
LAURA CAPONETTO

Vita-Salute San Raffaele University

lauracaponetto@gmail.com

SILENCING SPEECH WITH PORNOGRAPHY

abstract

The aim of this paper is to offer a map of the dynamics through which pornography may silence women's illocutions. Drawing on Searle's speech act theory, I will take illocutionary forces as sets of conditions for success. The different types of silencing, I claim, originate from the hearer's missed recognition of a specific component of the force of the speaker's act. In addition to the varieties already discussed in literature (which I label essential, authority, and sincerity silencing), I shall finally consider another kind of silencing produced by the failure to acknowledge the speaker's words as serious (seriousness silencing).

keywords

silencing, speech acts, pornography, misrecognition, disempowerment

1. The Silencing Argument Against Pornography

Catharine MacKinnon (1987, 1993) has contended that pornography *silences* women by violating their freedom of speech¹. Jennifer Hornsby and Rae Langton (H&L) (Hornsby 1993; Langton 1993; Hornsby & Langton 1998) have defended the plausibility of this claim by drawing on Austin's speech act theory. Pornography, H&L argue, spreads false beliefs and expectations about women (*i.e.*, about what they are, what they desire, how they behave in sexual contexts) that interfere with men's capacity to grasp the illocutionary force of certain acts women attempt to perform, thereby causing them to misfire. Silencing, in this frame, is a form of *uptake failure*.

Besides H&L's proposal, other accounts of silencing have recently been provided. As a result, the notion of 'silencing' has become richer but also more elusive. This paper surveys the major conceptions of silencing involved in the debate on the phenomenon. The aim is to offer a map of the ways in which speech – especially women's speech² – can be silenced. The discussion focuses on the act of sexual refusal. However, the kinds of silencing I will consider may hinder the performance of other sorts of acts as well. Moreover, though the most interesting views on silencing have been developed in debating the harms of pornography, all varieties of silencing may be brought about³ by sources other than pornography too (*e.g.*, racist speech). Unlike others who have dealt with silencing, I shall adopt the Searlian framework, which seems better suited to describe the dynamics through which speakers can be silenced, thanks to its high level of accuracy⁴. According to Searle, every illocutionary force can be identified by a set of

1 MacKinnon's allegation narrows its scope to a specific subset of pornographic material intended for a heterosexual male audience and constituted by depictions of women dehumanized as sexual objects and shown as enjoying pain, humiliation or rape. Hereafter, I will use the term 'pornography' to refer to just this subset.

2 Women are the (silenced) speakers I will look at since my discussion focuses on the (silenced) act of sexual refusal. Nevertheless, the types of silencing I examine here may affect other "disempowered speakers" (Hornsby 1995) as well, as they are likely to occur whenever the distribution of power is strikingly unjust.

3 While Hornsby (1993, 2014) suggests that pornography *causes* silencing, Langton (1993) claims that it *constitutes* silencing. I shall remain neutral on whether or not pornography constitutes (rather than merely causes) silencing, since the differences between the two accounts are not relevant for the purposes of this paper.

4 The silencing claim against pornography (especially its "constitutive" version) is highly controversial. As most difficulties raised by critics depend on the Austinian setting endorsed by its supporters, adopting Searle's alternative paradigm may be a good move for eluding (some of) them. In particular, Searle's framework offers some insights to solve the "Authority Problem" (think to the distinction between *power* and *authority* outlined in Searle & Vanderveken 1985: ch. 9). Since the issue falls outside the scope of this paper, I leave the assessment of this hypothesis for another occasion. (For a discussion of the Authority Problem, see Maitra 2012).

conditions for success. In recent literature, we find three main forms of silencing. All of them, I claim, originate from the hearer's failed recognition of a specific component of the force of the speaker's act.

The plan of the paper is the following. After outlining the key features of Searle's analysis of illocutionary force (Section 2), I examine through the Searlian lens four types of silencing (Section 3). Firstly, I discuss what I label *essential silencing*, which involves the audience's failure to recognize the illocutionary point of the speaker's act. It corresponds to H&L silencing (Section 3.1). Secondly, I take into account a type of silencing occurring when the hearer fails to ratify the speaker's authority over a relevant domain (*authority silencing*). Similar sorts of silencing have been discussed by Mary Kate McGowan (2009) and Marina Sbisà (2009) (Section 3.2). Later on, I consider the so-called *sincerity silencing* (McGowan 2014), which occurs when the speaker's utterance is mistakenly taken as insincere (Section 3.3). In addition to these varieties, I then discuss a form of silencing produced by the failure to acknowledge the speaker's words as serious (*seriousness silencing*) (Section 3.4)⁵. Finally, I argue that all these types of silencing are genuine instances of illocutionary disablement, albeit at first glance it might not seem so (Section 4).

As Austin has pointed out, saying something is *eo ipso* doing something. In speaking, we not only utter meaningful expressions (*i.e.*, perform *locutionary* acts), but we perform *illocutionary* and *perlocutionary* acts too. Illocutionary acts correspond to the actions the speaker performs in uttering certain words, or to put it another way, to the peculiar force of the locution in the context of utterance (*e.g.*, in saying "Leave him!" the speaker *urged* the hearer to leave him), whereas perlocutionary acts correspond to the effects brought about on the addressee's thoughts, feelings, and behaviours (*e.g.*, by saying "Leave him!" the speaker *persuaded* the hearer to leave him). As is known, illocution is the core of the speech act theory. Every use of language has indeed a performative dimension enshrined in its illocutionary force, which turns the uttering of a sentence in the performing of an action.

In attempting to formalize and deepen the notion of 'illocutionary force', Searle & Vanderveken (1985) have defined it as a set of seven success conditions⁶. Every septuple has the following components: (i) *illocutionary point* (the aim an act has in virtue of being an act of a certain kind), (ii) *degree of strength of the illocutionary point* (*e.g.*, differences such as that between asserting and insisting), (iii) *mode of achievement* (the peculiar way in which the illocutionary point must be pursued), (iv) *propositional content conditions* (restrictions imposed on the utterance's content), (v) *preparatory conditions* (states of affairs that must obtain in the world of utterance), (vi) *sincerity conditions* (the psychological state(s) the speaker must have in order to perform a sincere act), (vii) *degree of strength of the sincerity conditions* (*e.g.*, differences such as that between requesting and beseeching).

On my account, illocutionary silencing (in general) is a speech act failure constituted by the systematic and unjust misrecognition by the audience of a specific component of the force of the speaker's act. The term 'misrecognition', as I use it, means simply 'missed (or failed) recognition' (and not 'misinterpretation' or 'wrong recognition'). Such misrecognition constitutes (some sort of) silencing only if it takes place in a (i) systematic and (ii) unjust manner – that is, only if (i) it is brought about by highly widespread beliefs about a certain

2. Searle on Illocutionary Force

⁵ In Section 3.4, I give some reasons why non-seriousness does not conflate with insincerity.

⁶ A similar definition had already been proposed by Searle (1975: 346).

⁷ Illocutionary point corresponds to the *essential condition* stated in Searle (1969: 63), which requires that the speaker intend her utterance as the performing of a specific (type of) act.

target group (it is not idiosyncratic), and (ii) it occurs just because the speaker is a member of that group (regardless of what she says and of how she says it). In what follows, I will concentrate on sexual refusals. The misrecognition will involve the illocutionary point of women's intended refusals, their status or position (which represents a crucial preparatory condition for refusing), and the sincerity of their words.

3. Four Types of Silencing

Before getting to the heart of the matter, let me address a preliminary question. As said above, locutionary acts are not the only kind of act we perform with words. With this in mind and following Langton (1993), we can enrich our intuitive notion of 'silencing' by analysing it along the speech levels introduced by Austin. The question to clarify is how someone's actions or words may silence the voice of someone else. First of all, one may literally shut someone else up by means of physical coercion (*e.g.*, gagging her), psychological violence (*e.g.*, threatening her), or institutional norms (*e.g.*, issuing legal restrictions on freedom of speech) (*locutionary silence*). Second, one may recognize but disregard someone's speech acts, so as to prevent her from obtaining her perlocutionary goals (*perlocutionary frustration*). Finally, one may deprive someone else's words of illocutionary potential by fostering a hostile communicative climate that interfere with the hearer's recognition of (certain components of) the force of the speaker's act, so that to cause its misfiring (*illocutionary disablement*). The silencing argument against pornography – as presented by H&L – involves the latter sense of silencing. When H&L argue that pornography silences women, they mean that it deprives women of illocutionary potential thereby preventing them from doing certain things with words – *e.g.*, refusing sexual advances. Pornography may silence women's illocutions through different mechanisms. It is time to examine them in detail, starting from the mechanism of uptake failure which gives place to what I label *essential silencing*.

3.1. Essential Silencing

Let's imagine the following scenario. A man approaches a woman for sex. She attempts to refuse it by saying "No". The man does not care and goes ahead forcing sex on her. According to H&L, the failure of the woman's refusal can be due to the missed acknowledgement by the man of her illocutionary intention. The key element here is *uptake* (*i.e.*, the hearer's recognition of the meaning and the force of the locution), which H&L treat as a necessary condition for illocution. If uptake is not achieved, then the woman's "No" cannot count as a refusal. Her act is unavoidably null, it does not take effect. How can pornography prevent women from achieving uptake? The answer provided is the following. Many pornographic stories include "favourable" rape depictions – that is, they represent reluctant women who give in to sexual pleasure upon being raped. Some presuppositions are obviously required for making sense of depictions like these. For instance, *women enjoy violent sex, women fantasize about rape, women's utterance of "No" is part of the game* (Langton & West 1999). The result is that some consumers of pornography may come to believe that, in saying "No", women *do not intend to refuse* – and this explains why women's acts are not recognized as they are meant to be taken.

Recasting H&L's proposal in Searlian terms, silencing can be conceived as a speech act failure constituted by the (systematic and unjust) misrecognition of the *illocutionary point* of the speaker's act. Due to some interfering factor, the addressee misses to acknowledge that the speaker's act meets its *essential condition*.

Before going any further, notice that H&L's view can be construed in (at least) two ways: (i) in some relevant contexts, a woman's "No" does not count as a refusal; (ii) in some relevant contexts, a woman's "No" counts as a consent. On the first reading, silencing originates from the failed recognition of the illocutionary point of the speaker's act. On the second, by contrast, it results from the hearer's ascription of a reversed illocutionary point to the act the

speaker is attempting to perform. On the one hand, pornography brings about *illocutionary disablement*; on the other, it brings about *illocutionary distortion* as well⁸. The latter reading has been proposed by Nellie Wieland (2007), who has suggested that, in H&L's account, pornography is *convention-setting* for it makes it the case that, in real-life sexual encounters, the expression "No" comes to mean *yes*. But if it is correct that pornography enacts such a linguistic convention, then men are right in interpreting women's "No" as consent moves. This gives rise to a highly undesired consequence: if the man has obtained his victim's consent, then he is no longer a rapist (Wieland 2007: 452-453). To avoid this problem, we may buy into the first of the above mentioned readings (Maitra & McGowan 2010). In so doing, however, we would be faced with a question: if the man's uptake of the woman's "No" is neither one of refusal nor one of consent, what kind of act does he attribute to her? The most plausible answer is *none*. In saying what she says, the woman is doing nothing but play-acting. If so, *essential silencing* comes to overlap with *seriousness silencing* (see Section 3.4).

McGowan (2009) identifies an alternative type of illocutionary silencing. On her account, refusals are *authoritative speech acts*: they require that the speaker have authority in the right domain. To see how authoritative speech works, imagine that a private tries to command a general to open fire against the enemy. Even if the general grasps the illocutionary point of the private's putative act (*i.e.*, he grasps his intention to command), the private nevertheless fails to illocute since he lacks the required authority. Sexual refusals, McGowan claims, are more similar to commands than to assertions as they can be performed only by speakers who have authority over their own bodies. Although every woman has this kind of authority simply in virtue of being a person, some men may fail to recognize it. Indeed, since the peculiar kind of pornography we are referring to presents women as mere tools to meet male sexual desire, its habitual consumers may come to regard them as having no authority whatsoever⁹. In depicting women in postures of sexual submission, pornography transmits the idea that women do not have rights over their own bodies, but men do – thereby making it impossible for them to exercise certain forms of practical authority¹⁰.

Let's look at this type of silencing through the Searlian lens. As I have said, it involves the addressee's failure to ratify the speaker's authority. That is, while grasping the illocutionary point of the speaker's act, the recipient misrecognizes the obtaining of a crucial *preparatory condition* for refusals.

This form of silencing – as McGowan (2009: 493) acknowledges – does not appear to be a free speech issue. Whether or not it is the case turns on the more general question of what the right to free speech entails. I cannot fully address this question here, but, for my present aims, it may suffice to say that, in protecting freedom of speech, liberals (quite uncontroversially) want to protect speakers' freedom to communicate ideas and opinions to others – and the right to be free from systematic communicative interference seems to be constitutive of the "freedom to communicate ideas"¹¹. On this view, *essential silencing* impinges on freedom of speech (the woman's "No" does not mean *no* to the hearer – that is, it fails to communicate the idea of refusal at all), while *authority silencing* does not, for it

3.2. Authority Silencing

8 The notion of 'illocutionary distortion' is borrowed from Green (2016), though I use it in a slightly different sense, meaning only those cases in which a speaker's utterance is given a reversed uptake.

9 McGowan's account develops some ideas outlined by Langton. See, for example, Langton (1993: 325: «A woman who prohibits sexual advances [...] has authority within the local domain of her own life, her own body [...]. If pornography prevents her from refusing, then pornography destroys her authority»).

10 Sbisà (2009) comes independently to analogous conclusions.

11 For a full discussion of what the right to free speech implies see West (2003).

involves no communicative breakdown (what the speaker says is indeed understood as it is meant to be taken).

3.3. Sincerity Silencing

Because of certain beliefs spread by pornography, when women refuse sex they might be systematically taken as insincere. The relevant beliefs may include *women always want sex* or *women tend to be coy so as not to appear promiscuous*. In order to account for this possibility (and developing an idea already put forth by Hornsby [1993: 42]), McGowan (2014) has introduced the notion of ‘sincerity silencing’. In addition to illocutionary intentions concerning what kind of act one intends to perform, speakers also have sincerity intentions concerning the sincerity degree of their illocutions. Consequently, besides H&L silencing (*essential silencing*), there might be another type of silencing occurring when the addressee, while understanding the speaker’s illocutionary intention, mistakenly believes that she is acting insincerely. Adopting Searle’s framework, we could regard *sincerity silencing* as resulting from the hearer’s misrecognition that the speaker’s act meets the *sincerity condition*. Since in refusing sex the speaker expresses both a *desire* (to deter the hearer from having sex with her) and an *intention* (not to have sex with him), a sexual refusal is (sincerely) silenced when the hearer fails to take both the desire and the intention the speaker manifests with her “No” as psychological states she truly has. Notice that, in McGowan’s (2014: 466) view, the audience’s acknowledgment of the speaker’s sincerity is necessary for successful communication. She argues for this thesis as follows. When a speaker performs a speech act, she usually pragmatically presupposes her own sincerity. If the recipient fails to grasp that presupposition, the speaker will succeed in communicating only part of what she is trying to get across. This means that *sincerity silencing* is a (partial) communicative failure, and thus constitutes a free speech violation. McGowan’s argument appears to me not wholly convincing. Firstly, it is not clear why in performing an authoritative speech act – as refusals are – the speaker presupposes her own sincerity, but not her own authority (as McGowan herself implies by arguing that *sincerity silencing* is a violation of freedom of speech, whereas *authority silencing* is not). Secondly, partial communicative failure is, in a sense, unavoidable (it is extremely rare that addressees succeed in grasping *all* allusions or subtle implicatures of speakers’ utterances), and this seems a good reason to deny its constituting a free speech infringement. McGowan (*ibid.*) is aware of this difficulty and tries to meet it by arguing that not everything a speaker intends to communicate is on a par. When the addressee fails to recognize nuances of allusions or implicatures, such a failure is not troubling. But, when a sexual refusal is mistakenly taken as insincere, the addressee’s failure undermines the entire point of refusing (*i.e.*, to stop sexual advances). However, distinguishing between relevant and irrelevant implicit contents is not at all that easy, for the “degree of relevance” depends not only on the type of act performed but also on the context of utterance. Think to the act of refusal: when it is performed in the context of unwanted sex, the “sincerity presupposition” appears to be communicatively fundamental, but when it is performed in the context of, say, unwanted food, the same presupposition is much less important. In the light of these considerations, I do not regard *sincerity silencing* as a free speech impingement. *Sincerity silencing*, like *authority silencing*, does not involve any communicative failure: the woman’s “No” does mean *no* to the hearer, even though it is systematically acknowledged as insincere.

According to Langton (1993: 321), the woman who is silenced in the sense of (what I have called) *essential silencing* is like the actor on the stage, who, after shouting for fire as part of the play, tries vainly to warn the audience of a real fire¹². Unlike Langton, I prefer to save the distinction between the two accounts, since they are not equivalent. In the “essential” account, the hearer misses the illocutionary point of the speaker’s act, but seems to recognize that she is illocuting. On the contrary, in the “play-acting” account, the hearer takes the speaker as performing a *non-serious* act – that is, as not illocuting. Moreover, although play-acting has something in common with insincerity (in both cases, the speaker is in a sense pretending), *seriousness silencing* does not conflate with *sincerity silencing*. While a non-sincere refusal (like a non-sincere promise) is still a refusal (or a promise), a play-acted refusal is not at all an illocutionary act, since it neither makes the speaker responsible for the performed act nor constitutes an attempt to carry out the perlocutionary object of the play-acted illocution¹³. Since speech act theorists consider seriousness as a background condition for illocution¹⁴, we could regard *seriousness silencing* as resulting from the hearer’s misrecognition that the speaker’s utterance meets a fundamental *precondition* for illocuting¹⁵. Due to the rules pornography contributes to make valid in sexual contexts, men falsely believe that a woman’s “No” is nothing but a line in a script, a move in the “game of sex” meant to increase her partner’s arousal. Since the speaker’s words are *stricto sensu* meaningless to the hearer, this form of silencing may properly amount to a free speech infringement.

Before folding our map, it is worth stressing that, although the above kinds of silencing involve only three of the seven components of the illocutionary force (*i.e.*, illocutionary point, preparatory conditions, and sincerity conditions), other forms of silencing may result from the misrecognition of the components of the force left over¹⁶. Consider Rebecca Kukla’s (2014: 445-446) example of the female boss, who tells her male workers what to do but is very often disobeyed. The low obedience rate can be accounted for in different manners. One possible explanation is that, because of her gender, the workers take her utterances as *requests* rather than *orders*. According to Searle & Vanderveken (1985: 201), orders diverge from requests since they have a different mode of achievement. While requests leave the addressee free to refuse, to order somebody to do something is to direct her in a manner which does not leave that possibility open. If the boss’ orders are systematically heard (and responded to) as requests, her disablement is due to the hearers’ misrecognition of the mode of achievement of her acts. In spite of understanding the illocutionary point of the boss’ utterances (*i.e.*, to get them to do something), the workers fail to recognize that her words do not give them the option of refusing; consequently, they feel free not to do what she tells them to do.

3.4. Seriousness Silencing

12 The example is from Davidson (1984: 269).

13 While Sbisà (2009: 353) takes the “play-acting” account as an instance of perlocutionary frustration, I see it as a proper form of illocutionary disablement (see Section 4 for discussion).

14 Austin (1962: 22); Searle (1969: 57).

15 Seriousness could also be understood as a preparatory condition for *every* illocutionary act. The dynamics producing *seriousness silencing*, so construed, would be analogous to those producing *authority silencing*.

16 This is one of the advantages of adopting Searle’s conception of illocutionary force: it provides some insights in order to identify further types of silencing not yet considered in the debate on the phenomenon.

4. Failure, Defectiveness, and Misrecognition

As should be clear at this point, illocutionary silencing is a multifaceted phenomenon. By adopting Searle's framework, I have tried to integrate its diverse facets into a unique model. However, somebody may contend that not all types of silencing we have seen are instances of illocutionary disablement, since *some but not all* cause the speaker's act to misfire. In this section, I will try to see which kinds of silencing have the power to nullify the speaker's act and which kinds lack such a power.

According to Searle, every attempt to perform an illocutionary act can be (i) fully successful (when all conditions for success are met), (ii) successful though defective (when some non-necessary or additional conditions do not obtain), (iii) unsuccessful (when some necessary conditions are not satisfied). In both Austin's and Searle's theories, the successful securing of uptake figures among the necessary conditions for illocution¹⁷. It follows that *essential silencing* – which has been defined in terms of *uptake failure* – has the power to make the speaker's act null, and therefore falls fully into the category of 'illocutionary disablement'. Analogous remarks are relevant to *seriousness silencing*. In order to constitute some sort of illocutionary act an utterance has to be serious, and (crucially) it must be recognized as such. Why? Because the recognition of the speaker's seriousness bears on uptake: if the hearer fails to acknowledge the utterance as serious the whole act is given *no uptake at all*. There is an easy (but misguided) objection to my last statement, which could be put this way: *seriousness silencing* does involve some sort of uptake for the hearer understands the utterance as a *specific* fictional act – e.g., as a fictional act of refusing sex (and not, say, consenting to it). This objection can be addressed by regarding fictional acts as *simulated speech acts*, which have a pretended force and achieve a fake uptake. Suppose that an actor on the stage, declaiming the last line of a monologue, says "There goes my life. Tonight I'll commit suicide". Though the audience understands the actor's utterance as having the (pretended) force of a prediction, nobody would ascribe him the performance of that illocution (even in the case, in declaiming those words, the actor meant to make a real prediction). *Because of the context*, the actor's words are given no true uptake. Similarly, although the man understands the woman's "No" as having the (pretended) force of a refusal, *because of the context* (and the rules that govern conversation in that context), her utterance does not secure any true uptake – and this is why her act ends up misfiring. *Authority and sincerity silencing* are a somewhat different story. Let's start from *sincerity silencing*. As it is clear, the speaker's sincerity is not necessary for illocuting (it is always possible to perform an insincere speech act by expressing a psychological state one does not have), nor (*a fortiori*) is its recognition. Similar considerations apply to *authority silencing*. Even though the speaker's authority is a necessary condition for refusing, the hearer's recognition of that authority seems to be non-necessary or additional. (Since the man is wrong in regarding the woman as lacking the required authority, her "No" does count as a refusal)¹⁸. Apparently, *authority and sincerity silencing* fall into the category of 'perlocutionary frustration': the speaker whose authority or sincerity is denied is precluded from achieving by her words the intended effects on her audience. However, I take them as genuine instances of illocutionary disablement, in that they systematically (and unjustly) make the speaker's act unsuited even to *invite* the appropriate response on the part of the hearer. In the case of sexual refusals, the woman's "No" should *invite* the man to stop sexual advances (*n.b.*, this does

17 Austin (1962: 115-116); Searle (1969: 47).

18 The metaphysics of authority is a contentious issue. Somebody may claim, for instance, that having authority largely amounts to being recognized as having it and that authority is nothing but a social construction. On this way of thinking, if women are socially denied jurisdiction over their own bodies, then they do lack it. However, if at least some social agents (e.g., women themselves) acknowledge women's authority to refuse sex, then gender prejudice cannot have the final say. I thank Tasneem Alsayyed for raising this point. See also Sbisà (2009: 355-356).

not imply that her “No” should *achieve* that effect)¹⁹. If he does not even consider that she has refused (that is, if the woman’s utterance cannot invite its conventional response), the flaw is *illocutionary* (even if she succeeds in performing the act in question).

Despite their being more or less powerful, all the discussed kinds of silencing are forms of illocutionary disablement. If pornography silences women by undermining their ability to illocute rather than by merely causing their perlocutionary frustration, then it harms women in a particularly pernicious way. Perlocutionary acts (as opposed to illocutionary acts) are not under the speaker’s full control, but rather related to the peculiar context of utterance as well as to the audience the speaker is addressing. A speaker may try to produce some perlocutionary effects without succeeding, or may not intend to achieve a certain sequel which occurs nonetheless. As troubling perlocutionary frustration is (especially when it gives rise to rape), it does not impair the very ability of the speaker to do things with words. Rather, it increases the degree of uncertainty implied in each and every performance of a perlocutionary act. On the contrary, the speaker whose words are divested of illocutionary potential is impeded in doing what – *under fair circumstances* – she would have been able to do simply by being heard as doing it. Illocutionary silencing causes the speaker’s acts to be null or heavily defective without there being any reason for the failure but *the speaker is a member of a disempowered social group*, and thus constitutes an insidious form of discursive injustice²⁰.

In this paper I have tried to sketch a map of the main kinds of illocutionary silencing discussed in recent philosophical literature. By looking at the debate on the harms of pornography, I have identified four types of silencing (*essential, authority, sincerity, and seriousness silencing*), which in turn have been analysed in the frame of a unique model based on Searle’s definition of ‘illocutionary force’ as a set of conditions for success. In the light of this definition, illocutionary silencing has been regarded as a speech act failure constituted by the systematic and unjust misrecognition on the part of the hearer of a specific component of the force of the speaker’s act. It emerged from my analysis that neither *authority* nor *sincerity silencing* amounts to a free speech infringement, since they do not involve any communicative failure. Thus, they cannot be employed in support of MacKinnon’s claim that pornography violates women’s freedom of speech. In conclusion, I have argued that, despite reasonable hesitation, all the discussed kinds of silencing are genuine instances of illocutionary disablement, and thereby constitute pernicious forms of discursive injustice²¹.

5. Conclusion

REFERENCES

- Austin, J. L. (1962), *How to Do Things With Words*, Oxford University Press, London;
Davidson, D. (1984), “Communication and Convention”, In Id., *Inquiries into Truth and Interpretation*, Clarendon Press, Oxford, pp. 265-280;
Green, M. (2016), “Speech Acts: An Annotated Bibliography”, *Oxford Bibliographies Online*, DOI: 10.1093/OBO/9780195396577-0300;
Hornsby, J. (1993), “Speech Acts and Pornography”, *Women’s Philosophy Review*, 10, pp. 38-45;

19 In Austin’s (1962: 116) framework, the inviting of a certain response is an illocutionary effect, whereas the response itself is the speaker’s perlocutionary goal, and the actual achievement of that goal constitutes the performance of the intended perlocutionary act.

20 Kukla (2014) uses the expression ‘discursive injustice’ to indicate a peculiar distortion of the path from speaking to uptake. Here I use it in a looser sense to refer to those cases in which the speaker’s illocutions turn out to be flawed just because of her group membership. All types of silencing analysed above involve discursive injustice (in my loose sense).

21 I am grateful to Claudia Bianchi for detailed and helpful comments on an earlier version of this paper.

- Hornsby, J. (1995), "Disempowered Speech", *Philosophical Topics*, Vol. 23, No. 2, pp. 127-147;
- Hornsby, J. (2014), "Pornography and 'Speech'", In Coleman, L., and Held, J. M. (eds.), *The Philosophy of Pornography*, Rowman & Littlefield, London, pp. 129-146;
- Hornsby, J., Langton, R. (1998), "Free Speech and Illocution", *Legal Theory*, 4, pp. 21-37;
- Kukla, R. (2014), "Performative Force, Convention, and Discursive Injustice", *Hypatia*, Vol. 29, No. 2, pp. 440-457;
- Langton, R. (1993), "Speech Acts and Unspeakable Acts", *Philosophy & Public Affairs*, Vol. 22, No. 4, pp. 292-330;
- Langton, R., West, C. (1999), "Scorekeeping in a Pornographic Language Game", *Australasian Journal of Philosophy*, Vol. 77, No. 3, pp. 303-319;
- MacKinnon, C. (1987), *Feminism Unmodified*, Harvard University Press, Cambridge;
- MacKinnon, C. (1993), *Only Words*, Harvard University Press, Cambridge;
- Maitra, I. (2012), "Subordinating Speech", In Maitra, I., and McGowan, M. K. (eds.), *Speech and Harm*, Oxford University Press, Oxford, pp. 94-120;
- Maitra, I., McGowan, M. K. (2010), "On Silencing, Rape, and Responsibility", *Australasian Journal of Philosophy*, Vol. 88, No. 1, pp. 167-172;
- McGowan, M. K. (2009), "On Silencing and Sexual Refusal", *The Journal of Political Philosophy*, Vol. 17, No. 4, pp. 487-494;
- McGowan, M. K. (2014), "Sincerity Silencing", *Hypatia*, Vol. 29, No. 2, pp. 458-473;
- Sbisà, M. (2009), "Illocution and Silencing", In Fraser, B., and Turner, K. (eds.), *Language in Life, and a Life in Language*, Emerald, Bradford, pp. 351-357;
- Searle, J. R. (1969), *Speech Acts*, Cambridge University Press, Cambridge;
- Searle, J. R. (1975), "A Taxonomy of Illocutionary Acts", In Gunderson, K. (ed.), *Minnesota Studies in the Philosophy of Science*, VII, University of Minnesota Press, Minneapolis, pp. 344-369;
- Searle, J. R., Vanderveken, D. (1985), *Foundations of Illocutionary Logic*, Cambridge University Press, Cambridge;
- West, C. (2003), "The Free Speech Argument Against Pornography", *Canadian Journal of Philosophy*, Vol. 33, No. 3, pp. 391-422;
- Wieland, N. (2007), "Linguistic Authority and Convention in a Speech Act Analysis of Pornography", *Australasian Journal of Philosophy*, Vol. 85, No. 3, pp. 435-456.