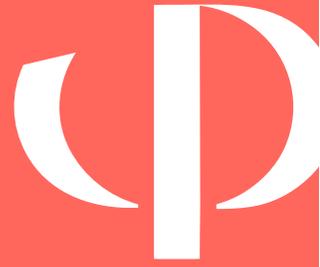


Feminism and Philosophy



FALL 2020

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APA NEWSLETTER ON

Feminism and Philosophy

LAUREN FREEMAN, EDITOR

VOLUME 20 | NUMBER 2 | FALL 2020

EDITOR'S INTRODUCTION

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This issue is dedicated to a critical engagement with Mari Mikkola's 2016 book, *Pornography: A Philosophical Introduction* (Oxford University Press). It begins with a précis of the book, followed by critical responses by Esa Díaz-León, A. W. Eaton, Hans Maes, and Katharine Jenkins. Mari Mikkola responds to these comments in turn.

Additionally, there are five book reviews in this issue: Michael Monahan reviews *Theories of the Flesh: Latinx and Latin American Feminisms, Transformation, and Resistance* (2020), edited by Andrea J. Pitts, Mariana Ortega, and José Medina; Caleb Ward reviews *When Time Warps: The Lived Experience of Gender, Race, and Sexual Violence* (2019), by Megan Burke; Shay Welch reviews *Antagonizing White Feminism: Intersectionality's Critique of Women's Studies and the Academy* (2019), edited by Noelle Chaddock and Beth Hinderliter; Jamie Ritzo reviews *Decolonizing Universalism: A Transnational Feminist Ethic* (2018), by Serene Khader; Spencer Nabors reviews *Criticism and Compassion: The Ethics and Politics of Claudia Card* (2018), edited by Robin S. Dillon and Armen T. Marsoobian.

I'm grateful to all of the authors for their wonderful contributions to this issue.

ABOUT THE NEWSLETTER ON FEMINISM AND PHILOSOPHY

The *Newsletter on Feminism and Philosophy* is sponsored by the APA Committee on the Status of Women (CSW). The newsletter is designed to provide an introduction to recent philosophical work that addresses issues of gender. None of the varied philosophical views presented by authors of newsletter articles necessarily reflect the views of any or all of the members of the Committee on the Status of Women, including the editor(s) of the newsletter, nor does the committee advocate any particular type of feminist philosophy. We advocate only that serious philosophical attention be given to issues of gender and that claims of gender bias in philosophy receive full and fair consideration.

SUBMISSION GUIDELINES AND INFORMATION

1. Purpose: The purpose of the newsletter is to publish information about the status of women in philosophy and to make the resources of feminist philosophy more widely available. The newsletter contains discussions of recent developments in feminist philosophy and related work in other disciplines, literature overviews and book reviews, suggestions for eliminating gender bias in the traditional philosophy curriculum, and reflections on feminist pedagogy. It also informs the profession about the work of the APA Committee on the Status of Women. Articles submitted to the newsletter should be around ten double-spaced pages and must follow the APA guidelines for gender-neutral language. Please submit essays electronically to the editor or send four copies of essays via regular mail. All manuscripts should be prepared for anonymous review. References should follow *The Chicago Manual of Style*.

2. Book Reviews and Reviewers: If you have published a book that is appropriate for review in the newsletter, please have your publisher send us a copy of your book. We are always seeking new book reviewers. To volunteer to review books (or some particular book), please send the editor, Lauren Freeman (lauren.freeman@louisville.edu), a CV and letter of interest, including mention of your areas of research and teaching.

3. Where to Send Things: Please send all articles, comments, suggestions, books, and other communications to the editor: Dr. Lauren Freeman, University of Louisville, lauren.freeman@louisville.edu.

4. Submission Deadlines: Submissions for spring issues are due by the preceding November 1; submissions for fall issues are due by the preceding February 1.

ARTICLES

Précis to Pornography: A Philosophical Introduction

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1. TASK OF THE BOOK

This book offers an opinionated introduction to and an analysis of philosophical treatments of pornography. It is a work in analytic philosophy; hence, one might expect my first move in the introduction to be to define the concept of *pornography*, and to offer some necessary and sufficient conditions for why some film, image, or text counts as pornography. Perhaps surprisingly, I don't start with such a definitional task. Perhaps even more surprisingly, this is because such a definitional undertaking has turned out to be far from straightforward. As the US Supreme Court Justice Potter Stewart in 1964 famously claimed, although he cannot provide a clear definition of *pornography*, he knows what counts as pornography when he encounters it. Justice Stewart was relying on his intuitive conception of pornography; unfortunately, other people rely on theirs. For instance, many Americans (at least of a certain generation) would say that magazines like *Hustler* and *Playboy* are paradigm instances of pornography. The heir of *Playboy*, Cooper Hefner, disagrees: he stated in a more recent newspaper article that the magazine is not pornography, but art, and that it empowers women. The OED's definition of *pornography* is rather innocuous and tame-sounding: It denotes the explicit description or exhibition of sexual subjects or activity in literature, painting, films, etc. in a manner intended to stimulate erotic rather than aesthetic feelings. Then again, Susan Brownmiller takes pornography to be the "undiluted essence of anti-female propaganda."¹ And even the most innocent sounding internet searches can yield a wealth of pornography hits. (Just think of Rule 34 from *The Urban Dictionary*: If it exists, there is porn on it.)

Many philosophers disagree with all of the above conceptions irrespective of their stance on the morality of pornography. Pre-theoretically, pornography involves the following: sexually explicit content, materials without social value, intention to sexually arouse consumers, being used in certain ways (e.g., as "masturbation materials"). How to understand any of these in detail and how to conceptualize their importance when examining pornography are live questions, though. As things stand, there is no agreed upon definition of *pornography* either in philosophy or in society at large. And yet, pornography seems to play a huge role in contemporary lives with pornography-related inquiries figuring as some of the most frequent internet searches. "Our" inability to say precisely what pornography amounts to is puzzling given how commonplace pornography has become.

One hindrance to defining and understanding pornography is its highly emotive and deeply divisive nature not only in the wider society, but also in philosophy. Over the past few

decades, entrenched and seemingly straightforward anti- and pro-pornography positions have emerged. In popular press, those opposing pornography are often portrayed as prudish sex-negative feminists, who advocate censorship; pornography's defenders are characterized as sex-positive liberals, who fight for free speech and expression. Lively philosophical debates about pornography have emerged since the 1980s, and there is by now a rich literature on the topic. Nonetheless, these debates are still fraught with many difficult questions and precious little agreement exists on even basic questions: What is pornography? What (if anything) does pornography do? Is the consumption of pornography a harmless private matter, or does it harm its users in some ways? Does pornography harm non-users, like women generally, by increasing the prevalence of sexualized violence? What, if anything, should legally be done about pornography? Is feminist pornography possible and if so, what would make pornography feminist? Not having a clear idea about what we are talking about when we talk about pornography has hindered philosophical attempts to answer these questions. There is still much confusion over the conceptual and political commitments of different anti- and pro-pornography positions, while different sides tend to portray a simplistic picture of their opponents. Participants in the debates end up easily talking past one another. Furthermore, given the emotive nature of the topic, interlocutors can miss the fact that existing positions are much more nuanced and far more complex than might at first seem. In fact, different sides to the debate might not even disagree with one another, *contra* appearances.

In light of these difficulties and (apparent) disagreements, this book examines philosophical pornography debates with the aim to steady and clarify the waters. It does not put forward one overarching argument throughout, but rather evaluates relevant arguments thematically. In so doing, the book has three broad goals. First, to conduct a comprehensive and careful investigation of different philosophical positions for and against pornography, which will provide much needed clarity on how *pornography* and other key notions are (and should be) understood. In so doing, the book also clarifies what different views are theoretically and politically committed to. Second, to investigate important methodological issues by considering how empirically adequate existing philosophical positions are relative to the sizeable pornography industry. This will involve considering alternative pornographies too that are said to be feminist, "female-friendly," and non-heteronormative. Third, to enrich extant philosophical debates by examining how discussions in different sub-areas (like feminist philosophy and aesthetics) intersect with and profit from one another—something that has been surprisingly absent in contemporary philosophizing over pornography. Although my investigation in the book advances unapologetically from an analytic feminist philosophical perspective, it is neutral about pornography's moral status at the outset. Given how complex a phenomenon pornography is, I argue, it is far from easy (if not impossible) to say that all pornography is harmful in some sense or that pornography does no harm at all. Our evaluative judgments about pornography must be made in a piecemeal fashion, and the prospects of making general

normative claims about pornography are poor. However, I contend, this does not preclude meaningful philosophical work on pornography. In fact, there is still much to be done.

2. HISTORICAL AND PHILOSOPHICAL BACKGROUND

Before outlining the contents of the book more fully, let me briefly introduce some historical and philosophical background to the debates that I consider in this work. At the time of Justice Stewart's comment above, pornography in the USA and UK was understood on the model of obscenity. Most basically, a work is obscene if it is sexually explicit, primarily intended to produce sexual arousal in viewers, and it has a morally corrupting influence in being indecent or causing indecency. This understanding makes pornography a matter of public morality, and it pits conservative opponents of pornography against "sexual radicals." According to the former, pornography removes sex from its proper setting of monogamous, heterosexual marriage relation, which debases humanity and regresses human progress. Pornography is morally corrupting and to prevent this, the state is permitted to prohibit access to pornography even for consenting adults.

Feminist philosophers and theorists, however, commonly renounce the obscenity standard, regardless of whether they oppose pornography or not. Feminists do not typically oppose pornography for its sexual content or putative offensiveness and so, vehemently disagree with pornography's conservative opponents. Rather, they argue, pornography *harms* women. One cluster of such arguments has been framed around the idea that pornography involves the degradation of women. These arguments advance content-based moral objections to pornography too, albeit in a very different form to those advanced by conservative critics. In short: although pornography is not morally objectionable due to its sexual content, in treating women as mere sex objects, it degrades women.² What is morally objectionable about pornography's content is that it de-grades [sic] women by assigning them lower value and lower moral status.³ Typically, though, the mere depiction of lower value does not suffice. Rather, pornography is about verbal and pictorial materials that represent and describe "sexual behavior that is degrading or abusive to one or more of participants in *such a way as to endorse the degradation.*"⁴ For pornography to endorse degradation is for it to communicate its approval and recommendation of sexual behavior that devalues women. More specifically, this means that the degradation is represented as pleasurable for both the male and female performers, and there is "no suggestion that this sort of treatment of others is inappropriate to their status as human beings."⁵ Furthermore, pornography supposedly tells deep and vicious lies about women that, e.g., Helen Longino considers defamatory.

Although sharing many aspects with the above positions, in championing their anti-pornography stance Catharine MacKinnon and Andrea Dworkin influentially put forward a subtly different feminist analysis of pornography's harm. For them, pornography is not "a moral issue": a feminist argument against pornography should not be based on

pornography being morally objectionable. Instead, they advanced a well-known view of pornography as a practice of sex discrimination: it is harmful in violating women's civil rights.⁶ This view is less about what pornography represents (its morally problematic content), and more about what pornography *does*. In short, pornography celebrates, promotes, and legitimizes sexualized violence against women. It eroticizes male dominance and female submissiveness, and puts this forward as the apparent truth about sex.⁷ Pornography purports to mirror reality, but it in fact constructs one. This is what pornography does and not merely what it depicts: "It institutionalizes the sexuality of male supremacy, fusing the erotization of dominance and submission with the social construction of [gender]."⁸ With this in mind, and against the obscenity standard, MacKinnon and Dworkin famously defined *pornography* as "the graphic sexually explicit subordination of women through pictures and words."⁹ Pornography is said to be about power with sex used as a weapon of women's subjugation. Sexually explicit materials that are premised on equality and positive free choice count as erotica, which is about passionate love and mutual pleasure.¹⁰ If men, trans people, or children are used in the place of and treated as if they were women, the work also counts as pornography. However, subordination is not the only thing that pornography does: it also silences women. In making violence the apparent truth about sex, pornography prevents women from saying otherwise. Women are thus "stripped of authority and reduced and devaluated and silenced."¹¹ In subordinating and silencing women, pornography is a practice of sex discrimination.

This Dworkin-MacKinnon account has been immensely influential both philosophically and legally; but (perhaps unsurprisingly) it has not convinced everyone. The view has been challenged by activists and theorists alike, and from both feminist and non-feminist perspectives. Some of the most devastating critiques came from challenges to the philosophical cogency of the Dworkin-MacKinnon position. Even while denying that pornography is somehow valuable, prominent liberal philosophers intensely critiqued the position during the late '80s and early '90s. Ronald Dworkin famously claimed that it was based on a "dangerous confusion" between negative and positive liberty.¹² This is the well-known distinction between enjoying freedom *from* some interference and having the liberty *to* do something. Our negative liberty may be restricted in a manner that is consistent with free speech protections. However, the view that pornography silences women seeks to argue against pornography by appealing to women's positive liberty to be heard. Such guarantees are not within the remit of the law, though. Then again, William Parent held that the Dworkin-MacKinnon definition of *pornography* is philosophically indefensible because subordination is "an action or a practice engaged in by human beings and directed against other beings . . . the logic of 'subordinates' requires that it have some human action or actions as a subject."¹³ As books, magazines, and images are not human beings, anti-pornography feminism commits a category mistake: pornographic materials simply are not the sorts of things that can subordinate.

With such critiques in mind, Rae Langton defends the philosophical cogency of the MacKinnon-Dworkin position

in her by-now classic article “Speech Acts and Unspeakable Acts.”¹⁴ She articulates further defenses together with Jennifer Hornsby.¹⁵ Langton’s defense marks a watershed moment in philosophical discussions about pornography. She draws on J. L. Austin’s speech act theory to make good the idea that pornography does something—that it is a practice of sex discrimination.¹⁶ Austin argued that our statements can (and do) do more than simply make true or false claims about the world—sometimes we perform actions other than just speaking with our utterances. With this in mind, Austin divides speech acts into locutions, perlocutions, and illocutions: the speaker’s locution (the words uttered) can perform some illocutionary action (*in* uttering something the speaker’s locution can *count as* doing), and the locution can have some perlocutionary effects (*by* uttering something the speaker’s locution can *cause* further extra-linguistic effects). Now, US legislation takes pornography to be a form of speech insofar as free speech legislation protects its manufacture and distribution; subsequently, Langton argues that pornographic speech illocutionarily subordinates and silences women. *In saying* something about women, pornographic speech does something other than make mere utterances. It functions like the speech of a priest who just in declaring “I pronounce you a married couple” performs the action of marrying. Pornographic speech, however, performs harmful actions. It subordinates and silences women in ranking them as inferior, in legitimating discrimination against them, and in depriving women of important free speech rights.¹⁷ This allows us to see that the Dworkin-MacKinnon position is not philosophically indefensible and that it does not rest on a category mistake: pornographic content, in being a form of speech, can perform subordinating actions.

The speech act theoretic defense of the Dworkin-MacKinnon position has dominated Anglo-American philosophizing about pornography over the past thirty years, and a number of theorists from various backgrounds have either critiqued or defended Langton’s original position. In the book, I too examine the philosophical legacy of the speech act defense in detail, and consider how philosophical debates on pornography might take novel new turns.

3. STRUCTURE OF THE BOOK

The book has eight chapters in total, the first being an introductory one. In the subsequent chapters, I consider philosophical pornography debates along the following themes.

Chapter 2, “Subordination: Causal and Constitutive,” looks at the claim that pornography is and causes women’s subordination. At the request of the Minneapolis City Council in 1983, MacKinnon and Dworkin drafted anti-pornography ordinances that were premised on women’s civil rights violations, rather than on the moral condemnation, obscenity, or indecency of pornography. The ordinances make use of the definition of *pornography* cited above: pornography is “the graphic sexually explicit subordination of women through pictures and words.”¹⁸ In challenging the prevalent obscenity-based anti-pornography legislation, the ordinances did not advocate censoring or criminalizing the production, distribution, or consumption of pornographic materials. Rather, they

intended to give women legal recourse to seek remedies for harms and injuries caused to them by pornography. In particular, these harms pertain to being trafficked into or coerced to perform in pornography, forcing pornography onto someone, and experiencing assaults caused by pornography consumption. The ordinance would have given performers and women in general the opportunity to sue those makers and consumers of pornography who had harmed them. Indianapolis City Council passed similar ordinances in 1984, although they were soon overturned as unconstitutional.

As noted above, the subordination claim, especially in its constitutive form, was vehemently attacked by liberal philosophers as being philosophically untenable, indefensible, and incoherent. Against such arguments Langton famously defends the Dworkin-MacKinnon idea that pornography is a practice of sex discrimination. In short, pornography is the illocutionary subordination of women: in saying something about women, pornographic speech subordinates them. The chapter examines this view and considers its plausibility. The general argumentative gist of the chapter is as follows. *Contra* critics of the causal subordination claim, I argue that the claim is not so implausible after all. Or, at the very least, prevalent critiques do not “conclusively refute” the subordination claim, as one author claims.¹⁹ Nonetheless, the chapter also shows that the constitutive formulation of the subordination claim is much harder to sustain.

Next, in chapter 3, “Does Pornography Silence Women?,” I turn to Langton’s other key view: that pornography causes and is the silencing of women. One of MacKinnon’s central claims is that pornography is not only words. Rather, pornographic speech does something harmful: it subordinates and silences women. Langton argues that pornography is verdictive speech in ranking women as inferior sex objects, and that it is exercitive speech—speech that confers or deprives powers and rights—in legitimating sexualized violence against women.²⁰ What grants pornographic speech illocutionary force is its authoritativeness in the realm of sex. This might suggest that harmful pornographic speech should be countered by better speech, speech that undercuts pornography’s false depictions of and lies about women’s sexuality, in order to undermine its authoritativeness. However, if pornographic speech has the power to silence women, such counter-speech looks set to fail. That is, pornography is said to be exercitive not only in legitimating sexualized violence, but also in depriving women of important free speech rights—in silencing them. Call this “the silencing claim.”

This claim has attracted a huge amount of philosophical interest over the past couple of decades and the literature discussing it is by now extensive. In the chapter, I consider how we should understand the silencing claim by carefully dissecting the relevant literature. I further assess the philosophical and practical tenability of the claim. The main philosophical lessons to arise from this chapter are as follows. First, even though some aspects of the silencing claim have pre-theoretical plausibility, it remains to be established that pornographic speech is responsible for women’s silencing. Second, the silencing claim is often

discussed by appealing to intuitive “gut feelings” about specific cases. But this is not methodologically conducive to settling the matter.

The previous two chapters considered whether pornography is and/or causes women’s subordination and silencing. These issues are usually debated in connection with legal concerns: whether the subordination and silencing claims undermine a free speech defense of pornography. If pornography does what anti-pornography feminism claims it does, we have a strong legal case for restricting pornography. And, importantly, appealing to the central liberal value of free expression cannot mitigate the incurred harms. The previous chapters discussed the subordination and silencing claims divorced from this legal issue. Chapter 4, “Free, Regulated, or Prohibited Speech?” considers whether we can plausibly defend legal restrictions on pornography that are compatible with liberalism.

Some preliminaries are in order. Most crucially, we must bear in mind that *regulating* the manufacture, distribution, and/or consumption of pornography is not equivalent to *prohibiting* pornography via censorship. Not clearly distinguishing these possible legal responses to pornography entrenches the supposed—though misguided—opposition between prudish anti-porn censorship feminism and “pro-sex” liberal champions of free expression. Moreover, regulating some *x* is not *eo ipso* illiberal. First, the manufacture of goods is regulated in all sorts of ways via (for instance) employment and environmental laws. After all, authorities are justified in closing down dangerous factories that do not comply with health and safety measures, and dangerous work practices cannot be defended by appealing to freedom of action. Second, the distribution of many goods is regulated without this being *prima facie* an affront to liberty. For instance, in many jurisdictions, alcohol can be purchased only from specialist outlets. Hence, even though this limits our freedom to purchase alcohol wherever and whenever, the restrictions are not unreasonable given further legal and societal considerations—we may be inconvenienced, but this is defensible within a liberal framework. Third, the consumption of various goods can be legitimately constrained. In many jurisdictions, smoking is only allowed in designated areas to safeguard nonsmokers. There is a huge difference between prohibiting the consumption of some product (like illegalizing smoking) and restricting consumption (like restricting where one can publicly smoke).

What about pornography, then? Staunch legal moralists would argue that since we must prevent citizens from engaging in actions that offend prevailing standards of decency and since pornography is indecent and offensive, there is a *prima facie* justification for outright censorship or prohibition of pornography. Thoroughgoing libertarians would reject any infringements on our liberty of thought and action and would argue that *nothing* should be done about pornography—this is a private matter and no concern of the state. Anti-pornography feminism is sometimes equated with legal moralism, and liberal defenders of pornography are sometimes painted in this libertarian light. However, it is a mistake to draw the opposition in this manner. Feminists and liberals typically reject both extremes,

irrespective of whether they oppose pornography or not. State censorship of materials on the basis of indecency is a blunt instrument that even opponents of pornography view with deep skepticism.²¹ And hardly any party to the debate eschews all forms of regulation or intervention—liberal philosophers typically do not hold that *nothing* should be done about pornography or that it is a thoroughly harmless private affair (e.g., liberal defenders of pornography were also in favor of zoning laws to restrict where pornography could be distributed). Between the two extremes, which are practically nonexistent in contemporary philosophical discussions, are many more nuanced views. This chapter then asks two broad questions: Are pornography regulations permissible? If so, in what form? In discussing these issues, I endeavor to show the following. First, in disentangling what different feminist and liberal views are committed to, we can see that the supposedly firm opposition between feminist pro-regulation and liberal anti-regulation positions is not so firm after all. Instead, there is much common ground between allegedly opposing sides. Second, some pornography regulations are permissible, even within a liberal framework and on paternalistic grounds. Third, although we have grounds to regulate pornography, criminalizing pornography production, distribution, and consumption is the wrong response to pornography’s problems.

Chapter 2 dealt with the subordination claim: that the manufacture and consumption of pornography play a causal role in perpetuating systematic sexualized violence against women. This is not the only sense in which pornography seemingly harms women. Feminists often critique pornography for being a major force in women’s sexual objectification. Most basically, objectification amounts to viewing and/or treating a person as a thing or an object to be used. With this in mind, anti-pornography feminism not only claims that pornography production objectifies female performers; rather, men’s consumption of pornography also ends up objectifying women as a *group* by conditioning men to view and treat women as objects to be used for their sexual ends.

Connected to this, Langton has more recently made an interesting suggestion that pornography produces a distinctive kind of *maker’s knowledge* about women.²² This is also relevant for free speech debates about pornography. Following J. S. Mill’s liberalism, the generation of knowledge is one justification for free speech. Hence, there may be a knowledge-based *defense* of pornography: if pornography creates knowledge, there is a putative case for allowing it. Langton argues that pornography indeed produces knowledge about women, where the mechanism of knowledge-production is women’s objectification. In so doing, pornography produces a peculiar kind of knowledge that “not only aims at truth, but *makes* its truth.”²³ Nevertheless, this kind of projected and self-fulfilling pornographic knowledge is harmful in that it destroys women’s sexual autonomy. The knowledge-based defense of pornography is therefore undermined.

In chapter 5, “Pornographic Knowledge and Objectification,” I consider sexual objectification and its connection to pornographic knowledge. I examine what

sexual objectification amounts to and allegedly does, and whether pornographic maker's knowledge is harmful, as Langton claims. The philosophical lessons to emerge from my discussion are the following. First, even though we can make sense of the claim that pornography objectifies women, assessment of whether this claim is true typically involves a problematic focus on what pornography depicts in a context-neutral fashion. This is problematic since it is remarkably difficult to draw moral and ethical conclusions from apparently objectifying pornographic depictions alone. Second, even though some pornographic materials surely involve objectionable objectification of women and problematic requisite maker's knowledge, other materials plausibly do not. Determination of which materials are worrisome and which not depends on background social conditions and contexts. This, then, undermines Langton's view that pornographic maker's knowledge is always harmful in undermining women's sexual autonomy. Or so I argue in the chapter.

Up to this point, the book considered various debates in feminist philosophy on the topic of pornography. Feminist philosophers have not, however, been alone in considering pornography philosophically: philosophers of art have also notably debated the topic. Nevertheless, these two sub-disciplines seldom meet and there is surprisingly little crossover between them. Feminist debates usually focus on pornography's putative harms to women and what should subsequently be done about pornography in order to advance gender equality, whereas debates in analytic aesthetics have focused on imagination, pornographic fictionality, and media, as well as the ethics of represented depictions. One major point of contention dominates discussions in philosophy of art over pornography, though: whether something can be both art and pornography.

Chapter 6, "The Aesthetics of Pornography," aims, on the one hand, to bring debates in feminist philosophy and philosophy of art closer together and, on the other, to discuss central topics of contention in the aesthetics of pornography. I consider three themes: fictionality of pornography, whether pornography and art are mutually exclusive, and what (if anything) is morally objectionable about digitally generated imagery. In so doing, I offer support for two broad views. First, that fantasies and pornographic fictions are not beyond moral reproach in virtue of being fantastical and fictitious. Second, to hold that pornography is centrally or necessarily about sexual arousal (as philosophers of art typically do) yields misguided analyses of the phenomenon. This chapter, then, tells us something important not only about issues relevant for philosophy of art debates pertaining to pornography; it also instructs us about the nature and morality of pornography.

In chapter 7, "Pornography as Liberation," I discuss the idea that some pornography may liberate, rather than subordinate. Issues surrounding sexuality and pornography have tended to polarize the feminist movement and differences in views led to the so-called "sex wars" of the 1970s/1980s. The main opposing positions can be denoted with PorNo (short for anti-pornography positions) and PorYes (denoting pro-pornography and "sex positive" outlooks). PorNo feminist activism has in recent years

gained renewed momentum. An international "Stop Porn Culture" movement, co-founded by the high-profile anti-pornography campaigner Gail Dines, is calling for an end to society's "pornification." Concurrently, the production of self-proclaimed feminist pornography has become more prominent. In addition, academic work on pornography that is not premised on a PorNo position has gained impetus with the first-ever peer-reviewed academic journal in such a vein, *Porn Studies*, established in 2014 and published by Routledge. Dines, who likened the journal's editors to climate change deniers relative to pornography, fervently opposed its launch. However, the "Stop Porn Culture" movement has been critiqued for being "unwilling to acknowledge the counterhegemonic possibilities in feminist and queer porn, unable to consider the possibility of improving rather than eradicating pornography, and [for] reject[ing] the possibility of neutral or even positive uses of sexually explicit materials."²⁴ PorNo positions are criticized further for assuming that "sex is inherently oppressive to women—that women are debased when they have sex on camera—[which] ignores and represses the sexuality of women."²⁵ PorNo feminism is said to amount to a pro-censorship, moralistic, and sex-negative condemnation of pornography. By contrast, pro-pornography positions claim that pornography can be and is empowering. These positions do not have in mind sexually suggestive "soft-core" materials, but rather sexually explicit hard-core depictions that include facets of the Dworkin-MacKinnon definition of *pornography*. PorYes positions are also tied to pornography being *prima facie* essentially transgressive in character and therefore positive: for instance, Laura Kipnis famously holds that "pornography obeys certain rules, and its primary rule is transgression. Like your boorish cousin, its greatest pleasure is to locate each and every one of society's taboos, prohibitions, and properties and systematically transgress them, one by one."²⁶

These claims and the PorNo/PorYes opposition are fraught with difficulties. First, it is not entirely clear what exactly is under dispute. There is confusion over whether different sides disagree about how to define the concept of *pornography* or merely about which materials fall under the concept. In the former case, different positions end up talking at cross-purposes, while in the latter case, it remains unclear why there is disagreement about which materials properly speaking count as pornography. Furthermore, the debates are polarized by blatantly misleading and simplistic descriptions of the opposite view(s). To the best of my knowledge, the view that women debase themselves when they have sex on camera is not widely held by anti-pornography feminist philosophers. Very few (if any) contemporary anti-pornography positions advocate criminalization and explicit censorship of pornographic materials *contra* prevalent caricatures. Staunch PorNo positions are far less prevalent in academic work on the topic than critics would have one believe. Finally, it looks like a mistake to accept either position in an unqualified sense. As PorYes advocates point out, an unqualified PorNo stance seems blinkered: anti-pornography critiques miss their target because they treat pornographic materials in too simplistic a manner and because they fail to appreciate differences in sexual tastes and desires. A number of queer theorists have accused anti-pornography feminism

of being heteronormative and heterosexist: of treating heterosexuality as the normative standard against which all sexuality is measured. This problematically naturalizes heterosexist sexual practices, where sex between cis-men and cis-women is “normal” while other practices are supposedly deviant. Hence, some queer theorists and philosophers rightly claim that anti-pornography feminism tends to examine pornography through a strict male-female binary and that anti-pornography legislation motivated by (white, Anglo-American) feminist concerns would restrict materials that contribute to the emancipation of gay, lesbian, trans, and queer sexualities. Although these claims have prima facie plausibility, earlier discussions in this book suggest that an unqualified PorYes position is also misguided: such a position ignores that pornography production and consumption are not just harmless private affairs. And to think that the *raison d’être* of pornography is to transgress societies’ bourgeois conventions (as Kipnis does) is surely exaggerated and over intellectualized.

We can see the makings of new sex wars in popular discourse and culture as well as in academic writings about pornography. Hence this chapter considers two questions. First, is feminist pornography possible and if so, what would make pornography feminist? Second, might pornography be a force for liberation and emancipation? My answer to both questions is yes and in the chapter, I consider some features of feminist and/or liberatory pornography. However, I also highlight that our answers to these questions must be more nuanced and qualified than existing debates typically allow. Different stances in fact share many basic commitments; but both sides tend to paint the opposition in an uncharitable light and in a manner that distorts the debate thereby disguising common ground.

In discussing the aesthetics and emancipatory potential of pornography, we can see that questions about pornography’s status as speech become much less pressing. This points to ways we can philosophically examine pornography that don’t hinge on accepting or rejecting the speech act approach. The book hence closes with chapter 8, “What is Pornography Revisited,” that considers social ontological analyses of pornography as potentially fruitful alternatives to the prevalent speech act theoretic approaches. In particular, the final chapter considers two pressing and as of yet unsettled questions from a social ontological perspective: What *is* pornography? What does pornography *do* (if anything)? I consider the second question particularly looking at a suggestion put forward by Katharine Jenkins.²⁷ I also consider my own alternative way to understand what pornography is, which focuses on maker’s intentions and that does not depend on speech act theory.²⁸ That said, even the final chapter leaves a number of issues open, and it is not possible in the book to settle pornography debates in philosophy once and for all. Instead, I hope to motivate alternative ways to think about the topic of pornography in philosophy and to provide an impetus for a continued philosophical examination of the topic. To this end, the chapter (and the book) concludes with some final methodological remarks that I wish to briefly flag to finish.

4. METHODOLOGICAL REMARKS

Throughout the book, I make a certain methodological plea: that philosophical investigations should be more empirically engaged and informed when they deal with such a “this-worldly” topic as pornography. Of course, philosophy is not an empirical science. But our philosophizing should endeavor to avoid being brazenly inadequate empirically speaking. How should one then proceed when doing philosophical work on pornography? For one thing, I highlight throughout the importance of fitting examples. Pornography cannot be analyzed from the philosopher’s armchair *a priori*, and speaking authoritatively about issues relevant to pornography requires knowledge about the empirical realities of pornography as a cultural phenomenon and as an industry. Otherwise, one is not in a good position to advance empirically adequate analyses of pornography. What this requires in turn is open-mindedness and willingness to engage empirically with pornography. Of course, given how emotive of a topic pornography is, this may be psychologically challenging.

That said, in order to gain the relevant empirical knowledge, my view does not entail that philosophers *should* view pornography if they wish to write about it. As I see it, empirical familiarity with pornographic materials need not involve viewing pornography. Or rather, much depends on what debates one is engaged in. In order to discuss a number of topics I consider in this book, one need not view pornography, but can rely on research from other disciplines, like media theory and cultural studies. Writing about the aesthetics of pornography is conceivably a different matter. Perhaps precisely because the aesthetic side of these debates requires familiarity with pornographic works and because philosophical pornography debates have been predominantly conducted from anti-pornography positions, there has been so little crossover between feminist philosophical and philosophy of art debates. Whatever the explanation, the take-home message is as follows: good philosophical work on pornography requires familiarity with and knowledge of the topic. Still, one can gain this without necessarily needing to view pornographic materials. In this sense, there is no requirement to view pornography, provided that one can gain the requisite knowledge through interdisciplinary research.

I should add, though, that one difficulty with doing empirically engaged philosophy of pornography is the lack of decisive empirical research on the topic. In an attempt to fulfill my preferred methodological desiderata, I tried to engage with empirical literature as much as possible while writing the book. But it is hard to find empirical research that takes a genuinely dispassionate look at pornography’s harms and benefits, and what pornography conceivably does. This being the case, doing empirically engaged philosophy of pornography is an endeavor fraught with difficulties—but this is something that we ought to be frank about. When it comes to empirical issues about what pornography does, one will find conflicting evidence and research that shows pornography to be either deeply detrimental to individuals and societies, or that it has no influence on human psychology and social relations whatsoever. It seems warranted to say that both of these extreme views are highly likely to be false. This

does not justify philosophical theorizing that is woefully out of sync with reality, and philosophical work should acknowledge the massive differences that exist within the phenomenon of pornography. Nonetheless, I am issuing a plea that philosophical work on pornography should wear its normative commitments on its sleeve and to recognize the massive differences that exist within the pornography industry. This will not only make our philosophical accounts better, but it will also ensure that we gain knowledge about a concrete topic using philosophical tools and that we can apply our philosophical theorizing to deal with important and pressing real-life matters.

NOTES

1. S. Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon & Schuster, 1975), 394.
2. For more, see A. Garry, "Pornography and Respect for Women," *Social Theory and Practice* 4, no. 4 (1978): 395–421.
3. J. M. Hill, "Pornography and Degradation," *Hypatia* 2, no. 2 (1987): 39–54.
4. H. Longino, "Pornography, Oppression, and Freedom: A Closer Look," in *Take Back the Night*, ed. L. Lederer (New York: William Morrow, 1980), 43.
5. *Ibid.*, 43–44.
6. A. Dworkin, *Pornography: Men Possessing Women* (London: The Women's Press, 1981); C. A. MacKinnon, *Feminism Unmodified* (Cambridge, MA: Harvard University Press, 1987); C. A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge, MA: Harvard University Press, 1989); and C. A. MacKinnon, *Only Words* (Cambridge, MA: Harvard University Press, 1993).
7. MacKinnon, *Feminism Unmodified*, 171.
8. *Ibid.*, 172.
9. *Ibid.*, 176.
10. MacKinnon, *Feminism Unmodified*; see also G. Steinem, "Erotica and Pornography," in *The Problem of Pornography*, ed. S. Dwyer (Belmont: Wadsworth, 1995), 29–33.
11. MacKinnon, *Feminism Unmodified*, 193.
12. R. Dworkin, "Liberty and Pornography," *The New York Review of Books* 38, no. 14 (1991): 12–15.
13. W. Parent, "A Second Look at Pornography and the Subordination of Women," *Journal of Philosophy* 87 (1990): 208.
14. R. Langton, "Speech Acts and Unspeakable Acts," *Philosophy and Public Affairs* 22 (1993): 293–330.
15. J. Hornsby and R. Langton, "Free Speech and Illocution," *Legal Theory* 4 (1998): 21–37.
16. J. L. Austin, *How to Do Things with Words* (Oxford: Clarendon, 1962).
17. Langton, "Speech Acts and Unspeakable Acts," 305–13.
18. MacKinnon, *Feminism Unmodified*, 176.
19. N. Strossen, *Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights* (New York: Anchor Books, 1995), 254.
20. Langton, "Speech Acts and Unspeakable Acts," 307–308.
21. S. Easton, *The Problem of Pornography: Regulation and the Right to Free Speech* (London: Routledge, 1994).
22. R. Langton, "Speaker's Freedom and Maker's Knowledge," in *Sexual Solipsism: Philosophical Essays on Pornography and Objectification* (Oxford: Oxford University Press, 2009), 289–310.
23. *Ibid.*, 292.
24. S. Tarrant, "Truth Claims about Porn: When Dogma and Data Collide," in *The Philosophy of Pornography: Contemporary Perspectives*, ed. L. Coleman and J. M. Held (Lanham: Rowman and Littlefield, 2014), 36.

25. T. Taormino, C. Parreñas Shimizu, C. Penley, and M. Miller-Young, eds., *The Feminist Porn Book: The Politics of Producing Pleasure* (New York: The Feminist Press at CUNY, 2013), 15.
26. L. Kipnis, *Bound and Gagged: Pornography and the Politics of Fantasy* (New York: Grove Press, 1996), 164.
27. K. Jenkins, "What Are Women For?: Pornography and Social Ontology," in *Beyond Speech: Pornography and Analytic Feminist Philosophy*, ed. M. Mikkola (New York: Oxford University Press, 2017), 91–112.
28. See also M. Mikkola, "Pornographic Artifacts: Maker's Intentions Model," in *Beyond Speech: Pornography and Analytic Feminist Philosophy* (New York: Oxford University Press, 2017), 113–34.

Is Feminist Pornography Possible?

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Mari Mikkola's marvelous book, *Pornography: A Philosophical Introduction* (2019), is an extremely helpful, opinionated survey of the philosophical debates about pornography in English-speaking analytic feminist philosophy in recent decades. I know of no better introduction to these issues. In addition to discussing (and clarifying) the debates concerning speech-acts approaches to pornography, she also discusses, and emphasizes the relevance of, other approaches such as the aesthetics and the social ontology of pornography. In this note I am going to focus on one additional issue that Mikkola discusses, namely, the prospects of putatively feminist pornography. Is it possible? Can it have liberatory, emancipatory effects?

I will follow Mikkola in conceiving of feminist pornography as a *normative* notion. That is, feminist pornography is not a purely descriptive notion, of the sort "pornography that is actually labeled as feminist," nor "pornography made by feminist authors or with feminist aims in mind." Rather, the label "feminist pornography" will work as a normative ideal, so that then there is logical space for the question of whether feminist pornography is possible, and whether any pornography that is actually produced deserves to be labeled as feminist.

Some of the normative criteria that Mikkola puts forward in order to consider a pornographic work as feminist are the following. First, it should not be made from a masculinist point of view, or cater only to a male audience (that is to say, it should not give priority to male desires, male fantasies, and a male point of view, but it should also focus on and make visible female desires, female fantasies, and female pleasure). This is necessary in order for a pornographic work to be considered as feminist, but not sufficient, as Mikkola explains, since a pornographic movie, say, can be made with a female audience in mind, and still not be fully *egalitarian*. In order for it to be egalitarian, it should promote equality between men and women, that is, it should promote the value of female sexuality and female pleasure. Furthermore, in order to count as feminist, a pornographic work has to satisfy two additional criteria, according to my interpretation of Mikkola's view. The first criterion is negative: it should not promote sexist ideologies, in the sense discussed in the first part of the book. That is to

say, it should not endorse negative ideologies about what women are for, in the sense defended by philosophers such as Rae Langton and others. As it is argued in the first three chapters of the book, pornographic works can sometimes constitute or at least cause the subordination and the silencing of women by means of promoting a vicious ideology according to which, for instance, women are or should be submissive to men, their value relies on being the object of men's desires and contributing to male pleasure, they are not deserving of respect, they are always willing to have sex, and/or their consent to engage in sexual behavior can always be taken for granted/does not matter/should not be ascertained. (We can call this kind of pornography *sexist* or *misogynist* pornography.)

It seems clear, then, that feminist pornography should neither endorse nor promote these ideologies. But this negative criterion is not sufficient, or so I understand Mikkola's view. Indeed, feminist pornographic works should not merely remain neutral on those ideologies (therefore not adding to the harm done by sexist pornography), but they should rather actively promote an alternative ideology which aims to refute sexist and misogynist views about women's desire and women's social roles, and to disseminate feminist ideals such as equality between men and women, and the value of women's desires, women's agency and autonomy. But all of this is still not sufficient, or so I understand Mikkola's interesting view. The reason is that mainstream pornography is not only centered around the male gaze, but the white hetero-cis-male gaze. That is to say, the harm produced by mainstream pornography not only amounts to perpetuating false ideologies about women, but also promoting harmful ideologies about LGBTQ+ people and people of color, for instance. Therefore, Mikkola says, perhaps pornographic works can be a useful tool in order to resist hetero-cis-patriarchy and white supremacy. If so, then we can use the label "feminist pornography" to refer to pornographic works that have these emancipatory and liberatory aims.

So far, I have discussed some features having to do with the content of pornographic works, that is, what is depicted. Mikkola also discusses issues about the industry and production of pornographic works, such as the work conditions of employees, salaries, working hours, health care, etc. It seems clear that pornographic works labeled as feminist should not involve the exploitation of workers. In what follows, I will put issues about the production of pornographic works aside, and I will focus on the question of whether pornographic works could possibly instantiate the normative features regarding the content of what is depicted that I described above.

In this note, I will argue that the claim that feminist pornography is possible faces a dilemma. In particular, I will argue that works that aim to have emancipatory effects, by means of promoting the desires, the bodies, and the pleasure of members of non-normative communities, run the risk of actually promoting further stigma, subordination, and fetishization of those non-normative desires, bodies, and pleasure. For instance, as Mikkola explains, pornographic works have the potential to make visible the desires and experiences of non-normative communities

such as queer people, people of color, differently abled people, trans people, and fat people. Pornographic works could help to change the canon of what is considered beautiful by promoting beautiful images of people of those communities, showing that their bodies can be beautiful.¹ It can also help to promote positive messages about their desires and their experiences, by telling stories that depict them as having agency, autonomy, and subjectivity, and being worthy of respect. This could contribute to diminish the potential of harmful stereotypes about members of those communities. However, and this is the first horn of the dilemma, I believe that given the ubiquity of mainstream pornography, and the educational potential that it has, it seems likely that the pornographic works I am describing could have negative effects when they are consumed by a mainstream audience. My worry, then, is that mainstream audiences may receive these pornographic works in a way such that the sexualization or fetishization of non-normative bodies and identities is likely to happen. That is, even if they are represented as having agency and autonomy, audiences who are embedded in a sexist and misogynist ideology might interpret the images as promoting the perception of members of non-normative communities as having less value, since their value relies on being the object of pleasure for a white hetero-cis-male subject. So increasing the representation of those communities in pornography, even in a positive light, might lead to more stigma and subordination, since for many audiences, these works would be interpreted as expressing the message that the desires, the pleasure, and the autonomy of those people have less value than the desires and pleasure of white, able-bodied, hetero-cis-males.

Can we think of a solution to this problem? Perhaps one solution would be to follow A. W. Eaton's recommendations regarding the representation of the female nude in works of art in a way that is not objectifying, namely, to emphasize the subjectivity, agency, autonomy, etc. of the women who are depicted in the works of art.² In this way, one could argue, we can emphasize the view that those women have agency and autonomy, and their value does not rely on being the object of male desire. However, this solution faces a worry. In my view, precisely because we are focusing on pornographic works, emphasizing agency and autonomy might also help to perpetuate the myth of the sexualization of members of these communities. That is to say, in my view pornographic works that aim to emphasize the value of the desires and fantasies of members of non-normative communities, while at the same time depicting them as having agency, autonomy, and subjectivity, might also contribute to perpetuate stereotypes about members of those communities, precisely because of the *sexually explicit* nature of pornographic works. That is, it is not clear to me how a work of pornography could emphasize the value of, say, queer people's desires and pleasure, without also perpetuating myths about sexualization and fetishization of those communities. My worry here is that there might be other works of art that could be better suited to the task of sending positive messages about members of non-normative communities than pornographic works, precisely because they do not run such a big risk of perpetuating the sexualization and fetishization of non-normative bodies. However (and this is the second horn

of the dilemma), works of art that do not involve sexually explicit scenes might have less potential in order to make visible and promote the value of the desires and fantasies of members of non-normative communities. Therefore, it is not clear to me if there is a way out of this dilemma.

I will finish with a more optimistic remark. As I have stressed, my worry has to do with the case of pornographic works with emancipatory goals that are consumed by mainstream audiences. But it is clear to me that feminist pornography can have clear emancipatory and liberatory effects with respect to non-normative audiences. That is to say, pornographic works can be well suited, or so I want to suggest, in order to provide representations of the desires, fantasies, and sexualities of members of non-normative communities, and the beauty and value of their non-normative bodies, as well as promoting positive messages that help to refute false ideologies and harmful stereotypes about ourselves. This can be a very powerful tool for those individuals, since to see ourselves represented in a positive light can have a significant educational and empowering effect. In particular, for queer people, people of color, differently abled people, fat people, or trans people, to see our bodies represented as being beautiful, and to see our desires, fantasies, and sexual pleasure as having equal value to that of white, able-bodied, thin hetero-cis-males, can be a very important step in the fight for social justice. For this reason, the production of pornographic works with the emancipatory, egalitarian goals that Mikkola helpfully explains might be more than justified. Indeed, it might be an essential tool in the quest for social justice, in spite of its possible pitfalls.

NOTES

1. For further discussion and elaboration of this idea, see A. W. Eaton, "Taste in Bodies and Fat Oppression," in *Body Aesthetics*, ed. S. Irvin (Oxford University Press, 2016), 37–59; and "Feminist Pornography," in *Beyond Speech: Pornography and Analytic Feminist Philosophy*, ed. M. Mikkola (Oxford University Press, 2017), 243–58.
2. A. W. Eaton, "What's Wrong with the Female Nude? A Feminist Perspective on Art and Pornography," in *Art and Pornography: Philosophical Essays*, ed. J. Levinson and H. Maes (Oxford University Press, 2012), 278–307.

Thoughts on Mikkola: Pornography, Artifacts, and Pictures

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Professor Mari Mikkola's book *Pornography: A Philosophical Introduction* is a must-read for anyone interested in pornography. It's one of the best things I've read on the topic in quite some time. Here are some of the book's virtues.

First, Professor Mikkola has a talent for synthesizing what is now a very large and unwieldy body of literature and distilling from it the core issues and arguments. The book is impressively clear and insightful and does a great service

to those of us interested in the topic by imparting clarity and order on the complex tangle of academic work on pornography.

Second, Professor Mikkola is balanced and fair when it comes to controversial issues. The most important example of this is that she takes both antiporn feminism and sex-positive feminism seriously, and teases out points of agreement and draws out other connections between the two positions. While it is, of course, always good to be balanced and fair, this is especially important when it comes to discussing pornography. As the reader probably knows, there has been an acrimonious debate about pornography in feminist circles since the 1970s. This debate continues to adopt a stark agonistic for/against shape, where it is common for members of opposing sides to dig in their heels and obstinately refuse to genuinely listen to one another. In being balanced and fair, and in refusing to explain issues around pornography in a black-and-white way, Professor Mikkola explores the complexity of the issues and makes progress in moving us beyond what looked like an insurmountable impasse.

Third, the book is wonderfully interdisciplinary. With an informed and sensitive eye, it explores work in, for instance, aesthetics, film studies, critical race theory, and gender studies, as well as some disability studies and fat studies. Fourth, the book takes seriously the idea that there must be a significant empirical component to any study of pornography. This is something that philosophers tend to ignore or woefully underestimate. Taking the empirical seriously means not only giving psychological and sociological studies on porn their full due—which Professor Mikkola does handily—but also giving sensitive and informed attention to what pornography actually is and has been in the world. Pornography is no more a monolithic thing than video games or gardens are. This does not mean that these phenomena are so heterogeneous that there's nothing to say about them, but it does mean that we need to stop talking as if "Dirty Pool" were all there is to pornography.¹ Instead, we need to recognize and be informed about the variety and richness of the phenomenon. This, Professor Mikkola does admirably.

I now turn to two topics that come up in Professor Mikkola's excellent book. The topics are inspired by this quotation, which I think makes an important and underappreciated point, a point related to what I said above about Professor Mikkola's recognition of the heterogeneity of pornography.

The term "pornography" does not pick out an abstract entity but an array of concrete things—something that a proper philosophical understanding of pornography in my view should bear closely in mind. (240)

The two topics I'll discuss in turn are (1) Professor Mikkola's view of artifacts and (2) a particular kind of artifact, namely, pictures.

PART ONE: ARTIFACTS

In Chapter 8, Professor Mikkola offers her own original and very interesting thoughts about pornography in the service

of a bold ambition: to fix the class of pornographic artifacts in a way that navigates between the Scylla of ameliorative approaches (à la Sally Haslanger) and the Charybdis of descriptive approaches (à la Michael Rea).² In Professor Mikkola's words, "my proposal aims to fix the class of pornographic artifacts, after which we can debate whether some instances are subordinating, liberating speech in a legal sense or not" (242).

To fix the class of pornographic artifacts, Professor Mikkola develops her maker's intentions model (drawing from her 2017 essay). The maker's intentions model, as I understand it, goes roughly like this: An artifact counts as pornographic only if it is the product of a largely successful intention to create pornography.

To analyze this, let us back up for a moment to think about artifacts in general, of which pornography is a species. One of the big problems with pure intentionalist accounts of artifacts is that they appear to be committed to the idea that the maker's intention to produce an object of type *x* is *sufficient* for the resulting object's counting as an *x*. For instance, if I make a big scribble on a piece of paper while sincerely intending my markings to serve as a portrait of you, this suffices, on a pure intentionalist view, for the scribble to function as a portrait of you. On this simple view, at least, the maker's intention carries the day. And this strikes me, and also Professor Mikkola, as wrong: the scribble is not a portrait, no matter how much the maker meant for it to be one. (Consider here Professor Mikkola's example of the person who means to produce porn by filming a fully clothed person baking a cake (245).)

Professor Mikkola's account is not what I'm calling a "pure intentionalist" account; rather, it's a kind of hybrid account in that it also appeals to things outside of the maker's intentions in order to fix the class of pornographic artifacts. On Professor Mikkola's view (here following Amie Thomasson³), intention to produce a type of thing is necessary, but not sufficient, for the resultant object to count as a token of that type. Professor Mikkola adds to this the following two points: (a) the maker must have a "substantive conception" of the kind of artifact in question, and (b) they must intend to realize this substantive conception by imposing the kind-relevant features (these, I presume, are provided by the substantive conception) on the materials that they are using to produce the artifact. This strikes me as reasonable. I can't just scribble on a piece of paper and proclaim it a portrait; rather, in order for it to count as a portrait—even as a *failed* portrait (I'll come back to the point about *failure* shortly)—I (the maker) must have some understanding of what a portrait is and I must be guided by this understanding as I make my marks.

But notice that something else sneaks into Professor Mikkola's definition. Here it is again: An artifact counts as pornographic only if it is the product of a largely successful intention to create pornography. I'm going to call this "the success condition."

I contend that *success*, and *not* the maker's intentions, is doing the real work here in fixing the class of pornographic artifacts. Before I explain, I would like to just note that the

success condition would seem to make it conceptually impossible that there could be such a thing as *failed* pornography. When a person intends to make a cake but, say, due to ineptitude fails to realize their intention, what results is not something other than a cake; rather, what results is a *failed* cake, an artifact that belongs to the kind "cake" even though the intention to make a cake is not "largely successful." What makes the burned pile of flour and chocolate a cake, on an intentionalist account, is the *intention to make a cake*, success be damned. Indeed, I had always thought it an advantage of an intentionalist account of artifacts that it could capture cases of failure in ways that function-based analyses traditionally cannot. Professor Mikkola appears to acknowledge this point when she expresses her dissatisfaction with functionalist accounts of artifacts precisely because, she says—though I do not agree—they cannot accommodate damage and defect (248-49). To my mind, her success condition makes her own account vulnerable to a similar criticism: if I make a work using my substantive conception of pornography but I am inept or something goes deeply wrong in the process and so the work ends up deviating, perhaps wildly, from my initial conception, an intentionalist should want to count the work as pornography but acknowledge that the work is *failed* precisely because it does not realize my intention. So it looks to me like Professor Mikkola's success condition is depriving her of one of the most important advantages of intentionalism.

But there is, to my mind, an even bigger problem with Professor Mikkola's success condition. To see what this is, let us first ask what it means for the maker to have "substantive concept" of the artifactual kind in question (243-44). The substantive concept, Professor Mikkola tells us, "provides criteria for distinguishing [the kind of artifact in question] from others" (243). So if I, the maker of an artifact, have *successfully* imbued my materials with kind-relevant features—that is, features that serve as criteria for some artifactual kind—then the resultant object will display these kind-relevant features; that is, the resultant artifact will bear at least some of the markers that are identity conditions for the artifact's counting as a particular kind of thing. But if this is the case, then all we need to do in order to type-identify an artifact is consult the object itself to see whether it has said kind-relevant features; we do not need the maker's intentions at all. That is, successfully instantiating kind-relevant features obviates the role of the maker's intentions.⁴

Let me make this point more concrete by talking about porn specifically. On Professor Mikkola's view, a person must begin with a substantive conception of pornography if she is to produce a pornographic artifact. Without this substantive conception, she would be doing the analog of my proclaiming that my scribbles count as a portrait. So, what is this initial substantive conception of porn like? Well, I confess to not knowing many pornographers—indeed, thanks to Hans Maes, I know exactly one—so I do not have anyone to ask at the moment. If Professor Mikkola has consulted a representative group of pornographers to find out what substantive conception of pornography is driving them, she doesn't tell us so. Instead, she appeals to "everyday paradigm exemplars." Now, I don't have any

problem with this, but I am not an intentionalist. For an intentionalist—for someone who thinks that the maker’s intentions play an essential role in the type-identity conditions of artifacts—to appeal to “everyday paradigm exemplars” for this purpose is to put the cart before the horse. To see what I mean, I offer the following imaginary dialog between Professor Mikkola and an anti-intentionalist (or at least someone who does not accept her version of intentionalism).

- Anti-intentionalist: What makes this particular artifact count as a pornography?
- Professor Mikkola: The maker’s intention, which includes a substantive conception of pornography that has been successfully realized in the artifact.
- Anti-intentionalist: How do you know that this particular artifact was produced with a particular substantive conception in mind, and so how do you know that the conception has been *successfully* realized? Did you consult the maker?
- Professor Mikkola: No. I simply looked at the artifact and saw that it has the requisite kind-relevant features.
- Anti-intentionalist: How do you know what the kind-relevant features of pornography are?
- Professor Mikkola: They are the features exhibited in everyday paradigm exemplars of pornography.
- Anti-intentionalist: So, it looks to me like what makes this particular artifact a work of pornography is its similarity to paradigm exemplars of pornography, *not* the maker’s intention. After all, you’ve type-identified this artifact without knowing a thing about the maker’s intention, and you only inferred that the maker was working with a substantive conception of pornography *after* you’d already made the type-identification based on the paradigm exemplars. The maker’s intention is just a red herring.⁵

Professor Mikkola might respond by directing the anti-intentionalist to her CCTV case, which perhaps shows that intention to produce x is necessary for a thing’s counting as an x. Let us briefly look at this case in more detail. Imagine that, unbeknownst to them, a couple is caught on video surveillance camera having sex. Does the footage count as pornography? As you might have guessed, Professor Mikkola thinks not because the footage was not produced with pornography in mind. But now imagine that a security guard sees the footage and uploads it to a pornographic internet portal. Professor Mikkola says the footage should count as porn because the “security guard intentionally takes steps to distribute it as pornography” (247); in this case, it is the security guard’s intention that makes the footage count as pornography. I have no quibble with counting the security guard’s actions as a kind of making—Professor Mikkola rightly, in keeping with current work on authorship in the philosophy of art, counts repurposing of

artifacts as authorship—but I do not think that the CCTV example establishes that intention fixes the artifactual kind; rather, it is *function* that does the work here. To see what I mean, consider that the security guard without her knowledge and completely accidentally uploads the footage to the company’s website, whereby it is discovered by thousands of teenagers who regularly masturbate to it. Would it now count as pornography? I think so. After all, it would fit Professor Mikkola’s notion of “everyday paradigm exemplars” which, I remind you, have the following features (244):

- Sexually explicit
- Contains nudity and scenes of a sexual nature
- Has the potential to sexually arouse viewers
- Often used as masturbation material

Once again, it seems to me, the maker’s intention is hardly relevant.⁶ Rather, what is relevant is the function of the artifact in question, where “function” does not mean mere “use,” as Professor Mikkola seems to think, but rather should be understood as *proper function* in the sense that Ruth Millikan and others have developed.⁷ To my mind, this would be a more appropriate model and sound model for Professor Mikkola to use in her account of pornography than the maker’s intention model.

PART TWO: PICTURES

As I mentioned earlier, I very much appreciate the fact that Professor Mikkola devotes an entire chapter of her book to aesthetic issues related to pornography. In this chapter (chapter 6), she takes up three topics: the fictionality of pornography; the question of whether pornography can be art; and the question of the moral character of digitally generated imagery. She does a superb job of representing the current state of the philosophical conversations around these themes and of showcasing some of what aesthetics (the field) has to offer ongoing discussions about porn. So what I’m about to say is *not* a criticism of Professor Mikkola’s chapter, nor is it a criticism of the field of aesthetics; in fact, it’s not really a criticism at all. But I do want to draw our attention to two important things that have been missing or woefully underdiscussed in philosophical conversations about porn, and I want us to notice that these things are something that aesthetics/philosophy of art (the field) is especially well-suited to explore. So, although what I am about to say stems from a dissatisfaction, I would like us to think of it as a call for a new direction in the philosophical study of pornography.

This first thing that has been missing from most conversations about pornography is a discussion of pictures. You might have noticed that while Professor Mikkola mentions pictures throughout her book, there’s no detailed discussion of any pictures, nor a substantive discussion of how pictures work in any of the theories she discusses.⁸ This is not a fault on Professor Mikkola’s part; she’s just representing the state of the field. By far most philosophers today who talk about porn construe it as a linguistic phenomenon, one that can then be analyzed using tools and methods from the

philosophy of language. Witness, for instance, Mary Kate McGowan's recent excellent book: *Just Words: On Speech and Hidden Harm* (Oxford University Press, 2019). While this linguistic approach has produced a profound body of work that has moved feminism forward in many ways, as Professor Mikkola so ably demonstrates in her book, the focus on language is nevertheless curious because by far most contemporary pornography takes the form of pictures (moving or still). [Something similar could be said about the (scant) philosophical literature on propaganda.⁹]

I think that this is not a minor problem. Not only is it generally agreed that pictures represent the world in ways that are different from the ways that language represents the world—in the philosophy of art we say that pictures “depict”—but all pictures have extradepictive features (features distinct from what is depicted), like design, that bear on the properties that pictures attribute to the things they depict and also on the responses that pictures solicit from their viewers. For example, some pictures (both in pornography and in high art—here trying not to beg any questions about whether these are distinct, which is an issue that Professor Mikkola takes up) depict acts of sexual violence as *sexy* (attributing the property of sexiness to an act of sexual violence) and solicit an erotic response from their audience in regard to what is depicted.

These two things are intimately connected, since what it is to attribute the property of sexiness to *x* just is to solicit an erotic response to *x* from the audience, just as what it is to attribute the property of frightfulness to *x* just is to solicit fear of *x* from the audience.

It is my view that pictures can work in ways that are quite different from language. And it is my conviction that understanding the ways that pictures work will give us a better handle on how pornography works than if we continued to treat pornography as if it were an exclusively linguistic phenomenon. I don't have time to lay out the entire argument for this here, but in my current work, I'm trying to show that a shift to the pictorial allows for a better understanding of the persuasive power of pornography [and also advertising, and propaganda] both in terms of *what* pornography persuades us of, and in terms of its mechanisms of persuasion (that is, *how* it persuades). In addition to the various things that pornography purportedly does—subordinates, silences, degrades, sexually objectifies, produces maker's knowledge, all of which Professor Mikkola very ably explains in her book—pornography also *persuades*, perhaps in the manner of advertising.

This brings me to my second dissatisfaction with the current state of philosophical discussions about porn, namely, that in analyzing pornography's effects (both harmful and beneficial), philosophy is overly doxastic and intellectualizing. I mean this in the sense that when it comes to thinking about pornography's effects on its audiences and on society more generally, the focus is overwhelmingly on the *beliefs* and *knowledges* that pornography embodies and propagates. This is especially true of feminist discussions of pornography. Now, while I do not disagree with the idea that false beliefs play

a significant role in sustaining women's subordination (and so that propagating true beliefs is an important part of social equality), and while I accept that pornography may well lead its audiences to internalize beliefs that are relevant to social justice (both true and false, depending on the kind of pornography we're talking about), I am with Rae Langton when she urges that our discussions of pornography move “Beyond Belief.”¹⁰ On my view, accounts of pornography should give more attention to the role of the affective life in both sustaining and undermining sexism (again, depending on the kind of porn we're talking about), and in particular more attention to pornography's effects on what I call “erotic taste”—that is, its effects on its audience's likes and dislikes, desires and aversions, and aesthetic values and disvalues.

But—and here is where my two dissatisfactions connect up—if we are to move “beyond belief,” as Langton exhorts, I think that we also need to move beyond language and start thinking about pictures, and in particular the pictorial dimension of pictures. After all, pictures—from their role in, say, Christianity to their role in advertising—can be not just entertaining and appealing but also tremendously *persuasive*. And while pictures can, of course, persuade us to believe particular truths or untruths, they can also persuade us to *feel* in particular ways. While I don't mean to pretend that the mechanisms for this are perfectly well understood, it is part of the business of fields like art history, visual studies, film theory, and communications to understand how pictures work, how they *do their work*. To my mind, it would be very much in the spirit of Professor Mikkola's interdisciplinary, empirically informed, and concrete approach that feminists start exploring these issues.

NOTES

1. Professor Mikkola does discuss “Dirty Pool” (165), but it is by no means allowed to stand in for the whole of pornography.
2. Michael C. Rea, “What Is Pornography?,” *Noûs* 35, no. 1 (2001): 118–45, <https://doi.org/10.1111/0029-4624.00290>; Sally Haslanger, *Resisting Reality: Social Construction and Social Critique* (New York: Oxford University Press, 2012), chap. 13.
3. Amie Thomasson, “Realism and Human Kinds,” *Philosophy and Phenomenological Research* 67 (2003): 580–609.
4. This, by the way, is one of the points made in the now classic essay by Wimsatt and Beardsley. W. K. Wimsatt and M. C. Beardsley, “The Intentional Fallacy,” *The Sewanee Review* 54, no. 3 (1946): 468–88.
5. Or consider Professor Mikkola's very interesting exposition of what it means to *successfully realize* one's intention:

Imagine that one intends to create a piece of pornography and one has some contentful conception of *pornography* that matches that held by some prior pornographers (e.g., that the artifact be sexually arousing and used as “masturbation material”). But imagine that one intends to realize that concept by imposing no intuitively pornography-relevant features on the object. Rather, imagine that one makes (say) a film of a fully clothed person baking a cake. Despite the intention to create a pornographic artifact, we would be hard pressed to call this “pornography” precisely because the maker fails to impose any apparently pornography relevant features on the object—and so the object would not count as a pornographic artifact (245).

This example proves the point I was just making. *Despite the intention to create a pornographic artifact*—Professor Mikkola's words—the artifact ought not count as “pornography” precisely because it fails to exhibit any “pornography relevant features.” It

is the “pornography relevant features” that do the work here of fixing the category, not the maker’s intention.

6. I develop a non-intentionalist account of artifact proper function in “Artifacts and Their Functions,” *Oxford Handbook of Material Culture*, eds. Ivan Gaskell and Sarah Carter (Oxford University Press, 2020).
7. Ruth Garrett Millikan, *Language, Thought, and Other Biological Categories: New Foundations for Realism* (Cambridge, MA: The MIT Press, 1987); Ruth Garrett Millikan, *White Queen Psychology and Other Essays for Alice* (Cambridge, MA: The MIT Press, 1995); Ruth Garrett Millikan, “Wings, Spoons, Pills, and Quills: A Pluralist Theory of Function,” *The Journal of Philosophy* 96, no. 4 (April 1999): 191.
8. Professor Mikkola does briefly discuss Louise Antony’s argument that speech act theory is not applicable to pictures (56-57).
9. By the way, something similar could be said about the philosophical literature on propaganda. Modern propaganda also has a strong, if not dominant, visual component, and yet the pictorial is practically ignored in this literature. For instance, in his recent book (*How Propaganda Works*, Princeton University Press, 2015), Jason Stanley boldly announces that while it is “natural to think of representations [by which he means *visual*] as propaganda,” his focus in the book is “rather on claims, or arguments, and representations only insofar as they play a role in these claims or arguments” (41). It’s not surprising, then, that there is not a single picture reproduced or discussed in his entire book. See José Medina’s recent paper, “Resisting Racist Propaganda: Distorted Visual Communication and Epistemic Activism,” *The Southern Journal of Philosophy* 56 (2018). I mention propaganda because I, like Rae Langton, think that pornography and propaganda often have much in common.
10. Rae Langton, “Beyond Belief: Pragmatics in Hate Speech and Pornography,” in *Speech and Harm: Controversies Over Free Speech*, ed. Ishani Maitra and Mary Kate McGowan (Oxford: Oxford University Press, 2012), 28.

think or do ourselves when we forget our human dignity and the higher aims of our existence.¹

And this is from Tolstoy’s *War and Peace*:

After dinner Natasha, at Prince Andrei’s request, went to the clavichord and began to sing. Prince Andrei stood by a window, talking to the ladies, and listened to her. In the midst of a phrase he fell silent and suddenly felt choked with tears, a thing he had thought impossible for him. He looked at Natasha as she sang, and something new and joyful stirred in his soul. He had decidedly nothing to weep about, but he was ready to weep. About what? His former love? The little princess? His disappointments? . . . His hopes for the future? . . . Yes and no. The main thing he wanted to weep about was a sudden, vivid awareness of the terrible opposition between something infinitely great and indefinable that was in him, and something narrow and fleshly that he himself, and even she, was. This opposition tormented him and gladdened him while she sang.²

What does the sentiment of melancholy, as it is described and expressed in these passages, have to do with pornography? Nothing much, it may seem. Indeed, it might be difficult to think of a bigger contrast: the refined prose of these authors vs. the crude visuals of porn; the wisdom that exudes from the cited passages vs. the cheap arousal offered by sites like Pornhub. And yet. In this paper, I want to investigate the connection between pornography and melancholy. My motivation for doing so is twofold. Firstly, I’m drawn to this topic because I have a longstanding interest in another unlikely pairing, namely, that of pornography and art. I have argued in the past that both are not mutually exclusive and that some pornography can attain art status.³ However, possessing art status does not entail possessing great artistic value. (After all, there is a lot of bad art out there.) The possibility of the latter remains to be investigated in the case of pornography. But if it can be argued that pornography can be expressive of melancholy—one of the qualities that I, and many others, admire most in art—that will bring us a step closer to making the case that there may indeed be some pornography, and perhaps some feminist pornography in particular, with considerable artistic value.

Secondly, I have been inspired by Mari Mikkola’s book. On the very first page, she writes: “someone once remarked to me: Is there really that much to say about pornography philosophically? . . . someone else remarked that since the topic is so profoundly disgusting and vulgar, I cannot call my work philosophical in any genuine sense at all.”⁴ Like her, I think such remarks are thoroughly misguided. There really remains much more to be said about pornography. For instance, pornography’s relation to melancholy has, to my knowledge, never been investigated. Furthermore, even if a topic is considered disgusting and vulgar by some, that doesn’t mean that you can’t think or write philosophically about it. (Indeed, disgust itself is nowadays a major topic of philosophical discussion.) Finally, and quite obviously, not all pornography is disgusting or vulgar. In fact, there

Pornography and Melancholy

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Anton Chekhov and Lev Tolstoy, two giants of Russian literature, both had an extraordinary ability to express and evoke a sense of melancholy. Here is a passage from Chekhov’s famous short story, “The Lady with the Dog”:

Yalta was hardly visible through the morning mist; white clouds stood motionless on the mountain-tops. The leaves did not stir on the trees, grasshoppers chirruped, and the monotonous hollow sound of the sea rising up from below, spoke of the peace, of the eternal sleep awaiting us. So it must have sounded when there was no Yalta, no Oreanda here; so it sounds now, and it will sound as indifferently and monotonously when we are all no more. And in this constancy, in this complete indifference to the life and death of each of us, there lies hid, perhaps, a pledge of our eternal salvation, of the unceasing movement of life upon earth, of unceasing progress towards perfection. Sitting beside a young woman who in the dawn seemed so lovely, soothed and spellbound in these magical surroundings—the sea, mountains, clouds, open sky—Gurov thought how in reality everything is beautiful in this world when one reflects: everything except what we

may be very refined pornography out there—pornography that is able to elicit some of the more “elevated” emotions such as melancholy. That is at least one of things I will try to establish. So this paper is not so much critically responding to, but rather gratefully inspired by Mikkola’s book.

In section 1, I propose a new philosophical account of melancholy. In section 2, I examine, and ultimately reject, the reasons why one might think that pornography and melancholy are incompatible. In section 3, I discuss some successful examples of melancholic pornography and argue that feminist pornographers are particularly well placed to produce such material.

1. MELANCHOLY

What is melancholy? In answering this question my primary aim will be to give an account of the intense, profound, and bittersweet emotion as it is expressed in the passages cited above, as well as in other great works of art and literature.⁵ Before sketching my account, however, I want to make clear that I will not be engaging in what Sally Haslanger has called a “conceptual project,” whereby one tries to track the ordinary usage of a term.⁶ This sort of project would be as ill-advised in the case of melancholy, as it is in the case of pornography. As Mikkola rightly points out, “This is because our intuitions about the concept at issue are too muddled and unclear, and our uses of the term expressing that concept too idiosyncratic.”⁷ In the course of history, the term “melancholy” has sometimes been reserved for a particular kind of illness, or a character trait, a mood, various sorts of psychological pathologies, and even a form of cultural decline.⁸ I am not interested in any of these uses of the term. My project should rather be considered “ameliorative” in nature, that is, my aim will be to clarify what melancholy is and ought to be in a manner that does justice to the intense and valuable experience expressed in (and afforded by) the works listed above.⁹

With that in mind, I propose to characterize melancholy as a complex and prolonged emotional process triggered by the affective appraisal of (what is perceived to be) a profound but typically harsh truth about human existence that puts the precarious value of something that you (feel you should) care about in sharp relief in such a way that you come to appreciate it more deeply. As a result, negative feelings or emotions (e.g., sadness, grief, angst) will co-occur or alternate with positive feelings or emotions (e.g., joy, gratitude, peacefulness).

Some clarifications are in order. The existential truths that give rise to melancholy can be varied in nature. They can relate to the transience of all things, the indifference of the universe to the life and death of each of us (as in Chekhov), the “terrible opposition” we find in ourselves “between something infinitely great and indefinable . . . and something narrow and fleshly” (as in Tolstoy), etc. But it is key that such truths are not just theoretically acknowledged. In order for there to be a real emotion, they need to be vividly grasped or “affectively appraised.” According to Jenefer Robinson, affective appraisals “are always in terms of one’s own goals, interests, wants, or wishes. I respond emotionally when my interests or those of my group (me or mine) are perceived to be at stake.”¹⁰

One could certainly apprehend, say, the general idea of mortality in a cool and detached way. Yet it is only when you start to grasp the implications for yourself (or those close to you) that an emotional response might ensue. As Tolstoy reflects in *The Death of Ivan Ilyich*,

“Caius is a man, men are mortal, therefore Caius is mortal” had always seemed to him correct as applied to Caius but certainly not as applied to himself. That Caius—man in the abstract—was mortal was perfectly correct, but he was not Caius, not an abstract man, but a creature quite, quite separate from others.¹¹

Only when the main character realizes that he is in fact not different from others and that death awaits him, too, is he plunged into the emotional turmoil that is at the heart of the story.

Affective appraisals typically cause physiological responses, motor changes, action tendencies, and changes in facial and vocal expression. They may then be followed by a higher order cognitive appraisal or monitoring which kicks in to see if the initial affective appraisal is appropriate. Now, when someone really comes to grasp a harsh existential truth, their response may just be one of sadness, horror, or despair. But it can also be more complex and multifaceted. And that’s when melancholy may ensue. The harsh existential truth may come to accentuate the precarious value of something that you (feel you should) care about in such a way that you come to appreciate it more deeply. This gives rise to more positive feelings or emotions that help to offset the initial feelings of sadness or despair. Hence, the bittersweet nature of melancholy.

Melancholy, it should be noted, is not always or necessarily aesthetic in nature. But if an aesthetic experience is integrated into the complex emotional process described above, we may speak of aesthetic melancholy. An aesthetic experience occurs, we might say, “when we value our aesthetic perception of an object for its own sake and are moved in virtue of that perception.”¹² If that is so, then it seems that the characters in the passages I quoted from Tolstoy and Chekhov are indeed experiencing aesthetic melancholy. Prince Andrei appreciates the beauty of Natasha’s music and is deeply moved in virtue of it. Gurov is aesthetically savoring his surroundings whilst being in the thralls of melancholy. Moreover, readers of Tolstoy and Chekhov may also be experiencing aesthetic melancholy in savoring these beautiful passages. When you read about the “eternal sleep awaiting all of us” or the world’s “complete indifference to the life and death of each of us” you are invited to contemplate these existential truths. And doing so may put the precarious value of beauty, and particularly the beauty and artistry of the prose you are reading, in sharp relief in such a way that you come to appreciate it more deeply.

2. PORNOGRAPHY VS. MELANCHOLY

Chekhov’s “The Lady with the Dog” and Tolstoy’s *War and Peace* are highly expressive of melancholy and, in virtue of being so, will readily elicit melancholy in their audience. This is part of what makes them so valuable as works of

art. It is commonly assumed that this sort of achievement and value is lacking in pornography. Granted, one can be overcome with sadness, and perhaps even melancholy, as a result of consuming pornography. Think of so-called “cranking.” Or one can imagine someone being struck by the depravity of human nature as a result of consuming pornography and consequently coming to appreciate the nondepraved aspects of, or people in, one’s life more fervently. However, in such cases the pornography itself is not expressive of melancholy (though it may inadvertently give rise to feelings of melancholy).

Pornography, it might be thought, simply cannot be expressive of melancholy due to its very nature. Various arguments could serve to support such a conclusion. First, melancholy is reflective at heart. It requires one to dwell on certain existential truths. But pornography, by virtue of what it is, seems to make reflection impossible. As St. Augustine already pointed out, “The promptings of sensuality are the most strong of all, and so the most hostile to philosophy. . . . What man in the grip of this, the strongest of emotions, can bend his mind to thought, regain his reason, or indeed, concentrate on anything. . . .”¹³

Second, bending one’s mind to the harsh reality of the human condition is part and parcel of melancholy. But pornographers, because they need to gratify the viewer, rather *refashion* reality as the compliant object of said viewer’s desires. Pornography depicts the world as its consumers would want it to be: full of healthy, attractive people who seem to wish nothing more than to satisfy every possible sexual desire. Third, while the depths of the human psyche are explored in melancholy, pornography is really only “skin deep.” Its whole *raison d’être* is to show naked bodies and any psychologizing would just get in the way. Fourth, there also appears to be a fundamental difference in uptake. Whereas aesthetic melancholy is savored for its own sake, a pornographic film or photograph is simply used to satisfy a need or gratify a desire. The former is a matter of appreciation, the latter one of consumption.

Finally, the pleasure of pornography seems to require a certain “narrowing of the mind.” Not just in the sense that one becomes utterly oblivious to one’s surroundings when one engages with pornography, but also in the sense that a certain willful blindness seems required if one wants to enjoy this sort of material. For instance, one can’t really think of all the pain and suffering in the world whilst consuming pornography because that would almost certainly serve to destroy the mood. By the same token, one may also need to ignore certain facts about the pornographic work itself, such as the exploitative working conditions of the actors, if one wants to use that material to indulge in one’s fantasies. The contrast with melancholy seems clear. Here the pleasure is (at least partly) the result of a *broadening* of the mind. In the experience of melancholy, we are precisely reminded of things that we normally tend to ban from our consciousness: the fact that we are mortal, that life is transitory, etc. This confrontation with a tough existential truth then allows us to become more appreciative of the present moment or of something that we hold dear.

In sum, there are various reasons why one might think that pornography, due to its very nature, cannot be expressive of melancholy. However, as I will now go on to argue, none of these arguments are ultimately compelling.

To begin with, even if we grant, following St. Augustine, that the state of sexual arousal is irreconcilable with the kind of reflection that is required for melancholy (or philosophy), and even if we grant, *pace* Mikkola,¹⁴ that pornography necessarily involves the intention to produce sexual arousal, this still does not show that pornography is of necessity inimical to melancholy. Because nothing says that pornography should have sexual arousal as its only or even central intent. As Mikkola rightly argues, “producing sexually arousing materials may be a means to some other end, rather than the central purpose of pornography production *per se*.”¹⁵ Furthermore, the “pornographic intention of soliciting sexual arousal may be constitutively intertwined with other intentions in a way that makes it impossible to separate ‘the’ central pornographic intention from additional nonpornographic intentions.”¹⁶ In light of this, pornography could very well induce reflection on certain profound existential truths by means of, or in addition to, sexually arousing its audience.

Second, it is just not true that pornographers will always seek to distort reality to comply with viewers’ desires and fantasies. Some pornography aims to capture the realities of sex, including some of its not-so-pretty elements. This is particularly true of the so-called “docu porn” branch of feminist pornography, where authenticity, realism, truthfulness are key. *BED PARTY* (2014, dir. Shine Louise Houston and Shae Voyeur) is a good example. It features Eden Alexander and Sebastian Keys and has been aptly described as “a ‘Porno Vérité’ documentary style look behind the private doors of porn’s public performers” offering “an all access and unfiltered glimpse into the personal life of the couple.”¹⁷ Third, there is no reason to assume that the explicit nature of pornography and its depiction of naked bodies are incompatible with psychological complexity. Similarly, and fourth, there is no reason to think that something cannot possess both intrinsic value and instrumental value. Consuming and appreciating often do go hand-in-hand, as in the case of a nice meal or glass of wine.

Finally, one cannot draw a strict dividing line between melancholy and pornography based on their tendencies to either broaden or narrow the mind. For one thing, it appears that melancholy often also relies on a certain narrowing of consciousness. Not just in the sense that when you’re engrossed in a Tolstoy novel you become oblivious to your surroundings, but even in the sense that you may have to ignore certain uncomfortable truths in order to be able to indulge in these melancholic works of art. After all, while you are leisurely leafing through your expensive hard back copy of *War and Peace* there are people dying of starvation elsewhere (the “bourgeois predicament,” as R. Jay Wallace calls it).¹⁸ Conversely, the pleasure of pornography may potentially be enhanced, instead of impeded, by the sort of “broadening of the mind” that is characteristic of melancholy. For if there is any truth to the oft-reported finding that funerals and other vivid reminders of mortality

are powerful enhancers of the erotic drive, then it's not hard to see how this sort of effect could, at least in principle, be put to good use in the creation of pornography.

3. MELANCHOLIC PORNOGRAPHY

What we've established so far is that the combination of melancholy and pornography seems at least possible in theory. What remains to be shown is whether that combination could actually work in practice. Are there überhaupt any existing and successful examples of melancholic pornography? The importance of asking such questions is justly emphasized in Mikkola's book: "Pornography cannot be analyzed from the philosopher's armchair a priori, and speaking authoritatively about issues relevant to pornography requires knowing something about those issues. In other words, philosophical theorizing about pornography requires having knowledge about the empirical realities of pornography."¹⁹

One film that may serve as an example is Michael Winterbottom's *9 Songs* (2004). This sexually explicit story of a passionate love affair between an exchange student and a climate scientist is framed by the latter's work in (and reflections on) the Antarctic. The vastness and coldness of the outside world serves to accentuate the warm intimacy found in bed, and reminiscences about the impermanence of human relationships seem to enhance the appreciation of the beautiful and ecstatic time they had together. Its pervasive melancholy is epitomized in the movie's last line, "It's beautiful!" immediately followed by the Black Rebel Motorcycle Club's *Love Burns* (with the telling chorus "Now she's gone, Love burns inside me.").

Another example is Alan Moore and Melinda Gebbie's *Lost Girls* (2006). This "porno-graphic novel" depicts the sexually explicit adventures of three female fictional characters of the late nineteenth and early twentieth centuries: Alice from Lewis Carroll's *Alice in Wonderland*, Dorothy from *The Wizard of Oz*, and Wendy from J. M. Barrie's *Peter and Wendy*. They meet as adults at the mountain resort Hotel Himmelgarten, on the eve of World War I, and recount and share erotic adventures. The melancholic tone is set on the very first page with a motto taken from Lewis Carroll: "We are but older children, dear, who fret to find our bedtime near." The transience of life and the challenges of aging are among its central themes, as is the idea that war, violence, and oppression are always lurking in the shadows, ready to destroy the freedoms that people enjoy (including the freedom to explore and express their sexual fantasies). The latter truth is expressed very poignantly on the final pages, when the hotel is abandoned, the war erupts, and a young soldier is slaughtered on the battlefield. But the overall mood of the book, it should be observed, is not one of depression or horror. These harsh truths really serve to accentuate the beauty of the (past and present) moments the characters are able to share and the precarious value of the freedoms they enjoy (and we enjoy today). That is what makes *Lost Girls* highly expressive of melancholy.

Now, given Mikkola's understanding of feminist pornography as "materials that genuinely have been produced under ethical and fair-trade conditions and that celebrate non-gender stereotypic bodies, scenarios, and

desires," it would seem that *Lost Girls* qualifies as such.²⁰ The book certainly shows and eroticizes a number of non-gender-stereotypic scenarios and desires. However, that is not all it does. In certain passages, *Lost Girls* also seems to gloss over as unproblematic some of the worst sexist tropes (e.g., women desiring and enjoying incestuous and nonconsensual sex). This should give one pause in labeling the work as feminist. And it indicates that Mikkola's characterization of feminist pornography needs further refinement.

That said, the claim that feminist pornographers, in order to be worthy of that label, should at the very least seek to produce work within an ethical working environment and celebrate non-gender-stereotypic bodies and desires, seems entirely plausible. Furthermore, implementing these two conditions should be highly conducive for the production of melancholic pornography. Firstly, if feminist porn is produced under ethical and fair-trade conditions, there will be no need for viewers to turn a blind eye to any abuse or exploitation that went on in its production. In other words, there will be no need for a deliberate narrowing of the mind that seems required for the consumption of so much other pornography but that is typically detrimental for melancholy. Secondly, when feminist pornographers set out to celebrate non-gender-stereotypical bodies and desires, they will inevitably do so against the backdrop of a world and an industry that is still largely hostile towards such bodies and desires. That is a harsh truth that can be (and often is) acknowledged in the work itself in order to accentuate the beauty and value of such desires and bodies.

A case in point, and the best example of melancholic pornography that I know, is Marit Östberg's *When We Are Together, We Can Be Everywhere* (2015). The film, as the wistful voice-over makes abundantly clear, is in part a love letter to Berlin: "a place safe from the capitalist order" where we can "unleash our fantasies on broken facades and fallen walls." Elsewhere in the film the voice states: "There's nothing we can't project on Berlin, both trauma and freedom. Queer bubbles next to far right parties all over Europe." Against this background queer desires of all varieties are unflinchingly and joyfully explored. The awareness of transience ("the Summer ended; like they all do") coupled with an appreciation of what has been, the occasional brooding of the characters, with quasi-mournful flashbacks and the unmistakable reference to Dürer's famous engraving *Melencolia I* (1514), just add to the bittersweet nature of this beautifully melancholic and yet hard-core feminist porn film.

CONCLUSION

Melancholic pornography—pornography that elicits melancholy in virtue of expressing it—is not a contradiction in terms. It exists and there are some striking examples out there. If only there would be more of it, I'm now inclined to add. Not so much, or not only, because facing up to certain existential truths can function as a sexual tonic, but because there are so many fundamental but difficult truths relating specifically to sexuality that are just waiting to be thematized (e.g., sex as a sublime force, pleasurable and terrifying at the same time; or the world as a hostile

place for all sorts of non-gender-stereotypical bodies and fantasies, etc.). Dealing with such truths, in a way that might be conducive to melancholy, is something that pornography seems eminently placed to do. For it offers the most direct and explicit representation of sexual relations whilst aiming for a bodily, visceral, emotional response—thereby facilitating the sort of affective appraisal needed for melancholy. Thus, at least as I see it, pornography and melancholy are not irreconcilable. If anything, the opposite may be true: they are made for each other. This, I admit, is a rather provocative thesis. But, in the spirit of Mikkola's book, my hope is first and foremost "to motivate alternative ways to think about pornography and to provide an impetus for a continued philosophical examination of the topic."²¹

NOTES

1. Anton Chekhov, "The Lady with the Dog," 1899.
2. Lev Tolstoy, *War and Peace*, 1869.
3. See Hans Maes, "Art or Porn: Clear Division or False Dilemma?" *Philosophy and Literature* 35 (2011): 51–64; and Hans Maes, ed., *Pornographic Art and the Aesthetics of Pornography* (Basingstoke: Palgrave Macmillan, 2013).
4. Mari Mikkola, *Pornography: A Philosophical Introduction* (Oxford: Oxford University Press, 2019), ix.
5. E.g. Céline Sciamma's film *Portrait of a Lady on Fire*, Ozu's *Late Spring*, the song *Bella Ciao* (as sung, for instance, by Goran Bregovic or the characters of Berlin and the Professor in *La Casa de Papel*), and Titus Simoens's photobook *For Brigitte*.
6. Sally Haslanger, "Gender and Race: (What) Are They? (What) Do We Want Them To Be?" *Noûs*, 34 (2000): 31–55.
7. Mikkola, *Pornography: A Philosophical Introduction*, 16.
8. See Jacky Bowring, *Melancholy and the Landscape: Locating Sadness, Memory and Reflection in the Landscape* (London: Routledge, 2016).
9. I am paraphrasing Mikkola here. In her book she embarks on a similar kind of ameliorative project with regards to pornography.
10. Jenefer Robinson, *Deeper Than Reason: Emotion and Its Role in Literature, Music, and Art* (Oxford University Press, 2005), 109.
11. Lev Tolstoy, "The Death of Ivan Ilyich," in *Great Short Works of Leo Tolstoy*, introduction by John Bayley, translated by Louise and Aylmer Maude (New York: Harper & Row, 1967), 24–302.
12. Quoted in Hans Maes, *Conversations on Art and Aesthetics* (Oxford: Oxford University Press, 2017), 28.
13. Simon Blackburn, *Lust* (Oxford: Oxford University Press, 2006), 52.
14. Mikkola, *Pornography: A Philosophical Introduction*, 177.
15. *Ibid.*
16. *Ibid.*
17. See <https://www.pinklabel.tv/on-demand/film/bed-party/>.
18. Chapter 5 in R. Jay Wallace, *The View from Here: On Affirmation, Attachment, and the Limits of Regret* (Oxford: Oxford University Press, 2013).
19. Mikkola, *Pornography: A Philosophical Introduction*, 259.
20. *Ibid.*, 211.
21. *Ibid.*, 232.

Pornography, Social Ontology, and Feminist Philosophy

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INTRODUCTION

Mari Mikkola's *Pornography: A Philosophical Introduction* is a rich, thorough, and important book. With great skill and precision, Mikkola maps the conceptual terrain of pornography; summarizes and assesses key debates in the existing literature; and contributes her own insights—chiefly, in my view, an appealing artefactual definition of pornography, and a strong case for a methodological commitment to discussing pornography in a way that is grounded in empirical reality. The result is much more than the promised "introduction": it is a key critical study that will, I am sure, play a major role in shaping future debates on this topic.

I'm going to focus on a brief part of the book where Mikkola offers a critique of a paper of mine on pornography and social ontology.¹ In short, I think Mikkola's critique is correct, and I'll attempt a reworking of the argument I made in that paper which, I hope, avoids the problems she identifies. Given the richness of the book, this focus on Mikkola's response to my own work is probably somewhat selfish. However, I hope to mitigate this selfishness by using the discussion to highlight some broader points about the relationship between feminist philosophy and pornography—points which, although they are primarily prompted by my own experience, I hope may resonate with others.

PORNOGRAPHY AND SOCIAL ONTOLOGY

In my 2017 paper "What Women Are For': Pornography and Social Ontology," I offered a way of sympathetically interpreting two claims made about pornography by Catharine MacKinnon:²

The subordination claim: pornography subordinates women.

The constructionist claim: pornography constructs women's natures in a way that is, in some sense, wrong.

I drew on John Searle's account of social ontology, according to which social entities are created by the imposition of status functions through collective intentional recognition.³ For example, if we all collectively recognize that certain pieces of paper are to serve as currency, this transforms those pieces of paper into money. This is a *status* function because the pieces of paper can only function as currency on the basis of our collective recognition of them as having that status (compare: a screwdriver can function to screw and unscrew screws even if we have no beliefs at all about what it is for). Status functions can be expressed by the formula "X counts as Y in context C."

My suggestion was that

[W]e can read MacKinnon as claiming that *m-pornography determines the status function that defines women as institutional entities*, and that this status function is something like <“females” count as objects for male sexual use [around here]>.⁴

This supports the subordination claim in a pretty straightforward manner (being constructed as an object for the sexual use of others is clearly subordinating). I then offered two routes to cashing out the constructionist claim, specifically its second component: the idea that the way women are socially constructed is somehow wrong. The first route, inspired more by MacKinnon’s writings, is simply to enact a performative refusal to go along with the social construction. The idea here is that *for us*, it is wrong to say that women are objects for male sexual use, because we *reject* and *refuse to participate in* the collective intentional acceptance of the relevant status function. The second route, inspired more by Haslanger, is to say that the construction of women as objects for male sexual use is wrong in the sense that it is falsely presented as a natural fact when it is really a social fact—a “debunking” move of the kind commonly made in work on social construction.

MIKKOLA’S CRITIQUE

Mikkola argues that although my reconstruction of the subordination and constructionist claims is comprehensible, the claims as I reconstruct them are implausible due to their reliance on Searle’s account of social ontology (233–40). She notes that, for Searle, collective intentionality involves an irreducible we-intention, as when the members of an orchestra intend *to play a symphony together*, rather than each simply intending to play their own part of the symphony. This means that in order for women to be constructed as objects for male sexual use, as Mikkola puts it, “there would have to be something like a sexist conspiracy that constructs women’s natures in some particular manner,” involving “a *shared collective agreement* to impose particular status functions on groups of people in order to construct them as gendered individuals in some specific way” (239). Mikkola argues, and I agree, that this is simply not a plausible picture of how a gendered social system is maintained. If we look for the kind of explicit intentional agreement among individuals to maintain gendered social practices (that are profoundly sexist) which is required for the Searlean versions of the subordination and constructionist claims to be true, we will not find it. Thus, the paper does not succeed in offering a *sympathetic* interpretation of the subordination and constructionist claims, which was its aim.

This is Mikkola’s principal criticism of the paper, but her book actually raises two further criticisms—one in a footnote, and one that is implied by the methodological commitments that she argues for.

In a footnote, Mikkola raises worries about the performative rejection version of the constructionist claim. She finds it too weak because it gives up on the idea that the construction

is *false*, and indeed amounts to an assertion along the lines of “I don’t like it.” This is a compelling point. Certainly, the performative rejection interpretation of the constructionist claim does not seem to do justice to MacKinnon’s assertion that pornography is a *lie*.

Finally, towards the end of the book, Mikkola makes a strong argument that

[P]hilosophical theorizing about pornography requires having knowledge about the empirical realities of pornography as a cultural phenomenon and as an industry—otherwise one is not in a good position to advance empirically adequate analyses of pornography. (259-60)

This is something that my 2017 paper conspicuously fails to do. For example, instead of engaging with the issue of whether the content of pornography really is such that it presents women as sexual objects for the use of men, I duck the issue by stipulating that I will talk only about “m-pornography,” or misogynist pornography—pornography that meets the MacKinnon/Dworkin definition as essentially subordinating—without taking a stance on what proportion that amounts to of the pornographic material that actually exists today.⁵ Although I cite two empirical studies that have led me to believe that much of the pornographic material that exists today is profoundly misogynistic, I don’t actually undertake the kind of empirical engagement that Mikkola—rightly, in my view—advocates.

So, to sum up, Mikkola raises—directly or indirectly—three problems for my paper:

1. The reliance on Searle creates a requirement for explicit collective agreement to enact gendered social practices, rendering the claims implausible.
2. The “performative rejection” interpretation of the constructionist claim does not really secure the idea that the construction is *wrong* in as strong a sense as might have been hoped.
3. In talking about misogynistic pornography whilst refusing to take a stance on how much of pornography is misogynistic, the paper fails to engage meaningfully with the empirical reality of pornography.

These problems all strike me as genuine, and in the rest of this paper I’ll try to respond to each of them in turn.

BEWARE WHAT YOU BORROW

Problem 1: *The reliance on Searle creates a requirement for explicit collective agreement to enact gendered social practices, rendering the claims implausible.*

Firstly, it’s worth noting that even Searle starts to see in his later work that it’s a mistake to theorize the social world as if it runs on explicit collective acceptance.⁶ He comes to focus more on collective *recognition* of deontic powers than on *acceptance*, and to allow for naturalizing ideology. However, I’ve come to the view that it’s all rather too

little, too late. The solution here is not to focus on Searle's later work, but to move to a different account of social ontology, one that does not emphasize explicit collective intentionality in the same way.

Johan Brännmark offers an account of institutional reality in which deontic powers are understood in terms of patterns of deontic incidents—incidents such as being treated as having a duty to do P, or being felt to have overstepped the mark in doing Q.⁷ In other words, Brännmark conceives of deontic powers (both constraints, such as duties, and enablements, such as entitlements) in terms of the social moves that are effectively “open” to an individual, where this is determined by how people actually respond to one another in various situations. Whereas Searle holds that the existence of deontic constraints and enablements requires people to have explicit beliefs about the entitlements, duties, and so on of others, Brännmark rejects this requirement. This means that he can allow for deontic constraints and enablements that are generated by, for example, racist and sexist implicit attitudes on the part of people who would disavow explicitly racist and sexist beliefs. As Brännmark puts it,

People can identify types of responses as sexist and racist in the abstract and think that *being a woman* or *being a person of color* does not really warrant having fewer moves open to one; but they can still, in a patterned way, regard specific actions by a concrete person occupying these social positions as overstepping boundaries—it is just that *being a woman* and *being a person of color* will not be consciously recognized as the cues to which they are responding.⁸

For example, a person might not explicitly believe that women should speak less than men, but (due to unconscious sexist bias) they might reliably perceive a woman who speaks for 50 percent of the time in a two-person conversation as dominating that conversation, where they would not have that perception if a man did the same.⁹ The point also applies equally well to the question of which actions are perceived as *not* overstepping boundaries. For instance, a person might consciously believe that Black people deserve as much respect for their bodily boundaries as white people, but might not perceive touching a Black person's hair without invitation as a disrespectful thing to do, although they would consider it disrespectful to do the same to a white person. The existence of a pattern of incidents of this sort is sufficient for there to be deontic constraints and enablements. A person can then be thought of as having a certain deontic *status*, comprised of all the deontic constraints and enablements they are under in a context, and having such a status is what makes someone a member of an institutional kind.

Although the apparatus of status function formulae (“x counts as y in c”) is specific to Searle's model, Brännmark's account maintains the idea that social status is central to the construction of social entities. This enables us to say that the social kind *women* consists of a status that is made up of deontic constraints and enablements that are subordinating—for example, the absence of protections

from unwanted sex. This supports the subordination claim in much the same way as the Searlean version does. But unlike the Searlean version, the Brännmarkian version does not require an explicit collective intention to uphold (deeply sexist) gendered social practices. Instead, it just requires that agents have patterned, gender-based responses in particular situations that constitute those practices. The kinds of responses that are relevant here might include the following: perceiving sexual behaviors towards women that are in fact nonconsensual as consensual or otherwise permissible; perceiving women as acting inappropriately when they refuse to consent to sex; perceiving women's justified acts of resistance to sexual violence, such as speaking out publicly, as inappropriate; and perceiving women primarily in sexual terms in contexts that make this perception inappropriate. Jointly, these kinds of responses create an inferior deontic status—one characterized by a disadvantageous set of deontic constraints and enablements—and it is having this status that makes someone a member of the institutional kind *woman*. The existence of such a pattern of responses is much more plausible than the existence of a “sexist conspiracy”; indeed, it seems to me to be difficult to deny.

My question to myself at this juncture is why did I use Searle's account of social ontology in the first place? Granted, Brännmark's account specifically was not yet published, but other accounts were available that included feminist commitments, for instance, Ásta's conferralist account.¹⁰ Moreover, I was at the time (2016) working on the ways in which Searle's theory would need to be modified in order to do justice to race and gender oppression (a project I've since abandoned as both impossible and unnecessary). So I was hardly unaware of the kind of difficulties Mikkola so rightly raises, though I didn't appreciate their full weight in relation to this case.

I think the reason I still used Searle's account is because using *the most mainstream* account of social ontology that I could lay my hands on to try to vindicate these claims that have been so often dismissed as nonsense seemed like a really appealing argumentative move. This is, of course, the move Langton makes to such effect in “Speech Acts and Unspeakable Acts,” using Austin's theory of speech acts.¹¹ And I do think it is a powerful move. Being able to say, look, you don't need to accept any new theories of how the general phenomenon (social entities, speech acts, etc.) works—just apply your current understanding to this case; now do you see how this radical feminist claim about pornography is something that *by your own lights* you should be taking seriously? But it is also a move fraught with danger: what we are borrowing may well be hostile to what we're trying to do in various ways.

The lesson I learn from this is to be very careful what I borrow from theories that have obviously not been created with feminist aims in mind. Searle, for instance, assumes without argument that *women* is a natural or biological kind, not a social kind—hardly a promising starting point. And, of course, his record of sexual harassment, though unknown to me at the time I wrote the paper, is highly suggestive of his general political stance in this area (in June 2019, he was formally stripped of his status as a UC Berkeley emeritus

due to being found to have violated university policies on sexual harassment and retaliation).¹² Now, it is *possible* that an account developed by a deeply sexist individual who is paying no attention whatsoever to gender oppression in his analysis might turn out to be a useful resource for feminist arguments. But, let's be honest, it's not going to be surprising if it doesn't. So despite the temptation for feminists of pulling the "gotcha!" move outlined above, and garnering the aura of legitimacy that may follow from using mainstream accounts of the relevant phenomena, we would do well to treat these accounts with the scepticism they deserve and to look instead to accounts with feminist commitments built in. This is, of course, by no means a new or startling insight;¹³ but I think the present case serves as a good illustration of the pitfalls of the temptation given *how much better* Brännmark's account does than Searle's when it comes to rendering the subordination claim plausible. I think it's also helpful to be honest about the existence of the temptation, and its appeal to feminist philosophers, especially early career philosophers, who are making our way in a discipline that so often seems fundamentally hostile to feminist projects.

EMBRACE THE NORMATIVE

Problem 2: *The "performative rejection" interpretation of the constructionist claim does not really secure the idea that the construction is wrong in as strong a sense as might have been hoped.*

One obvious option for responding to this problem is simply to abandon the performative rejection interpretation and rely solely on the "debunking" version. However, this strikes me as less than fully satisfactory. The debunking version allows us to criticize the construction of women as sexual subordinates on the basis that it falsely presents a social fact as a natural fact; but this, we might think, is not the only thing about the construction that is *wrong*. Consider: if the construction was transparent (like the social construction of money, say) and the subordinate status of women was fully understood to be a social construct, this wouldn't make everything OK! Many constructions are defective in the sense of being naturalizing, but this particular construction seems defective in a further way. I agree that performative rejection doesn't give us what we want here, but it seems something further than the debunking interpretation is called for.

In the paper, I shied away from cashing out this defectiveness in explicitly normative terms, but I now think that that is exactly what is required. In fact, I think that the work here can be done by a concept I have developed, that of *ontic injustice*.¹⁴ Ontic injustice is a distinctive form of injustice that concerns the social construction of human kinds, and which captures the way in which an individual can be wronged by the very fact of being socially constructed as a member of a certain social kind.

Here is a definition of ontic injustice:

Ontic injustice: An individual suffers ontic injustice if and only if they are socially constructed as a member of a certain social kind where that construction consists, at least in part, of their falling

under a set of social constraints and enablements that is wrongful to them.

I understand the wrong of ontic injustice to consist of a moral injury, which is understood roughly as an "affront to value or dignity."¹⁵ An individual suffers a moral injury when they are treated in ways that give the false impression that they have lower moral worth than they really do.

The key idea in the notion of ontic injustice is one of a *mismatch* between what someone is ethically entitled to, given the sort of being that they are and the type of moral worth such beings have, and the social constraints and enablements that constituted their membership in a social kind. For instance, in England and Wales prior to 1991 the existence in law of the marital rape exemption meant that being a member of the social kind *wife* consisted, in part, of lacking the social entitlement to control fully sexual access to one's own body. A man could rape a woman with full legal impunity, provided that she was his wife. Being without the entitlement to be protected from rape by a specific man (one's husband) was, in Brännmark's terms, a deontic constraint that partly constituted the overall deontic status that characterized the social kind *wife* in that context. This constraint was wrongful to those individuals who were socially constructed as wives because it removed their social entitlement to do something that they were morally entitled to do (namely, to control fully sexual access to their own body). So the social kind *wife* at this time was a site of ontic injustice.

In a similar—and indeed very closely related—way, the constraints that comprise the deontic status that characterizes the kind *woman*, if the picture presented in the previous section is accurate, are very seriously wrongful. The social construction of women as sexual subordinates is an ontic injustice: in virtue of the kind of beings women are (human beings, for example), women have moral entitlements such as being free from sexual violence, and these moral entitlements are at odds with the social entitlements that they have qua women. In terms of the constructionist claim, this means that we are entitled to say that the construction of women as sexual subordinates is defective in terms of being *wrongful*. Note that the concept of ontic injustice helps us to say that what is wrongful is *the construction itself*, and not solely the acts that may follow from, or be made more likely by, the construction. All of this is compatible with the construction not being strictly speaking *false*. However, it makes sense of why one might want to say, as MacKinnon does, that the construction is a "lie": it gives the impression that subordinating ways of treating women are normatively appropriate when in fact they are not.

The more general point I take from this is not to be shy of making normative claims. Feminists, I think, need to be willing to make normative, indeed *moral*, claims in spelling out why oppression, including oppressive social construction, is wrong. If we stop short of this, as I did in the paper, then there may well be something unsatisfying about the positions we reach.

PORNOGRAPHY AS A SAFETY BLANKET

Problem 3: *In talking about misogynistic pornography whilst refusing to take a stance on how much of pornography is misogynistic, the paper fails to engage meaningfully with the empirical reality of pornography.*

I find it very interesting to reflect on this problem. I agree strongly with Mikkola that empirical engagement is important, and this is in line with my broader views about how I want to do political philosophy. Yet I rather spectacularly failed to follow through on it in the case of my 2017 paper.

Now, there are a couple of reasons I ducked the issue of how much pornographic material is misogynistic in nature in the paper. One is space, because it takes words to explain and defend an empirical claim such as this *and then* one has also to make the philosophical argument. I think this is a structural barrier to empirically engaged philosophical work, given the typical constraints of length for both journal articles and chapters in edited volumes, and one that merits serious reflection. But I don't want to rely on this as an explanation in this particular case, because I didn't in fact *have* a lot of material on the empirical dimension that I had to leave out. In fact, I wasn't terribly interested in it at all, to tell the truth. And I think this was because what I wanted to say in the paper *wasn't really something specific to pornography*. Although I frame the argument in terms of the subordination and constructionist claims, I was really interested in exploring the relationship between cultural representations *in general* and the construction of social kinds. Essentially, I was interested in ideology and social construction, and the role of cultural representations in both. For example, I actually think the argument applies just as well to the *Twilight* series of young adult novels as it does to most pornography.

However, pornography was a convenient and safe hook on which to hang these points. At the time at least, analytic feminists weren't talking a great deal about ideology, and the debates in continental philosophy felt difficult to access given my training. The existing literature on pornography in analytic feminist philosophy gave permission and context to explore those ideas. In this sense, pornography was functioning as a "safety blanket" for me as an analytic feminist philosopher, allowing me to explore topics that would otherwise feel uncomfortable or precarious, and I suspect I may not be alone in this. Now, this emphatically isn't about pointing fingers or saying people should have gone about their research differently, so I won't say *which* papers, but I've certainly read papers on pornography that make me think that what the person is really interested in is some much more general phenomenon, of which pornography is just one example, but framing it as a paper *on pornography* allowed them to slot it into an existing literature and get the point across to analytic readers in way that is more likely to be sympathetically received.

This can be a fine move: we all need to get our work published, and where others have been talking about similar issues, it's good to make connections. But I do think that we also need to consider the costs associated with the pornography-as-safety-blanket approach. In my view, there

are several. For one thing, such an approach mystifies the social world by making the points raised sound like they arise specifically in response to pornography, rather than being relevant to a wide variety of cultural products in our sexist world. For another, it can help to set up an impression that we want to promote policies or restrictions concerning pornography specifically (this impression can be cancelled, but I think it's in the air whenever we single pornography out). Finally, it is less radical than a more broad-ranging critique of misogynistic cultural products would be: it calls fewer elements of our social world into question, and therefore does not go as far in demonstrating that far-reaching social change is called for. So if I were to rewrite the paper—something I shan't attempt here—I would make it a general argument about misogynistic cultural representations, and not about pornography specifically.

What I take from this is that we should not only heed Mikkola, and engage with the empirical realities of pornography, but we should also check that pornography is really what we want to be focusing on, rather than merely serving as a safety blanket. Ironically, then, one thing I take away from Mikkola's excellent book on pornography is that I myself probably should never have been writing about pornography in the first place.

NOTES

1. Katharine Jenkins, "What Women Are For: Pornography and Social Ontology," in *Beyond Speech: Pornography and Analytic Feminist Philosophy*, ed. Mari Mikkola (New York: Oxford University Press, 2017).
2. Catharine MacKinnon, *Feminism Unmodified* (Cambridge, MA: Harvard University Press, 1987); and MacKinnon, *Only Words* (Cambridge, MA: Harvard University Press, 1996).
3. John Searle, *The Construction of Social Reality* (London: Penguin, 1996).
4. Jenkins, "What Women Are For," 99.
5. Catharine MacKinnon and Andrea Dworkin, "Pornography and Civil Rights: A New Day for Women's Equality," in *Minneapolis: Organizing Against Pornography* (1988), <http://www.nostatusquo.com/ACLU/dworkin/other/ordinance/newday/TOC.htm> (accessed February 27, 2015).
6. John Searle, *Making the Social World* (Oxford: Oxford University Press, 2011).
7. Johan Brännmark, "Contested Institutional Facts," *Erkenntnis* (April 2018): 1–18, <https://doi.org/10.1007/s10670-018-9994-7>.
8. *Ibid.*, 9.
9. Johan Brännmark, "Social Positions and Institutional Privilege as Matters of Justice," *European Journal of Political Theory* (August 2018), <https://doi.org/10.1177/1474885118788973>.
10. Ásta Kristjana Sveinsdóttir, "The Social Construction of Human Kinds," *Hypatia* 28, no. 4 (2013): 716–32, <https://doi.org/10.1111/j.1527-2001.2012.01317.x>.
11. Rae Langton, "Speech Acts and Unspeakable Acts," *Philosophy & Public Affairs* 22, no. 4 (1993): 293–330.
12. <https://www.dailycal.org/2019/07/02/former-professor-john-searle-loses-emeritus-status-over-violation-of-sexual-harassment-retaliation-policies/>
13. Sally Haslanger tried to get me to appreciate this point in 2015; I wish I'd taken her words on board more fully then.
14. Katharine Jenkins, "Ontic Injustice," *Journal of the American Philosophical Association* 6, no. 2 (2020): 188–205.
15. Jean Hampton, "Correcting Harms versus Righting Wrongs: The Goal of Retribution," *UCLA Law Review* 39 (1991): 1659–702.

Pornography: A Philosophical Introduction: Response to Commentators

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To have such a stellar group of philosophers commenting on one's work is a deeply honoring and humbling experience. Having the opportunity to respond to their comments is also a daunting one. As I noted in the book, I think that there is still much to say about pornography philosophically and the contributions from Esa Díaz-León, Katharine Jenkins, A. W. Eaton, and Hans Maes attest to this. Since I think that there is much more to be said, I won't be able to reply to these four comments fully and definitively. However, I wish to take this opportunity to expand on some of the themes noted.

Esa Díaz-León brings up a possible dilemma with feminist/emancipatory pornography: a work may aim to have emancipatory effects "by means of promoting the desires, the bodies, and the pleasure of members of non-normative communities," but it may still "run the risk of actually promoting further stigma, subordination, and fetishization of those non-normative desires, bodies, and pleasure." This is because the educational potential of emancipatory pornography may be undermined by audiences who have received a "mainstream" pornographic education—that is, "mainstream audiences may receive these pornographic works in a way such that the sexualization or fetishization of non-normative bodies and identities is likely to happen." Audiences embedded in a sexist and misogynist ideology might come to interpret images intended to be emancipatory in a manner that promotes "the perception of members of non-normative communities as having less value, since their value relies on being the object of pleasure for a white hetero-cis-male subject." The worry for Díaz-León is that pornography intended to be emancipatory may end up being oppressive, and we need some way to prevent this worrisome slide.

I agree that the dilemma should concern us. The worry that Díaz-León raises is in line with a question that I struggled with while writing the book: How can we distinguish between pornography that is genuinely emancipatory and pornography that is problematically fetishizing? One possible solution Díaz-León identifies draws on A. W. Eaton's work on the female nude:¹ that representations in feminist/emancipatory pornography should emphasize the subjectivity, agency, and autonomy of those depicted. I wish to here resist this solution, though, and offer some remarks to introduce my preferred subsequent way of thinking about emancipation and fetishization. The reason that an appeal to subjectivity and agency in relation to Díaz-León's dilemma does not, in my view, work is the following. As I see it, and maintained in the book, emphasis on subjectivity and agency is already part and parcel of feminist and emancipatory pornography. This is what those works that risk being fetishized are already doing. Otherwise they wouldn't be even *prima facie* candidates for being feminist/emancipatory; hence, I hold, the emphasis

Díaz-León points to cannot resolve the dilemma.

However, I think that there may be a possible response to Díaz-León's challenge framed in terms of the gaze that the work caters for. As Eaton (among others) discusses, much of canonical artistic and pornographic representations cater to the male gaze, which denotes

depiction of the world, and in particular of women, in terms of male or masculine interests, emotions, attitudes, or values. More specifically, "the male gaze" usually refers to the sexually objectifying attitude that a representation takes toward its feminine subject matter, presenting her as a primarily passive object for heterosexual-male erotic gratification.²

I note in the book that the currently prevalent "pornographic gaze" is of course not only male: it tends to be heterosexist and -normative, racist, ableist, and fattist too. But this is not so, I now hold, when we are dealing with genuinely feminist/emancipatory pornography: such materials do not cater for a mainstream, industrial, run-of-the-mill pornographic gaze. Díaz-León is of course right that one can view materials aimed to be emancipatory with such a pornographic gaze. This is something we cannot prevent insofar as "we" cannot control audiences. The risk that someone views works through a problematic pornographic gaze is unfortunately always present. Still, just because some audiences may view works through a pornographic gaze, this shouldn't *eo ipso* diminish their emancipatory value and potential because this value and potential hinges on those materials aiming to cater for a *different* gaze. We can at least in principle, then, distinguish pornography that is emancipatory and that is fetishizing on the basis of which gaze the work aims to cater for. Moreover, this offers us critical tools with which to interrogate putatively feminist and emancipatory pornography. As I discuss in the book, just because a maker declares some work to be feminist, this doesn't make it so. Hence, declaring one's work to be emancipatory while catering for a mainstream pornographic gaze allows us to critique the work as being problematically fetishizing and perpetuating myths about non-normative communities. This idea needs more fleshing out and developing, but I hope it begins to alleviate the sorts of worries Díaz-León helpfully brings up.

My response to Díaz-León alludes to a general view I have of pornography and of the importance of makers' intentions. In the book, I proposed a social ontological understanding of what pornography is.³ In short, I offered an elucidation of what makes something a pornographic artifact in a way that does not hinge on a speech act analysis of pornography. The term "pornography" does not pick out an abstract entity, but an array of concrete things—something that a proper philosophical understanding of pornography, in my view, should bear closely in mind. Paradigm examples of pornographic artifacts include films made in San Fernando Valley with sexually explicit content usually sold in specific outlets and accessible via internet portals like *youporn.com*; magazines like *Hustler*; pictures we can find on the internet with ease; and books with sexual scenes not (usually) sold in the "Literature" sections of bookshops.

Taking as my starting point such paradigm examples, my view aims to be descriptive. However, as I noted in the book, my aim is to account for what pornography is and should be in a manner that does justice to the pornography industry. Hence, my artifactual analysis aims meaningfully to revise how we should understand what pornography is, but in an empirically informed manner. In this sense, the goal is to strike a balance between normative and descriptive analyses.

With this in mind, I propose a maker's intentions-model of pornography that draws on Amie Thomasson's account of what individuates non-institutional ordinary objects—that is, what makes some ordinary object *that* object.⁴ I hold the following view about pornography:

Some *x* (film, book, picture) is of the kind "pornographic artifact" only if it is the product of a largely successful intention to create pornography, where the maker of the artifact intends that the artifact is an instance of pornography only if

- a) they have a substantive concept of the nature of pornography that largely matches the substantive concept held by some group of other prior pornographers, and
- b) the maker intends to realize that concept by imposing pornography-relevant features on the object.

In her illuminating contribution, A. W. Eaton takes issue with this view of pornographic artifacts. In short, her worry turns on whether my account is genuinely intentionalist, as I intend it to be. I certainly take Eaton's point and can see how this concern arose. I wish to next address how I nonetheless view my account as being genuinely intentionalist.

Eaton rightly notes that my view isn't a "pure intentionalist" account, where the identity conditions of an artifact are fixed merely by the maker's intention. Eaton uses the following example:

if I make a big scribble on a piece of paper while sincerely intending my markings to serve as a portrait of you, this suffices, on a pure intentionalist view, for the scribble to function as a portrait of you . . . [But] the scribble is not a portrait, no matter how much the maker meant for it to be one.

This much we agree on. Eaton also rightly notes that my account is a kind of hybrid in that although maker's intentions are necessary, they are not sufficient for some *x* to count as a pornographic artifact. After all, the intention must also be successful on my view. Eaton calls this the "success condition": "An artifact counts as pornographic only if it is the product of a *largely successful* intention to create pornography." However, this success condition supposedly undermines my intentionalism and ultimately results in artifacts counting as pornography by virtue of having some kind-relevant features. This is because

if I make a work using my substantive conception of pornography but I am inept or something goes deeply wrong in the process and so the work ends up deviating, perhaps wildly, from my initial conception, an intentionalist should want to count the work as pornography but acknowledge that the work is *failed* precisely because it does not realize my intention.

However, the work will count as pornography if one has (as Eaton puts it) "*successfully* imbued my materials with kind-relevant features—that is, features that serve as criteria for some artifactual kind." But now, all that we need for type-identification is to "consult the object itself to see whether it has said kind-relevant features; we do not need the maker's intentions at all. That is, successfully instantiating kind-relevant features obviates the role of the maker's intentions."

I can see how my view might give rise to this interpretation. But I think that Eaton misses a central condition in my account. In short, for me some artifact counts as pornography only if it is the product of a largely successful intention to create pornography, but for the maker to intend that the artifact is an instance of pornography, not any old intentions will do. That is, the substantive conception of pornography needs to match one held by some group of prior pornographers. So relative to Eaton's point above about the failure to realize one's conception, there are a number of things that can go wrong. For a start, if I make a work using my conception of pornography and this in no sense matches that of prior pornographers, the work fails to be a pornographic artifact. The example I give in the book is of someone shooting footage of a fully clothed person baking a cake. This is failure because it in no sense matches a substantive conception of pornography of any prior makers. And it seems reasonable to conclude that in such a case we do not just have a failed piece of pornography akin to a failed cake I have produced due to my bad baking skills; in this case, one really hasn't produced a piece of pornography at all. However, Eaton's critique cited above suggests that there is another way to fail. Say that I intend to create a piece of emancipatory pornography but (as discussed above) it caters entirely to the mainstream, run-of-the-mill pornographic gaze. I have failed to create a piece of emancipatory pornography, but (on my view) I have still produced a piece of pornography. That is because I still have the intention to produce something that matches a substantive conception of pornography of prior pornographers and my intention is sufficiently successful in that the work has some pornography-relevant features (features that we can loosely characterize by looking at paradigm examples). So my intention to produce pornography (in part) hinges on aiming to impose pornography-relevant features on the object. Still, for this we need not (I take it) consult makers in the manner that Eaton suggests. There may be particular instances that are borderline cases, where we are not sure whether they count as pornographic artifacts or (say) French art house films. But I do not see this undermining my general point about how to fix the kind of pornographic artifacts. For what it's worth, I have met many producers

and performers of what we might term feminist and/or emancipatory pornography. That they are in the business of making pornography has never been in doubt. In fact, those on this side of the industry tend to find the idea that their work is “mere erotica” or something other than pornography “proper” odious.

I think that Eaton’s critical take discussed above does not undermine my intentionalism. However, Eaton’s piece for this symposium contains a second, immensely important discussion about the relevance of pictures for analyses of pornography. I agree wholeheartedly with Eaton and readily admit that with my training in analytic philosophy I am not best placed to undertake the sort of representational analysis Eaton is advocating for. My hope is to learn more from philosophers like Anne who is eminently more qualified to undertake such investigations than I am.

This brings me to the discussion of pornography and melancholy by Hans Maes, which also brings to the fore considerations from the aesthetics of pornography. Taking as his starting point literary examples of melancholy, Maes considers whether there could be something like melancholic pornography: “pornography that elicits melancholy in virtue of expressing it.” Maes holds that pornography and melancholy are not irreconcilable. In fact, “the opposite may be true: they are made for each other.” Maes’s contribution is true to his style in being insightful, extremely interesting, and novel. As always, I learned much from Hans’s piece (not least that such a phenomenon as cranking exists). In the course of his discussion, Maes considers various objections to thinking that melancholic pornography is a contradiction in terms.

1. [M]elancholy is reflective at heart. It requires one to dwell on certain existential truths. But pornography, by virtue of what it is, seems to make reflection impossible.
2. [B]ending one’s mind to the harsh reality of the human condition is part and parcel of melancholy. But pornographers, because they need to gratify the viewer, rather *refashion* reality as the compliant object of said viewer’s desires.
3. [W]hile the depths of the human psyche are explored in melancholy, pornography is really only “skin deep.”
4. Whereas aesthetic melancholy is savored for its own sake, a pornographic film or photograph is simply used to satisfy a need or gratify a desire. The former is a matter of appreciation, the latter one of consumption.
5. [T]he pleasure of pornography seems to require a certain “narrowing of the mind” . . . [With] melancholy . . . the pleasure is (at least partly) the result of a *broadening* of the mind.

Maes goes on to argue against these objections and, I think, rightly so. However, I wanted to offer some reflections on the fourth objection by way of friendly additions to the

argument Maes puts forward. These pertain more to his treatment of melancholy than pornography.

Maes aims to establish that there may be “very refined pornography out there—pornography that is able to elicit some of the more “elevated” emotions such as melancholy.” What I want to suggest—and that goes against objection 4 above—is that perhaps melancholy can be a “cheaper” emotion too and one that we can consume rather more like people are taken to consume pornography. Start by recalling Maes’s definition of melancholy: it is

a complex and prolonged emotional process triggered by the affective appraisal of (what is perceived to be) a profound but typically harsh truth about human existence that puts the precarious value of something that you (feel you should) care about in sharp relief in such a way that you come to appreciate it more deeply. As a result, negative feelings or emotions (e.g., sadness, grief, angst) will co-occur or alternate with positive feelings or emotions (e.g., joy, gratitude, peacefulness).

Even though the examples Maes uses are literary, I take it that melancholy can be experienced in relation to, e.g., music, news stories, film, and many other ordinary life occurrences. Now, I take it that Maes would agree with this in that he holds not all melancholy is aesthetic. Such aesthetic melancholy occurs “if an aesthetic experience is integrated into the complex emotional process described above.” And an aesthetic experience occurs “when we value our aesthetic perception of an object for its own sake and are moved in virtue of that perception.” This idea of valuing something for its own sake undergirds objection 4 above: We appreciate (that is, savor) aesthetic melancholy for its own sake, but consume (that is, use) pornography to satisfy a need.

However, I want to suggest that we can and do consume melancholy to satisfy a need in a similar fashion. Anecdotally, this need pertains to some form of emotional release, and as a native Finn it strikes me that melancholy is used extensively precisely to experience deeply negative feelings *in order that* we can appreciate positive ones. At least this is a common occurrence in the Finnish way to-be-in-the-world. The Japanese practice of *rui-katsu* or “tear-seeking” fits this idea as well. Bluntly put, this is a practice—and now a service one can buy—of crying in a room with others while (for instance) watching short films or listening to melancholic music. It is considered to be an effective stress-reliever and a coping mechanism against the demands of working life in Japan. Here is a short description:

The audience started sniffing well before the end of the first video, a Thai life-insurance commercial titled “Silence of Love,” which revolves around a teenage girl and her deaf father. By the ad’s conclusion, the sniffing had given way to open weeping. Over the next 40 minutes, as a series of ever sadder selections played—animated shorts, movie clips, YouTube memorials for pet cats—the sobs only grew louder.⁵

It seems that melancholy is being used and consumed to satisfy an emotional need—much like the way pornography, according to many, is said to be consumed. If this is right, the objection that melancholy and pornography are by their nature incompatible is undermined. Having said that, it does not seem that aesthetic melancholy is compatible with pornography in this manner insofar as aesthetic melancholy is by definition something we savor for its own sake. Nonetheless, Maes's use of literary examples suggests a further possibility. He starts the paper with passages from Tolstoy and Chekhov. My pretheoretical first reaction to these passages was to think of them as exciting melancholy in the readers. After introducing the notion of aesthetic melancholy, I assumed that Maes had shifted from the readers (or spectators more broadly) experiencing melancholy to experiencing *aesthetic* melancholy—a more heightened emotion to be made compatible with pornography. Nonetheless, Maes goes on to write following the characterization of aesthetic melancholy that “the characters in the passages I quoted from Tolstoy and Chekhov are indeed experiencing aesthetic melancholy.” I found this somewhat puzzling, however. Whatever the characters in literary works (or pornography) are experiencing, I would think that the issue is what the readers and spectators are experiencing. It seems, then, entirely possible that the characters in a work are experiencing aesthetic melancholy while I as a reader am experiencing just melancholy. As the latter need not be appreciated for its own sake and can be a means to satisfy some need, there is a rather obvious way to remove at least one obstacle for some work being a piece of melancholic pornography. In any case, I look forward to Maes's future work on this fascinating pornographic genre.

Katharine Jenkins comments on a number of points I made in the book to discuss three concerns that pertain to her own earlier work. First, in her 2017 article, Jenkins relied on John Searle's social ontology to elucidate two claims Catharine MacKinnon makes: the constructionist and subordination claims.⁶ But I argue in the book that this is problematic because Searle's social ontological theory is not well equipped to do the work Jenkins wants it to do. Second, I take issue with (what Jenkins calls) the “performative rejection” interpretation of the constructionist claim. Third, Jenkins considers a methodological critique and plea I make throughout the book: that philosophical work on pornography should be empirically grounded and informed. In a move that is uncharacteristically refreshing in analytic philosophy, Jenkins largely concedes the critical points I make. Jenkins eloquently and frankly accepts that her earlier work did fall short in some respects and is in need of revision. I have nothing but admiration for Katharine for such a brave display of intellectual humility. Her contribution to this symposium is an important one for philosophy as a whole and one that everyone in the profession should read to foster civility.

Instead of making use of Searle's social ontology, Jenkins now draws on the work of Johan Brännmark. This is an interesting move and I look forward to Jenkins's future work that offers new social ontological accounts of gender. What I wish to briefly comment on is the treatment of the “performative rejection” and her own view of ontic injustice.

My comments are not in the spirit of critique, but rather in the spirit of seeking clarity and hoping to understand Jenkins's view better.

In order to account for how the construction of gender can be false and a lie (as MacKinnon holds), I argued in the book that we must appeal to some stronger normative grounds than those Jenkins offers in her 2017 paper. Jenkins's subsequent and ongoing work aims to do this with the notion of ontic injustice:

An individual suffers ontic injustice if and only if they are socially constructed as a member of a certain social kind where that construction consists, at least in part, of their falling under a set of social constraints and enablements that is wrongful to them.

Jenkins further qualifies that the wrong of ontic injustice consists of a moral injury in the sense of Jean Hampton: it is an affront to value or dignity. By way of example, Jenkins offers the case of the social kind *wife*. During the time (depressingly, not that long ago) in England and Wales without enforceable laws against marital rape, “being a member of the social kind *wife* consisted, in part, of lacking the social entitlement to control fully sexual access to one's own body.” Lacking an entitlement to be protected from marital rape is, following Jenkins's use of Brännmark, a deontic constraint. And this constraint, then, partly constituted “the overall deontic status that characterized the social kind *wife* in that context.” So far, I find the story perfectly compelling. However, I remain slightly puzzled by the wrongness-making feature of this sort of ontic injustice. This injustice (for Jenkins) is of a distinctive kind and concerns the social construction of human kinds: it supposedly “captures the way in which an individual can be wronged by the very fact of being socially constructed as a member of a certain social kind.” Still, when discussing the example of *wife*, Jenkins notes that the constraint not to have sexual control over one's body is wrongful to individuals socially constructed as wives “because it removed their social entitlement to do something that they were morally entitled to do (namely, to control fully sexual access to their own body).” But now I am slightly failing to see how one is wronged in virtue of being constructed as *wife*: the wrongfulness rather seems to hinge on having some social entitlements removed as a *result* of being socially constructed as a wife. This suggests that wrongful social construction isn't what is doing the normative work; rather, the work is being done by the subsequent ways in which constraints and entitlements are distributed. This impression is reinforced when Jenkins remarks that ontic injustice allows us to conceive of MacKinnon's claim that the construction of gender is a “lie”: the constructed lie about gender “gives the impression that subordinating ways of treating women are normatively appropriate when in fact they are not.” But again, this is a claim about how women are treated seemingly after the fact—that is, after they have already been constructed as woman. I am therefore still failing to see how the “concept of ontic injustice helps us to say that what is wrongful is *the construction itself*,” as Jenkins maintains.

Of course, Jenkins could here appeal to the idea of moral injury. In socially constructing the kind *wife*, kind members experience a moral injury. However, I worry that this won't alleviate my concerns. After all, it now looks like what is doing the normative work is the fact that some social constructions end up positioning one in ways that generate morally injurious constraints and enablements—not the social constructions themselves. This is part of Jenkins's ongoing work and, as noted, my comments here are meant in the spirit of getting clearer on her fascinating view. I look forward to hearing more about ontic injustice and how it connects to feminist discussions of pornography.

Having said that, I look forward to hearing more from all of the commentators. Being able to engage with Esa, Anne, Hans, and Katharine has really been a pleasure and a privilege that I wish will be repeated many times in the years to come. My sincerest thanks for the extremely insightful and thought-provoking commentaries!

NOTES

1. A. W. Eaton, "What's Wrong with the (Female) Nude? A Feminist Perspective on Art and Pornography," in *Art and Pornography*, ed. Hans Maes and Jerrold Levinson, 277–308 (Oxford: Oxford University Press, 2012).
2. A. W. Eaton, "Feminist Philosophy of Art," *Philosophy Compass* 3, no. 5 (2008): 878.
3. And also in Mari Mikkola, "Pornographic Artifacts: Maker's Intentions-Model," in *Beyond Speech: Pornography and Analytic Feminist Philosophy* (New York: Oxford University Press, 2017), 113–34.
4. Amie Thomasson, "Realism and Human Kinds," *Philosophy and Phenomenological Research* 67 (2003): 580–609.
5. <https://www.theatlantic.com/magazine/archive/2015/05/crying-it-out-in-japan/389528/>
6. Katharine Jenkins, "What are Women for: Pornography and Social Ontology," in *Beyond Speech: Pornography and Analytic Feminist Philosophy*, ed. Mari Mikkola (New York: Oxford University Press, 2017), 91–112.

BOOK REVIEWS

Theories of the Flesh: Latinx and Latin American Feminisms, Transformation, and Resistance

Andrea J. Pitts, Mariana Ortega, and José Medina, eds. (New York: Oxford University Press, 2020). 305 pp. ISBN 978-0190062972.

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Two decades into the twenty-first century, the discipline of philosophy in North America seems to be showing some signs of awakening to the presence of rich philosophical voices and traditions from Latin America and from Latinx philosophers in the US and Canada. To be sure, this awakening has been fitful, and all too often happens only reluctantly or even resentfully, but the signs are hard to mistake. The recently formed Society for Mexican American

Philosophy has regular panels at meetings of the American Philosophical Association, as does the Roundtable on Latina Feminism (which has nurtured the work of many of the editors and contributors to the volume I am reviewing here), while the Society for the Advancement of American Philosophy held its first meeting in Mexico just this year.¹ At the same time, recent books in major university and trade presses by Mariana Ortega (2016), Carlos Alberto Sánchez (2016; 2017), and Robert Eli Sanchez, Jr. (2019) are all, in different ways, contributing to this developing momentum and enriching the conversation within the discipline of philosophy in the US. It is thus at a critical moment, both within the discipline of philosophy and within the country at large, that Andrea J. Pitts, Mariana Ortega, and José Medina's important edited volume, *Theories of the Flesh: Latinx and Latin American Feminisms, Transformation, and Resistance* appears on the scene.

The volume's seventeen essays, by both established and emerging scholars representing the Americas North and South, are organized thematically into four sections. All are focused, in various ways, on past and present feminist resistance, but their methodologies and approaches vary widely. They take up not only historical and contemporary philosophical figures and traditions, but also popular culture, the visual arts, literature, advertising, anthropology, environmentalism, and spirituality. The resulting collection of essays offers an extraordinarily rich and provocative engagement with Latinx and Latin American feminisms that will be indispensable to students and scholars ranging from the neophyte to the adept. There are careful studies of some of the great luminaries of the field like Gloria Anzaldúa and María Lugones, alongside more broad and thematic explorations of recent movements (such as Xhercis Méndez's extraordinary study of decolonial feminism) and historical resources (as in Francesca Gargallo's exacting history of philosophical feminisms within Latin America). In keeping with its title, what *Theories of the Flesh* exemplifies is a living, breathing network of intellectual traditions with deep historical roots and a vibrant present. Above all, the essays are intimately (and I use that word very purposefully) connected to the struggles, challenges, and moments of joy that motivate and frame them. It is at the same time a much-needed challenge to the status quo within both the discipline of philosophy and "mainstream" feminist theory, and an exemplification of the possibilities for truly radical theory and praxis. While I cannot fully do justice to all of the individual essays in this collection, I will attempt in this review to briefly touch on each, while focusing on their thematic coherence within each of the four main sections of the book.

The first section of the text, "Decolonial *Movidás*: Gender, Community, and Liberation," draws together five essays that offer critical theoretical analyses of the relations between colonialism/coloniality, feminism, identity, and the prospects for solidarity across difference.² At the heart of the problematic that animates each of these essays is a tension between the need for solidarity and coalition-building on the one hand, and the tendency for such efforts to result in a pernicious elision of difference on the other. In the context of feminist struggle, this danger can manifest as what Linda Alcoff describes as "imperial feminism,"

which “assumes a fixed and stable universal meaning to the idea of feminism” that “does not view feminism as a dialogic, irreducibly multiple and local project.”³ Imperial feminism is thus linked to ways in which Euro-modern gender concepts are constitutively tied to colonialism (and thus, to racism) in a way that María Lugones has referred to as the “coloniality of gender.”⁴ As a result, the mainstream of decolonial theory can be inadequately attentive to the role of gender (a focus of both Feminías’s and Pérez’s contributions) every bit as much as feminist theory can be inattentive to the role of coloniality. The essays in this section offer a rich analysis of this problematic, and in various ways endorse what Feminías calls a “polyphonic” effort to negotiate identity, struggle, and liberation, one that “includes the discursive operation of otherness and allows validating the distinctive voices of ‘Latin American difference’.”⁵ The section concludes with Xhercis Méndez’s exceptional analysis of the present state of decolonial feminist *movidas* and her provocative advocacy of an ever-evolving decolonial feminist practice—one that emphasizes embodiment, attention to difference, and the cultivation of *rituals* (citing Santería as an example) that not only habituate one to “moving differently in the world,” but also “tell us something about alternative systems of valuation that are not reducible to merely surviving in the face of extreme violence.”⁶

While section one dwells on questions of solidarity in the form of collective movement and resistance, section two turns to the *subject*, both individual and collective, of that resistance. Under the collective heading “Making Feminist Selves: Self-Authority, Affect, and Narrativity,” the four essays gathered in this section focus on different aspects of the Latin American and Latinx feminist struggle to articulate and enact agency or selfhood in a world that all too often denies or disavows that very possibility. They confront, in other words, the question of how one can make one’s perspective intelligible to oneself and others under conditions that deny that one even has a perspective. Francesca Gargallo’s sweeping and detailed history of philosophical feminism in Latin America offers a powerful genealogy that makes abundantly clear not only the vibrancy of her subject matter, but also the ways in which philosophical feminism in the Latin American context, as with every other historical context, has often emerged outside of the narrow boundaries of “proper” academic philosophy. Ofelia Schutte’s essay, drawing on an existentialist reading of Gloria Anzaldúa and Friedrich Nietzsche, explores themes of identity (both individual and collective) and shame under conditions of alienation and oppression. The final two essays of the section, in harmony with Anzaldúa’s own *modus operandi*, offer rich engagements with fiction and memoir.⁷ Paula M. L. Moya uses the the analysis of a novel, in conjunction with the work of Anzaldúa and Fanon (among others), to make a case for understanding decolonial thinking as necessarily ambiguous—as a “thinking otherwise” than the either/or in favor of the both/and of “onto-epistem-ological multiplicity.”⁸ Just as Latin American and Latinx philosophical feminism has crossed disciplinary and methodological boundaries, decolonial thought must express such border-thinking at its (always ambiguous) core. Building on this momentum, Theresa Delgadillo turns to memoir to explore the profound role

that spiritual practices (in this case Orisha worship among Puerto Rican communities in 1950s New York) play as modes of self-expression and resistance within a particular community in diaspora. Taken collectively, the essays in this section demonstrate the need to frustrate efforts to police boundaries (whether of disciplines or identities) at the heart of practices of resistance, and exemplify the kind of “hybrid genre” that Anzaldúa referred to as “autohistoria-teoría,” and described as “a way of inventing and making knowledge, meaning, and identity through self-inscriptions.”⁹ Crucially, and in keeping with so many feminist traditions globally, these self-inscriptions, in Sonia Kruks’s phrase, “exceed the boundaries of the discursive,” and are always rather embodied, historical, affective, and yes, *spiritual* practices.¹⁰

Entitled “Knowing Otherwise: Language, Translation, and Alternative Consciousness,” the third section draws together essays exploring the promise and perils of communication across and within difference. In other words, they offer insights into the ways in which coloniality, racism, sexism, and so forth damage or inhibit not only the sense of self, but one’s ability to communicate that self across the colonial/racial/gendered divide as well as within and among other oppressed or marginalized communities and individuals. Claudia de Lima Costa appeals to the notion of “translation as equivocation” to think of the coloniality of gender as an *ontological* divide that requires a strategy of *translation*, but one that eschews dichotomous logics in favor of equivocations and ambiguity. In other words, the Western concept of “gender” can and should be translated across various Latin American contexts, but never with the expectation that it will yield a one-to-one correspondence of meaning. This allows her to develop the concept of “translational resistance” as a means to contest the coloniality of gender, without necessarily having to abandon the category of gender altogether. Natalie Cisneros appeals to Anzaldúa’s work to offer, in a sense, just such a *resistant* “translation” of Nietzschean genealogical method. What emerges remains a powerful conceptual tool for unpacking and elaborating the ways and means of power, but one that is more immediately and emphatically *embodied* than Nietzsche’s, and that emphasizes community, contra Nietzsche’s more individualistic tendencies, with special attention to diversity within communities. Elena Flores Ruíz in turn offers a diagnosis of “hermeneutic violence” that accounts for the way in which “the relation between self and world, language and disclosure, is *not symmetrically given to all in the postcolonial world*, so that our deepest social epistemologies are metaphilosophically compromised.”¹¹ She points toward the Latina feminist cultivation of “alphabets of survival”—those moments of self-authoring (and self-authorizing) that emerge from the margins and borderlands of the underside of modernity (what Ruíz refers to as the “blood-soaked limen”) as one strategy of resistance to such hermeneutic violence (*ibid.*). To conclude the section, Pedro J. DiPietro offers a further elaboration of a strategy of resistance to hermeneutic/epistemic violence in their discussion of *loquería* consciousness. If, under conditions of coloniality, what is *orderly*, *normal*, and *proper* represents the perspectives and interests of the colonizers, then resistant epistemological and communicative practices will appear

as extraordinary, disorderly, and improper. Drawing from Latina and Xicana feminist theories, DiPietro reveals a rich tradition of such resistance, and offers insights into what they call “hallucinating knowing,” thereby demonstrating a clear resonance with Dalgadillo and Méndez’s emphasis on spiritual practices as vital modes of self-expression and resistance.

Stephanie Rivera Berruz’s essay offers a perfect segue from the previous section’s focus on knowledge, communication, and translation by linking these themes to aesthetic performance, which is the primary emphasis of the fourth and final section, “Aesthetic Longings: Latina Styles, Bodily Vulnerability, and Queer Desires.” Beginning with María Lugones’s account of “boomerang perception,” she describes the ways in which the colonial/racist/sexist/ableist perception of the colonizer constructs the colonized as dependent and ultimately deficient. This can lead, Rivera Berruz argues, to the evocation among communities of color of a fake/real dichotomy in which authenticity is linked, ironically, to a correspondence with that colonizing “boomerang” perception. This in turn generates, among other things, an elision of racial particularity, such that appearing as a “real” Latina means appearing minimally African or Indigenous. Making a case study of Chonga politics and aesthetics, Rivera Berruz points toward ways in which “we can dismantle and recompose the self” that resist boomerang perception.¹² This close examination of the racial/aesthetic politics of *Latinidad* in the US continues in Carmen R. Lugo-Lugo and Mary K. Bloodworth-Lugo’s contribution to the section. Through a study of the L’Oréal cosmetic company’s use of Zoe Saldana in their “True Match” campaign, they draw out the important ways in which “outside forces” (that is, boomerang perception) influence the articulation of *latinidad*.¹³ While the first two essays of the section point toward the ways in which the pernicious erasure of racial difference are manifest in and resisted through aesthetic practices, Mariana Ortega’s essay emphasizes a similar pattern with respect to sexuality. Offering a powerful analysis of Latinx and Latin American artists who center their queerness in their work,¹⁴ Ortega shows how this is an effort not to place that queerness in contrast with or as an adjunct to their *latinidad*, but is rather best understood as an effort to queer *latinidad* itself. By including elements of narrative and memoir in her writing, Ortega makes clear the way in which these aesthetic practices are a profound mode of articulating an individual and collective *self* not only for the artists themselves, but for all those who encounter themselves in the work. Finally, Julie Avril Minich looks at the work of muralist Juana Alicia to draw out the ways in which aesthetic practices “can unite multiple movements for justice,” (citation?) including environmental justice and disability activism, by pointing toward a collective struggle from a position of shared vulnerability. All of the essays in this section thus bring together the recurring themes of the volume as whole by raising important questions about self, community, oppression, and resistance.

I hope to have offered some glimpse of the depth and breadth of the essays offered in this volume. This is not a survey or “introductory” text, but a rich and vibrant engagement with and expansion of that set of developing

traditions gathered under the rubric of Latinx and Latin American feminisms. As such, and drawing together as it does a wide generational and international spectrum of thinkers, *Theories of the Flesh* is on the cutting edge of profound and important interventions in philosophy and feminist theory. This is a truly important collection that will, in due course, come to stand as a watershed moment in the ongoing efforts (*movidas*) by Latinx and Latin American feminists to shift the geography of reason.¹⁵

NOTES

1. Information on the Society for Mexican American Philosophy can be found at <https://smaphilosophy.wordpress.com>. Information on the Roundtable on Latina Feminism can be found at <https://www.latinafeminism.com>.
2. For those not already familiar with the term “coloniality,” María Luisa Femenías offers the following brief description in her essay: “if ‘colonialism’ refers to historical occupation of America. . . , ‘coloniality,’ refers to a cultural strategy, that is, to the colonial heritage that persists and reproduces itself even after colonial occupation has ended.” Andrea J. Pitts, Mariana Ortega, and José Medina, eds., *Theories of the Flesh: Latinx and Latin American Feminisms, Transformation, and Resistance*, 40.
3. *Ibid.*, 12.
4. María Lugones, “The Coloniality of Gender.” The use of “Euro-Modern” here is meant, following Lewis Gordon, to refer to the specific mode of modernity that emerged from Europe during the colonial era, thus leaving open the conceptual possibility for other modernities. See Lewis R. Gordon, “Thinking Through Some Themes of Race and More.”
5. Pitts, Ortega, and Medina, *Theories of the Flesh*, 42.
6. *Ibid.*, 89-90.
7. Poetry, fiction, and memoir were all central not only to Anzaldúa’s self-concept as a writer, but remain indispensable to any effort to understand her as a theorist and thinker (unlike, for example, Nietzsche, whose poetry, with the exception of some of the verses in *Zarathustra*, is ancillary to his philosophical work). As AnaLouise Keating put the point regarding Anzaldúa’s fiction in particular, “she viewed her fiction as central to her entire creative process and a major catalyst for her thinking.” Gloria Anzaldúa, *The Gloria Anzaldúa Reader*.
8. *Ibid.*, 152.
9. Gloria Anzaldúa, *Light in the Dark/Luz en lo Oscuro: Rewriting Identity, Spirituality, Reality*, 6.
10. Sonia Kruks, *Retrieving Experience: Subjectivity and Recognition in Feminist Politics*, 13.
11. Pitts, Ortega, and Medina, *Theories of the Flesh*, 215.
12. *Ibid.*, 250.
13. *Ibid.*, 254.
14. Ortega emphasizes that she “use[s] the term ‘queer’ as an acknowledgement that sexuality is fluid and open-ended and that it may present itself in a plurality of ways.” Pitts, Ortega, and Medina, *Theories of the Flesh*, 268.
15. “Shifting the Geography of Reason” is the motto of the Caribbean Philosophical Association (with which several of the contributors to this volume are affiliated), and refers to the effort to alter both our understanding of where and by whom reason is represented on the globe, as well as the ways in which these latter efforts may cause our understanding of reason itself to shift.

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When Time Warps: The Lived Experience of Gender, Race, and Sexual Violence

Megan Burke (Minneapolis: University of Minnesota Press, 2019). 174 pp. ISBN 978-1-5179-0546-0.

Reviewed by Caleb Ward
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Megan Burke locates *When Time Warps* at the juncture between two major developments in feminist phenomenology. First, Burke joins the recent movement in Simone de Beauvoir studies to read *The Second Sex* as a rigorous phenomenology of women's oppression, replacing previous cultural and sociological interpretations with specifically philosophical analysis.¹ Second, Burke identifies their work with the emerging constellation of *critical phenomenology*, which investigates lived realities of oppression by supplementing phenomenology's attention to first-person perceptual experience with "a reflexive inquiry into how power relations structure experience as well as our ability to analyze that experience."² For feminists, critical phenomenology marks a shift away from pure phenomenological descriptions of female-bodied experience and women's oppression under patriarchy, mobilizing instead an increasingly interdisciplinary attention to intersectionality and complex sociohistorical interrelations, especially colonialism. While Beauvoir's socially situated phenomenology has inspired many identifying their work as critical phenomenology, critical phenomenology's interdisciplinarity and its critique of the exclusions of the classical phenomenological method put it in tension with the contemporary reading of Beauvoir as a thoroughgoing existential phenomenologist.³

This tension plays out in Burke's ambitiously intersectional monograph, which states its aim as developing "a feminist phenomenology of the temporality of feminine subjectivity that discloses how racialized colonial sexual domination is temporally woven into the fabric of that subjectivity" (3). Burke locates the object of inquiry squarely within traditional Beauvoirian feminist phenomenology: *When Time Warps* is about the nature of "feminine existence," which Burke defines orthodoxly as a "constrained mode

of gendered embodiment," in which one "lives freedom through men and thus lives a relative existence" (4). Burke's primary innovation is to foreground the *temporal* structure and effects of normative femininity, in contrast with feminist phenomenologists' usual focus on women's bodily comportment in space. Burke's first major claim, supported by an original reading of *The Second Sex*, is that to become woman is to adopt the particular "temporal style" dominated by *waiting*, what Burke calls the "passive present," in which a woman lives a temporality that is not her own (25). Burke argues that the passive present is "the overarching temporality of domination that structures the lives of those who are or are taken to be women in a heteropatriarchal society" (31). This claim seems controversial in light of the diverse forms of domination women experience—an issue raised by many who criticize Beauvoir for overlooking the effects of race, class, ability, and other positionalities on women's experience. Burke takes on board these critiques, however, and responds by locating feminine existence as a particularly white, bourgeois ideal of womanhood: what Burke calls feminine existence is posited as a normative gender, the governing norm of femininity in a society structured by white supremacy. Thus, Burke uses a specialized definition of "women" and "feminine existence" that is fully indexed not only to the oppressive social expectations of normative gender but to the norms of whiteness: feminine existence is the situation of sexualized oppression that plagues cis-, bourgeois, heterosexual white women and at the same time confers privilege on them in the form of "recognition in a heteromasculinist world" (4).

Chapters two and three turn to Burke's critical project, which is to demonstrate that normative gender is produced and perpetuated through histories and present practices of racial domination. Burke argues that white women's gendered existence is inextricable from the legacy of colonialism—including especially sexual violence against women of color: "normative genders are lived and undertaken in the service of racialized gendered state violence that is always sexualized" (44). Rather than trace a genealogy of "woman" in the manner of Denise Riley's classic *Am I That Name?*, Burke sets out from their earlier claim that feminine existence is constituted by temporality.⁴ Burke suggests a connection between the linear time of heteronormativity critiqued by queer theorists and the linearity of colonial time identified by María Lugones and other decolonial theorists. Through a detailed and welcome reading of Lugones's colonial/modern gender system, Burke argues that a colonialist distinction between (white, human) woman and (nonwhite, nonhuman) female finds feminine existence and the dominant conception of woman that persists in the present. It follows that sexual oppression against white women imposes the temporality of feminine existence on them, whereas sexual oppression of women of color targets them as animal, as female rather than woman. These divergent "markings" impose divergent effects on the lived time of both those who are taken to be candidates for the ideal of woman and those who are excluded from that ideal.

Chapter three specifies one way in which legacies of racialization shape the temporality of feminine existence,

namely, through the myth of “stranger rape,” which Burke claims is identical to the myth of the nonwhite rapist. Burke’s fundamental aim here is to show a particular relationship between history and the present actualization of feminine existence in people’s lives, namely, that colonial legacies remain central in women’s temporality in the form of the “regulatory gender apparatus” of rape myths. The uncomfortable implication for white women—which Burke suggests but does not unpack in detail—is that fears of stranger sexual assault reflect a degree of complicity in the actual historical (and ongoing) violence suffered by colonized and otherwise racialized others. For Burke, it is not a point of counterevidence that women of color might share this fear; they may have internalized the racist imperatives of normative femininity, or they might be sensitized to the intersectional threat posed to them not as women, but as female racialized others.

Burke then shifts to the present, tracing how the violent historical legacy attributed to normative femininity evades detection in everyday life. Chapter four provides a compelling reading of Maurice Merleau-Ponty’s analysis of habit as arising from sedimentation and the anonymity of the past, contending that the colonial history of gender is lived only as an absence: the forgotten history of a habit that hides itself (97). Burke proposes this as an alternative to Judith Butler’s notion of gender as performative repetition, which Burke criticizes for underestimating the obstinacy of normative gender. Merleau-Ponty’s anonymity describes “the accumulation of a past that allows a particular I to be realized without conscious reflection,” which explains how the habit of “normative gender . . . is not lived as habit; it is lived as me” (98). This extends the view of habituation to account for the disappearance of its past: normative gender is a “forgotten habit,” not merely a repeated social construct but a sedimentation of “past events, actions, interactions, ideologies, and histories” that enables it to be “deeply personal but yet almost impossible to perceive” (99). The past habituation that leads to present normative gender practices is not something that *has happened to* a subject, but something that has been actively pursued and then forgotten, making those practices especially difficult to resist.

Chapter five uses the metaphor of haunting to thematize how the fear of rape becomes a “constitutive temporal constraint” on women’s subjectivity (13). Following Ann Cahill’s conception of feminine embodiment as a “previctim” existence, Burke argues that “the fear of rape generates a negated body” (114) through “a continual deferral of [the] claim to freedom” (115).⁵ This notion of the “present absence” of rape as the “temporality of normative threat” is compelling as a structuring force on subjectivity. However, it is not evident whether Burke improves on Cahill’s account by using haunting, specters, and ghosts as framing metaphors, especially because Burke explicitly dismisses the generative excess that defines spectrality in the work of Jacques Derrida, Butler, and Avery Gordon. However, the temporally circulating character of haunting—the “continual return of the specter” (116)—reveals an interesting reorganizing of the temporality of the “forgotten habit” of femininity discussed in chapter four; it is the persistence of rape as present absence rather than

its disappearance that constitutes “previctim” existence. Burke leaves this resonance unexplored, instead arguing (controversially, as I discuss below) that the fear of rape imposes a disruption of temporality akin to that imposed by actual, lived trauma in that it “freezes time” in a passive present (119).

Burke closes their discussion of specters with an engaging description of “feminist ghostbusting” enacted in Emma Sulkowicz’s *Mattress Performance*, which exposed the present absence of her own rape and its threat at Columbia University by “making it a presence,” and thereby “uncovering the affective, material, and historical conditions that constrain, police, and enforce normative gender” (122). The sixth, final chapter is about further avenues for resistance, setting out from the bold claim that “reconfiguration of temporality” is a necessary condition for ending sexual domination (128). Rather than follow many continental feminist philosophers by focusing on the open potentiality of the present to produce novel futures, Burke argues that feminist politics must renegotiate the affective grip of the past. In particular, the role the past plays in the present must be made “malleable” rather than “heavy” (140), enabling hidden pasts that remain “pregnant with meaning and potential” (104). Burke articulates three possible modes of resistance to achieve this aim, each posed as a “feminist politics of temporality” (128). These include (1) “untimely events”—both Elizabeth Grosz’s “virtual leap” that pulls disavowed pasts back into the present and Alia Al-Saji’s conception of a “hesitation” that slows down habit and brings the possibility of disruption—(2) Lisa Guenther’s conception of “doing time” as a reclamation of temporality, and (3) a queer “habit of indeterminacy” that refuses the sedimentation of normative gender. Ultimately, for this reader, the most promising avenue is that adopted from Al-Saji; each of the others seems to suffer from the same problem of foreclosure—the stubbornness of a “forgotten habit”—that motivates Burke’s dismissal of Butlerian performative resistance to repetition.

The discussion of resistance would have benefited from a reckoning with the role of the past in the first section of the book, namely, Burke’s earlier claims about histories of colonial domination. If the historical past of slavery in the Americas, for example, is to be refigured by a feminist temporal politics, it will be highly significant *who* shapes the new meanings attributed to that past, particularly who wields power over which meanings of the past are forgotten and which are retrieved. Here a return to Lugones might have served Burke well, invoking perhaps how the decolonial feminist resists by “seeing the colonial difference, emphatically resisting her epistemological habit of erasing it. Seeing it, she sees the world anew, and then she requires herself to drop her enchantment with ‘woman,’ the universal, and begins to learn about other resisters.”⁶

When Time Warps makes a convincing case that temporality is central to normative gender and sexualized oppression, with the upshot that feminist phenomenology should not limit itself to considering the spatial dimensions of gendered embodiment. Burke’s treatment of gender norms as “forgotten habits” is especially welcome to

deepen discussions of ideology and habituation, not reducible to concepts of repetition or gender scripts. This is an importantly fine distinction for critical philosophy seeking to overcome the perceptual invisibility of norms of gender and race. Further, Burke should be recognized for performing a feminist phenomenology that puts questions of race and the legacy of racializing trauma at the heart of the analysis.

Unfortunately, many of Burke's insights are overshadowed by unnecessarily stark causal claims that ultimately give *When Time Warps* an aura of unfulfilled promise. For example, Burke is right to locate a shared genealogy between the myth of stranger rape and the myth of the black rapist, but the claim that "the two myths are actually the same myth" is unnecessarily reductive (71). More broadly, Burke demonstrates that "white supremacy and heterosexism shape and constrain the way woman is lived" (116), but this does not justify the claim that "the colonial use of rape . . . underlies the existences of those who inhabit normative gender formations" (57, my emphasis). What is it for a historical practice to underlie one's existence? And what counts as inhabiting the norm of femininity? Colonialism produces complicated lines of causality, and the experiences of women of color testify to the effects of multiple modes of oppression. The work of Hortense Spillers, for example, would have added another layer of complexity to Burke's explanation of the historical ungendering of women of color.⁷ Finally, the closing chapters of the book make much of the analogy between normative femininity and traumatization, including the aggressive claim that "to become a feminine existence is to become a traumatized subject" (119). This claim is certain to rile scholars who examine the uniquely devastating effects of trauma, which Burke somewhat anticipates by describing a survivor of rape as facing "at least a double haunting—that of the trauma of rape and that of the specter" (120). However, Burke appears to double down on this reduction in the final chapter, where feminine existence is likened to the temporal destruction of subjectivity in solitary confinement. For such an abstract claim to be justified, the method of critical phenomenology demands that it be held accountable to the actual experiences of women who have been in solitary confinement.

This last concern points to a methodological tension—touched on in the introduction to this review—that holds back the political possibilities of Burke's analysis. Burke's overarching focus on the temporal structure of normative femininity is true to Beauvoir's project of existential ontology, but it remains overly invested in describing "existence" according to transcendental structures of temporality rather than experience as it appears in life. Burke correctly attributes to Beauvoir the methodological innovation of attending to "the way in which the particularity of the historical and social phenomenon of gender mediates the generality of lived time" (29–30), but Burke overstates the radicality of this innovation, claiming that "Beauvoir argues that a triadic temporal horizon is not a given feature of human existence but is instead conferred by the material conditions in which one lives" (30). However, according to Burke's own account, feminine existence discloses itself within a transcendental framework of immanence

and freedom, and Burke's retelling of Beauvoir's feminine existence is located always with respect to *modifications* of the past, present, and future—precisely the transcendental triadic structure of existence that Burke claims to be displaced by Beauvoir's method. My concern is that, despite Burke's political commitments, the transcendental terms of existential ontology prevent Burke's investigation from doing justice to the complexity of the subjective experience in which every situation of gender (and race) is lived out.

To do critical phenomenology with Beauvoir requires examining how the oppressive situation imposed upon women is each time responded to and taken up, always differently and with different affordances for resistance. Claims about the existential structure of normative gender must be checked against lived experience, where gender takes on different guises, and normative femininity is always only one part of the story, domineering though it may be. Burke's wariness of discussing the experience of gender likely stems from concern about the epistemological limits of subject-centered accounts; by sticking to "feminine existence," Burke seeks to avoid an overinvestment in subjectivity as the seat of knowledge and action. This is a principled position, but it overlooks how critical phenomenology is built on feminist innovations that facilitate critique at the level of experience while avoiding dehistoricizing or atomizing subjectivity.⁸

Insofar as Burke demonstrates that Beauvoir's account of feminine existence can be informed by intersectional historical analysis, the Beauvoirian aspect of this project succeeds. However, many of the claims Burke extrapolates from Beauvoir's existential ontology are less plausible for critical phenomenology because they understate the complexity of lived experience and the unruliness of subjectivity, thereby both overlooking the diversity of experiences of oppression and missing how dominating structures retain power through continual adaptation. The promise of critical phenomenology is that it can trace dynamic effects of histories of domination in the register of particular human lives, in which differently situated women experience the world and from which solidarities must form to change it. The problem of resistance in the face of normative femininity becomes less intractable with the recognition that sexual oppression produces harms experienced across a multitude of social positions—as Lugones would agree—even if rape is invested with divergent meanings due to histories of racial domination. Navigating the multiple meanings of different experiences of oppression is where the "world'-traveling" and "complex communication" Lugones calls for might begin: to "recognize that there is more than one reality and that women cross back and forth between them."⁹

ACKNOWLEDGMENTS

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NOTES

1. One of the founding texts of this movement is Sara Heinämaa, "Simone de Beauvoir's Phenomenology of Sexual Difference," *Hypatia* 14, no. 4 (1999): 114–32.

2. Gail Weiss, Ann V. Murphy, and Gayle Salamon, eds., *50 Concepts for a Critical Phenomenology* (Evanston, IL: Northwestern University Press, 2019), xiv. See also Gayle Salamon, "What's Critical about Critical Phenomenology?," *Puncta: Journal of Critical Phenomenology* 1, no. 1 (2018): 8–17; and Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: University of Minnesota Press, 2013), xiii–xv.
3. See Beata Stawarska, "Subject and Structure in Feminist Phenomenology: Re-reading Beauvoir with Butler," in *Rethinking Feminist Phenomenology: Theoretical and Applied Perspectives*, ed. Sara Cohen Shabot and Christinia Landry (London: Rowman & Littlefield International, 2018), 13–32. For an analysis of Beauvoir's method as auto-contesting and hybridizing, contra Heinämaa, see Penelope Deutscher, *The Philosophy of Simone de Beauvoir: Ambiguity, Conversion, Resistance* (Cambridge: Cambridge University Press, 2008).
4. Denise Riley, "Am I That Name?": *Feminism and the Category of "Women" in History* (Minneapolis: University of Minnesota Press, 1988).
5. See Ann J. Cahill, *Rethinking Rape* (Ithaca, NY: Cornell University Press, 2001).
6. María Lugones, "Toward a Decolonial Feminism," *Hypatia* 25, no. 4 (2010): 753. See discussion in Emma Velez, "Decolonial Feminism at the Intersection: A Critical Reflection on the Relationship Between Decolonial Feminism and Intersectionality," *Journal of Speculative Philosophy* 33, no. 3 (2019): 390–406.
7. Hortense J. Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," *Diacritics* 17, no. 2 (1987): 64–81.
8. See, e.g., Linda Martín Alcoff, "The Politics of Postmodern Feminism, Revisited," *Cultural Critique* 36 (1997): 5–27; and Johanna Oksala, *Feminist Experiences* (Evanston, IL: Northwestern University Press, 2016).
9. María Lugones, "On Complex Communication," *Hypatia* 21, no. 3 (2006): 78. See also Lugones, "Playfulness, 'World'-Travelling, and Loving Perception," *Hypatia* 2, no. 2 (1987): 3–19.

Antagonizing White Feminism: Intersectionality's Critique of Women's Studies and the Academy

Noelle Chaddock and Beth Hinderliter (eds.). (Lanham: Lexington Books, 2019). 184 pp. ISBN 978-1498588348.

Reviewed by Shay Welch
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Chaddock's and Hinderliter's *Antagonizing White Feminism* is a timely book, indeed. The purpose of this book is to interrogate the ideology of White Feminism that has long served as the dominant narrative and rigid, exclusionary framework for Feminism, as it is broadly understood; these authors take to task the oppressive—and often suffocating—pervasive attitudes of White Feminists in Women's Studies spaces. In this book, they curate a series of chapters that define, oppose, resist, and circumnavigate these narratives, attitudes, and spaces. This book is not timely for its general project since the insidious narratives and projects of White Feminism have been operative and harangued since before the abolitionist movement. Its timeliness is in its focused response to the sweeping mass outcries of white feminists in the US (and Canada, the UK, etc.) towards the 2016 election of a racist and misogynist president of the United States of America. This book, while mundane and redundant for folks similarly situated to the

included authors, is—and should be—electrifying for many of the readers who claim alliance with them. Regardless of how inclusive one thinks their feminism is, many chapters in this book shake the reader into discomfort, at least, and, more likely, a denial to avoid the brutal, but necessary, invitation to (an unwanted) deep existential reflection. If you are of the first sort—good, that's the point. If you are of the latter sort, I suggest you read this book twice.

The chapters in the book are largely narrative and richly contextualized; but I focus on the authors' motivations and goals given the present space limitations.

In "Introduction: Antagonizing White Feminism," Chaddock and Hinderliter demonstrate that a problem with Women's Studies is that this supposed safe space for women enacts "restrictive membership and authenticity management" of who gets to count as a woman (xiii)—and thus, of who deserves protection. As such, Women's Studies is "mono-dimensional" and can often be the most exclusionary, antagonist space where faculty fake-act on issues of race and actively thwart gender spectrum inclusivity. In resistance, they bring forth new tools to "dismantle" biological essentialism and reject exclusionary biases of womanhood in white cisgender feminism (xii). They engage in "Afrofuturistic world-building that dreams the world we need into being" and *conjures feminism* that draws on African American hoodoo and herbalist traditions (xiii). Their goal is to utilize these tools to mark difference as celebratory while extending kinship networks (ibid). They argue that "[f]eminism has been aligned with whiteness as a system of persecution since its inception, and these allegiances must be unlearned so that new forms of radical freedom can be established" (xvii).

In "White Feminism Is the Only Feminism," Chaddock avows that through a series of painful and exploitative interactions with white feminists and Women's Studies, they do not identify as a woman or feminist. They define mainstream feminism as a constructed space meant only for "white Western, heteronormative, cisgender, able-bodied, academy-related, upper-middle-class women" (1) who intentionally bat away questions about, and advocacy for, intersectionality; it is a transphobic and racist space that deploys white women's marginalization to authorize discriminatory spaces throughout the academy. As is the case for many, they exclaim—in a way that I think snatches the whole of the problem—that "I have been rewritten by the very people who claimed to be in sisterhood and solidarity with me and who claimed to be 'people like me'. *I cannot imagine a greater ideological betrayal!*" (8, italics mine).

In "Unsettling Dominant Femininities: Promissory Notes Towards an Antiracist Feminist College," Piya Cahtterjee, a Brahmin-savarna woman, "unsettles" the role of dominant femininity and transnational caste supremacy in elite white feminism at women's colleges. She examines how caste privilege and the acceptance of white-adjacency can make one complicit in supremacist and feminized logics. Additionally, the empowerment of elite women's colleges frames excellence in cisgendered terms, but as the visibility of queer and transgender movements impress themselves

on these spaces, they must reconsider and reconceive what is meant by gender justice and explicitly include “anti-racist feminism in their titles” (25). She concludes, with respect to these spaces, that “[c]ultivation engenders violence; beauty can be steeped in cruelty. That is power, certainly. But it is time to imagine power, otherwise” (ibid).

In “Repo Fem,” Timothy W. Gerken proffers a performative analysis of the experiences of gay men who engage the world as femme in resistance to identity metaphors that function as “techniques of alienation” (28). He eliminates the “me” from femme to iterate a purposeful, ambiguous, fugitive fem identity that is unwieldy and unbounded. Further, he “strategizes with vagueness” because “[s]tability and predictability discipline diversity. Binaries and boundaries abandon curiosity and stifle collaborations. . . . The Fem bring vagueness and Vegas to the masses, and Vegas is far from ineffectual” (27, 37). His methodology is the Queen’s gossip, which is “both radical and empowering” (29). Gerken acknowledges that we will read folks as various kinds of gender identities. Yet he warns that we should not then take those readings and act on them according to the ingrained and historical myths and metaphors that constrain them, thereby occluding both our and their opportunities of and for multiplicity.

In “White Innocence as a Feminist Discourse: Intersectionality, Trump, and Performances of “Shock” in Contemporary Politics,” Sara Salem argues that intersectionality can explain the liberal feminist’s shock that 53 percent of white women supported Trump. For Salem, shock is rather just a performance of white innocence (48) since only an active, willful ignorance could have produced this emotional response. If feminism were properly intersectional, then the response would have instead been that one was not surprised. To this end, Salem recalls two historical moments to demonstrate the “ideas of the global order articulated by white, liberal feminists that did not always centre race and empire as central configurations of power, and thus constructed ideas of the global order within which the appearance of far-right racist forms of politics are unexpected” (50). Post-election, she observes that liberal feminists found themselves needing to confront something; that something, one would suspect, would be about gender and a failure of solidarity among women. But to the contrary, Salem shows us that it was never about gender at all since it was *white* women who threw themselves behind the misogynist-in-chief. Rather, the master category was that of race (62), as it usually is. Intersectionality reveals that the shock white liberal feminists felt was due to a prioritization of gender at the expense of race, class, and empire (63).

In “Building Kinfulness,” Hinderliter argues that white fragility impedes coalition projects. They note that white women in feminist spaces pay lip service to shallow identity-based versions of intersectionality in a way that purposefully manipulates its intended goal of interrogating structures of oppression so as not to be challenged themselves; as “frequent ally-occasional enemy,” they trade inclusion for diversity, which itself is not inherently intersectional. This manipulation “enacts divisions and enforces barriers to communication and relationship

building . . . a lot of academic feminism studies the language of intersectionality, only in order to replicate it in the right context without doing the emotional work or building the needed lived relationships to turn that language into more than just hollow words” (72, 73). In short, they argue that solidarity is merely posited rather than enacted (73). They draw on Ruha Benjamin’s notion of kinship, which rejects objectifying logics that define relations through oppression and serves to build relationships that are nurturing and creative for a transformative future (73-74). To remain true to intersectionality, white feminists must abandon fragility and expect and appreciate being called out. Through practices of kinship, white feminists can engage in relations of “power with” rather than “power over” to become effective co-conspirators through coalition.

In “Educational Trajectories of the Female Trans Student of the Mocha Celis Secondary School in Argentina,” Pablo Scharagrodsky and Margalí Pérez Riedel introduce us to the first school that is inclusive of and attentive to transgender and transvestite students in a country where the life expectancy of a trans person is less than forty years. They survey the recent political advancements that have allowed space for this school, including the Comprehensive Sex Education bill and the Gender Identity Bill. This chapter outlines the principles and practices of the Mocha Celis school, grounded in critical theories of pedagogy, and shows how such institutions can intercept discrimination, violence, and abandonment that students experience on the outside. To do so, the school and its curriculum seek to empower trans students through self-managed work cooperatives. They argue that “this research shows why a critical (feminist and queer) perspective ought to be part of this and of other innovative, disruptive and disobedient proposals on education” (85).

In “To Be New, Black, Female, and Academic: Renaissance of Womanism within Academia,” Vanessa Drew-Branch, Sonjia Richardson, and Laneshia Conner call for a Womanism renaissance, which calls forth a “love for Black female culture” (132), to intercept and reconceive controlling images to overcome Black women’s stereotypes and biases within the academy. They argue that academic Black women are torn between authenticity and assimilation and Womanism can provide the framework through which to self-define Black women’s culture and identity and to “freely express self-love” (108-109). They further integrate a reworked resilience-Womanist framework sensitive to the historical association of Black women with the labor class that allows them to reconstruct negative controlling images through a Womanist lens (124). They claim that “[c]ultural-specific indicators of quality of life that go beyond traditional resiliency factors, such as how one manages minority stress, sexism, and the harsh reality of being a Black woman in the workplace, can contribute to the importance of reframing the narrative” (121). The positive transvaluation of controlling images incites persistence and motivation for new Black female academics to navigate oppressive spaces (132).

In “A Rejection of White Feminist Cisgender Allyship: Centering Intersectionality,” Hinderliter and Chaddock take up the problematic notion of allyship head on and

consider its rejection. They assert that “white feminism as it is our assertion that no matter how you frame ‘feminism’, intersectional or not, it is still a performance of white domination and privilege that goes unseen as such by the ‘women’ leveraging their privilege in that space” (138). Thus, allyship, as defined in feminist space, is a one-side “contract” sans the consent of the other and can be rescinded; it fails to bridge solidarity relations of inclusive feminism that foster mutual connectivity and shared responsibility for interdependent well-being. It is unsustainable precisely in that it cannot sustain trust. They claim that “allyship does not and cannot exist without direct attachment to the oppression, suppression or suffering of the object of the allyship . . . when it is highlighted or asserted, you can probably be sure it isn’t happening” (137). Allyship is fragile and should be performed; it is not an identity that can be self-claimed or awarded (ibid.) because, in fact, it is usually weaponized. They introduce the notion of the ally-subject to capture how the object of their allyship must remain subordinate to them, often in violent ways, if they are to retain this descriptor. As an alternative to allyship, they argue that white feminists should position themselves as co-conspirators absent aspirations of congratulations. They must enter into shared spaces of consequence, loss of personal-social capital and privilege, and be ready for critical feedback (142, 143). They conclude that this “is the only way to either save feminism or put it to rest . . .” (143).

Noelle Chaddock has been family to me since the day we met. Over the years, they have invested a lot of their valuable emotional labor into teaching me things I didn’t think that I didn’t know. And here you see that they and the other authors yet again muster the energy to teach you things you didn’t think you didn’t already know. For this reason alone, you should listen, take them seriously, and respect the free but burdened investment they are making in you too.

Decolonizing Universalism: A Transnational Feminist Ethic

Serene Khader (New York: Oxford University Press, 2018). 200 pp. ISBN 978-0190664206.

Reviewed by Jamie Ritzo
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In this book, Serene Khader masterfully argues for a transnational feminist ethic that retains moral universalism. Khader develops an account for a genuinely anti-imperialist universalism that is able to address sexist oppression based on a minimalist but universal account of human rights. Her account critiques the dark side of Western feminism as an imperialist endeavor with colonial roots, but argues that ultimately, transnational feminism need not be imperialist. She elucidates the ways in which Western feminist values, such as individualism, gender role eliminativism, and secularism, can contribute to sexist oppression in practice in missionary interventions. As Khader explains, “The only way out of unreflective assumptions that Western values

are the feminist answer is to raise explicit questions, and consider arguments and empirical evidence, about which values can motivate reductions in sexist oppression under conditions of global injustice” (5).

In this book, Khader does just that. Using vivid real-world examples, Khader argues that the costs of contemporary Western imperialist interventions ought to be more closely scrutinized. When Western feminists pay attention to both the legacies of colonialism and contemporary global structures that are in place, these interventions are revealed to be much more problematic than many Western feminists may have initially and unreflectively assumed. Explaining the urgent need for critical reflection on the part of Western feminists, Khader writes, “Many cases in which Westerners caused harm undoubtedly involved Westerners intending, or claiming to intend, to help ‘other women,’ but such interventions neither necessarily justify intervention nor justify the forms of intervention that have been preferred” (44). Khader makes it clear that Western values, even ones that combat sexism in the West, can and do contribute to sexist oppression in other contexts.

The strengths of Khader’s account are twofold. First, she carefully considers the role that ideology plays in transnational feminist praxis, questioning the implicit assumptions made in the name of feminism. Second, she establishes normative guidelines for a transnational feminism that avoid the pitfalls of Western missionary feminism (chapter 5) and offers a path beyond missionary feminist preconditions for combatting sexist oppression.

Regarding the first strength, the crux of Khader’s theory is a defense of nonideal universalism that is both feminist and anti-imperialist (21). In chapters 2 to 5, Khader argues against the false dichotomy between relativism and universalism and develops her account of a nonethnocentric universalism as a way out of the anti-imperialism/normativity dilemma. Her account of nonideal universalism is based on an appeal to a minimalist and nonexhaustive account of human rights (21, 40). Borrowing terms from Amartya Sen (2009), Khader focuses on a justice-enhancing praxis rather than justice achievement, which opens up space to critique imperialist interventions made in the name of feminism.

Khader retains universalism to preserve the feminist view that some things that happen to people due to their gender are morally wrong and argues that this form of universalism can indeed be held cross-culturally (28), also noting that there is a need for cross-border feminist politics in an increasingly globalized world. In addition, a kind of universalism is needed in order to be able to criticize practices beyond the local scope. Given this fact, Khader argues that it is implausible that a rejection of universalism can yield coherent anti-imperialist positions.

Khader points to the invisibility of the human costs of intervention and the often-misplaced priorities of Western imperialist interventionists (26). Describing the problem of Western imperialist interventions that claim to promote feminist values, Khader writes, “What is wrong with Western feminist judgments . . . is that they advocate for changing them in ways that worsen the lives of those they

advocate for and do so because of the missionary feminist precommitments" (12-13). These "missionary feminist precommitments" are values, often ethnocentric ones, that are held by Western feminists, which are often accompanied by justice monism. Per Khader's definition, justice monism is the view that "only one type of social or cultural form can house gender justice" and that only the "right" kind of society is capable of achieving gender justice (30). These precommitments commit Western feminists to a single, Western vision of feminist strategy and can be a Trojan horse for racist, imperialist views to sneak in under the banner of feminism. She also criticizes the Enlightenment teleological narrative and the assumption that Western intervention in global contexts is equivalent to "other" women's salvation (32). Khader convincingly highlights the fact that war can worsen women's vulnerability to a particular cultural practice (27). Citing the war in Afghanistan as an example of US intervention, she argues that war that is justified by Western interventionists as something that will fix gender injustice may only end up making the situation worse.

Regarding the second strength, Khader argues that a strategy to combat sexism is central to feminism. She defines the "normative core" of feminism as opposition to sexist oppression (4). By framing feminism this way, Khader avoids linking feminism to one singular cultural blueprint. Instead, there can be many different forms of feminism that come from culturally different visions of how to remake a world without sexist oppression. Given this claim, Khader's practical feminist strategy is more than simply getting from Point A to Point B. On her view, an effective strategy is contextually specific, meaning that what will help in any given situation is contextually specific. There is no single way to fight oppression but instead a multiplicity of ways. By allowing for a multiplicity of possible solutions, Khader's strategy avoids the paternalism that often accompanies interventionism. Khader criticizes the commitments of missionary feminists on the basis of their use of a single moral vernacular, which is highly inadequate for reducing sexist oppression in varied contexts.

Khader offers several epistemic prescriptions for addressing the question of what, if anything, Western feminists can do to combat sexist oppression without falling into idealization or moralism. First, what she calls the *imperialism-visibility prescription*, speaks to the need to see what imperialism is doing to women's lives in particular contexts (43). When Western feminists seek to politically engage with "other" women, they should seek to educate themselves about the role that historical and contemporary global structures may have played in "other" women's oppression. This prescription works against the forces that have obscured imperialism, particularly the idealized social ontology that has rendered these effects less visible to Western feminists.

Second, the *justice-enhancement prescription* argues that effective nonimperialist feminist strategy choices are partly case-dependent (44-45). Strategy choices should aim to make the world better, not to make an ideal world. This strategy calls for "rich and longitudinal empirical attention to contexts and asking case-specific questions about what will make a difference" and requires specific knowledge of

what types of actions might be helpful in a given context (44).

Western feminists, due to epistemic gaps, may not see the ways in which colonial legacies color Western interventions. Privileged groups often have blind spots due to gaps in their knowledge and experience. Some have argued that noncentered, marginalized groups often have more objective knowledge than their structurally privileged counterparts (Harding 1991, Pohlhaus 2011). This is due to having to contend with both a mainstream, centered experience, and with one's own experience as a marginalized person.

Given the importance of epistemic issues in effective feminist strategy, I think it would be fruitful to place Khader's work in conversation with other work in social epistemology, with a particular focus on José Medina's *The Epistemology of Resistance* (2013). Medina argues that epistemic lacunas, that is, gaps of knowledge that may be missing from one's everyday experience, can and often do lead to complications in cross-cultural cooperation because different populations have different bodies of knowledge. Medina's insights may contribute to answering some of the questions raised by Khader in *Decolonizing Universalism*, specifically the arguments regarding the interrelation of racist and sexist epistemic injustices.

Medina's account offers a corrective for these deficiencies through what he calls *beneficial epistemic friction*, which can reduce problematic epistemic lacunas and facilitate cross-cultural cooperation. Beneficial epistemic friction occurs when subjects experience critiques of their ideas and begin to cultivate the virtue of open-mindedness (Medina, 21). When one actually sees epistemic others as concrete individuals, one encounters epistemic friction that can lead to meta-lucidity. When one has developed adequate self-regarding attitudes, one is more likely to notice the epistemic lacunas one may have. This seems to be a necessary component of Khader's *imperialism-visibility prescription*, because the experiences of epistemic others often remain invisible to privileged subjects until they gain a self-awareness (meta-lucidity) of their own epistemic lacunas and shortcomings. An important step in addressing imperialist legacies is for all epistemic subjects, privileged and marginalized alike, to develop epistemic virtues necessary to overcome ignorance. In light of the conjunction of Khader and Medina's work, new questions are raised about the way different groups perceive the world. What is the best way to address epistemic deficiencies in privileged persons? Can cross-cultural cooperation exist without these problematic epistemic lacunas?

According to Medina, the way to remedy a lack of beneficial epistemic friction is to cultivate epistemic virtues such as open-mindedness. A consequence of this view is that virtuous epistemic subjects have the obligation to learn about the experiences of others. If, as Khader suggests, what is wrong with Western feminist judgments is that they advocate for change in ways that may worsen the lives of those women they claim to want to help, and do so because of the missionary feminist precommitments, then it seems that Western feminists need to actively put themselves

in situations where they encounter epistemic friction and have their beliefs and values challenged.

At the heart of Khader's analysis is the idea that although an uncritical feminism can be a tool of imperialism, a genuinely anti-imperialist transnational feminist ethic can retain moral universalism and guide an activist praxis to reduce sexist oppression. Khader's book will be particularly helpful to Western feminists and a wake-up call to white feminists whose vision of feminism is a vehicle for implicitly imperialist values. By raising explicit questions about the harms of missionary feminism, addressing values as they impact public life, and considering empirical evidence about normative claims made by feminists, Khader has made a meaningful contribution to the field.

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Criticism and Compassion: The Ethics and Politics of Claudia Card

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Criticism and Compassion: The Ethics and Politics of Claudia Card, edited by Robin S. Dillon and Armen T. Marsoobian, is an important collection of Claudia Card's previously published essays written over the span of twenty years (1996 and 2016). The collection also includes several new essays by scholars whose work is influenced by Card. In this volume, a range of issues in feminist philosophy are explored. This book challenges norms about marriage, gender, and war. While cross-disciplinary in many ways, each essay offers powerful philosophical analyses.

The book is divided into two parts. Part One, "War, Genocide, and Evil," includes twelve essays, by Card and other scholars, about weapons of war, social death, and genocide. In the first essay, "Rape as a Weapon of War" (1996), Card discusses mass martial rape as a weapon of war for genetic imperialism. Rape removes the basic control of oneself and one's body and male dominance attempts to make rape "natural" (22). Card's fantasy solution to rape as a weapon of war is compulsory transsexual surgery—the removal of the penis and construction of a vagina-like canal. Card notes that an objection is that this solution reinforces misogyny by making a vagina a punishment (23). This

essay also includes an addendum in the second chapter, published in 1997, where she raises further objections to her fantasy punishment of compulsory transsexual surgery. Card emphasizes that the overall goal should be changing the significance of rape to something other than domination. While Card does raise concern about the transmisogynistic symbolism of this proposed surgery/punishment, this short addendum does not touch on the ways in which this fantasy solution aims to pathologize trans women. She argues, however, that there should be a clear distinction between those who willingly participate in what she calls transsexual surgery (now referred to as gender confirmation surgery or gender reassignment surgery) and those who receive the surgery as a form of punishment. Regardless of this distinction, and the fact that Card does acknowledge that this compulsory surgery may actually just reproduce domination, on her account, this surgery paints trans women as abnormal, categorizes their existence as a form of punishment, and is therefore entirely transmisogynistic, thereby rendering her position to be highly problematic.

In "Women, Evil, and Gray Zones" (2000), Card discusses the ways in which the moral character damage that comes as a result of oppression may put one in danger of becoming evil themselves. Card calls this challenge a "moral gray zone"—when the oppressed side with oppression. She explains that oppression sets moral traps for victims to play into their own oppression. These gray zones confuse moral judgment and inhibit one's ability to make a clear moral choice (46). An effect of this phenomenon is a lack of group trust. This is because when an oppressed individual acts as an oppressor, trust is fractured. Card argues that the grayness of these zones expresses the ambiguity of the moral decision-making. In this grayness, ordinary moral judgment is suspended (51). Card ultimately claims that exploring these gray zones is important so that we may have a fuller understanding of responsibility and obligation under the condition of oppression (57).

In "Genocide and Social Death" (2003), Card argues that social death is a central part of genocide. Social death, according to Card, is the dismembering of social relations, which destroys social vitality. It is what primarily separates genocide from mass murder (66). Card explains that centering social death means that genocide does not always have to be homicidal (67). Cultural destruction that results in social death is another form of genocide. Card institutes two elements that constitute an evil: (1) culpable wrongdoing and (2) reasonably foreseeable and intolerable harms (70). Card uses these two elements to explore the ways in which the scope of genocide may be restricted. Genocide attempts to wholly annihilate a group that contributes to the social identity of its member, resulting in social death.

In "The Paradox of Genocidal Rape Aimed at Enforced Pregnancy" (2008), Card explains the "logical glitch" of using enforced pregnancy as a mode of genocide. The paradox is that genocide aims at the annihilation of a people while enforced pregnancy results in new people being born (86). Genocidal rape aimed at enforced pregnancy uses sperm as a weapon of biological warfare (88). Pregnancy

that comes as a result of genocidal rape attacks the family structure, negatively impacting individuals' motivation to fight. Given that it is often a motivation to protect the family that gives soldiers the push to keep fighting, genocidal rape actually undermines the will of the soldiers (89). Further, there is a lasting impact on those born through genocidal rape who will always remember the genocidal origins of their existence. The offspring are a permanent reminder of trauma and may be largely unwanted.

Chapter eight introduces a shift in the first section of the book to four new essays by philosophers who have been heavily influenced by Card's work. These essays further develop many of the themes that were explored by Card, thereby expanding her philosophical legacy.

In "Perpetrators and Social Death: A Cautionary Tale," Lynne Tirrell argues that due to our inherent intersubjectivity, in destroying another groups' social vitality, the perpetrator also destroys their own by eradicating the "other" (115). This ultimately results in the social death of the perpetrator as well. This is why Tirrell argues that genocide is a doomed project. Eradicating the "other" destroys the meaning of one's own identity. Tirrell warns against understanding perpetrators of evil as monsters. Seeing the humanity in perpetrators helps to hold them accountable. This is because when individuals are viewed as monsters, their actions are simply written off as what monsters do. She argues that perpetrators are *cultivated* and may become attached to the social vitality that comes with others' approval of their own wrongdoing.

In "Claudia Card's Concept of Social Death: A New Way of Looking at Genocide," James Snow explains the disconnect between scholarship on genocide and testimonies from those who experienced genocide firsthand. He explores the gendered experiences in genocide and explains that women's stories, specific to their gender, tend to be erased. He explains that body counts and death tolls are centered in the frame of genocide. The number of deaths is used to measure the magnitude of the act (136). Snow notes that Card's emphasis on social death works to expand the entire frame of genocide. This makes genocide distinct and takes the focus away from body counts, instead focusing on real experiences. Snow argues that delegitimization and denial of history, as well as denial of memory, can lead to social death.

In "Surviving Evils and the Problem of Agency: An Essay Inspired by the Work of Claudia Card," Diana Tietjens Meyers offers ideas about autonomy, agency, and survival. She discusses the gray zones in which many victims are forced to live and shows how the choices that are made by individuals who exist in the gray zone may be morally unintelligible (156). The gray zone is a double bind of evil where individuals are forced to make survival decisions that at the same time may prevent them from surviving in terms of their own integrity (158). Meyers understands agency and autonomy as the ability to act intentionally (159). However, in her analysis of survival agency, Meyers notes that victims in gray zones may not be able to act wholly with intention. Further, their actions may actually undermine their own moral character. As a result, autonomy and agency may be

hindered in the moral gray zones. Survival agency often coerces victims into certain situational opportunities for protection that have a negative impact on their character. Meyers acknowledges, however, that perhaps victims can postpone the addressing of their moral character until after an evil is past (166).

"Institutional Evils, Culpable Complicity, and Duties to Engage in Moral Repair" by Eliana Peck and Ellen K. Feder discusses the moral responsibilities of those who are culpably complicit in collectively perpetrated evils with a specific focus on apology. They use the case of medical management of intersex anatomies to explain that an agent must be epistemically aware of the harms, in order for them to be wholly complicit in the wrongdoing (178). Epistemic unawareness may cause complicity, although this does not negate responsibility (181). In their discussion on the reparative work of apology, they explain that an apology must have an acknowledgment and description of the wrongdoing, identification of the persons harmed, and recognition of the impact of the harm. They conclude that good apologies can help to build moral communities (190).

Part Two of this volume is titled "Feminist Ethical Theory and Its Applications." This section includes four of Card's previously published essays and five essays from scholars who take up Card's themes. Card uses feminist ethical theory to discuss many social and political issues, and this section expands upon topics that are often understood as central to feminist ethics. It also challenges traditional societal norms such as marriage, misogyny, and gratitude.

The first essay, by Card, is "Against Marriage and Motherhood" (1996). It is divided into two main parts: "Lesbian (or Gay) Marriage?" and "Why Motherhood?" This essay was especially controversial as it was written two decades before same-sex marriage was constitutionally guaranteed by the US Supreme Court. Here, Card argues that marriage and motherhood actually work to reproduce patriarchy because the marriage contract does not give individuals freedom to outline their own limits (198). Card argues that marriage should not be fought for by same-sex lovers because marriage is *regulation*. Further, the unspecificity of the marriage contract hinders spousal accountability (207). In the second part of this essay, Card explains that motherhood centralizes parenting on the mother while revolutionary parenting widely distributes child-rearing. She hypothesizes that fostering a safe environment in all communities would actually rid us of the need for motherhood as an institution.

The next few essays by Card, "Gay Divorce: Thoughts on the Legal Regulation of Marriage" (2007), "Challenges of Global and Local Misogyny" (2014), and "Taking Pride in Being Bad" (2016), all raise issues around marriage being regulated by the state, the "war" on women, and "badness" in moral decision-making. The following three essays by Robin May Schott, Kathryn J. Norlock, and Mavis Biss explore Card's views on care ethics, Card's contributions to nonideal ethical theory, and Card's analyses of moral luck and taking responsibility.

The final chapter is “The American Girl: Playing with the Wrong Dollie?” by Victoria Davion. In this essay, Davion offers a feminist exploration of the American Girl Just Like You doll. She acknowledges that toys, such as dolls, impact children’s socialization and are worth consideration. Davion explains that the astronomical prices of the American Girl dolls promote poor global citizenship. Further, she pulls on the work of Sandra Bartky to argue that Just Like You dolls produce docile bodies because the doll teaches disciplinary practices, such as curling hair and putting on makeup, that align with traditional femininity (337). While the dolls claim to be empowering for young girls, they in fact fail to challenge traditional feminine ideals. That is, the dolls affirm and entrench traditional practices and actually train young girls into the practices of heterosexuality (340). Davion concludes by explaining that the American Girl doll is worth discussing as it shows the complexities of patriarchal societies and girlhood.

In sum, *Criticism and Compassion: The Ethics and Politics of Claudia Card* offers insightful critiques of domination that lead the reader to consider the ethical complexities of living in an oppressive society. Themes such as genocide, complicity, social death, hate crimes, and evils are discussed and help to further feminist philosophy and challenge common oppressive ideologies. I hope to have given insight into this important collection that furthers ethical and political theory by raising fundamental issues and developing feminist analyses in these areas.

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