get if uttered by a man, for example. This concept of illocutionary disablement is an important one to deploy in analyzing the ways that the voices of women and other oppressed groups are twisted or silenced. The concept helps explain many cases. When Eric Garner was saying "I can't breathe," it wasn't that the police couldn't hear his words. The locution was heard, but the illocution, the warning, the plea, was disabled, by his race, by his status as being-taken-into-custody, and perhaps more. His plea for help was illocutionarily disabled.

Here Bauer might step in and say that we should NOT think of this as *merely* illocutionary disablement. She notes Austin's comment, in "Performative Utterances," that "life and truth and things do tend to be complicated" (61). She urges that we need a richer understanding of the specific case, the situation of utterance, the who-what-when-where-why of it. Thinking about Eric Garner's repeated "I can't breathe," Bauer might urge us to ask why the perlocutionary effects of concern and pity failed.

Perlocutions are tricky territory for an Austin scholar, because it is clear that *How to Do Things with Words* develops an account of illocutions, which are tied to conventions, and about which we can say quite a bit. Bauer notes that Austin's emphasis on performative utterances, which later became illocutions, arose because "Austin was interested not so much in the way that, at least on his understanding, words happen to do things--not that is, in their perlocutionary force--as he was in the way they inherently do them" (56). So we should *not* read Bauer as trying to turn our attention away from illocutions, for she knows they matter. When I say "I forgive you," Bauer points out, I am not just reporting on my own mind or the state of my soul, "nor am I merely expressing my feelings about what you've done or trying to get you to do or think or feel something. I am performing the act of forgiving you" (57). Here, "merely" is important. We might be doing all these things at once, because in life things tend to be complicated. So Bauer's insistence that we attend to perlocutions does not undermine the power of illocutionary disablement; in fact, attention to perlocutions might help us to learn more about these disablements. The police's disabling of Eric Garner's plea was all wrapped up in their lack of compassion for him, and I take Bauer to be saying we can't always prise these apart.

If the speech-act-feminist emphasis on illocution as performative is fair, in keeping with Austin's text, and in much of the spirit of his work, then what is Bauer's gripe? In remarks weaving throughout the book, Bauer critiques speech-act feminism as too tidy and overly theoretical, as if the analysis of what pornography does can be captured with concepts or theorems. Importantly, she thinks they overlook the role of desire, sometimes given, sometimes constructed, often

elusive, more often at issue than these texts suggest. Her focus, though, is on two main criticisms: broadly, the assumption that pornography should count as speech, and more narrowly, that the analysis--Langton's in particular--requires that pornography have an authority that it probably does not have. I want to take these in reverse order, and then circle back to the big picture on Austin.

Bauer isn't alone in questioning Langton's conception of the authority of pornography to legitimate violence against women. There has been significant discussion of this topic, and Bauer contributes to it in chapter 5, thinking through several alternative concepts of authority, authorize, authoritative (as in texts), and the kind of authority experts have. She argues that none of these uses can do the work that Langton needs, because none would grant the pornographer "power to fix the conventional signification of pornographic images and words--or, if you like, the rules in the language games of sex" (79--80).

Bauer is right that Langton's 1993 view treats the speaker of an exercitive as needing authority, and despite the apparent expertise of sex workers and makers of porn, that kind of authority doesn't seem to be operating in these cases. Grappling with exactly this problem, McGowan makes a distinction between Austinian exercitives and what she calls *conversational exercitives*. Austinian exercitives seem to need conventional authority, like the captain's authority in naming the ship or the civic or religious official having the power to perform a marriage. Langton appeals to these, and runs into some resistance later on. McGowan's conversational exercitives function quite differently, and I think Bauer could use this notion happily. For example, Bauer offers several examples to illustrate that "Austin, certainly, is often at pains in his writing to emphasize the surprising degree to which we are in linguistic attunement with one another" (59). Conversational exercitives draw on this attunement, which Lewis articulated as *rules of accommodation*. We tend to accommodate one another's beliefs and presuppositions as far as we can. These rules govern our everyday discursive practices, but that doesn't mean they are intentional or operating on a conscious level. In fact, philosophers often violate these rules in everyday conversation, much to the annoyance of our friends, who expect us to behave like well socialized people. But most people, most of the time, try to accommodate, that is, go along not only with what others actually say, but also with their presuppositions. This is crucial. More recently, Langton talks about accommodating one another's attitudes in her Locke lectures, which I see as a very promising line of analysis, and one that moves Langton closer to Bauer.

The accommodations side of the story, which I'm suggesting is friendlier to Bauer, emphasizes a more diffuse kind of enactment--still powerful, still important, but not necessarily top-down like the orders of a general. It functions in the place of authority, but isn't exactly authority. There is a presumption or tendency in favor of accommodation, and blocking it takes some effort. On Bauer's view, which appeals to a view of conventions Lewis develops elsewhere, *audience uptake* is the key. She says, "insofar as pornography's authority consists in its power to get us to acquiesce to the way it sees the world, its effects are not conventional, not what Austin might call illocutionary, but rather, if anything perlocutionary" (80). Bauer takes this to mean that porn has a strong perlocutionary force, one that doesn't create desire but *adduces* it (81--83). On the accommodations view, the consumer of porn is brought into a kind of complicity with the producer by not challenging the producer's commitments about gender and sexuality. Where the product purveys a sexist and misogynist view of women, the accommodating audience comes to

hold those views, at least for a while. This is the kind of exercitive force McGowan asks us to notice and, in the case of pornography, resist. It doesn't depend on the pornographer being the expert on sex, but does depend on our being in something like a conversation with him.

This takes us to the next of Bauer's concerns: treating pornography as speech. Bauer takes prior theories as sanitized by subordinating ordinary conceptions of speech to a legal conception of speech. Ordinary usage, in all its messiness, matters for Bauer. Bauer rightly distrusts the common Searle/Grice speech-act strategy of relying on intentions to settle meaning, and she deftly refocuses our attention. Reminding us that Austin holds that what an illocution does is more a matter of convention than intention (101), Bauer offers several helpful examples of linguistic exchanges in which we just don't need to track what anyone was thinking or even what the goal of the speech act is. Her argument against the importance of intentions is closely aligned with her argument that attending to the complexity of various media will offer a better understanding of what pornography does.

Austin holds that perlocutions raise issues that go beyond what conventions can settle, and doesn't say much about them. When Fred says "I do," Fred *marries* Ethel (conventions at work) but also upsets Aunt Minnie (we don't know why, the conventions of marriage don't settle Aunt Minnie's response). On Bauer's view, it isn't that perlocutions lack conventions, but "there are no conventions about *how we assign responsibility* for what has happened" (103). In a powerful series of questions, Bauer challenges us to see the complexity of analyzing specific cases. She writes:

You order your young child to go to bed, and he starts to sob. How do you construe what has happened? Did you succeed in your intention to order? Or did you do something else? Whose fault is it that the child is so broken up? Is it appropriate to bring up the notion of fault under these circumstances? (And what are the criteria of appropriateness here?) Is the sobbing a reasonable response to the order? (And who decides what is reasonable?) Does the sobbing demand a response from you? Are you obliged to respond with sympathy, of any amount or kind? How does one decide what counts as an explanation of what has happened? (103)

Bauer again wants to emphasize the situatedness of the speech act and its role in a greater project. In the easy kinds of everyday cases Austin uses, we can see clear conventions, a clear authorized speaker who commits the speech act, an audience that does or does not give it uptake, and off we go. In the messy cases Bauer pushes us to consider, these elements are much harder to identify, and the line between the conventional and the idiosyncratic becomes a blur.

In the second element of her attack on porn-as-speech, Bauer emphasizes convention differently by highlighting pornography's many media, especially film and images, with their specific and varied conventions. Reducing these to speech is just too reductive. Insofar as all these media involve complex sets of conventions, we must understand the conventions in order to analyze what is being said, shown, made, done. Here Bauer uses Cavell's film theory to help develop her thoughts on perlocutions. In this discussion, we see a respect for passion, and a call to recognize passion in one another. This ties in with her emphasis on everyday ordinary uses of speech and everyday ordinary uses of pornography, which Bauer thinks are sometimes a quest for passion.

In addressing passion, Bauer may be getting at a problem that's logically prior to the initial MacKinnon-Dworkin conception of pornography, which cast it as inherently woman-hating, inherently damaging to the lives of women, and a force that makes us unsafe in the world. If we are talking about something like this, and we keep in mind all and only the stuff that such a characterization denotes, then Bauer's saying that we need to use the rules of the genre to figure out what it is actually *saying* might seem callous. We don't need to get deep into the conventions of film interpretation to know what is wrong with films that show a woman refusing sex, being gang raped, then told she liked it. But I don't think Bauer thinks we need to get too fancy in our interpretations of these films either (but I could be wrong). I also don't think she is being callous, though, so I wonder, at times, if she is resisting MacKinnon's and Dworkin's narrow conception of what pornography is--a narrow conception that is then broadly applied. This makes sense of aspects of the book, because she seems more pro-pornography than we find in either MacKinnon's or Dworkin's writings. She worries that the radical feminist attack on porn actually filled too many women with a "soul-crushing" self-loathing (3). As someone who doesn't feel drenched in self-loathing, and who does loathe all the cultural missives (not just porn) that depict beings like me as subordinate, abusable, and disposable, I nevertheless welcome Bauer's questions about the differences among speech, images, and film. As texts recede and images advance, attention to the conventions of these genres matters. It also matters to notice the ways in which different genres call for different kinds of audience engagement and response.

Just here I think we should remember Lewis's rules of accommodation, and Bauer's critique of a thoroughly illocutionary analysis of pornography. Discussing the rapist who doesn't respect "no," who thereby dismisses the woman's refusal of sex, Bauer writes, "The scandal is not, or not merely, that the man has not heard her 'no' as a refusal, if indeed he has; it's that he no longer reads what she does in anything resembling conventional human terms. He no longer treats her as a human being" (84). Here Bauer rightly raises the issue of the woman's passion--her "fear or desperation or rage" (84)--as important to understanding the failure of the interaction. The predator overlooks more than the illocution, so emphasizing the nonneutrality of the woman's expression; Bauer takes us into a discussion of the role of perlocutions. Like my earlier example of Eric Garner's "I can't breathe," Bauer wants us to respond to more than what is said, more than what it means.

Finally, to return to the metaphilosophical themes of the book, early on Bauer urges us to read *How to Do Things with Words* "as a plea for philosophers to pay heed not only to what people in general do with words but also to what they themselves are--or are not--doing with them" (61). This is a plea for self-reflection, a call for more attention to truly ordinary uses, but it is more. Bauer recognizes that philosophical reflection on our methods and our aims is risky territory, with potentially high rewards: "The example Austin sets gives us reason to imagine that we will feel at least as much exhilaration as despair or shame when we recognize the depth of our own implication in what our words--and, I am suggesting, our pictures--say and do" (86). Understood as more akin to Wittgenstein than Searle, Bauer's Austin may help us to avoid pseudo-problems and sanitized answers. Bauer's challenge to address passions and perlocutions is one that all philosophers, especially feminists, should take to heart as we forge on with our work. Bauer writes, "It remains to be seen whether philosophers will be able to pick up the gauntlet that's still lying on the ground more than half a century after Beauvoir tossed it down: whether we can

sketch a vision of a just world seductive enough to compete with the allures of the present one" (17).

One of Bauer's most important observations seems quite simple, but packs a punch. She says, "Austin is drawing our attention to the frequency with which we *position ourselves with respect to other people* when we speak." (97). What we say has the potential to change us, our place in the world, and even change the world. But it will depend on how we say it, to whom, in what context, using what discursive, expressive tools. So when feminists offer certain kinds of theories as part of our political work, what exactly are we doing? And to whom are we speaking? And is that an audience who can or will hear us? Or will they think *nothing human is happening here*?

### **References**

- Austin, John Langshaw. 1975. *How to do things with words*. Oxford: Oxford University Press.
- Langton, Rae. 1993. Speech acts and unspeakable acts. *Philosophy & Public Affairs* 22 (4): 293-330.
- Lewis, David. 1979. Scorekeeping in a language game. *Journal of Philosophical Logic* 8 (1): 339-59.
- McGowan, Mary Kate. 2003. Conversational exercitives and the force of pornography. *Philosophy & Public Affairs* 31 (2): 155-89.