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Does the “Divine Marquis” Subordinate? Pornographic Subordination in Literary Fiction

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Pornographic Subordination in Literary Fiction

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Abstract

From their clandestine publications in the eighteenth century to the present, the works of the Marquis de Sade have been charged with endorsing rape, misogyny, the subordination of women, and aesthetically poor taste. After Andrea Dworkin and Catherine MacKinnon's court cases against pornography in the 1980s, the charge that these works subordinate women is of apiece with the broader philosophical claim that "pornography subordinates women." This claim has had a rich afterlife, beginning with Rae Langton's defense of it in 1993, finding adaptations and contestations in Drabek (2016) and Bauer (2015) alongside many others. Yet unlike the dominant examples within the philosophical literature, de Sade's narratives have two distinct features: a) they are textual works, not videographic representations; and b) they can be illustrated or performed, but they are not themselves illustrations or performances. This thesis investigates de Sade's writings, alongside sexually explicit illustrations of Michel Leiris' Miroir de la Tauromachie and Georges Bataille's Histoire de L'œil, to probe the conditions that make it possible for us to attribute real-world harm to works of fiction, sketching out how depictions of subordination generally subordinate non-fictional classes of people. I will argue that the harm a depiction of subordination does to the classes of persons it depicts is determined largely by the depicted-classes' reception context, including: the historical situation in which the text is read; the cultural significance of the work within the depicted world; the depicted classes' socioeconomic, race, and gender-conditions; and the medium in which the depicted class receive a depiction of subordination.

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Introduction

An Overview

This thesis explores the potential for pornographic works of literature to subordinate non-fictional women. As a paradigm case, I will examine the texts of the Marquis de Sade, called by the radical feminist writer Andrea Dworkin "the world's foremost pornographer" (Dworkin, 1989, 70). Carrying the aesthetic endorsement of canonical European writers like Gustave Flaubert, Charles Baudelaire, and Fyodor Dostoevsky, alongside the praise of philosophers like Albert Camus, Simone de Beauvoir, and Georges Bataille, de Sade lays claim to history's most "well-respected" author of pornography. In Dworkin's terms "[de] Sade's cultural influence on all levels is pervasive," yet too-often forgotten is what is all-important for Dworkin, that de Sade's "ethic—the absolute right of men to rape and brutalize any 'object of desire' at will—resonates in every sphere" (71).

Assuming that Dworkin is right, it seems that if any pornographic texts potentially subordinates women, it ought to be works like de Sade's. Yet within the philosophical literature on pornography's gender-subordination, de Sade's work (and literature in general) has received little to no attention. Surveying views including Langton (1993), which contend that gender-subordination constitutes pornography, to Saul (2006), that claim on the contrary that pornography leads to gendered subordination, my thesis shows that neither position accounts for the interpretive complexity posed by pornographic literature. I address this lacuna and offer not only an account of de Sade's "misogynist" writing, but also suggest that omitting literature when discussing pornography's gender-subordination perpetuates a philosophical insensitivity to how philosophical words "do things." Considering pornographic literature reveals how pornographic utterances, as utterances of speech-like acts, might perform actions like subordination at all.

How to Consider the Marquis

From their clandestine publications in the eighteenth century to the present, de Sade's fictions have been charged with endorsing rape, misogyny, the subordination of women, and aesthetically poor taste. After Andrea Dworkin and Catherine MacKinnon's court cases against pornography in the 1980s, the charge that his texts subordinate women feel to me inflected by the broader philosophical discussions surrounding the claim that "pornography subordinates women." This claim has had a rich philosophical afterlife, beginning with Rae Langton's defense of it in 1993, now finding substantial adaptations and contestations in Drabek (2016), and Bauer (2015). Yet unlike the examples dominating the literature, de Sade's narratives exhibit two distinguishing features: they are texts, i.e., a series of graphic markings, not works of videographic representation (meaning that they lack "real" bodies/actors/actresses); and they can be illustrated or performed, but they are not themselves illustrations or performances (at least not in the visual-theatrical sense). Moreover, pornographic literature brings out a feature that is often overlooked by philosophers of pornography: pornography, as a work of "art," always operates under the pretense of fictionality (i.e., presenting non-actual scenarios), whether they take a videographic or literary form. Investigating de Sade's writing thus probes the conditions that make it possible for us to attribute real-world harm to written works of fiction, sketching out how works of pretense generally subordinate their pretending audience on grounds of gender, sexuality, race, etc.

This thesis draws heavily upon J.L. Austin's "speech-act theory" alongside philosophical aesthetics and literary critics to explore how and when pornography subordinates nonfictional women. I show that one cannot compellingly condemn literary pornography without addressing the relationship between a text (a medium with a message) and its readers (its audience), as well

as the status of persons within each domain. I argue, developing Austin's description of illocutionary uptakes and meaning making only occurring within determinate contexts, that the nonfictional harm a literary work does is largely determined by the reader's context. This context includes aspects like the historical-temporal situation the text is read in; the cultural significance of the work to the audience; the audience's socioeconomic, race, and gender characteristics, etc. For a constitutive view proposed by Langton, these "readerly" contexts always remain indeterminate and thus when analyzing pornographic literature, I suggest that we move towards a more medium-sensitive, utterance-within-context, approach like Bauer (2015). For erotic literature (if nothing else), subordination does not constitute pornography but pornography within a certain context, as a particular utterance in a specific medium, causes subordination.

Pornography's Gender Subordination: The Constitutive View

Within the philosophical discourse on pornography, one account of the relationship between pornography and the subordination of women that has "dominated Anglo-American feminist philosophy on the topic of pornography over the past 20 years" (Hänel and Mikkola 2017, 4) is a "constitutive" view, proposed by Langton's "Speech Acts and Unspeakable Acts" (1993). Langton argues that pornography properly speaking entails gender-subordination, wherein gender subordination is intrinsic to features of pornographic media. Gender subordination occurs in every instance of pornography—something that does not endorse/exhibit gender-based discrimination is not pornography in Langton's sense. For Langton, "pornographic materials harm women *as a group*," that is, the features allowing pornography to subordinate women do not impact women merely as individuals but rather as a social-material class. Langton claims that pornography does so by creating and reproducing "views about women and their sexual behavior that are false" (Mikkola 4), such as a refusal to engage in sex being a coyly encoded "yes," that

female orgasm comes only if a man is forceful in bed, etc. Since these features are embedded and expressed by pornography, Langton holds its production and consumption within our sociopolitical-historical nexus responsible as an activity that perpetuates "a culture of systematic sexual violence against women" (4). For media to be pornographic, then, is for it to participate in the subordination of women.

Starting with Catherine MacKinnon's "Francis Biddle's Sister" (1987), philosophical views of pornography's gender subordination often describe pornography as "*the graphic sexually explicit subordination of women through pictures or words* that also includes women dehumanized as sexual objects, things or commodities […] in contexts which makes these conditions sexual" (MacKinnon 1987, 176). What it is for something to be pornographic then, is for a work to present sexual scenarios that subordinate women through its available means, in a way that appeals to its audiences' erotic desires and fantasies. Insofar as a work fulfills these three criteria, it is pornographic, which is to say that it engages in the subordination of women. Pornography entails subordination for MacKinnon because "pornography makes it the case that women are inferior, in a socially substantial way, to men"—it "constructs the social reality of gender" wherein "[w]hat a woman is, is defined in pornographic terms" (166). The falsehood that women are sexual objects and commodities, existing only as the object of male desire, is what pornography exports as an erotically appealing fact. According to MacKinnon, this exportation, through presenting discriminating representations, is what makes pornography subordinating.

Langton's constitutive view is an extension of MacKinnon's contention, being indeed an attempt to defend it from a "philosophical" perspective. To understand Langton's view, we must recognize that for her, pornography is neither just media floating in a vacuum, nor a mere "work

of art" for aesthetic contemplation, nor an art form that empowers women (Mikkola 1). Rather, Langton insists, pornography harms women in and through its activity—not causally, but by being the kind of work that it is. Pornography is an intention-bearing and disposition-forming activity that affects its consumers by conditioning "male orgasm to female subordination. *It tells men what sex means*, what a real woman is, and *codes them together in a way that is behaviorally reinforcing* […] What pornography means *is* what it does" (MacKinnon 190, my emphasis). Pornography functions to teach men, a socially dominant, "authoritative," class of consumers, how to behave with women.[1] This behavior does not treat women as autonomous individuals deserving full respect and human dignity, but rather as sexual commodities whose function is to orgasm and help men achieve orgasm. In MacKinnon's terms, "[p]ornography is not imagery in some reflection, projection, expression, fantasy, representation, or symbol either. It is a sexual reality" (173) that fuses "the eroticization of dominance and submission with the social construction of male and female," where what a woman is becomes defined by what a man can do to her (172).

But if pornography is that sexual reality where women as a social class are subordinate to male's sexual desires, what exact kind of activity is it? How can we make sense of a work of media—a work of artifice—impinging on "reality," social, sexual, or otherwise? Following Langton (1993), an apt way to explain how pornography subordinates by gender is to consider it a "speech-act." Developed by J.L. Austin, the so-called father of "ordinary language philosophy," Austin develops the notion of speech-acts to contend that words do far more than "mean" things—"meaning" is one among many activities that our language participates in. A word's specific activities—performing deeds like marrying, promising, naming—is what Austin

[1] I return to the authority of men, and the audience more generally, as a problem for this work's third chapter.

calls its "illocutionary act," where "the issuing of the utterance is the performing of an action" (Austin 1962, 6-7). In Langton's view, pornography is a speech-like emission that does something beyond representing women engaged in sexual activities with men—it subordinates not by being a mere depiction or representation. Instead, the questions we ask about discriminating speech-acts (pertaining typically to speakers and hearers) are important to explain how pornography subordinates women.

Langton declares that "[p]ornography is speech. So the courts declared in judging it protected by the First Amendment. Pornography is a kind of act. So Catharine MacKinnon declared in arguing for laws against it," which, put together, means that pornography is a speech-act (Langton 1993, 293). Langton stipulates this position at the beginning of her article and does not go back to justify it, instead taking it as the argumentative basis for her broader claims that 1) pornography subordinates women insofar as it "determines women's inferior civil status" and that 2) pornography silences women in a non-metaphorical, but literal, sense, that is, as Langton quotes MacKinnon, "[t]he free speech of men" through pornography "silences the free speech of women" (Langton 297). The philosophical discussion of pornography's gender subordination has typically taken Langton's presumption for granted, and thus feminist philosophers of pornography often begin by presuming that pornography subordinates analogously to subordinating speech acts. The assumption is, then, that if we develop an adequate understanding of how persons are subordinated by speech, our understanding of pornography's gender subordination will obtain more explanatory power. When philosophers draw upon Austinian speech-acts to explain pornography, they evaluate both the conditions under which pornography, as a speech act, performs its harmful activities and how this harm is tied to Austinian "uptake," that is, its reception-interpretation by hearers.

The presumption that pornography's gender subordination is analogous to subordinating speech acts is troubled when considering de Sade's pornographic literature. I start from my intuition that adjudicating the potential for words to subordinate within a work of pretense, i.e., fiction, will illuminate what speech acts must generally do to be considered subordinating. Pornography, although it may not be solely a "work of art" in the way literature is traditionally conceived, is nevertheless a pretenseful work of artifice. Porn videos (both amateur and professional)[2] represent scenarios where ordinary human behavior is taken to mean something other than what it seems vis-à-vis the behavior it represents. Likewise, although this is sometimes overlooked by readers of Austin, literature is a kind of speech act as well, just a "special circumstance" that, despite falling outside the scope of *How to Do Things with Words*, does not go unacknowledged. In my view, it appears that the claim the subordination of women constitutes pornography implies that pretense-based works of "fiction" are the kinds of works that subordinate a class of people, nonfictionally. Turning our eyes towards pornographic literature thus highlights the ambiguity of assigning discrete activities to works of fiction, shining a new light on the requirements for Langton-style constitutive views to hold water.

[2] Excepting snuff films which I believe are not pornography in the standard generic sense.

Chapter 1: Speech Acts, Subordinating Speech, and Pornography's Subordination

This chapter reconstructs Langton's account of how pornography subordinates women by gender. First, it reiterates the backbone of her apparatus—Austin's articulation of illocutionary-acts, and argues that images are one kind of nonverbal act that have illocutionary forces as well. Then, it recounts Langton's account, showing how her claim is indebted to Austin's conceptual analysis that distinguishes a speech act's perlocutionary effects from its illocutionary acts. Afterward, it narrates Langton's account of subordinating speech requiring an authoritative speaker. Finally, it unpacks Austin's notion of exercitives versus verdictive utterances to clarify Langton's account of how pornography subordinates women. This last section ends by raising some doubts about the plausibility of Langton's view.

Austin's Speech-act Theory and Image-Locutions

Recall that Langton's declaration that "[p]ornography is speech […therefore] [p]ornography is a kind of act," means that pornography is a speech-act (Langton 1993, 293). The case that speech-acts—verbal/orthographic utterances (although importantly not only these) ought to be understood as affecting and changing the world—was enthusiastically made by J.L. Austin's Harvard lectures, *How to Do Things with Words*. In them, Austin uses "speech acts" to describe not only what an utterance says in its arrangements of words (i.e., what sentences "mean") but also what they do (i.e., what action those words are used to perform).

Consider the phrase, "the cat is on the mat." In one sense, that phrase has a certain meaning, derivable from consulting a dictionary that defines each term. This might look like, "something called a cat, i.e., a small domesticated carnivorous mammal with soft fur, a short snout, and retractable claws, is physically in contact with and supported by a mat, i.e., a piece of

material placed on a floor for people to wipe their feet on."[3] Though we likely all agree that this paraphrase unpacks the semantic "meaning" of the original phrase, Austin observes that insofar as semantic meanings are derived from dictionary-definitions of a word, these definitions are themselves based upon the conventional uses of these words among contemporary speakers of a language. That is, a word's "meaning" cannot be made abstract from its appearance in ordinary sociolinguistic situations. When we say that words and sentences have meanings, we imply that these utterances appear in typical ways within various situations for the speakers of a certain language (Austin 1970, 56-57). As Austin sees it, philosophers should therefore investigate the use of our words within time-place-cultures rather than isolating them into abstract categories of "truth" or "meaning." Meaning can never be isolated from a context—the meaning of a phrase is the activity that the phrase's component parts ordinarily participate in.

Austin says that philosophers often think about speech-acts just as a series of "locutionary acts," the "utterance of certain words in a certain construction" with "a certain sense and reference." These locutions are often considered "the uttering of noises [that] may be a consequence (physical) of the movement of the vocal organs, the breath" (Austin 1964, 114). Understood this way, locutions are identical to physical actions, where the noises we make affect our hearers in the same way as physical actions. That means that in saying, "the cat is on the mat," you, my hearer, will be affected in the same way as if I had pushed you towards a cat on a mat. In the case of my push, our bodies must have been arranged in a certain way where, after my arm/body is tensed and touches you with a certain force, you are closer to a cat who is sitting on a mat. A "push," as a physical action, is composed of a series of listable actions that require no interpretation to affect someone—they are freed from having to be understood (or as Austin

[3] From the Oxford English Dictionary's entries about cat, on, and mat.

calls this, "uptaken") in some way (111). Words differ in precisely this regard, in that "the uttering of a word is *not* a consequence of the uttering of a noise," but rather of a noise that is intelligible. Saying that "the cat is on the mat" affects someone insofar as these noises are understood to mean something within the conventions of our culture/language and refer to something within this context. The phrase is insensible if we are unfamiliar with what "cat," "on," and "mat" ordinarily describe.

Locutions, then, as the uttering of words in certain constructions, are different from standard physical actions—they are the saying of certain words about certain things, meaning that they are intelligible as having a "sense" (i.e., meaning), and a "reference" (an object of/for description) (Austin 113). As a categorization, Austin notes that locutions are the most general grouping of speech-acts—all utterances, regardless of category, involve the saying of certain words (113). Saying that "the cat is on the mat" is merely saying something about a domesticated feline. The utterance may have certain qualities, such as being true or false, but as Austin points out, in ordinary speech situations an abstraction like "truth" is typically "a rough description" of the world (142). Certainly, to our naked eyes, this feline is supported by something we use to wipe our feet, and if all we are interested in is where the cat is with respect to the rest of our furniture, perhaps them being on the mat is all that matters. But perhaps we are amateur environmentalists interested in identifying where the cat is within our home's ecosystem. In that case, knowing that the cat is on the mat may be significant, but there are likely more precise ways to describe this than just saying "the mat"—is the cat on a mat by the front door, what room is the mat in, are there any windows nearby, etc. Austin's observations on our ordinary linguistic practices suggests that we often do not employ precisely fixed notions of abstractions like truth and falsity—in general "the intents and purposes of the utterance and its context are

[what are] important" (142). Hence what is interesting about a phrase like "the cat is on the mat" is not at all the phrase in its unsocialized abstraction, but precisely how and to what end these words are used by someone in a social situation/context.

Note here that on this account of Austin's speech acts, locutions are utterances of words said in certain ways. For something to be a word means that it must figure in certain ordinary contexts abiding by certain norms, i.e., "conventions." Words hence are not independent of our social practices—their "meanings" depend upon their conventional usages within a totality of diverse speech situations. The insight that words are paradigmatically conventional, being understood within determinate contexts, suggests that there are other speech-like acts that are not themselves verbal utterances. Langton's view about pornography as a subordinating speech act contends, apart from its subordination claim, that images/videos are speech-like categories that abide by certain conventions. Consider this image:

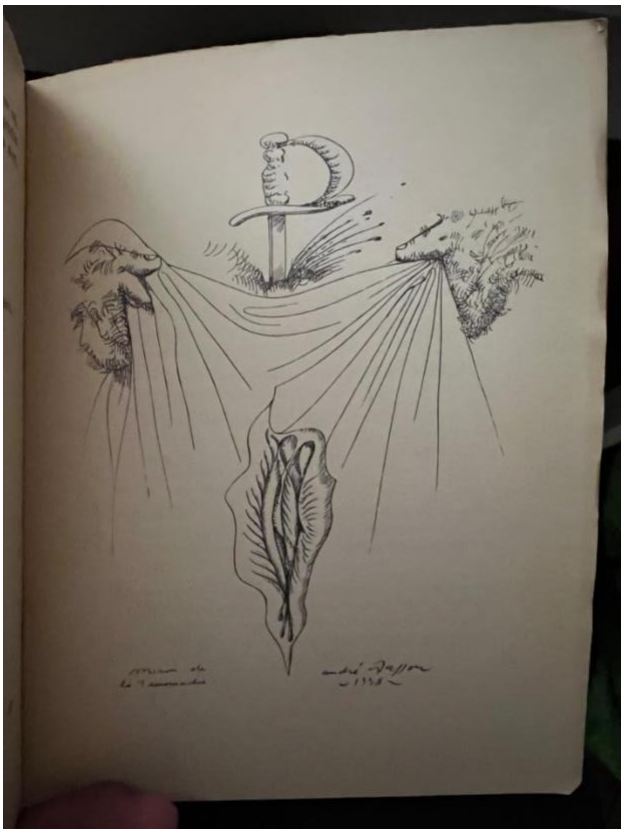

Figure 1: last page of Michel Leiris' Miroir de la Tauromachie. Reproduced here to show a complex work of art containing erotic images. Photograph taken by the author on July 20, 2022.

This example is a type of image, namely an illustration, made by André Masson for Michel Leiris' essay, *Miroir de la Tauromachie* (first ed. 1938; in English: *Reflections on Bullfighting*,). To the extent that it affects us, Austin's account of locutionary words will have us believe that the image "means" or "does" anything by abiding by the conventions for visual-artistic representations, i.e., how they are ordinarily used and how we typically interpret them. This means that we understand this illustration as an illustration of something because we know how illustrations conventionally function, that is, how they are ordinarily related to source-material. Consider this tentative list of conventions for illustrations: 1) illustrations often appear within their illustrated material; 2) illustrations typically require an acquaintance with their source of origin to be understood as an illustration of something; 3) illustrations represent, to varying

degrees, the ideas, texts, or themes of their source material.[4] On this Austinian account of images being speech-like acts, Masson's illustration is understood to be how it is, an illustration-image, because we understand that it abides by some of the conventions like those in the list. Images do not mean or do anything as standalone utterances, but only as utterances made within certain conventions, appearing within socialized speech-contexts. Insofar as this proposal seems plausible, an image-locution can be described as a depiction of a certain thing presented in some conventional way.

We may be inclined to say that unlike phrases like "the cat is on the mat," which seemingly do no more than describe states of affairs in the world,[5] speech-like utterances like Masson's illustration do more than mean/describe something with respect to something else. One might say this because of the provocative nature of the images within this illustration-locution—it presents an enlarged vagina in the middle of a cloth spread taut by two hands, with a dagger looming directly over the vagina. The meaning of these images put together is not altogether clear. In a somewhat charitable reading, our knowing that this illustration shows up in a text about bullfighting and violence may incline us to propose a metaphorical interpretation. Perhaps what the illustration "means" is that vaginas are for humans what red cloths are for bulls—at once a temptation and a lethality—this "meaning," then, nuances our understanding of the text.[6] Granted that that is one possible interpretation for these images,[7] the question remains as to what

[4] These conventions are specification of the conventions for images in general, so it seems at some point for an Austinian, the conventions for illustrations and images must overlap when explaining how any specific image affects us as the image-type that it is. I will return to this recursive problem throughout my work.
[5] Although, importantly, these types of sentences often do more than merely describe the world—they may, for example, "state" what the world is like. This phrase, "the cat is on the mat," is precisely such a statement about the world, it is true or false in a rough and ready way, satisfying a certain speaker within determinate contexts. Yet additionally, when it is said in response to someone worrying about their cat, this statement can calm the worrier—statements may not only describe the world but can also cause changes in a person like alleviating their anxiety.
[6] Which is to say that this "nuance," whatever form it takes, is the "use" of the image, it is what it does. The meaning-use of the image (and all locutions) are interlinked, part of the same process of our uptake/interpretation.
[7] Based perhaps on other circumstances, such as the specific content of its facing textual page.

use this image is being put to. But first, insofar as this is an illustration, what work does the illustration do to us?

Austin calls this latter aspect, an (image-)locution's effect upon an audience, the "perlocutionary effect" of the utterance. These are noticeable when our speech(-like) act produces "certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons: and it may be done with the design, intention, or purpose of producing them" (Austin 1964, 101). Suppose that Masson's illustration is shown, not as an illustration, but as a standalone image projected onto a PowerPoint to a class of undergraduate students. These students, occupying different gender-class-social identities, would neither be receiving this illustration clearly as a work of art nor as an illustration but simply as an image of a vagina fenced by hairy hands, overtop a background of cloth, in the presence of a dagger. The image's ambiguity would not be about how it relates to its textual source material, but instead concern how we are supposed to understand its different symbols communicating "meaning" to us. It is quite likely, I contend, that if the professor does not prepare students for what they see here, providing them with an interpretive context (i.e., aesthetic-historic-content specific information) prior to its display, several students will be offended/upset. Their reasons for offense will vary—the implication of violence alongside sexuality may suggest an alienating male/patriarchal bias; maybe the frank display of a vagina as a flower-like orifice is objectifying; perhaps the image's contents are not especially offensive but rather the context it is shown within is inappropriate.[8] Inasmuch as those are various reasons why an audience could be offended by this illustration, they are all "perlocutionary effects" of its utterance as a speech-like act. They are all consequences of displaying and seeing that image in a social situation.

[8] Perhaps, for example, this professor-teacher, intending to teach a class about antisemitism in Charles Dickens' novels, pulls it up on their PowerPoint by accident.

Return now to the question of what work this illustration does. This is not to ask what effect (consequence) it has on us, but rather what this illustration does in its very production as an image. Here we are dealing not with the image's consequential results but the identity conditions that make it an image of something—violent, subordinatory, misogynistic, etc. We are interested, in Austin's terms, in the illustration's "illocutionary force," that is, its "performance of an act *in* saying something as opposed to the performance of an act *of* saying something" (Austin 99, original emphasis). This image, a combination of diverse symbols, does more than merely describe the contents/themes/nature of its text, bullfighting, vaginas, etc. Through bringing diverse symbols together—vagina, hands, cloth, and dagger—we can say that Masson's creation's force is to create a metaphorical-interpretive relationship between its component images/symbols. In its arrangement, it instantiates a novel relationship between each symbolic-utterance—the vagina is not shown just as a reproductive organ, the dagger is not only a dagger, those hands not merely hands, cloth not only cloth, etc. Given their situation together as part of a whole illustration-utterance, we must respond in a way distinct from viewing these images in their typical isolation. What determines our response, then?

Requiring us to have a novel response to ordinary symbols means that our subject positions are modified by Masson's illustration. For example, it is plausible that as an artist, Masson intended to present this lithograph only as an accompaniment to a text. In his creative intent, we are probably not assumed to be viewers considering this one illustration in isolation. We are probably supposed to take on an "artistic" attitude, viewing the illustration's component images as parts making up a total work of art that is informed by (and informs) our reading an accompanying text.[9] However, when a group of undergraduate students see this same illustration

[9] This attitude and the attendant contexts are part of what make this image-utterance appear within "extra-ordinary" circumstances. I will develop upon this concept and its implications in Chapter 2.

as a standalone image accidentally projected onto a screen, their subjectivities are ambiguous. Rather than being viewers of an artwork, they are suddenly "assaulted" by an image with ambivalent meanings/references, suggesting none-too-subtly the commingling of violence with sexuality.[10] How our subjectivities are precisely inflected is determined by the social circumstances of the illustration's situation as a speech-act—are the students an "informed" audience, are they not, etc. These are all considerations of this image as an illocutionary act because they pertain to what it does to us by being uptaken as an image-locution in contexts.

The final consideration to bear in mind when applying an Austinian apparatus to pornographic utterances is Austin's insistence that "there cannot be an illocutionary act unless the means employed are conventional, and so the means for achieving its ends must be conventional" (118). Insofar as Masson's illustration is used to be an illustration of something over and above its component images that demands a certain response that modifies our subject-positions—in other words insofar as this illustration has an illocutionary force for us—it does so by figuring within certain conventional usages of images/imagery/illustrations, etc. Without knowing about the relevant conventions that words, images (and illustrations in particular), and videos abide by, we cannot assign any determinate illocutionary force to an image/video/verbal speech-act. Moreover, if words, images, and videos are not the kinds of utterances that follow certain conventions as norms, they cannot be said to have any illocutionary force upon an audience—that is, they cannot be said to do things such as "subordinate" persons. Suspending for now our reservations about the plausibility of this last crucial claim, consider Langton's contention that pornography subordinates women by being an illocutionary act of subordination.

[10] Austin specifies the relationship between these two kinds of subjectivity by terming the former, "artistic" attitude an "extra-ordinary" circumstance for an utterance, and the latter "un-artistic" attitude as the "ordinary" circumstance for an utterance. I will develop the kinship and ambiguities between these circumstances when considering the illocutionary force(s) a work of art, understood as a "fictional" work, can have.

Langton's Account of Subordination

For Langton, assessing the illocutionary force of pornography is the same as it is for images and acts of speech— what does this utterance do in the saying of it, that is, what is the "*use* of the locution to perform an action" (Langton 1993, 300)? She claims that the "use" of pornography is to subordinate women, that is, as a speech-like act, pornography creates a relationship where women are inferior to men. In subordinating women, pornography subordinates them as a specific class of citizens (307). Their subjectivity as people who can appear within (be depicted by) but also exist outside (be consumers etc.) of pornographic works is modified. Like Masson's illustration's audience, in a pornographic utterance, women are not a quality-less class of gendered people—the quality of their biological (or "performative") difference from men (and other people) is emphasized and changed by and within the work itself. This is to say that like the individual images composing the illustration, women within pornography are not just "women" but occupy a positionality that inclines us to uptake/interpret them in a certain way. Unlike the indeterminate meanings-uses of the images in Masson's illustration, on Langton's account of pornography's illocutionary force, pornography as a speech-like act necessitates that we view women as subordinate to male sexual desires (307).

This illocutionary force is in addition to the perlocutionary effects works that pornography, i.e., videos, drawings, writings, etc. has upon an audience. These effects/consequences are captured by statements such as "male viewers of pornography often recreate the sexual violence they masturbate to," or "pornography makes its audience believe that male sexual desires are superior to the needs of women," and the like. In cases like these, pornography causes its audience not only to be aroused by the scenario that is filmed, but by the plausibility (however distant) that they could reenact that bad behavior with a female partner. As

a perlocutionary act, an audience views pornography and then reacts to it in a certain way—an audience's behavior is, as it were, causally influenced by viewing pornography. This is akin to MacKinnon's (sub-)contention that "[p]ornography sexualizes rape, battery, sexual harassment" (MacKinnon 1987, 171), where on Langton's parsing, pornography's sexualization "makes viewers find the thought of rape, etc., sexually arousing" (Langton 307). Allegations such as these contend that after viewing pornography, an audience will be influenced to mistreat women. Representation of women in submissive, often harmful, circumstances appeal to the desires and imagination of citizens of a certain class and compels them not only to view women a certain way but to also act a certain way towards/with them. The viewing of pornography leads, then, to a series of social-material-political practices that subordinate women. Subordinating women is, in other words, a consequence of viewing pornography.

Langton's contention that pornography subordinates women illocutionarily does not preclude the possibility that pornographylso contributes to the instating of subordinating practices, but she does not consider this the most relevant sense of its subordinating. On her view, pornography subordinates women by being a speech-like act of subordination—that is, in and through how its locutions are used, pornography acts to subordinate women. Subordination thus constitutes the illocutionary force of pornography as the kind of illocution that it is. By thus being pornographic, pornography subordinates women like a speech-act of subordination. What then do subordinating speech-acts look like and how do they subordinate?

Naming, Authority, and Subordinating Speech-Acts

Langton begins to explain speech-acts of subordination by having us consider the childhood saying, "sticks and stones might break my bones, but names will never hurt me."[11] This phrase, she aptly observes, rather than disallowing names from hurting us, instead suggests the possibility that names can/do hurt (Langton 302). In repeating this rhyme, the notion is that we will become more resilient to being called harmful names. Yet naming is an illocutionary act—that is, it is the use of a locution to name someone something. We, as recipients of a name, have no choice in the matter whether we are hurt or not—that is, whether we are called a pleasant or unpleasant name. Rather our being named, if it is accepted/uptaken as a name that befits us, is dependent upon the relevant conventions and circumstances regarding the speaker's utterance. The conditions that make it possible (what Austin calls "felicity conditions") for us to be named must all abide for the utterance to be "happy," i.e., to achieve a successful uptake.

Austin provides us with a paradigmatic example for naming: consider someone christening a ship. Suppose they say, "'I name this ship the *Queen Elizabeth'*[…while] smashing the bottle against the stem" (Austin 1964, 5). In saying that they "name this ship," the speaker states that their utterance is performing the act of naming a ship. But just stating what your utterance does cannot, unfortunately, make it the case that your utterance successfully accomplishes its purported task. As noted above, an illocutionary act is nothing if it does not operate within/through certain conventions. For Austin that means that for any illocutionary act to be happy, "[t]here must exist an accepted conventional procedure having a certain conventional effect, the procedure to include the uttering of certain words by certain persons in certain circumstances" (26).

[11] Note that Langton here changes a few words word in this common children's rhyme. The original reads "sticks and stones may break my bones, but *words* will never break me" (https://www.phrases.org.uk/meanings/sticks-and-stones-may-break-my-bones.html, emphasis mine)

Regarding naming a ship then, one convention for a successful naming-act is that someone "utters certain words," but these words mean/do nothing if they are not said by the appropriate person in appropriate circumstances. For instance, suppose that I, with no nautical experience, happen to pass by a dock where a ship is harbored. Full of gusto, I walk up to the ship with an empty bottle in hand and declare loudly, for all to hear, that "this ship is the *Queen Elizabeth!*" and proceed to smash the bottle against the prow. The crowd, some of whom are sailors, look at me perplexed and chuckle. What I have just done is not give the ship the name the "Queen Elizabeth"—I only uttered a string of words and smashed an empty bottle. I was neither in the right place/time to christen this ship, nor was I, and this is crucial, the right person to name this ship. Thus, my utterance failed—it was "infelicitous," "unhappy"—only a description of what I/it intended to do instead of accomplishing its purported/intended task.

To name something one must possess the relevant authority to give names to things. To properly name a ship one must be the person invested with the authority to name a device for nautical transportation. An ordinary convention for ship-naming is thus that naming-locutions will only be happy illocutions of naming if they are spoken by a ship's captain. Spoken by anyone else, such as myself, an act of naming only depicts our attempt to name something. Only when the person is invested with the proper authority, like a captain, are name-acts happy, agreed upon by all hearers. Possessing the relevant authority in certain circumstances, then, is part of how "accepted conventional procedures," like naming, can have "a certain conventional effect" upon an object and/or audience.

Recall that this discussion of naming arose when we considered the saying, "sticks and stones may break my bones, but names will never hurt me." As Langton observes, names can hurt people, exemplified by the commonality of this saying. Names, as we have seen, are

illocutionary acts that can only be given within conventional procedures in certain circumstances where certain words are uttered by certain persons who possess the relevant authority. In the case of harmful names, then, the person invested with the authority to name a person/group says something conventional in the appropriate circumstances such that their utterance is felicitous. The felicity conditions obtaining, the harmful term/thing that the namer dubbed someone else obtains as an appropriate name.[12] Although Langton does not say so, the felicity conditions for someone to name a person/object something unpleasant are analogous to the conditions for a speech-act of subordination. The speaker's authority plays a key role in both stories.

Langton has us consider the phrase "'Blacks are not permitted to vote.' […] uttered by a legislator […] in the context of enacting legislation that underpins apartheid. It is a locutionary act […] It is a perlocutionary act: […] But it is, first […], an illocutionary act: it makes it the case that blacks are not permitted to vote" (Langton 302). The speaker's position as a legislator, someone who not only offers their judgements about the laws but makes the law of the land, make it the case that their legislation is heard by all as a legislative ruling. As such a ruling, their saying "Blacks are not permitted to vote" deprives Black people of voting powers. Their saying that "Blacks cannot vote," given the conventional norm that legislators are allowed to legislate laws governing the populace, uttered within the proper circumstances of making the law, makes it the case that Blacks cannot vote. Langton contends that their utterance is thus an illocutionary act of subordination precisely because, conventional procedures and circumstances abiding, the utterance is successfully heard as an utterance targeting Black people as a socioracial class.

[12] The named person, importantly, has no direct power to stop their being named something offensive. They are, depending on the circumstances, in a position to resist their being named by someone whose authority they reject, or resist the naming in other ways, but these possibilities of resistance fall well beyond the scope of my present project.

Exercitives, Authority, and Pornography's Subordination

The legislator's phrase, a legally binding declaration, is what Austin calls an exercitive. Exercitives "confer powers and rights on people, or deprive people of powers and rights," through "ordering, permitting, prohibiting, authorizing, enacting law, and dismissing" (Langton 304). For Austin, performing an exercitive brings about a specific "decision that something is to be so" that is "an award as opposed to an assessment," meaning 1) that you have a vision of how the world ought to be; 2) you possess the authority-power to make it into a reality; and 3) your exercitive brings about the change you want to see in the world. Successful exercitives require that the order, legislation, etc. is uptaken as an order for others given by authoritative figure (Austin 1964, 150-54).

Through performing an exercitive, one attempts to exercise "powers, rights, or influence" that presupposes that one has the power to order, permit, etc. Someone's powers, rights, and influence presuppose their authority in certain social situations, within certain circumstances. The varieties of Austinian authority are described by Ishani Maitra in "Subordinating a Speech," a commentary on both Langton's central claims about pornography and subordination and the social forms that Austinian exercitives can take on. We can acquire authority by occupying basic social positions, through an audience/community's license, or by deriving our authority from systemic-social norms (Maitra 2012, 104). In practice, these three often intermix. Positional authority is defined as authority granted in virtue of the fact "of occupying a particular *social position* […] anyone occupying that office would possess the same kind of authority" (105). Licensed authority is when authority "is granted to occupants of that political [social] office *formally*," that is, by the official rules/norms of the state's executive body. Finally, derived authority is when a "legislator himself comes to occupy that office as a result of certain actions

of others, namely, their voting actions in some election, and for a *clearly demarcated period*," determined again by the official rules/norms/Constitution of the state's executive and legislative bodies (105). Like Austin's categorization of speech-acts, these varieties of authority intermix when we uptake certain illocutions as "authoritative."

When a legislator passes a legislation, pro-apartheid or not, citizens assume that this person has met the minimum qualifications, either through some state-endorsed merit-assessment or democratic election, to fulfill the role of their position. Moreover, this legislator is seen by citizens to act with the well-being of the government or people in mind. Finally, the legislator is recognized as a legislator for a certain country, exerting power over the citizenry until their term limit is over. These three authoritative valences somehow obtaining (in order: positional, licensed, and derived), a legislator's legislations are taken as authoritative rulings, possessing, that is, the power to create and enforce laws that citizens must abide by. An exercitive like "Black people cannot vote" is thus acknowledged as the kind of utterance that all people within a nation are legally bound to follow. It is not quite an utterance of one's opinion that Black people do not have the capacity to vote well but rather an order given by the state that anyone deemed "Black" does not have the right to vote in state elections. This authoritative exercitive is thus a "declaration" that something is to be so, rather than a "judgement" that something ought to be so.

Austin calls judgements of how things ought to be "verdictive" illocutions that "consist in the delivering of a finding, official or unofficial, upon evidence or reasons as to value or fact, so far as these are distinguishable" (Austin 1964, 152). Saying, as a legislator behind closed doors that Black people do not possess the mental faculties to vote well, is a statement of one's opinion that Black people are inferior to other races. It does not in itself make it the case that Black people cannot vote, even though as a belief it contributes to why one might decree, "Black

people cannot vote." However, suppose this racist legislator voices their opinion in public, saying that "Black people possess inferior mental faculties to White people." Although this still does not directly deprive Black people of voting power, it does prejudice people from counting Black people as equally competent voters as their White counterparts. Just as the exercitive "Black people cannot vote" consequently keeps Black people away from polling booths, pronouncing a verdict that "Black people are worse voters than Whites," can have the same effect. However, on Langton's account of the legislator, the verdictive form of a legislator's racial prejudice is not what makes it such that Black people cannot vote—only by producing an exercitive, a formal decree to the citizenry, can the legislator subordinate Black people.

Thus, Langton's account of how pornography subordinates women is that it is a conventional exercitive uttered by speakers occupying varying degrees of authority. If pornography subordinates like an authoritative speech act, such as the paradigm case of legislation, then pornography is uptaken as an exercitive. As an exercitive, the speaker—that is, the producer, industry, or work of pornography itself—must be recognized as authoritative in some substantial degree. Pornography can express certain harmful opinions about women, but it does not subordinate women through these opinions alone—only through legislating norms that an audience is expected to follow does pornography genuinely subordinate women. Langton's view maintains, moreover, that pornography properly understood is constituted by its subordination of women—something that does not legislate harmful authoritative norms for women is not, on Langton's view, pornography. Yet all these valences and proscriptions are attached to pornography itself as an illocutionary act, not works of pornography. That is, certain speech-like utterances are said to be pornographic while others are not, meaning that works that depict sexualized scenarios are not one and all instances of pornographic utterances.

An identity condition of pornographic illocutions is that it is an illocutionary act that subordinates women—but on an Austinian account, as an illocutionary act, like an image/illustration and other nonverbal communication, pornography must also abide by certain conventional procedures and conventional modes of reception that contextualizes the uttering of certain word-like things by certain people in diverse circumstances. Langton does not address these surrounding contextual aspects of pornography as illocutionary acts of subordination. In fact, one might argue like Jennifer Saul that for Langton, pornography an utterance out of context—meaning that her claim that it subordinates women is either not an illocutionary claim or not a coherent claim at all (Saul 2006, 230). Thinking seriously about illocutionary acts, the circumstances of their utterance, and pornography as an instance of a work of media, motivates the concerns of my next chapter.

Chapter 2: Reading Pornography as an "Extraordinary" Utterance

This chapter begins by recounting Austin's distinction between ordinary and extraordinary contexts for uttering speech acts. Then, it uses Austin's distinction as a reason to move beyond Langton's view of pornography as being constituted by being an illocutionary act of subordination to instead being a work of art/media. Afterwards, the chapter discusses Jennifer Saul's critique of Langton's insensitivity to the contexts of pornography's potential utterances and proposes a case where context seems especially determinate for use: an illustrated novel. Finally, the chapter concludes by proposing an additional contextual situation that neither Saul nor Langton consider: the importance of the medium in which we receive pornography as playing a role in how we uptake the work/utterance.

Austin's "Ordinary Language" Philosophy: Extra-ordinary Contexts for Utterances

In the second lecture of *How to Do Things with Words,* Austin says in a clarifying remark that the subjects of his lectures, illocutionary acts (aka performative utterances) in their natural varieties, "will […] be *in a peculiar way* hollow or void if said by an actor on the stage, or if introduced in a poem, or spoken in soliloquy […] Language in such circumstances is in special ways […] used not seriously, but in ways *parasitic* upon its normal use" (Austin 22, original emphasis). This is not to say that there is no sense whereby an illocution is sensible when found within extra-ordinary utterances. Instead, Austin contends that the way illocutions are uptaken by their audience within "special" circumstances are not identical to their uptake in "ordinary" circumstances. This implies that when turning to extra-ordinary cases, we should suspend what we assume to be "obvious" about an illocution's reception within ordinary parlance. At the same time, however, we should also be aware that the reception of illocutions within "special

circumstances" will be in part determined by their reception within ordinary contexts. The result for Austinians is that when illocutions appear in "extra-ordinary" circumstances, philosophers should attend to these circumstances and how they condition our uptakes of their utterances.

Of special interest to my project is Austin's (non-exhaustive) list of "special" circumstances for utterances, including when they are "said by an actor on the stage, […] introduced in a poem, or spoken in soliloquy" (22). In each case, words are displaced from their ordinary usage where they are spoken between persons feeling, thinking, and intending certain things that allow their words to be understood in determinate ways (40). Our "serious" use of languages when used under "ordinary circumstances" display Austin's observation in Lecture I that an abiding convention for any (English) user of a language is that "*our word is our bond*," meaning that we most often mean to "mean" what we say (10, original emphasis). Although philosophical ambiguities often arise from utterances within their ordinary contexts, Austin's text suggests that they can typically be resolved by turning our attention to relevant conventional norms and historical situations. The "meaning" and intention behind a phrase is found in the intersection of these two (if not more) axes.

Austin claims that in extraordinary circumstances, language is used non-seriously, implying, among other things, that we ought to suspend our belief in the abiding convention of "our word is our bond." In extra-ordinary circumstances, "ordinary" conventions like honesty, where our word is our bond, cannot be assumed from the outset—they must instead be inferred by the ordinary linguistic community encountering utterances in "extra-ordinary" circumstances. Austin's distinction of ordinary-extraordinary, i.e., fictional and nonfictional, circumstances divides conventional norms, positionalities, and the reception of utterers' behavior into two different but related kinds—enumerating these differences is determined by specific fictional

circumstances that philosophers and consumers engage with. In short, stage-plays, poems, and speeches are one and all instances of extra-ordinary/fictional contexts for utterances.

Furthermore, though Austin does not name them in his list, I believe that novels too fall under the broad category of extra-ordinary/fictional utterances. Novels typically are a longer-form fictional works than stage-plays, poem, and speeches. They often include more detail about their characters' motivations and settings, generally providing additional background information that the author considers important for readers engaged with their texts' plot. Depending on the novel and its author's interests, texts can more or less "resemble" real life—insofar as fiction is paradigmatically mimetic, individual instances have varying relationships with reality—and indeed mimetic resemblance is often questioned by modern novels such as Marcel Proust's *In Search of Lost Time*, Virginia Woolf's *Mrs Dalloway,* Octavia Butler's fictions, and the like.[13] Novels, thus, especially in their modern "experimental" iterations, may be admittedly more complex works than stage-plays and poems, but their complexity is not good reason to give them a distinct category from "fictional" or "nonfictional" works, that is, "extra-ordinary" or "ordinary" utterances. If anything, what a complex novel requires is methodical attention to the information an author provides regarding the circumstances of its characters' utterances. These written circumstances are the context informing each characters' behavior and are essential to account for when investigating when/if characters subordinate each other within the novel.

Following an Austinian account of language, acknowledging the distinction he provides between ordinary-extraordinary/fictional-nonfictional utterances requires that we bear in mind the various appearance of utterances and address how these conditions our reception.

[13] For an account of novels and fictions in general as paradigmatically mimetic, see Kendall Walton's *Mimesis as Make Believe* (1990). For one of many refutations to this conception of fiction, see Campbell Rider's "Seeing Double: Assessing Kendall Walton's Views on Painting and Photography" (2019).

Against Langton: "Pornographic Works" are "Media-works"

Using Austin and his interpreters, this chapter interprets the claim that pornography subordinates women as a charge made against a specific type of media called "pornography." My understanding of pornography here is distinct from Langton's view. On her constitutive account, properly speaking only works of media evidencing sexually arousing features concomitant with gendered subordination are pornographic. Langton's "pornography" only incidentally describes a subset of a category of works made in various mediums—she primarily intends to describe a process and a function that any media can exhibit and enforce. Yet as Jennifer Saul points out, on Austin's account only "*utterances in contexts* can be speech acts" (Saul 2006, 230, original emphasis)—pornography, like any speech-act, needs a determinate context to be sensible as the kind of speech-act that it is. The relevant context, for Saul, is the context a work is used and viewed within, but my addendum to this view is that a work's formal context—the medium through which we receive it—is similarly important because this conditions both a work's potential use-contexts and its reception. Pornography is only pornography, Langtonianly speaking or not, within a context of media-works and viewers. By disconnecting porn from a context of media that may be harmful to viewers in/through their consumption, works of pornography are removed from definite social-material contexts which are the bases for assessing how, who, and why pornography subordinates.

Jennifer Saul's Contextualism: Illustrating a Novel

In "Pornography, Speech Acts, and Context" (2006), Saul claims that Langton's emphasis on pornography as a general kind of speech-act of subordination is wrongheaded when querying pornography's gender subordination. The generality of Langton's position butts up against an

Austinian conception of speech acts, because, Saul says, "it does not make sense to understand works of pornography as speech acts. […since] only utterances in contexts can be speech acts" (Saul 237). Langton's paper, though it postulates some contexts wherein pornography may be viewed as authoritative and harmful, does not situate any definite contexts where the use of pornography is singularly harmful. Saul argues that the flaw of Langton's view is that, beyond authority and exercitives, she sidelines any context a consumer of pornography might bring to their viewing experience. Saul asserts that alongside considering one's authority and one's gendered status, viewers of pornography must be understood as viewers who know that they are consuming a type of media in a determinate context, in a definite way (238).

Saul disputes Langton based on a rereading of Austin's illocutionary acts that emphasizes the sentential context any individual illocutionary action is heard within. As I noted above, illocutions bring about novel states of affairs through the completion of an action, most often saying a certain phrase within some "ordinary" context. When you say "I do" during a marriage ceremony after an officiant asks, "Do you take this person to be your lawfully wedded spouse?," your saying "I do" constitutes your newly marital status. However, it is not merely saying the words, "I do" that instantiates the marriage—Austin reminds us that these words must "*be said in the appropriate circumstances*," (Austin 1970, 236, emphasis mine). For a marriage these circumstances include 1) not being currently married to another; 2) being the person addressed by the officiant; 3) being the person your spouse desires to marry; 4) sincerely meaning the words "I do" upon their utterance; the list goes on. These circumstances are background conditions that must be positively fulfilled for the words "I do" to constitute a speech-act of marriage. Saul thus reminds us that for Austin, the successful performance of an illocution is not

merely saying a series of words but saying particular words within determinate "ordinary" contexts whose background, or what Austin calls "felicity" conditions, are fulfilled.

What Saul also calls to our attention is that the successful completion of a speech-act depends not so much on particular words within a phrase as it does on the broader situation that the phrase appears within. Turning to Austin directly, consider this claim from "Meaning of a Word" (1947): "what alone has meaning *is a sentence* […] to say a word or a phrase 'has a meaning' is to say that *there are sentences in which it occurs which 'have meanings'*" (Austin 56, my emphasis). Suppose you have a rather elaborate dream in which you have proposed to your fiancé(e), they said "yes," and after a while you are both before an officiant asking you if you take your fiancé(e) to be your lawfully wedded spouse. Upon saying "I do," you wake up next to your fiancé(e), sleeping together in bed. For a few happy moments you fully believe that now you two are married—but then they wake up, you begin talking to them, and you realize that in fact what you thought was reality was no more than a dream—you are no more married than you were before bedtime. Merely saying "I do" within a dream, no matter how deeply one desires to be married, cannot instantiate the relationship of marriage. Your saying "I do" is only called an illocutionary act of marriage when the background conditions abide such that they allow you to be married. Calling "I do" an illocution of marriage without knowing the context for the sentence is philosophically hasty—there are no stand-alone, indeterminate, illocutions. Insofar as words accomplish deeds, these deeds are determinate and circumscribed by the background "felicity" conditions.

Austin's view in the "meaning of a word" about how we establish what speech-acts do, is analogous to Saul's view on pornography's gender-subordination. Saul asserts that insofar as pornography is an illocution, it occurs "*in particular contexts*, and *in different contexts the same*

sign [or phrase] may be used to perform different acts. It makes no sense to speak of illocutionary acts without attention to contexts of utterance" (Saul 236, emphasis mine). Consider for instance the following drawing: image removed to comply with copyright. Complete citation for the image, point to the original and cite the reproduction page.

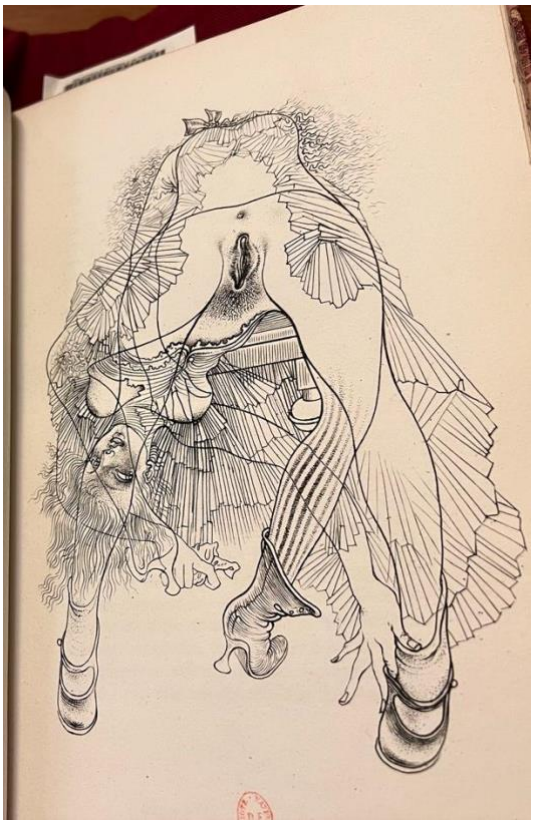

Figure 2: Notice number FRBNF14581849 at the Bibliothèque Nationale de France, Georges Bataille's Histoire de l'œil, nouvelle édition en 1947. Page 11, illustration by Hans Belmer. Reproduced here to show a stylized work of erotic art, with the potential for "pornographic" uses or interpretation. Photograph taken by the author on August 12, 2022.

This is a lithograph made by Hans Belmer of the second edition of Georges Bataille's infamous novel, *Histoire de l'œil*, considered by feminist literary critic Susan Sontag to be a canonical work of pornographic fiction.[14] Within the book, the lithograph illustrates a scene from the novel, mimicking and stylizing what Bataille wrote about a female character doing a sexual act. Viewed apart from the book, the lithograph seems to be an image of a woman, presumably

[14] See Sontag, Susan. "The Pornographic Imagination" (found in Bataille 1977). It also receives substantial treatment in Dworkin's *Pornography*, pages 167-178.

young, in a sexual posture. Although certain qualities are constant regardless of the lithograph's context—for instance that formally, this lithograph displays substantial linework, that this image depicts a woman's body parts in a certain configuration, that the lithograph was made by a certain artist, etc.—what the image refers to and is intended to be used for changes very much depending on our viewing context.

When the lithograph is encountered as part of the novel, readers assume (by convention and its placement) that it illustrates a character acting in some way. This illustration is indubitably sexual, maybe even arousing-erotic, yet it is not clearly intended to be an object of masturbation—the lithograph within the book seems to be a work of art, even if licentious. Viewed apart from the work, however, the image seems to be an illustration of a young woman, her genitalia revealed, in a sexually enticing posture. It is not obviously an illustration of a character in a novel and thus the sexual arousing/erotic nature of the image has an indefinite purpose. Without knowing that the lithograph originally appeared in the second edition of *Story of the Eye*, we may be inclined to believe that the purpose of this image is precisely to arouse its viewers, making us consider it an illustration for masturbation, that is, a work of "pornography" (at least loosely speaking), not "art." The available contextual information, including the form we receive the lithograph in (as an illustration, as an independent image, etc.), substantially determines what we consider its intent/purpose is for an audience. Yet for Langton, "works of art" and "works of pornography" can strictly speaking both be "pornographic," that is, entail women's subordination by being a speech-like act of subordination.

Saul's point is that Langton's conception of pornography as a speech-like act that is constituted by subordination broadens the notion of subordination so much that the term fails to describe any definite action/process. For Saul, Langton's "work of pornography is not an

utterance in a context. The reason for this is simple. *A work of pornography, such as a film, can be used in many different contexts*—much like […] a sentence)" (236, emphasis mine). Insofar as we call Belmer's lithograph a masturbatory image, then, we say that it appears within a context where images invite sexual arousal and subsequent masturbation. It is odd to attach this label to the lithograph when we see it inside *Histoire de l'œil* because we do not ordinarily consider novels a context for embodied sexual activity.[15] However, were we to see the lithograph as a standalone print or as a bare image on the internet, there might be background conditions that make us believe that its purpose is to sexually stimulate us—perhaps embedded into the print is a text bubble next to the girl's head begging her to be the viewer's sex-slave, or perhaps the image appears on a webpage where someone has written a sexual fantasy, etc. Saul's position is that an illocutions' use, their surrounding "sentential" contexts, i.e., the social context within which an audience views this lithograph (or pornographic works in general), conditions what actions we believe utterances perform.

Pornography's Generic Context: Medium vs. Message

As I hinted at above, an additional not-negligible context that neither Saul nor Langton consider is the form, or "medium," in which we receive media with apparently pornographic content ("messages"). Indeed, Langton's constitutive account of pornography's gender subordination presupposes that this is an irrelevant issue—what is important on her view is whether an alleged pornographic work is a "genuine instance" or merely a "depiction" of subordination, that is, whether the work subordinates persons illocutionarily or whether it only shows viewers a set of actors who appear subordinated (Langton 1993, 305). However, the medium/form a work of

[15] Perhaps some novels exist with this explicit purpose, such as "smut," but this is not the typical use of a novel (at least in 2023).

pornography takes on seems like a rather important factor for Saul's contextualist account because, as we have seen, if we see a sexually explicit illustration within a novel that it is illustrating, we are disinclined from calling it a work made for the express purposes of erotic titillation, whereas if the illustration is viewed as a standalone image its purpose is more vague. Although for Saul the use/the social context-situation that the illustration is viewed within is what determines how receivers understand the intent/meaning/"illocutionary force" of the image, the image's form contributes to what contexts it can plausibly be considered within.

Appearing within *Histœire de l'œil*, insofar as we say that Belmer's illustrations are arousing, one might say that that is because they accompany a book whose expected use-context is arousal, masturbation, or other sexually related activity. *Histoire de l'œil* then, is considered a work that depicts sexually explicit scenarios between men and women in a way that is erotically-emotionally appealing. This is different from saying that Belmer's illustration is made for the express purpose of sexual arousal. Considered not as an illustration of a novel but as a standalone image, i.e., not an illustration of a novel but an illustration of women, one could argue that rather than *Story of the Eye* being pornographic, this image is supposed to satisfy and instigate its viewers' sexual fantasies. Inasmuch as this latter claim seems more plausible than the former about *Story of the Eye*, it rests upon our awareness that the ordinary circumstance in which we engage a novel's fiction is not masturbatory, but "literary," an aesthetic-artistic register.[16] This is neither to say that it is impossible for *Histoire de l'œil* to be something intended for masturbation, nor that Belmer's illustrations considered on their aesthetic merit are not still fundamentally works of pornography, but rather that the apparent plausibility for the standalone-

[16] There are some who would say otherwise, especially writers like Anaïs Nin, Pierre Guyotat, Antonin Artaud, and perhaps even the Marquis de Sade, but their views on novels, writing, and the body/imagination fall far from our ordinary conceptions. They are, if anything, conceptions that contributes specifically to the extra-ordinary circumstances contextualizing their writings, not extra-ordinary circumstances for writing in general.

image being considered/intended to be pornographic is based on our ordinary viewing-receptions norms within modern culture.

My issue with Langton's constitutive account is thus its apparent suggestion that attending to the various forms pornographic utterances can take is irrelevant to studying pornography's effects upon us. When encountering a work of art-media, what we encounter is not merely an object with some definite content, i.e., a "message", but an object in a certain form, a "medium." According to media theorist Marshall McLuhan, in most cases the "medium is the message," meaning that "it is the medium [the form] that shapes and controls the scale and form of human association and action" about works that have a message/content (McLuhan 2003, 2). When pornography was created and disseminated in early nineteenth-century Europe, predating videographic and photographic technology and when social mores were vastly different from the present, the fact that an especially attentive description of a woman's body would appear and be reproducible only within a novel or poem made "pornography" take on clandestine form. At the same time, it often forced writers such as Robert Browning and Charles Baudelaire to ornament their descriptions with "flowery," "metaphorical" language that gave their scandalous subject the veneer of literary respectability. "Pornography" as a cultural form was not as widespread and not as formative upon pubescent sexual experiences and desires as it is in the twenty-first century with the wide availability of computers, the internet, and digital images. This is important to bear in mind when considering the "subordinating potential" of apparently pornographic works that are not videographic in nature and were not produced in the 21st century.

Due to her insensitivity about the various mediums pornographic works have historically taken, Langton draws no distinction between "ordinary" circumstances of pornography and

"extra-ordinary" instances, much less raising the problem of pornographic works as seemingly fictional works (as they were considered in the eighteenth, nineteenth, and twentieth centuries). For her, these contexts and possibilities collapse into an oversimplified sociopolitical context and reality. Actual human actors within our sociopolitical world, however, are often aware of the type of media they are consuming when they consume it, and they carry with them various assumptions about the ordinary conventions for these contexts. In 21st century America, for instance, we do not usually expect there to be graphic nudity in a Marvel movie, whereas we would not bat an eye if we saw nude women in a porn video. Moreover, regarding the importance of distinguishing fictional-nonfictional circumstances, it is plausible that often the most seemingly sexually violent iterations of widely available pornography, classified under Bondage-Discipline-Submission-Masochism (BDSM for short), is analogous in execution to a stage-play—often actresses/actors alike are "over-acting" the pain they feel and inflict—giving their utterances (behavioral and verbal) an extra-ordinary context.

Granting Langton that pornography perhaps "strictly speaking" entails gendered subordination within a sexually explicit context, she offers us no reason to believe that "loosely speaking" pornography cannot also refer to a set of works taking on assorted mediums/forms that are embedded within diverse social-use contexts. Insofar as pornography refers this kind of media-category then, just as speech-acts (like verdictives and exercitives) have diverse iterations with distinctive qualities, pornography too takes on diverse forms, each with peculiar characteristics. The pornography-exemplars that Langton (1993, 2006) most often reflects upon are videographic, yet as I have only briefly shown above, pornography can also be illustrative and it can be written (and perhaps combinations of all three, or other, modes of presentation). Pornography's historically varied manifestations, a media with different mediums, is altogether

absent from Langton's account of pornography's gender subordination. Being aware of pornography's longer-than-modern history should hence give us pause before accepting her constitutive view as an all-encompassing description of pornography's relationship to gender.

Chapter 3: Does the "Divine Marquis" Subordinate? Making sense of Fictional Subordination

This chapter takes head on a specific medium of receiving pornography: literature, and views it as a tool for thinking about the complexities fictionality offers to a discussion of how pornography subordinates a non-fictional audience. The case in question here is the *120 Days of Sodom* by the Marquis de Sade. First it considers the place of the author when ascribing illocutionary force to a work of fiction. Next, it considers the cultural-intellectual context informing the study of this text as an "authoritative" text in de Sade's œuvre. Then, it grapples with the characterization and interpretively ambivalent utterances of a central character in the novel. Afterwards, it considers the potential to treat utterances from this novel as exercitives. Penultimately, it considers the importance of locating authority when locating a work of fiction's illocutionary force. Finally, it suggests that when ascribing subordinatory potential to works of literature, it is better to conceive them as subordinating its audience through verdictive-like utterances.

Considering de Sade: Pornography-writers and Pornographic-writing

The pornographic medium of interest to this thesis is pornographic literature, chiefly the writings of the Marquis de Sade. Called by Andrea Dworkin "the world's foremost pornographer" (Dworkin 1989, 70), the Marquis is an eighteenth-century French writer whose work in public and clandestine forms influenced the course of all subsequent French literature and resultingly the development of modern Anglophone culture. At the time Dworkin's essay on de Sade was published in *Pornography*: *Men Possessing Women*, "Sade's cultural influence on all levels [film, scholarly, and behavioral] is pervasive" (71), and to this day he commands a seemingly outsized cultural-intellectual hegemony for a writer who (in)famously wrote most of his works

behind bars (both prison and sanitorium). He is indisputably the best-known writer of graphic sexually explicit literature, that is, pornographic literature. It is prudent therefore to know something about his influence and people's responses to his writings. This influence contextualizes how we twenty-first readers of de Sade uptake the utterances within his novels, as well as their potential contexts for use.

Before considering how people directly discuss de Sade's cultural presence, it is worthwhile to briefly think about the impact his writings have had on our present-day discourses about sexual practices. Consider the term "sadism," a coinage by the late nineteenth-century psychologist Richard von Krafft-Ebing. It is defined as a sexual pathology where "the association of lust and cruelty, […] coupled with presentations of cruelty rises to the height of powerful affects. This generates a force that seeks to materialize these presentations of fancy […when] inhibitory moral counter-presentations fail to act" (Krafft-Ebing 2011, 67). De Sade's characters so aptly fit this amoral mold that we cannot help but imagine that Krafft-Ebing had his novels in mind while writing this. Sadism, together with masochism, describes a niche but not unpopular subgenre of pornography, BDSM (Bondage-domination-sadism-masochism). These filmed activities are morally dubious since it seems that in these videos, the participants enjoy being in and inflicting pain—pain and pleasure are somehow coextensive. Since the violence of de Sade's novels is probably what makes them most notorious, informing some filmed practices within porn videos, we ought to ask if his novels have a harmful relationship with gendered subordination.

De Sade's relationship with subordinating gender-classes has two basic angles: the quality of his writing and the quality of his personage. Oftentimes, it is his writings that are acclaimed while his lived practices are condemned or brushed over. For instance, Austryn

Wainhouse, de Sade's English translator in the 1960s, comments that the availability of de Sade's *Philosophy in the Bedroom* in the Anglosphere is a moment of finding "great writing" in need of "no justification, no complex exegesis" (Wainhouse, 1965, vii). As he sees it, de Sade is first and foremost a producer of literature, a writer of books that although scandalous, emblematize a momentous event for Western culture. Recognizing the literary significance of de Sade is a matter for our future cultural-intellectual prosperity—reading de Sade is good for us, in our era of seemingly "facile utterances" (vi).

Wainhouse emphasizes that the value of reading de Sade has nothing to do with appreciating him as a person, because "[d]isinterred or left underground, Sade neither gains nor loses. While for us…the worst poverty may be said to consist in the ignorance of one's riches" (vii). It is de Sade's discourse that is laudable, he wrote like nobody else—regardless of how he lived his life, his writing remains commendable. Indeed, Wainhouse says that de Sade's writings are not only part of Western cultural history but that they are an indubitable "treasure." It is not a matter of reading de Sade because he cares that we read him[17] but because it helps us become well-educated. But if de Sade's novels are truly good for everyone to read, as good as eating an apple a day, why doesn't Wainhouse say more about the effects of their good quality? Wainhouse, in this foreword to *Philosophy in the Bedroom* (1965), never states exactly how reading de Sade benefits us—he leaves that for his readers to decide. His endorsements are a kind of a challenge: are we "mature" enough to find out what his rave review is all about? But then, whose work is being reviewed? Wainhouse provides an exciting narrative about de Sade's written discourse but he hardly addresses the "person" who produced de Sade's violent works.

[17] It seems unlikely that de Sade cared to be a widely known author, but rather that those who read him would recognize his importance. See his open letter to "Villerteque: Hack Writer" in de Sade (1960).

Vindicating de Sade based on the uniqueness of his writing sharply contrasts what Wainhouse notes, in a remarkable understatement, are "the singularity of his [de Sade's] tastes […] He was a voluptuary, a libertine—let it not be forgotten than the latter term derives from the Latin liber: 'free'—an exceptional man of exceptional penchants, passions, and ideas" (viii). During de Sade's life, he engages in bigamy (if not polygamy), kidnapping women, using unsafe aphrodisiacs, and undermining the testimony of his unhappy female partners (Wainhouse 79-85). These activities, detailed by Wainhouse in a pithy but enlightening chronology, give us reason to believe that de Sade's personage is not entirely removed from his writings or the views his characters express. Yet for Wainhouse, it is not the views that de Sade's novels express, or that de Sade records in letters (included in the present volume) that are cause for his acclaim. Regardless of what de Sade or his characters say in his novels/plays/etc., his novels texts are creations whose quality is so high, so indisputable, that everyone will benefit from knowing them.

Art and life, or in another sense art and the views of the artist, are distinguishable for Wainhouse—setting the sordid history of de Sade's life aside, he calls us to instead to look, here is great writing! Isn't it remarkable that we can finally read it? Let's have at it! In Wainhouse's eyes, not only will everyone who reads de Sade agree that it is fantastic literature, but the more people read him the more this concurrence will spread, and the better future literature will be. Ultimately this betterment for literature/the arts is an improvement for our culture—and yet Wainhouse inhabited a culture where women were quite often abused by men (this is a culture we still live in). Endorsing reading de Sade because his writings "improve us" must be squared with knowing that we are reading the novels of a man who unapologetically hurt women—a moral contradiction that Wainhouse never acknowledges even though his chronology notes it.

Wainhouse's attitude is diametrically opposed to anti-pornography feminists like Dworkin and MacKinnon—for them de Sade's apparent cultural hegemony among the literati is deeply troubling precisely because his art and life cannot be separated. Dworkin's condemnation of de Sade is not on the same level as Wainhouse—for Wainhouse, regardless of what view de Sade's writing (or arguably any writing) expresses, his "great writing" demands our attention. But for Dworkin, the words an author pens cannot be detached from the contents of their human mind—what we say, fictional or otherwise, expresses a certain disposition towards the world, call it a perspective or a worldview. Whether it is an "ordinary circumstance" or not, as readers we always understand words nonfictionally, that is, as utterances that are spoken by a person within a social context (Dworkin 1989, 80). Hence it is always important to consider the social, political, and gendered contexts connecting a text to its author and potential readers. Based on this interplay, we can assess the laudable or condemnable qualities of works of art.

As Dworkin sees it, De Sade's perspective, a combination of the perspective his life-narrative offers and the views offered by his literature, subordinate the autonomy and respect of women to the whims and desires of men. These view entail "the absolute right of men to rape and brutalize any 'object of desire' at will," most often taking the form of un-consenting or unconsidered women (71). What troubles Dworkin is not only that de Sade considers an especially violent kind of gendered subordination to be erotically fulfilling/satisfying but that this view "resonates in every sphere" of our modern "patriarchal" culture. Wainhouse's assumption that the writings of the Marquis de Sade, writings that depict women in brutalized scenarios and harmful situations, require no aesthetic explanation exemplifies a world where women are turned into shadows—a world where [w]hat happens to men is portrayed as significant […while] what happens to women is left out or shown not to matter" (80). The presupposed self-evidence of de

Sade's novels' quality is only seen to be true because we live in a culture that presupposes and implicitly endorses male sexual dominance. Claiming that "de Sade's writing is great!" becomes equivalent to saying that "hearing men talk about violating women is enjoyable!"—the activities reflected by both are equally unethical, the only difference is that de Sade's writing, in its novelized form, has the pretense of aesthetic respectability and potential social utility.

It is interesting, finally, that Dworkin calls de Sade, and no other person in her book, the world's "foremost pornographer." Appearing a decade before Langton, her seminal study and condemnation of the porn industry engages primarily with literary and "philosophical" pornography writers, rather than directors-writers of videos (importantly, among this caste of literary characters is Georges Bataille, a twentieth century French writer of pornographies and major popularizer of de Sade). Reading men writing about women plays a significant role in how Dworkin considers not only de Sade, but pornographers in general as a condemnable class of people. My reading of de Sade and his interpreters takes its cue from this intuition: reading men writing about women, often representing women harmfully, nuances how we might distinguish "genuine" from merely "depicted" instances of subordination (Langton 305). These "genuine" instances, I will argue, are indeterminate when considering pornographic literature in isolation from readers of pornography. Disentangling the relationship between a source text and the perspectives offered by literary critics, I hope to clarify what social and formal conditions must be in place for de Sade's first novel, *The 120 Days of Sodom*, to be taken to subordinate women.

Pornographic texts: Contextualizing *The 120 Days of Sodom*

The Marquis de Sade's *120 Days of Sodom* (1785) is a novel written by a white man from an old wealthy noble family, known during his lifetime as a one-time proponent of the ideals of the French Revolution. In its nearly six-hundred pages, containing only one completed chapter, the

text recounts in increasing promiscuity the four-month-long orgies four old men have with twenty underaged boys and girls, becoming steadily more violent until each victim is killed. We are led to believe, especially in the novel's unfinished fourth and last section, with its bounteous descriptions of murder-fantasies, coprophilia, and bestiality, that the most sexually adventurous actions in this text are fictious—for any one person to experience and indulge in everything that de Sade depicts seems simply impossible, not merely implausible. And yet the fact that someone, a human being like us, could have thought-imagined those things and decided they were worth writing is scandalous—not only deeply embarrassing but shockingly offensive. Condemning the book based on this feeling of disgust is not at all unusual, perhaps even healthy.

Additionally, Georges Bataille, an influential reader of de Sade, notes that *Sodom* "is the first work in which he [de Sade] described the sovereign life, the life of crime of licentious scoundrels dedicated to unlawful pleasure" (Bataille 1987, 169). This vision of a "sovereign life" is what Bataille calls de Sade's worldview, his "vision of nature" as others also call it. As we have seen from Dworkin's account, this vision is deeply troubling—enough for people like Wainhouse to underplay its significance even though for Bataille, an ambivalent defender of de Sade, the vision is what makes de Sade worth reading. The fact that *Sodom* is the first instance of this perspective and that it elaborates how one embodying that worldview ought to/would behave makes it a notable aspect of Wainhouse's "Sade-event." As an origin for de Sade's mature writings too, *Sodom* contributes to his apparent cultural hegemony that Dworkin reviles. In contents, expressed views, and resultant divisive opinions, it is a woeful understatement to call *Sodom*'s complexities, with respect to intent, uptake, and depicted content, "controversial." Attending thus to the conditions that make it seem like a condemnable work of fiction is a rewarding exercise when nuancing Langton's account of pornography's gender subordination.

A further reason to treat this text over de Sade's other works is because in its dramatically overextended introduction, de Sade enumerates all the relevant circumstances—physical, social, and normative—that the texts' characters abide by. In Austinian terms, de Sade's introduction provides readers with what seems to be the overview of the norms and conventions to bear in mind when encountering the characters' intents, behaviors, and utterances. Whether these really are conventions in an Austinian sense is ambiguous, but within the text they function similarly. This is a novel where readers do not have to merely assume or infer conventional norms that contextualize the characters' behaviors and motivations—we have them at the ready and can set ourselves to work.

Interpreted as a work of fiction or otherwise, *The 120 Days of Sodom* disgusts, offends, and upsets readers of all stripes and backgrounds. But this seemingly is an effect of reading what the novel depicts—it remains an open question as to whether the text subordinates women as a collection of extra-ordinary, complex, speech-acts. Although it offends many (if not all) readers, it is ambiguous as to whether it upsets readers because it calls their subjectivity into question, discriminates against them on gender-based grounds, and/or makes subordination erotically appealing. It might be that what offends about *The 120 Days of Sodom* is not the relationship it establishes between reader and text, but instead the grotesque extent of the text's lewd-provocative content. Neither case—it being a "genuine" instance or a "mere depiction" of subordination, can be resolved without turning to the text, that is, the medium through which we receive its potential illocutionary acts.

Actors in *The 120 Days of Sodom*: the Duc de Blangis

Referred to only by his honorific, the Duc de Blangis, the leader of the four conspirators, presides over a fictional territory known as Blangis in pre-Revolutionary France. He, like his

peers, is a "libertine," one who in 18th century France "rejects constraints, especially on matters of religion" and "look for, with a special refinement, 'carnal' pleasures,"[18] that is, taboo bodily-erotic pleasures. These taboos are not only related to physical features (weight, height, shape, etc.), but also age, class, and sexual orifices—the Duc is especially fond of sodomy and having sex with multiple partners regardless of their gender. He possesses an especially "evil mind" with an "utterly criminal soul […] accompanied by the disorders in tastes and irregularity of whim whence were born the dreadful libertinage to which the Duc was in no common measure addicted" (de Sade, 8). He regularly fantasies about horrific moral trespasses, preferring violent sexual behavior that often entails rape and death. He knows that these fantasies are horrific—he has no moral justification for his behavior, but instead says that he is "[f]irm in my principles because those I formed are sound and were formed very early, I always act in accordance with them; they have made me understand the emptiness and nullity of virtue" (de Sade 1782, 8). The Duc recognizes himself as someone whose behavior bucks moral constraints—he knows firmly how he wants to behave and how that relates to morality. He concludes that on balance, morality/virtue is meaningless in the pursuit of his pleasure, because only "through vice alone is man capable of experiencing this moral and physical vibration which is the source of the most delicious voluptuousness; so I give myself over to vice." The only relevant truths for the Duc are personal truths—facts and feelings confirmable only through personal experience. Vice, the indulgence in morally abhorrent activities for the sake of pleasure, is how his deepest desires are satisfied—this is an irrevocable truth for him. To that end then, moral constraints/virtues are immaterial. His lifestyle thereby reflects his principles.

[18] https://dictionnaire.lerobert.com/definition/libertin

The Duc's lifestyle is one that includes rape and murder, where during any "manner of having his pleasure, his hands necessarily […] roamed continually, and he had been more than once seen to strangle woman to death at the instant of his perfidious discharge." Violence leading to death is coextensive with the Duc's sexual activity—he not only "gets off" to sexual taboos (especially sodomy) but he often ejaculates to the death of his "partners." Indeed, it is dubious that the Duc ever has sexual partners in the sense of consenting, autonomous, persons committing to an erotic relationship with him. The more harm he inflicts upon his objects of desire, the more aroused he becomes—for instance after poisoning his mother and sister, he realized that "a violent commotion inflicted upon any kind of an adversary is answered by a vibrant thrill in our own nervous system; […] arousing the animal spirits which flow within these nerves' con-cavities, […they] exert pressure on the erector nerves […producing] what is termed a lubricious sensation" (10). Arousal and violating taboos, that is, trespassing sociocultural moral conventions, is intimately linked within the Duc's principles.

As we should expect then, the Duc's sexual practices do not discourage violence but rather entail it, enforcing a kind of objectifying mentality. The Duc is someone who, after committing a sexual atrocity, with his "presence of mind once restored, his frenzy was immediately replaced by *the most complete indifference* to the infamies wherewith he had just indulged himself, and […] of *this kind of apathy*, further sparks of lechery would be born" (11, emphasis mine). His acceptance of his licentiousness and the harm it causes to others not only pacifies him but incites him to further violence. He is not in any sense an ironic practitioner of sadism, but a wholly intentional, very enthusiastic, inciter of violence. His *raison d'être*, the "intellectual" justification of his abhorrent behavior, is encapsulated by his saying that "to be truly happy in this world a man ought not merely fling himself into every vice, but should never

permit himself one virtue," that is, to under no circumstance to be caught doing any good (8). To him, it is a dog-eat-dog world where all that counts on a moral balance is who experienced the most exquisite pleasures by the time they die.

Notably for the characters in *Sodom,* sexual pleasures are one among many forms of hedonistic activities. For instance, the novel's opening pages describe the food the libertines are served, and throughout the novel, banquets and feasts are detail-worthy events. During these banquets, a group of enlisted courtesans recount and sometimes recreate their most sensational sexual exploits, inspiring the activities that the Duc and other conspirators indulge in. Surrounding himself in an aura of lasciviousness, the Duc and his peers are concerned with being together in a way that allows their instincts/preferences to be fully indulged, away from socio-ethical concerns. Their "ethic," that is, their worldview, is hence entirely anti-ethical.

The Duc says, specifically, that his "instincts […are] given [to] me by Nature, and it would be to irritate her were I to resist them; if she gave me bad ones, that is because they were necessary to her designs" (9). The Duc has no control of his birth, which determines what he desires and how he desires it. Nature demands that he have the preferences he does—considering this predetermined calling, what matters human values or social obligations? Ethics/virtues are the result of arbitrary socialization, privileging associative over personal-intimate truths. But for the Duc, nobody really knows anything that is not personal—this personalization determined by "Nature," and hence he is "in her hands but a machine which she runs as she likes, and not one of my crimes does not serve her: the more she urges me to commit them, the more of them she needs" (9). Violence becomes the Duc's response to a calling towards a higher order of normativity—nothing anyone tells him can show otherwise. He therefore openly defies "the law, [since] my gold and my prestige keep me well beyond reach of those vulgar instruments of

repression," when they oppose his whims (9). He relishes this power, as an entitled man—not considering for a second the needs, desires, or respect for other people—being only Nature's humble instrument.

Exercitive-like Verdicts and Fictional Projection

Knowing something about the Duc, recall that on Langton's view, pornography subordinates women as a class of persons by being like an exercitive pronounced by an authoritative speaker whose order/prohibition is expected to be followed by its hearers. To make a case for or against de Sade's novel as something that subordinates women using Austin's speech-act theory, we must first determine a speaker who can/does subordinate. Here we have three general candidates: 1) the characters/a character in the novel; 2) the author of the characters in the novel; 3) and the "text itself." I will explore each avenue to ultimately suggest that locating a stable authoritative speaker for this text (and I believe any text) is fraught with interpretive ambiguities that make the task difficult, if not impossible. This is the fundamental problem when using Langton's interpretation of Austin's speech-act theory to condemn a work of literature—without knowing something about the ordinary use-contexts for pornography, literature, and their combination (pornographic literature), we cannot a describe a way that these writings subordinate people by conventional means. That is, we cannot say how de Sade's violent depictions of sexual scenarios subordinate people illocutionarily. To begin, then, consider the Duc's authority in detail.

As one of four captors of twenty young, scared, children, the Duc is in an authoritative position. This is not merely a result of circumstance, wherein it may be true that he along with his peers will kill or punish insubordinate children, but it is also substantiated by a contract that he signs with his peers. The terms are an expansive code of conduct where what the captors agree to include a daily schedule, the food to be served, the terms for sexual actions, the proper

way for captives to address captors, all the possible infringements that may result in death, and the punishments that will be meted out to captors who violate any of the statutes (de Sade 40-6). [19] The Duc derives his authority by complying with these agreed upon laws, wherein his compliance is coerced by severe economic punishment if he is caught violating any term. But for the captors, these laws are not freely agreed upon but are rather imposed upon them on penalty of death. Their coerced position—being a group of children isolated in a secluded castle deep within the Black Forest of Germany—compels them to permit the Duc to act authoritatively, in the hopes that their submission will lead to their eventual freedom. The Duc speaks, it seems, with a licensed authority that is derived by his adherence to a set of formal laws which he can agree to because he occupies an economically advantageous social position as a Duke.

These attributes ought to inform how we read his pronouncement:

> Feeble, enfettered creatures destined solely for our pleasures, I trust you have not deluded yourselves into supposing that the equally absolute and ridiculous ascendancy given you in the outside world would be accorded you in this place; a thousand times more subjugated than would be slaves, you must expect naught but humiliation, and obedience is that one virtue whose use I recommend to you: it and no other befits your present state. Above all, do not take it into your heads to rely in the least upon your charms; we are utterly indifferent to those snares and, you may depend on it, such bait will fail with us. Ceaselessly bear in mind that we will make use of you all, but that not a single one of you need beguile herself into imagining that she is able to inspire any feeling of pity in us (de Sade 47).

Like Langton's legislator, the Duc's utterance pronounces something from a position of authority. Beginning with "feeble, enfettered creatures," the Duc addresses his audience not only as weak but as enchained, and states that his captives are not flesh-and-blood humans but animal-like "creatures." Asking that they not delude themselves "into supposing that the equally

[19] There is much to be said about what agreeing to these statues really shows about the characters' relationships and the tenor of the rest of de Sade's novel. Though it falls outside the scope of this thesis, Jane Gallop's *Intersections: A Reading of Sade with Bataille, Blanchot, and Klossowski* (1981) is an incisive blend of literary history and philosophy that addresses this topic.

absolute and ridiculous ascendancy given you in the outside world would be accorded you in this place," the Duc demarcates his captives' situation as sealed-off from the outside world. Not only are they in a distinct social context, but the privileges, rights, and statuses that they might expect in the outside world do not obtain within their captivity. They are addressed instead as persons a "thousand times more subjugated than would be slaves," that is, beings unworthy of the "given" expectations of respect, dignity, and trust. Their sole duty is to obey, where "obedience is that one virtue whose use I recommend to you," implicitly because there is nothing else a subjugated, dehumanized, population could "reasonably" do from the captors' perspective.

It seems that functionally, the Duc's pronouncement is uptaken as an exercitive by the children—but this interpretation might lead us to believe that that is because his statement takes the form of an order within the fiction. By calling his captives "feeble" and "enfettered," the Duc does seem to rank them, making them inferior to him and the other captors by claiming that they are "destined solely for our pleasures." Ostensibly, he also deprives them of rights to respect and decency by negating the status they would have had because of their birthrights, thereby legitimating violence against them. Yet contributing to these apparent functions of his speech-act is the death-threat that already looms over his fictional audience—they know that in defying the Duc, he will kill them. What purpose then does the Duc's "order" serve other than to reinforce a fearful feeling, promising the threat of assured violence and giving it the veneer of reason?

Viewed as part of a tactic intended to engender fear, it seems like within the text this above passage is intended, on the Duc's part, to be heard as an authoritative opinion. Rather than being an explicit exercitive, a command to act some way, this statement seems to me a verdictive—it pronounces how he believes the world and people within it ought to behave. Coming from a clear position of authority (at least in the ways enumerated in Chapter 1), his

opinion is the kind of thing that can be uptaken as an exercitive—that the children should in fact act according to his opinion—but this is not itself the standard delivery of an order. An explicit exercitive would resemble something like a command for these "feeble enfettered creatures" to do something specific—such as cleaning the toilets, satisfying one of the captors, serving dinner, etc. (all of which are orders given by the captors throughout the book). Orders are typically discrete actions, given by someone with authority and uptaken because of various circumstances/reasons, that persons/characters could perform. They do not have to do with the beliefs persons/characters hold per se but with social-political-gender-class positions that persons occupy in certain times and places, like when citizens see a sign say "Whites only" regarding access to polling booths.

This passage being instead a verdict from a person holding multiple kinds of power-authority, the Duc's opinion heard as a command seems to command persons not to act, but rather to feel—namely, to fear and shrink before the Duc. The feeling of this feeling compels the children to relinquish their freedom, assign their value in terms of their subordinators, and accept that they are worthy of disdain—just like how Langton's legislator's phrase "Blacks cannot vote" "*ranks* blacks as having inferior worth. […] legitimate[s] discriminatory behavior on the part of whites. And finally, they *deprive[s]* blacks of some important powers" (Langton 303). It seems hence to be a subordinating speech act—the Duc through delivering a discriminatory opinion from a place of high-authority subordinates his captives.

Yet the Duc's opinion-qua-command is a command to/for a particular audience—understanding this utterance as an utterance coming from a person, it appears to be addressing captive children—yet this specific phrase appears not outside of the novel but only within a text called, *The 120 Days of Sodom*. Being aware of this circumstantial, that is, the medium-specific

context behind the words "Feeble enfettered creatures" etc. (and all others like it), these words have extra-ordinary circumstances contextualizing their utterances. How then do nonfictional readers uptake verdictive-commands for fictional characters to feel a feeling such that nonfictional-persons are affected? In other words, what are the conditions that make it possible for nonfictional readers to be "subordinated" by a fictional character with authority?

To clarify this last point, as I argued throughout Chapter 2, among the circumstances for determining an illocution's uptake is how we receive an utterance, that is, the medium by which an illocutionary act impinges upon us. For the fictional characters within *120 Days of Sodom*, the Duc's verdict is a pronouncement of speech—they receive words addressed directly to them. Yet for us nonfictional readers of these utterances within the novel, this passage depicts a verdict spoken by a character within a novel written by a nonfictional author. A novel, being a series of utterances made in extra-ordinary circumstances, depicts the ordinary world but it is not identical to it. This means, perhaps, that there may be said to be truths pertaining to utterances said in "extra-ordinary" circumstances, and truths pertaining to their reception in our "ordinary" circumstances.[20] A truth about the extra-ordinary circumstances within the novel is that the children are subordinated by the Duc's authoritative (norm-defining, etc.) utterances. In contrast, our ordinary reception of the Duc's utterance recognizes that this novel merely depicts an authoritative verdict—it is an opinion spoken by someone in extra-ordinary circumstances. As the ordinary users of a language, we receive a novel's seemingly authoritative utterances as embedded within "extra-ordinary" circumstances—they are utterances appearing within what we know to be works of fiction-art etc. Aware of our distinct positionalities from fictional characters, how is it that a novel's fictitious utterances, mere depictions of verdicts and

[20] This distinction is an Austinian formulation of Walton (1990). See Walton's chapter on fictional truths for the details and distinctions he makes from Austin.

exercitive, get uptaken by us nonfictionally as genuinely “authoritative” utterances? Only if something like this is possible can they subordinate classes of people, on a Langtonian account.

Concluding Thoughts: Uptake, Fiction, and Nonfictional Authority

Understanding how we uptake extra-ordinary utterances as "ordinary" or conventional utterances is complicated when we consider the source of the Duc's authority. We know that he is an authoritative speaker within the novel because of the circumstances it provides us, but how do we uptake his utterance as an ordinary-conventional authoritative utterance? Returning briefly to Maitra (2012), exceritive and verdictive utterances generally require kinds of authority: licensed and derived. Derived authority is the transference of authority from one authoritative person to another powerless one (Maitra 105). It occurs under two conditions: when an authority-figure grants someone certain authoritative rights, such as a teacher electing a student to be their helper, or when an authority-figure permits someone to act authoritatively without explicitly granting that authority, such as a teacher allowing a student to sort their peers into groups (105-106).

Licensed authority, in contrast, does not require prior authority-figures, but entails that the person acting with "authority" is recognized as authoritative (107). Suppose you are trying to plan a friend's birthday party. You go through some ideas and cannot decide what to do. It is the day before the birthday, and you are worried the party will flop. You then delegate one friend to find a restaurant, another to buy funny hats, and another to get drinks. You did not have any authority before this, but assuming your friends do not disagree, you receive an implicit consent to act authoritatively. Your friends do not have to agree with anything beyond their roles in your plan—given their agreement, your authority has been licensed (108).

Maitra interprets Langton as contending that authoritative persons, pornographers, subordinate women through possessing licensed or derived authority. We should hence not worry about the subordinating words of fictional-characters-qua-fictional-characters but rather investigate the authority behind the words of the text itself. This is because the subordinating-

subordinated characters exist because of de Sade's extra-ordinary use of language. They have the properties they have because de Sade wrote the novel using particular words within a sociocultural convention that we call fiction.[21] Therefore, in some part the authority of the work is derived from de Sade's writing-act figuring within other ordinary sociolinguistic conventions. When we ask if *The 120 Days of Sodom* subordinates women, we are querying whether the nonfictional text subordinates women by some conventional aspect of its existence within our ordinary uses of language.

The nonfictional text, as an artifact, is created by de Sade. The authority of the text hence depends in part upon his authoritative status. From where then does de Sade receive his authority? Suppose it is from his birth as a nobleman? Well, at the time of writing the novel, de Sade was imprisoned in the Bastille, and after the French Revolution, he never saw the auspices of aristocracy again. He was a notorious author throughout his life, but at the time, that notoriety largely spurred derision.[22] In the present, even if Dworkin is correct and de Sade's cultural influence is pervasive in all aspects of our media, ideology, and discourse, it is not as if the Marquis de Sade is a household name—his pervasive cultural influence, insofar as it exists, is an underground, often unacknowledged, one. It seems misguided, to me, to sketch a causal chain rooting *Sodom*'s nonfictional authority in the historical-biographical standing of its author, unless one desires to pursue a kind of empirical study assessing the influence of de Sade's writings on modern culture.

[21] I am adopting, for the sake of argument, Stephen Schiffer's view of fiction from, "Language-Created Language-Independent Entities" (1996), specifically the argument from pages 154-155. Querying its direct relationship to Austinian illocutionary acts etc. falls beyond the scope of my present research.

[22] For an example of how this affected de Sade during his lifetime, see "*The Author of 'Les Crimes de L'Amour' to Villeterque, Hack Writer*" on 121-122 of de Sade, Marquis, *120 Days of Sodom and other writings*, (1960).

Arguing that the novel possesses nonfictional authority due to the author's gender does not clarify the issue either. Insofar as it might, this better explains the immorality of the work de Sade published works during his lifetime, which *120 Days* is not.[23] Certainly, there are critics like Wainhouse who underplay the significance of de Sade's sexually violent life in an interpretation of his writings. I agree with Dworkin that that exemplifies a culture of male sexual-ideological dominance, but this underplaying does not show what makes de Sade's writings specifically "authoritative" amidst other male-made utterances. But insofar as they possess a quasi-positional authority by virtue of his being male, de Sade's utterances within the novel are only depictions of subordination. More than positional authority is needed to explain how they specifically subordinate women as a class of persons.

Fundamentally, rooting the textual authority of *120 Days of Sodom* in the historical-biographical status of de Sade has to answer how his authority as an author, contingent upon eighteenth-nineteenth century contexts and their continuation in the present, contributes to the authority of the text within modern Anglophone culture, where the mythic-aura of the "Divine Marquis" has passed.[24] Although such an argument might be made, to my eyes it is hard to see how that can be generalized, and therefore how it would help to understand how pornographic literature/fiction subordinates nonfictional classes of people in general.

There seems, however, a more compelling sense whereby the *120 Days of Sodom*'s textual authority is licensed. The Marquis de Sade, long dead, wrote the work, but is no longer the source of its authority. Nevertheless, *The 120 Days of Sodom* has now been in-print for over

[23] Those works include *Philosophy in the Bedroom* (1793) and *Juliette* (1804), for which de Sade was imprisoned by Napoleon from 1804-15.
[24] For a taste of how de Sade's biographical history attains the status of a "myth," see Guillame Apollinaire's historically influential account, "the Divine Marquis," from Black, Candice. Sade: Sex and Death, *The Divine Marquis and the Surrealists* (2011).

one-hundred years, available at local libraries, for sale on Amazon, subject to academic criticism, ripe material for movie adaptations, etc. Anyone interested can read, "appreciate," and consume it (in English and several other languages). Its content is no less virulent for its present appeal—quite possibly the violence and subjugation of its women appeals to a certain audience. Perhaps, then, *The 120 Days of Sodom* involves licensed authority based on readership-norms and, through its continued cultural-political notoriety, subordinates women.

This last brief account seems the best way to condemn the novel directly, yet there remains a fundamental question of what it means for texts to be authoritative. Do we mean that the words in the novel have a certain illocutionary force? Does that imply that we ought to take the novel (or parts of it) "nonfictionally?" Does that mean that the novelized scenarios are based upon "real" instances of violence? None of these claims are intuitive, but as it stands, it seems plausible that various depictions of subordination, once read, could incite one to act violently or make women feel violated. This, however, is not the same as the text directly subordinating women. Even though a text may possess licensed authority because of conventional norms of readership, that does not mean that the text-qua-textual-discourse refers beyond itself. We can therefore make an intuitively sound perlocutionary case against *120 Days of Sodom*, but that does not condemn its illocutionary acts in our uptake of them.

Indeed, until we identify the conventional norms for reading novels, and not only those broad norms but the specific conventions we bring to reading pornographic novels, the social-use contexts of how pornographic literature subordinates illocutionarily remains indeterminate. Learning these conventions requires, rather than classifying various seemingly illocutionary acts into types like verdictives and exercitives, extensive fieldwork—that is, a direct engagement with both a vast array of literature and pornographic literature alike. Knowing pornography when we

see it, indeed, presupposes that we are familiar with things that fit the description of pornography, either as a type of act or as a type of work. Either understanding of pornography, requires, however, a broader sense of context and conventional uses for utterances (verbal and nonverbal) than Langton's constitutive view offers us. It is time, I believe, to suspend her track of research in favor of more context and convention-sensitive views of how pornography subordinates classes of persons. I conclude, therefore, that to philosophically assess the mechanisms by which pornography subordinates people, we not only need to become more self-conscious and knowledgeable viewers of pornography, but we also must understand them as utterances occurring within medium-specific social contexts. Studying pornography's potential to subordinate illocutionarily is akin, as I see it, to Austin's study of speech-acts like "good": we must know "how many such acts [of pornography] there are and what are their relationships and inter-connexions" (Austin 1964, 162), to uncover how depictions of subordination, like those in novels, illustrations, and videos, work to genuinely subordinate people by race, gender, etc.

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