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theoria@ehu.es

Universidad del País Vasco/Euskal
Herriko Unibertsitatea
España

McGlynn, Aidan

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Propaganda and the Authority of Pornography*

Aidan MCGLYNN

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ABSTRACT: Jason Stanley's *How Propaganda Works* characterises and explores one democratically problematic kind of propaganda, 'undermining propaganda', which involves '[a] contribution to public discourse that is presented as an embodiment of certain ideals, yet is of a kind that tends to erode those very ideals'. Stanley's model for how undermining propaganda functions is Rae Langton and Caroline West's treatment of moves in pornographic language games. However, Stanley doesn't consider whether his theory of propaganda might in turn illuminate the harmful nature of pornography, in light of the familiar contention that some pornography acts as a kind of misogynistic propaganda. Drawing on Catharine MacKinnon's writings on pornography, this paper will explore one way of developing the claim that pornography sometimes functions as undermining propaganda, in something close to Stanley's sense. Moreover, I will suggest that the discussion points to a new response to the so-called authority problem for Rae Langton's silencing argument against the protected status of pornography.

Keywords: Propaganda, pornography, ideology, silencing, authority.

RESUMEN: El libro de Jason Stanley *How Propaganda Works* caracteriza y explora un tipo de propaganda democráticamente problemático, la 'propaganda debilitadora', que envuelve '[una] contribución al discurso público que se presenta como si incorporase determinados ideales, pero que es de un tipo que tiende a erosionar esos mismos ideales'. El modelo de Stanley para el funcionamiento de la propaganda debilitadora es el del tratamiento de los movimientos en los juegos de lenguaje pornográficos debido a Rae Langton y Caroline West. Sin embargo, Stanley no reflexiona acerca de si su teoría sobre la propaganda podría, a su vez, iluminar la dañina naturaleza de la pornografía, a la luz de la conocida tesis de que hay pornografía que actúa como una forma de propaganda misógina. A partir de los trabajos de Catharine MacKinnon sobre pornografía, este artículo pretende explorar una forma de desarrollar la tesis de que la pornografía funciona en ocasiones como propaganda debilitadora, en un sentido próximo al de Stanley. Además, sugeriré que la discusión apunta a una nueva respuesta al llamado problema de la autoridad en relación con el argumento del silenciamiento debido a Rae Langton en contra de un estatuto de protección para la pornografía.

Palabras clave: propaganda, pornografía, ideología, silenciamiento, autoridad.

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‘[T]he pictures are not so different from the words and drawings that came before, but your use for the camera gives the picture a special credibility, a deep verisimilitude, an even stronger claim to truth, to being incontrovertibly about you, because they happened and there you are.’ (MacKinnon 1994: 4)

Introduction

Jason Stanley’s *How Propaganda Works* characterizes and explores one democratically problematic kind of propaganda, ‘undermining propaganda’, which involves ‘[a] contribution to public discourse that is presented as an embodiment of certain ideals, yet is of a kind that tends to erode those very ideals’ (2015: 53). Stanley’s model for how undermining propaganda functions is Rae Langton and Caroline West’s treatment of moves in pornographic language games; however, for reasons we’ll come to shortly, Stanley doesn’t consider whether his theory of propaganda might in turn illuminate the harmful nature of pornography. In light of the familiar contention that some pornography acts as a kind of misogynistic propaganda (e.g. Brownmiller 1975, Langton 1990, Langton 2012a), this paper will explore the claim that pornography sometimes functions as undermining propaganda, in something close to Stanley’s sense.

In particular, I’ll suggest that Stanley’s work on propaganda gives us a new framework in which to understand and assess some well-known views and arguments due to Catharine MacKinnon and her philosophical defenders. I’ll proceed by outlining a heavily MacKinnon-inspired way in which some pornography can be seen to meet Stanley’s characterization of undermining propaganda: it can be presented as embodying the ideals of equality and autonomy while systematically subordinating, or tending to lead to the subordination of, women.

A second task of the paper is to begin to assess the implications of the claim that some pornography is a kind of undermining propaganda for issues concerning silencing. The entrenched, orthodox liberal position on pornography is that it ought to be protected as free speech. There are (at least) two ways that a defense of the claim that pornography is propaganda might contribute to unsettling that protected status. First, Stanley has suggested that quite generally undermining propaganda should be subject to some restrictions, given its democratically problematic nature. Second, the claim that some pornography is undermining propaganda might help to advance challenges specifically to pornography’s status as protected speech. This paper focuses on the second strategy rather than the first. Stanley’s proposal that undermining propaganda may need to be restricted is general, turning on the democratically-problematic nature of undermining propaganda as such, rather than on the nature of pornography in particular, and I want to remain more narrowly focused here. Moreover, the particular argument against the protected status of pornography that I will focus on, the so-called *silencing argument*, has been thought to enjoy unique strengths. In rough outline, the argument tries to show that pornography silences women in ways that are incompatible with their right to freedom of speech. Ronald Dworkin goes as far as to claim that this is the only kind of argument against the protected status of pornography that has any prospects at all (1991: 198). This claim is overstated (see e.g. Langton 1993: 30 and 1990), but the more modest claim that an argument of this kind might be particularly powerful is plausible, since it suggests that *even if* one

regards freedom of speech as trumping other ideals, it's *still* not clear that pornography should be protected.¹

My proposal will be that conceiving of some pornography as misogynistic undermining propaganda helps with what's sometimes called *the authority problem* for the silencing argument. In essentials, the problem is that Langton's account of how pornography silences women requires the premise that pornography is *authoritative*, in a sense that explains how it can set the rules for which speech acts can be performed by women in sexual language games. However, a number of Langton's critics (e.g. Green 1998 and Bauer 2006) have contended that it's not clear what kind of authority this could be, nor that pornography possesses it. Philosophers sympathetic to the silencing argument have adopted various different responses to the authority problem, some of which take the problem head on and try to show that pornography does possess the relevant kind of authority, and others which try to advance the argument while rejecting Langton's claim that it rests on the premise that pornography is authoritative. My proposal here will be of the first kind; I'll suggest that MacKinnon is fruitfully read as describing a propagandic mechanism operative in much pornography which points to a novel account of the kind of authority that such pornography possesses.

Preliminaries

Before I offer the MacKinnon-inspired argument for holding that some pornography is undermining propaganda, I need to address three preliminaries. First, I need to say something about what I take pornography to be in this context. Second, I want to briefly lay out Langton's silencing argument against the status of pornography as protected speech in a bit more detail, since as will already be clear from the introduction, it provides much of the context for the present discussion. Finally, I want to consider the relationship between Stanley's project in his book and work by Langton and her co-authors, since doing so will

¹ A second reason for taking the silencing argument to be particularly significant has sometimes been offered (e.g. Langton 1993: 47, 59). This is the worry that one context in which women are silenced is in protesting against pornography and exposing the harms involved in its production and availability, and this suggests that the harms of pornography cannot be countered with more speech, in the manner that Mill envisioned in his classic defense of the value of free speech. However, I'm not convinced that this really does provide a second motivation for a focus on the silencing argument. As Langton frames it, the worry is based almost entirely on the fact that *Ordeal*, Linda Boreman's biography in which she reveals the dire circumstances involved in the making of *Deep Throat*, has sometimes been sold as more pornography. However, this doesn't show that in general attempts to protest pornography will be silenced, nor does a deeply inappropriate reception by certain audiences show that *Ordeal* itself was not widely received as an act of protest (as Langton concedes: see 1993: 56 fn52). So even if the silencing argument is successful, I doubt it shows that pornography cannot be countered with more speech (though of course there may be other arguments for that conclusion). As Langton notes (1993: 47), the case for any kind of censorship may rely on the latter claim, and so this point is not without significance for our assessment of interest of the silencing argument and its relation to issues concerning free speech. It's worth remembering, however, that though Langton glosses over this point (1993: 25 fn1), very few anti-pornography feminists actually advocate censorship in anything like the usual sense (see Finlayson 2016: 153-4 for useful discussion).

enable me to be clearer about my aims in this paper and the extent to which they overlap with and differ from Stanley's analysis of propagandic language.

First, pornography. The characterization standardly adopted by opponents of pornography's protected status is due to MacKinnon and Andrea Dworkin:

We define pornography as the graphic sexually explicit subordination of women through pictures or words [...] (MacKinnon 1987: 176)

This definition is controversial, largely for the claim that pornography doesn't merely depict or encourage the subordination of women, but is actually a form of subordination itself. I'm sympathetic to Langton's argument for thinking that the controversial claim makes perfect sense, even when taken literally, and that it may well be true (Langton 1993). However, as Langton explicitly notes (e.g. 1993: 44-6), her argument rests on the premise that pornography is authoritative, and as I noted in the introduction, one of my tasks in this paper is precisely to assess the plausibility of this premise. Given this, it seems inappropriate to define our subject matter from the outset in a manner that pre-judges the issue of pornography's authority.² Instead, I'll take pornography to be the graphic sexually explicit depiction of the subordination of women in images or words, and I'll remain neutral here on the further claim that pornography itself subordinates.

Let us turn now to the silencing argument. MacKinnon's work offers a sustained attempt to try to make good on the premise that pornography silences women in a way that violates their freedom of speech (e.g. 1987, 1994). Moreover, much recent feminist philosophy of language has been an attempt to defend MacKinnon's argument from charges of confusion, and perhaps even to show that it can be rendered compelling. In particular, Rae Langton and Jennifer Hornsby have appealed to J. L. Austin's (1975) three-way distinction between locutionary acts, illocutionary acts, and perlocutionary acts in order to advance versions of MacKinnon's argument (e.g. Langton 1993, Hornsby 1993, Hornsby and Langton 1998).

Take the sentence 'Fire her'.³ In uttering this sentence, I may be doing all kinds of things, but Austin suggested that we focus on three kinds of speech act that I may be performing in making my utterance. First, taken in its context, I will typically be performing a locutionary act; I utter a particular sentence with a certain content or meaning (Austin 1975: 94). I will also normally be performing an illocutionary act. That's to say, I'll be attaching a certain force to the content of my utterance, and my audience will not have wholly understood my utterance if they fail to recognize its illocutionary force: if my utterance fails to secure *uptake*, in Austin's terminology (1975: 117). Returning to our example, my utterance of 'Fire her' might be a recommendation or a command, and the locutionary act I perform doesn't determine which. Sometimes it'll be immediately apparent which illocutionary act I'm performing, while other times there will be some detective-work to be done, drawing on my tone of voice, body language, mutual knowledge about our respective positions of authority (for example, whether I'm placed to give you an order), and so on. However, such clues can mislead: 'coming from *him*, I took it as an order, not as a request' (Austin 1975: 76). Finally, we have perlocutionary acts; the effects on one's audience that

² Though see Finlayson 2016: 140-1.

³ Modified from Austin 1975: 101-2.

one hopes to bring about that go beyond mere uptake; if things go well (for me), I will have *persuaded* you to fire her in making my utterance, for example.

On the face of it, neither locutionary nor perlocutionary acts offer us a notion of 'speech' that can underwrite an argument against the protected status of pornography. There's little reason to suppose that pornography systematically leads to the silencing of women when we conceive of this as women being prevented from performing the locutionary acts that they intend to. What Langton calls 'perlocutionary frustration', in contrast, involves being unable to bring about the effects that one intends to in one's audience. It's perhaps plausible that pornography does contribute to the perlocutionary silencing of women when they refuse sex, though as Langton observes, "Perlocutionary frustration" is too meek and academic a label for what is simple rape' (1993: 54). But devastating as perlocutionary frustration can be, it's standardly thought that there is little plausibility in the claim that it involves violation of one's freedom of speech.⁴

More promising, Hornsby and Langton suggest, is to focus on freedom of speech as the right to perform certain illocutionary acts.⁵ Illocutionary acts are the things that we do with words; freedom of speech is freedom to perform such acts, and not merely to speak the words one wants to speak. Moreover, a case can be—and indeed has been—made that pornography silences women in this sense. In its most troubling form, the central idea is that pornography can prevent a woman's attempted sexual refusal from achieving uptake; uttering the word 'No' is not taken as a refusal (but rather as a coy way of flirting, perhaps). If one takes uptake to be a necessary condition on having performed a given illocutionary act (Austin 1975: 117), then this means that the woman will not be able to refuse.⁶ Since Austin's claim that performing an illocutionary act requires that one secures uptake has been disputed (e.g. Jacobsen 1995, Bird 2002), a perhaps more plausible line is that in the circumstances in question, a woman's refusal cannot be *fully successful*, since she cannot secure uptake (Hornsby 1993, Langton and Hornsby 1998). Whether one accepts Austin's premise that performing an illocutionary act requires uptake or not, the crucial contention seems to be that freedom of speech includes a right to have at least a reasonable chance of securing uptake for one's illocutionary acts, but that in certain circumstances pornography can interfere with a woman's ability to have even a reasonable chance of securing uptake when refusing sex.

Stanley's treatment of how undermining propaganda works draws on recent work in semantics and pragmatics in order to improve on Langton and West's (1999) account of moves in pornographic language games, which they advance as a contribution to the silencing argument. Langton and West's project is to explain how pornography can have the illocutionary force of ranking women as inferior to men, as Langton (1993) proposes, despite the fact that this isn't something that is typically explicitly said—either because it's left as subtext, or because we're dealing with *images* which don't explicitly say anything. Langton and West's proposal is that utterances and images can pragmatically presuppose propositions, in something like the sense discussed and illuminated in David Lewis's classic 'Scorekeeping in a Language

⁴ See, for example, Jacobson 1995 and Bird 2002: 2.

⁵ Jacobson takes Hornsby and Langton's claim here to be that one has a right to perform any illocutionary act one wishes in any circumstances (1995: 76); in their joint reply, Langton and Hornsby clarify that they do not endorse this claim (1998: 85). See Maitra (2009) for insightful discussion.

⁶ As Langton and Hornsby point out (1998: 83) in response to Jacobsen, to say that a woman is unable to refuse sex is *not* to say that she has *consented*.

Game' (1979). Moreover, Langton and West note that presupposed content often isn't subject to the same degree of scrutiny as asserted content, and can be more difficult to challenge (1999: 182), which may go some way to explaining how pornography's harmful messages might have an influence even on people who consciously hold feminist ideals.

One of the main achievements of *How Propaganda Works* comes in chapter 4, where Stanley builds on Langton and West's account of pornographic language games in order to give a precise and worked out account of how an utterance could present itself as an embodiment of a certain liberal ideal while tending to undermine that very ideal. I won't go into the details here, but the general idea is that some words act as 'code words' in political discourse, and these introduce problematic contents into such discourse even when they are used to make claims that embody the democratic ideals that the content associated with the code word tends to undermine; through the presence of these 'code words' the *at-issue* content introduces *not-at-issue* content which, as Langton and West claimed about presuppositions, is subject to less scrutiny and harder to challenge.⁷ So, for example, through the manipulations of the media, the word 'welfare' introduces the content that Black people are lazy when mentioned in the context of American political discourse (2015: 138), and it does so even when it's mentioned as part of a claim that on the face of it affirms equal respect for all. This is so whether the intention of the speaker is to surreptitiously undermine the ideal in question, or to genuinely affirm the ideal-embodiment *at-issue* content.

Despite taking Langton and West's treatment of pornography as a model in this fashion, Stanley doesn't apply the resulting account to the case of pornography itself. Though Stanley doesn't discuss this explicitly, it is easy to discern some of the reasons why pornography wouldn't make a good case study for him, and reflecting on these reasons will enable me to better situate my own project with respect to Stanley's. The first reason that pornography isn't a good case for Stanley is that his definition of undermining propaganda focuses on what he calls 'public political discourse' which he characterizes as 'discourse that is in some sense official, and that takes place in the context that are official contexts of public political claims, which depend on the political system in question' (2015: 52, italics in original). Clearly, our focus on pornography takes us away from such discourse; this is why when introducing the topic of this paper above, I hedged the claim that pornography is undermining propaganda.

There's a bigger and potentially more puzzling question here too, namely whether pornography could possibly count as *political propaganda*, of the sort that interests Stanley. On the one hand, most pornography isn't intended to be a contribution to political debate, whether public or private. On the other hand, Stanley also characterizes political propaganda as 'propaganda that exploits political ideals, rather than other kinds of ideals' (2015: 56), and I'll argue below that the ideals that pornography invokes and betrays are indeed political ones. So in this important sense, pornography might be political propaganda, even if it doesn't involve a contribution to public or private political discourse.

The principal reason that pornography wouldn't have made a suitable case study for Stanley's account is that he is concerned with speech, and most contemporary pornogra-

⁷ For the distinction between *at-issue* and *not-at-issue* content, see Stanley 2015: 134-5, and see 2015: 137 for why Stanley doesn't equate the notion of *not-at-issue* content with that of pragmatically presupposed content.

phy takes the form of images: pictures or videos. Now, despite this focus, Stanley does intend his characterizations of the various sorts of propaganda he discusses to include images as well as linguistic utterances. However, he doesn't think that one can readily apply his account of how propagandic language works to images, since he's not sure that the crucial distinction between at-issue and not-at-issue content applies to images, and as a result, he restricts his focus to the linguistic case (2015: 127-8).

This raises some tricky issues, which we are as well to confront head on. Some pornography *is* linguistic in form (e.g. Langton and West 1999: 184), but nowadays most takes the form of still or moving images. Despite this, much legal and philosophical work on pornography is premised on the idea that pornography *is speech*, in which case it perhaps fits better with Stanley's focus than it seems to at first glance. However, the premise that pornography is speech is one that should be handled with caution by anyone with any ambitions to argue against the orthodox liberal view of pornography. Langton is prone to suggesting that pornography's opponents shouldn't worry too much about whether it's really speech, since there's a dilemma here; if pornography is speech, then that legitimates the application of Austin's theory of speech acts to it, and Langton has argued at length that such an application supports MacKinnon's claims that pornography subordinates and silences women; on the other hand, if pornography isn't speech, then it can hardly be *protected* speech (e.g. Langton and West 1999: 176). However, this arguably trades on an ambiguity in the notion of 'speech'; pornography might be speech in a legal or technical sense even if it doesn't count as speech by ordinary or speech-act-theoretic lights (Bauer 2006: 63-4). MacKinnon herself accepts the claim that pornography is speech 'with reluctance' (1994: x). Here I'll follow suit, reluctantly accepting the premise in the hope that doing so enables us to shed light on pornography's harmful nature and effects.

However, to take that to legitimate applying Stanley's theory of propagandic language to the case of pornography would seem to involve ignoring the ambiguity in 'speech' again. Moreover, even when pornography does take linguistic form, there aren't always close analogues of the 'code words' central to Stanley's analysis. So even if pornography counts as speech in some sense, I don't think there's much prospect of sensibly applying Stanley account of a central linguistic propagandic mechanism to it. That's a pity, since as Stanley notes, the mechanisms involved in the linguistic case are relatively well-understood and can be described with relative precision. (2015: 128)

My aim in the next section is to draw on MacKinnon's work on pornography to outline a *different mechanism* by which propaganda can work, this time one that depends crucially on the media in question taking the form of images rather than words. I won't aspire to anything like the level of precision that Stanley achieves in his discussion of 'code words' and at-issue/not-at-issue content, but I hope that some progress will be made nonetheless. In the final section I'll go on to suggest that the particular mechanism that I'll describe sheds new light on the authority of pornography, perhaps in a way that is helpful to those who want to advance a version of Langton's silencing argument.

Pornography as Propaganda

In this section, I will draw on Catharine MacKinnon's work, and that of those philosophers that have defended her views, in order to describe one way in which pornography

might be seen to meet Stanley's definition of undermining propaganda (once we relax his requirement that propaganda must be a contribution to public political discourse, as discussed above).

The idea, recall, is that pornography can be presented as embodying the ideals of equality and autonomy, while tending to undermine those very ideals. Let's start with the much less surprising aspect of this thesis. We have already discussed the claim that pornography subordinates women, and we have noted its potentially problematic reliance on the premise that pornography is authoritative. However, we don't need to defend such a strong claim here, since Stanley's characterization requires only that undermining propaganda 'tends to' undermine the ideal that it superficially embodies. This indicates that the link can be causal in nature; in Langton's preferred Austinian terminology, we can consider the perlocutionary effects of pornography rather than the illocutionary acts involved. This is advantageous for a number of reasons. The claim that pornography tends to lead to the treatment of women as subordinate can be supported on largely empirical grounds, and it is likely to enjoy much more widespread acceptance than MacKinnon and Langton's further claim that pornography is itself subordinating.⁸ Moreover, since we don't need to defend the claim that pornography is a kind of subordinating speech, one can support the claim that pornography is propaganda in this way without relying on the premise that pornography is authoritative speech.

What about the more surprising aspect of the claim, namely that some pornography is presented as embodying the ideals of equality and autonomy? Given that by definition pornography involves the sexually graphic depiction of the subordination of women, and granting that it causes further subordination, how might it be presented as an embodiment of the ideals of equality and autonomy?

Let's focus on equality first. A major theme in MacKinnon's writings is that with the move from written pornography to pictures and videos, this depiction typically involves real women, and these women are depicted as enjoying acts we would otherwise usually recognize as subordinating.⁹ It's in this way that pornography often represents itself as em-

⁸ For brief overviews of the empirical case that pornography leads to the harmful treatment of women, see Langton 1993: 39 fn33 and Finlayson 2016: 147-9. Following MacKinnon, Langton argues that '[a] link between harm and subordination is made...when we shift our perspective on the asymmetric pattern of sexual violence and view it afresh, not simply as harm or as crime but as an aspect of women's subordinate status' (1993: 39). For an excellent, nuanced, and more recent discussion of the empirical and theoretical issues involved in the claim that pornography harms women in a subordinating way, see Eaton 2007. Lorna Finlayson suggests that an apparent advantage of Langton's arguments against pornography is that they offer to 'bypass empirical questions of cause and effect (porn just *is* the harm of subordination and silencing)' (2014: 778). I don't think this is right, at least as Langton proceeds; part of the (defeasible) case she offers that MacKinnon is right about the illocutionary force of pornography is an inference to the best explanation of pornography's apparent perlocutionary effects, and Langton explicitly draws on empirical work in detailing the latter (1993: 38-43).

⁹ There's an assumption here that the women in pornography are pretending to enjoy (and perhaps even saying that they enjoy) acts that they don't really enjoy. In the case of *Deep Throat*, discussed below, there's some clear justification for this stance, given Boreman's later account in *Ordeal*. But what's the justification for generalizing beyond that particular case, treating the women who perform in pornography as insincere or subject to false consciousness? That's a very good question. One point we might make is that the pay structure for women in pornography financially incentivizes certain kinds of acts (Tarrant 2016: 52), and one way that non-mainstream pornographers (for example, feminist pornog-

bodily the ideal of equality; women's desires are realized just as men's are, since these are complementary:

Pornography constructs what a woman is in terms of its view of what men want sexually, such that acts of rape, battery, sexual harassment, prostitution, and sexual abuse of children become acts of sexual equality. Pornography's world of equality is a harmonious and balanced place. Men and women are perfectly complementary and perfectly bipolar. Women's desire to be fucked by men is equal to men's desire to fuck women. All the ways men love to take and violate women, women love to be taken and violated. The women who most love this are most men's equals, the most liberated... Their consent merely expresses or ratifies these preexisting facts. (1987: 171-2, endnote omitted)

Inequality is its central dynamic; the illusion of freedom coming together with the reality of force is central to its working. Perhaps because this is a bourgeois culture, the victim must look free, appear to be freely acting. Choice is how she got there. Willing is what she is when she is being equal. (1987: 172)

MacKinnon's usual example is that of Linda Lovelace in *Deep Throat*, who was depicted by Linda Boreman as enjoying throat sex, though Boreman later went on to reveal the extent of the cruelty and threats to her and her family that were involved in getting her to perform in the film. Not only was subordination involved in the making of the film, *Deep Throat* has been claimed to caused other acts of subordination, some of it intentionally or unintentionally violent (see e.g. MacKinnon 1987: 286 n65). And yet the film was explicitly presented and received as embodying the ideal of equality and autonomy; as Langton writes:

The pornographic film *Deep Throat* was hailed for representing women as sexually autonomous, its heroine described as "Liberated Woman in her most extreme form – taking life and sex on her own terms". (2005: 225).

Put in Stanley's terminology, MacKinnon's suggestion is that the equality-undermining tendency of pornography is masked by the way it presents women as *enjoying* and *choosing* to be subjected to acts most people would likely otherwise recognise as subordinating (and often harmful), and so by the way it presents itself as embodying the ideal of equality. Likewise, Langton draws on MacKinnon's discussion of *Deep Throat* to argue that pornography sometimes affirms women's autonomy in a way that is ultimately autonomy-undermining:

Linda is not just *a* woman, but *woman*, 'Liberated Woman in her most extreme for, taking life and sex on her own terms': there is autonomy attribution here, a vision of what autonomy is, not just for Linda, but for women in the wider world. But it can be argued that this autonomy-affirmation serves autonomy-denial, a false vision of autonomy being, after all, among the most potent enemies of autonomy. According to MacKinnon, and to testimony at the Minneapolis Hear-

raphers) have tried to improve things for performers in the industry is by paying a 'flat rate' to remove this kind of 'pressure to do more for more money' (2016: 29). But that's hardly conclusive, and first-hand reports from women performers concerning whether they enjoy the sexual acts they are filmed engaging in present a mixed picture (e.g. 2016: 59-61). I think it's reasonable to hold that even if MacKinnon sometimes overstates the point, women are frequently depicted in pornography enjoying sexual behavior and acts that they in fact do not enjoy; I concede, though, that the issue deserves further attention. Thanks to Fleur Jongepier for raising the worry.

ings, the film legitimated a series of real-life autonomy-violations, provoking an increase in throat rape (with associated suffocation), and an increase in unwanted and sometimes coercive attempts at throat sex. In affirming women's autonomy one way, and identifying that autonomy with sexual freedom, *Deep Throat* style, it legitimated autonomy denial a different way, when the pornographer's image of women's choices was used to thwart real women's choices.

Some pornography, I conclude, might objectify even as it affirms autonomy: indeed, it might objectify through its autonomy-affirmation, the way it objectifies depending on the distinctive way it affirms autonomy. (2005: 139-40)

I suggest we take MacKinnon and Langton to be making the case that some pornography is undermining propaganda, at least in our attenuated sense. Though this is an empirical matter, it seems plausible that much (though certainly not all) of pornography presents itself as an embodiment of the ideals of equality and autonomy in the way just described; MacKinnon herself goes much further, describing pornography as 'a whole industry in buying and selling captive smiling women, acting as if they like it' (1994: 4). Moreover, the mechanism by which this pornography manages to undermine the ideals of equality and autonomy while presenting itself as embodying those ideals is potentially helpful for those who wish to defend the silencing argument against pornography—or so I'll suggest in the next section.

Authority and Silencing

The propagandic mechanism described in the previous section involves, crudely put, presenting images (still or moving) of real women seeming to enjoy and choose acts that would typically otherwise be recognized as subordinating. What I'll suggest is that reflection on it may yield a new response to the authority problem, one of the principal objections to the silencing argument. Recall the problem; Langton's account of how pornography silences has it that some pornography counts as an exercitive speech act, which determines which speech acts women can make in sexual language games—which of her acts of refusal can secure 'uptake', for example—and exercitives require the speaker to have a relevant sort of authority. Langton is very clear about this implication of her argument:

If pornography sets up the rules in the language games of sex—if pornography is speech that determines the kind of speech there can be—then it is exercitive speech in Austin's sense, for it is in the class of speech that confers and removes rights and powers. We saw that the claim that pornography subordinates requires the premise that pornography is authoritative speech, otherwise it could not rank and legitimate. We can now see that the claim that pornography silences requires the same premise: pornographic speech must be authoritative if it is to engender the silence of illocutionary disablement. (1993: 60)

However, whatever authority pornography possesses is presumably nothing like the authority of the state, and some philosophers have been sceptical that we can specify an interesting and relevant sense in which pornography is authoritative (e.g. Green 1998, Bauer 2006: 76-80). There have been several responses in the literature, some of which try to show that the premise that pornography is authoritative speech can be defended (e.g. Langton 1993: 44-46, Maitra 2012), and some of which try to show that it isn't needed (e.g. Hornsby 1993,

McGowan 2003).¹⁰ My aims here are constructive rather than polemical, and so I'll make a new suggestion without attempting to compare and contrast it to the existing options.

That said, it will be useful to introduce the proposal by way of a contrast with a alternative considered briefly by Langton in a recent paper. This is the idea that perhaps pornography has the authority of *apparent expertise* on the subject matter in question, namely, the sexual desires and behaviour of women (Langton 2012b: 430). Now, perhaps this proposal is plausible for some varieties of pornography—perhaps. As a proposal about pornography that involves depictions of real women, however, it seems a little odd. Such images are authoritative concerning the desires and behaviour of women, to the extent they are, not because there's an illusion of expertise that attaches to pornographers (who I suspect tend to be mostly out of sight and out of mind, from the consumers point of view), but because consumers of pornography can *see* women wanting and enjoying these things to be done to them. Not really, of course, if we side with MacKinnon; what they really see, if MacKinnon is right, is usually women 'acting as if they like it'. The suggestion I want to make is that it's the propagandic mechanism described above that explains why pornography is treated as authoritative, namely a consumer of pornography 'sees' for himself what women want and enjoy by viewing images of women (apparently) wanting and enjoying those things.

That's the proposal. It stands in need of much refinement and clarification, but even at this stage I hope that we can see that it has the potential to somewhat alter the terms of the debate over pornography's authority. Langton writes (1993: 44):

[I]n order to answer the question, 'Does pornography subordinate?' one must first answer another: 'Do its speakers have authority?' If they do, then a crucial felicity condition is satisfied: pornographers' speech acts may be illocutions that authoritatively rank women, legitimate violence, and thus subordinate.

This question is, I think, at the heart of the controversy. If you believe that pornographic utterances are made by a powerless minority, a fringe group especially vulnerable to moralistic persecution, then you will answer negatively. Not so if you believe, with MacKinnon, that pornography is the voice of the ruling power.¹¹

It's a consequence of the proposal I've made here that this may not be the right way to think of the issue about the authority of pornography, since these passages equate the authority of *pornography* in a straightforward manner with the authority of *pornographers*. The alternative proposal is that pornographic speech is invested with whatever authority women themselves are taken to have about their own sexual preferences (though it gains this authority under false pretenses); from this perspective, it doesn't matter much whether pornographers have any authority of their own.

¹⁰ These options aren't intended to be either exhaustive or exclusive.

¹¹ This raises a worry. Langton is here talking about MacKinnon's claim that pornography subordinates women, rather than that it silences women. Does the proposal offered here give us a notion of authority that can figure in a response to the authority problem *as it arises with respect to the subordination claim*? I'm inclined to think it does; as Maitra (2012) argues, the kind of authority required for speech to be subordinating can be relatively undemanding. But the issue needs much more attention than I've given it in this paper, given its importance. Thanks to Mike Ridge and Lucy Campbell here.

Let me close by considering two of the most pressing objections to the proposal offered here (though I don't mean to suggest that there aren't other objections also in need of sustained attention). The first objection is that people know that pornography features actors and actresses, and they don't tend to think that what one does when acting in a film reflects one's real beliefs and desires. Why would they have any tendency to make this kind of mistake when it comes to pornography?¹²

This issue deserves a more extended treatment than I can give it here, since we're very close to the important but relatively underexplored question of the extent to which pornography counts as *fiction*. But I do want to note that even when we restrict our attention to pornographic films, pornography doesn't always involve acting, and even when it does, it's not at all clear that its consumers are clear that there is acting going on; as Shira Tarrant writes, '[t]he actor's job is to make the scene appear authentic, accidental, or unscripted' (2016: 60-1), and they may frequently succeed. The point is that pornographic films sometimes document sexual acts without anything that could or would be described as acting, and they sometimes (perhaps successfully) pretend to be nothing more than this kind of documentation. So I'm sceptical that pornography's consumers standardly think of the performers as actors and actresses playing roles, in anything remotely akin to the way that we recognize that Will Smith played Agent J, a fictional character in *Men in Black*, and Dr Bennet Omalu, a real-life physician depicted in *Concussion*.

The second objection starts from the following very natural question: why is the verbal and non-verbal behaviour of women taken by men to reveal their true desires when they appear in pornography, when the behaviour of women is precisely not given this weight in subsequent real-life sexual situations in which a woman refuses sex?¹³ I don't have a full response to this worry either, but I think that a promising line appeals once again to Stanley's characterisation of propaganda. This is the idea, absolutely central to his discussion but relatively neglected in my discussion so far, that propaganda exploits and spreads *flawed ideological beliefs*:

Undermining propaganda is a claim that is presented as embodying a political ideal, but that is in the service of the kind of goal that tends to undermine that ideal. What this means is that the success of undermining propaganda depends on two things. First, it depends on people having beliefs that are resistant to the available evidence, the evidence that reveals the tension between goal and ideal. Secondly, since undermining propaganda conceals a contradiction of sorts, the beliefs that are resistant to evidence must themselves be flawed in some way. (2015: 178)

Now, MacKinnon sometimes seems to write as if pornography is almost singularly responsible for constructing women as the second sex.¹⁴ Here I agree with Miranda Fricker's claim

¹² My thanks to an anonymous referee for raising this worry.

¹³ MacKinnon (1987: 181) asks a perhaps related question: why was Linda Boreman's performance in *Deep Throat* so much easier for men to believe than her subsequent report in *Ordeal* of what it took to make her engage in the acts depicted?

¹⁴ Eaton (2007: 683 fn25) suggests that MacKinnon has been misrepresented on this point, and offers some quotes which suggest MacKinnon holds a more moderate view. However, other passages do support the claim in the text above. For example: 'Gender is sexual. Pornography constitutes the meaning of that sexuality. Men treat women as who they see women as being. Pornography constructs who that is. Men's power over women means that the way men see women defines who women can be. Pornography is that way.' (1987: 148). Similar sentiments run through MacKinnon 1994 as well.

that while this is to overstate the significance of pornography, there's an insight here nonetheless:

[L]et me sound a note of qualification about MacKinnon's uncompromising view. Her totalizing vision of the impact of such pornography on heterosexual relations, and gender relations more generally, is in my view luridly overstated in various respects. It essentializes the multifarious nature of women's historical subordination to men as foundationally a matter of sexual subordination; it attributes to pornography too powerful an influence on the social construction of heterosexuality when many other cultural practices and institutions also have a powerful, and sometimes countervailing, influence; and, simply, it is excessively pessimistic in its portrayal of sexual and other social relations between men and women—a pessimism which here and there rings unpleasantly anti-men. None the less, the grim vision of relations between women and men does surely contain real insight into the effects that a corrupt sexual ideology, undoubtedly peddled in much pornography, can have not only on sexual but also on epistemic and discursive relations between men and women. (2007: 138)¹⁵

The insight in MacKinnon's work that we should try to capture involves the idea that pornography exploits and spreads flawed sexual ideology, even if it need not be regarded as the original source of that ideology. That's something we should expect if much pornography is propaganda in something like Stanley's sense, given that the exploitation of existing flawed ideology is one of the characteristic features of such propaganda.

With this connection between pornography and flawed sexual ideology in mind, we can return to the objection to my proposal that I raised above; why are women taken to be credible regarding their sexual preferences when they perform in pornographic images and film, but not in real life when expressing contrary preferences? A partial answer, undoubtedly standing in need of considerable further elaboration and development, is that the performances of women in pornography reinforce existing widespread flawed sexual ideology, while the women in subsequent sexual situations conflict with that ideology.

One might wonder where this response leaves us with respect to the silencing argument. If pornography amplifies rather than creates flawed sexual ideology, why single it out in the way that the silencing argument does?¹⁶ In response, we might argue that pornography is a particularly effective signal-booster for certain sorts of ideology, due to the level of exposure that men in particular have to it, and the way in which it eroticizes the harmful messages it carries. Another possibility is that we might try to occupy some middle ground between MacKinnon and Fricker here; perhaps pornography exploits pre-existing misogynist ideology, but is the source (or a principal source) of certain particularly harmful aspects of the dominant sexual ideology, particularly the so-called rape myths, and this might be enough to justify special treatment even while we acknowledge, with Fricker, that we shouldn't overstate the significance of pornography.¹⁷

¹⁵ See also Bauer 2006, and Finlayson 2016: 161–6.

¹⁶ Katharine Jenkins raised this worry at a workshop in Vienna. Jason Stanley noted that Kate Manne has raised essentially the same point more generally against his discussion of propaganda, calling it 'the irrelevance of propaganda' objection.

¹⁷ Katharine Jenkins has pointed out to me that there is still a worry that the focus on pornography is unprincipled, since there may be other media that also peddle rape myths, such as some pop songs and literature. I think that's right, but I don't think that these kinds of overgeneralization worries are par-

Conclusion

In this paper, I have argued that some pornography can be seen as undermining propaganda in something like Jason Stanley's sense, and I have suggested that one way of elaborating and defending this claim, due in essentials to MacKinnon, points to a novel response to the authority problem for the silencing argument.

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ticular to any of the proposals I've made in this paper. Rather I think they're going to crop up for any anti-pornography stance which accepts that the grounds for finding pornography problematic have little or nothing to do with its sexual explicitness and that concedes that non-explicit material such as pop songs can be problematic in the same ways that pornography is.

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AIDAN MCGLYNN is a lecturer in Philosophy at the University of Edinburgh. He recently completed a series of papers and a monograph on knowledge first approaches to epistemology and the philosophies of language and mind. Since then, he has been working on evidence, first-person thought and self-knowledge, pornography, epistemic injustice, silencing, and objectification.

ADDRESS: PPLS, Dugald Stewart Building, 3 Charles Street, Edinburgh EH8 9AD, United Kingdom. E-mail: amcglynn@staffmail.ed.ac.uk