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The Silencing of Women's Voices: Catharine MacKinnon's *Only Words*

Katherine Smits

Protecting pornography means protecting sexual abuse as speech, at the same time that both pornography and its protection have deprived women of speech, especially speech against sexual abuse. There is a connection between the silence enforced on women, in which we are seen to love and choose our chains because they have been sexualized, and the noise of pornography that surrounds us, passing for discourse (ours, even) and parading under constitutional protection. The operative definition of censorship accordingly shifts from government silencing what powerless people say, to powerful people violating powerless people into silence and hiding behind state power to do it.¹

The previous chapters in this book have discussed censorship as it has been addressed by men over the course of the past twenty centuries. The absence of women from this debate is not accidental but reflects the gendered history of political thought. Women were not explicitly the subject of government censorship; rather, the social, economic and legal structures which make up the system of patriarchy meant that they were confined almost entirely to the private sphere, prevented from participating in public life and largely ignored and derided when they spoke up against their subjection. In the twenty-first century, the legal barriers to women's public speech have been eliminated, but, many feminists argue, persisting social, cultural and economic structures continue to silence and discount their voices. American legal theorist and feminist Catharine MacKinnon's *Only Words*, the focus of this chapter, identifies pornography as a key source of the continuing 'censorship' of women – although it is, ironically, defended on anti-censorship grounds.

Like John Stuart Mill (see Chapter 17), MacKinnon argues that the most dangerous agent of censorship is not the state but, rather, dominant social groups – in this case men – who exert power and influence over subjected groups, imposing their own subordinating speech upon them. When called to account, they claim freedom of speech and expression, discounting the effect that their speech has upon those they dominate. Their case draws much of its power from the crucial distinction, famously made by Mill, between expression on the one hand and action that directly harms others on the other.

In the powerful critique that MacKinnon makes in *Only Words* and elsewhere, one she addressed to courts and city councils considering the legal regulation of pornography, the focus is on photographs, films, videos and online images of sexual activity. These are defended by civil libertarians on the grounds that they are forms of expression which do not directly injure others and thus deserve the same protection as unpopular opinions shouted at a protest march or the burning of national flags. MacKinnon argues on the contrary that pornography is action in the world, against others, representing, enacting and promoting the sexual exploitation and degradation of women. It harms its victims – both the women who make it and those involved with men who use it – and reinforces social and cultural inequalities of power. Her account aims to turn the tables on relations of power between those speaking and the authorities seeking to control them. Defenders of pornography invoke freedom of speech to protect the images they make against the censorship of the state. MacKinnon counters that pornographers' 'speech' is not merely words or expression; it is itself the exercise of power over women. Moreover, pornographers claim that they are representing the expression of women. In fact, MacKinnon argues, women's speech – their resistance to exploitation and their angry and injured responses to their subordination – is drowned out by 'the noise of pornography' which is in reality the clamour of the powerful, masquerading as the voices of the women it subordinates (9–10).

Pornography is thus a political practice in a patriarchal system, which both reflects and reinforces the power of men and the powerlessness of women. It silences the voices of women who resist it, replacing them with those of men, and where women do speak, their words are reinterpreted to indicate their willing subjection. In the production and consumption of pornography, MacKinnon argues, if women's voices are heard, their words are distorted so that 'no' means 'yes' and expressions of pain and refusal – and simulated pleasure – are interpreted as signs of authentic delight. In response to their inability to express themselves and make themselves heard, women learn to separate themselves

from their sexual experience, and to create inauthentic selves: 'you develop a self who is ingratiating and obsequious and imitative and aggressively passive and silent – you learn, in a word, femininity' (7). In the essay from which this extract is taken, MacKinnon describes graphically the experiences of women who have been subjected to sexual exploitation and torture, which they are powerless to speak against:

You cannot tell anyone. When you try to speak of these things, you are told it did not happen, you imagined it, you wanted it, you enjoyed it. Books say this. No books say what happened to you. Law says this. No law imagines what happened to you, the way it happened. You live your whole life surrounded by this cultural echo of nothing where your screams and your words should be. (3)

The feminist anti-pornography case that MacKinnon articulates is often interpreted as supporting censorship, but her aim is to protect the right of women to speak in a system that silences them.

MacKinnon's case for suppressing pornography has attracted opposition from civil libertarians who argue against state control of sexual expression, as well as from feminists who see the state as historically an unreliable ally in the struggle for women's rights, liable to use censorship as a means of controlling women's sexual freedom. Nadine Strossen and other feminist civil libertarians point to the unlikely alliance between anti-pornography feminists and conservatives who support censorship on the grounds of obscenity.² More fundamentally, some feminists reject MacKinnon's claim that pornography necessarily silences women or distorts their voices. In her view, it is only women's expressions of resistance to their exploitation and subjection which are authentically theirs, and which reflect their true experience. 'Anti-censorship' feminist critics, who reject state regulation of pornography, deny that the women depicted in it, or who watch it, are necessarily victims, incapable of authentic speech. They contend rather that pornography, particularly that made by and for women, can express female sexual agency and can subvert or displace gendered relations of power that operate elsewhere, such as in the family.³

We might suggest that much depends here upon what is being defined as 'pornography'. MacKinnon cites material that depicts the graphic and often violent subordination of women to men – which in her view only makes explicit women's powerlessness that is constitutive of patriarchy and indeed sexuality itself. Anti-censorship feminists counter that these images are an extreme minority, and much pornographic material depicts sexual play rather than domination. In their view, pornography constitutes at least potentially a space that can be seized

by women to act in and express themselves freely; for MacKinnon, however, sexuality is already fatally compromised by its inextricable ties to the patriarchal order that defines it. It cannot, in that context, be a 'free space'.

Pornography, according to MacKinnon, is the graphic representation of a silencing of women that extends more broadly in society. It embodies – in a metaphorical as well as a literal sense – the relationship between the private and public spheres which has been essential to the subordination of women. Pornography brings into public space, by selling and circulating, relations of sexual domination that have been enforced in the private sphere. As we have noted, it is not only in relation to pornography that women's voices have been suppressed. For most of the history of Western thought, until roughly the last hundred years, political philosophy has been the preserve of men, with very few exceptions, and was until the nineteenth century singularly unconcerned with women's ability to participate in politics. Where women were even acknowledged in political discourse, it was assumed that their interests were encompassed by the men to whom they were legally subject, and who, when their concerns were invoked, were assumed to speak for them.

Not surprisingly in this context, those few women who wrote about politics concentrated on defending the rights of their sex to speak about and participate in it: in the fourteenth century, the Italian-French noblewoman Christine de Pizan argued against misogyny and in defence of women's contributions to public life, in particular their ability to argue for peace.⁴ In the late eighteenth century, a powerful and sustained argument against women's exclusion from public life was made by English feminist Mary Wollstonecraft. Wollstonecraft argued that women should be educated to develop their capacity to reason, not only for their own good, but also because women educated in the civic virtues would contribute to, rather than corrupt, society and the public good.⁵

With these and a few other exceptions, the canon of political philosophy historically is a succession of male voices, from which women have been absent not for the most part because they were explicitly censored by the state, but because they and the concerns to which they were limited – the family, sexuality and reproduction – were excluded from political discourse. From Plato's dark and womb-like cave, out of which wise men struggle towards the light of truth, on through the Western tradition, the stories of origin of political societies are rebirths enacted by men, from which women are absent. For the early modern social contract theorists, as Carole Pateman has shown, the formation of civil society assumes a prior, private and unarticulated sexual contract

enforced by men upon women.⁶ For Marx, the labour of production substitutes for the labour of reproduction. When women have asserted their rights to speak in public, their private, sexual behaviour has been used to denigrate their arguments about public virtue. Mary Wollstonecraft, for example, was roundly condemned for living with a man outside marriage and bearing his child. A half-century later, Mill attracted gossip about his close friendship with the married Harriet Taylor, but this did not diminish his public reputation. Women who struggled into the public sphere found themselves dogged by their association with the private.

It is remarkable that although the distinction between the private and the public spheres has been differently articulated in different historical periods, women have consistently been confined to the private and excluded from the public. Some feminists have ascribed this to women's consistently primary role in reproduction and child-raising. In MacKinnon's argument, the fundamental lever of exclusion is sexuality, which has been consistently defined in terms of domination and subordination across historical periods. This is not to say that it is biologically essential and inescapable, but rather, according to MacKinnon, it is a persistent and fundamental feature of the exercise of power and the construction of human identities.⁷

In response to women's exclusion from the public, feminists have followed a three-tracked approach. Much argument from Wollstonecraft and the first-wave feminists of the nineteenth century onwards has been directed at bringing women into the public sphere, allowing them the right to vote and participate in politics and giving them a voice on traditionally 'male' political subjects. These essentially liberal arguments preserve the distinction between public and private but insist that women are as capable of being public actors and citizens, and deliberating upon public and non-gendered issues, as are men.

Feminists following the second track have argued that it is not enough to simply bring women into a world already defined and distinguished as public and political. In addition, the private sphere concerns associated with women must be recognized as part of the public conversation. As the second-wave feminist slogan from the 1970s put it: 'the personal is political' – meaning that issues to do with domestic life, sexuality, social and familial reproduction become the concerns of politics. Mill was the first to publicly articulate this concern in his 1869 *Subjection of Women*, where he described the family as a 'school of despotism'.⁸ Mill argued that the social behaviour learned in the family has a political effect and thus must be regulated by principles of justice that recognize and take into account the views of women. More recently, Susan

Moller Okin developed the argument that the full equality of women depends upon recognizing the political status of gender-structured marriage and the family.⁹

Both strands of argument examined so far have focused on ensuring women have a voice in public life rather than the nature of what they say. Feminists taking a third approach contend that women have a distinctive voice: that the socially and culturally constructed behaviour they learn in the private sphere should be recognized as publicly valuable and as changing our way of thinking about moral and political concerns. Historically, this argument was made by some second-wave feminists who argued that as a result of their child-raising practices, women were innately more pacifist and cooperative than men. Today, it is associated with the views of feminist moral psychologist Carol Gilligan, who argues that women's socialization leads them to reason morally in a different way, rather than, as male psychologists had previously concluded, as only partially developed moral thinkers.¹⁰ Gilligan suggests that women's moral thinking is more likely to be relational and contextual rather than abstract and impersonal. They possess a 'different voice', which is authentically theirs, not simply an expression of their powerlessness, and should be brought into the public sphere. An 'ethics of care' has been proposed as an alternative to the ways of thinking about justice that have dominated political philosophy.

All of the feminist claims we have considered acknowledge the relationship between expression and the material circumstances and power structures from which it comes. For MacKinnon, as we saw, the subordination of women means that their authentic speech cannot be heard. For Gilligan, by contrast, the speech that women learn and practise as they negotiate their lives under patriarchy emerges as theirs and should be recognized in public discourse. Both the arguments assume that women have authentic voices and can be empowered by instating these in the public sphere. Where they differ is in the relationship they assume between subordination and authentic speech. Can women express their own morally valuable but different voices under patriarchy? For MacKinnon, the answer must be no. In her view, theories such as Gilligan's simply try to attach a positive value to that

which has accurately distinguished women from men, by making it seem as though those attributes, with their consequences, really are somehow ours, rather than what male supremacy has attributed to us for its own use. For women to affirm difference, when difference means dominance, as it does with gender, means to affirm the qualities and characteristics of powerlessness.¹¹

When you are powerless, MacKinnon concludes, you do not speak with a different voice; rather, you do not speak much at all. Not being heard is not a function of lack of recognition: 'it is also silence of the deep kind, the silence of being prevented from having anything to say.'¹²

The argument among feminists over the potential for women to express their sexuality freely in public mirrors the broader debate over women's authentic voice, as we have seen. But it also prompts us to consider why freedom of speech and expression is defended as a fundamental human right. When it emerged as a modern idea in the wake of the religious pluralism of the Reformation, it was defended chiefly on the grounds that minority opinions and conceptions of truth should not be prohibited. Individual conscience was protected by freedom of speech at this point, but in later formulations, the grounding of this freedom shifted increasingly to its necessary relation to individual expression and development in spheres beyond religion. Since Mill, liberals have held that people exercise their autonomy – they direct and carry out their life projects – in part through their free expression. When he defends the liberty of thought and discussion in *On Liberty*, Mill invokes the argument that it will lead to people examining and changing their views and opinions and reaching the truth. But he also argues that being able to question, examine and express oneself freely is an essential attribute of individuality.¹³

MacKinnon's critique of pornography invites us to consider cases where the free speech of some inherently infringes the autonomy and individuality of others. Despite its associations with both a radical feminist critique of patriarchy and conservative opposition to obscenity, it is, in its opposition to patriarchal censorship, a liberal argument. The opposing feminist case also depends upon seeing the relation between free expression – sexual, in this case – and the full development of human individuality. The real disagreement between them lies in whether or not free action and expression is in fact possible within the confines of inequality.