Illocutionary Autonomy:
Moral Responsibility for Disabling Speech Acts

by

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The river Temarc in winter.
Kadir beneath Mo Moteh.
Kiteo, his eyes closed.

Sokath, his eyes uncovered![1]

[1] *Star Trek TNG "Darmok"*

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Abstract

This thesis evaluates various consequences of adopting Rae Langton's claims about illocutionary silencing, all through the lens of how they relate to autonomy and moral responsibility. Langton sows the seeds for a theory of illocutionary disablement as a form of oppression, which limits persons' autonomy, specifically women's "illocutionary autonomy" to refuse sex. Alexander Bird draws unwarranted conclusions, which can be defended against with a broader theoretical framework of moral and political responsibility. Overall, I defend the theory of illocutionary disablement set out by Langton as not only plausible, but also consistent with a theory of moral responsibility which holds people accountable for both their actions as individuals and as members of a social community, despite the effect of the silencing as systemic oppression: all of this framed in, and elucidated by, considerations of autonomy. Other main philosophers on whom I draw are Kevin Timpe, Iris Marion Young and Carol Hay.

First, I explain and defend Langton's theory of illocutionary disablement, corroborate some of the base principles, and introduce a useful vocabulary through the lens of autonomy and oppression. I then address the objection that agreement with her thesis would entail lesser or no moral responsibility accorded to the individuals who did not understand "no" as refusal (and acted in subordinating ways accordingly), and could not have, since no refusal would have taken place. I argue along the lines of Kevin Timpe's solution to the tracing condition problem for moral responsibility, in order to maintain that oppressors are culpably ignorant, and thus blameworthy. Finally, I broaden the scope from individual moral responsibility for wrong actions within an oppressive society to the moral-political responsibility we all have towards our society to question the status quo and fight systemic oppression, based on Iris Marion Young's theory about our responsibility for justice. I then explain how these considerations relate back to the autonomy framework by tying in Carol Hay's work on women's moral obligation to confront sexual harassers, and explain what this would mean if we take Langton's illocutionary disablement seriously.

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      À mes ami(e)s et à ma famille, qui ont su ramener mes pieds sur terre: c'est beau dans les nuages, mais j'apprécie le refuge quand je vous retrouve au sec après les tempêtes. Et merci Jamaal: tu vois, j'acquiesce.

      Surtout, à grand-maman, qui a insisté que je sois féministe avant que je n'en comprenne l'importance.

Chapter 1: Introduction

In the philosophy of language, speech act theory, as spearheaded by J.L. Austin, has made a significant impact on how we describe and assess the use of words. In short, as language users, our words not only convey meaning in the traditional sense (or one of the traditional senses) of having the meanings interpreted and understood by others, but we also "do things" with words. Actions like "ordering", "voting", "marrying", "warning", are actions accomplished not only as a result of utterances, but they are accomplished *in* saying something. Austin calls this power of words "illocution", a disambiguated part of the meaning of words. This theory has been criticized and amendments debated, but nonetheless it cleared the way for a new way of thinking about language, which lends itself well to applied philosophy. This introduction will serve as an overview of the main theories of which I make use, the concepts I draw out of them, and the conclusions of my analysis.

Rae Langton, in her paper "Speech Acts and Unspeakable Acts" (1996), attempts to apply this speech act theory to elucidate some aspects of the "free speech" debate relating specifically to pornography. Defenders of pornography often use the argument that pornography should be, or is, protected under freedom of speech provisions, either legally, politically or morally. Langton, following Catharine MacKinnon (1987), argues that the freedom of speech argument can be applied the other way around: the influence of pornography, as it is today, in our society creates a context where women are no longer able to communicate denial of consent to sexual actions. This is not simply an argument about negative effects of the pornographic industry, many of which are relatively uncontentious[2],

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[2]E.g. that the current pornography industry has negative effects not only on those in the industry who are often exploited, abused, and so forth, but it also gives unrealistic expectations about our bodies, about how sexual

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but it is about another dimension of freedom of speech: that is, the freedom not only to utter words, but for them to have the meaning and illocutionary power intended. Freedom to utter empty words (or, as will be discussed, to utter words that are taken to mean the opposite of what is intended) is no real freedom of speech. Thus, a fuller freedom of speech includes not only locutionary freedom (the freedom to utter words) but illocutionary freedom (the freedom of speakers to have the intended meaning of their words recognized as the appropriate speech act in appropriate contexts).

Langton's proposal was not without its discontents, however. There is a reluctance, amongst the general population and philosophers alike, to attribute a strong causal link between pornography and sexual violence—and rightly so. Langton has the beginnings of a defence against this line of critique. She admits that it is not pornography on its own and of any kind[3] that leads to silencing, but that the kind, prevalence, and ubiquity of contemporary pornography does have a causal role, and is an authority in setting the norms of sex, and thereby illocutions. This is because the illocutionary power of speech is also governed by norms, thus, setting the norms for what counts as refusal or consent affects the illocutions possible for certain people in certain contexts. Moreover, the authority pornography has is only possible within a wider context, which I will refer to with the increasingly popular terminology of "rape culture", which was first used by second wave feminists in the 1970s

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encounters 'work', and establishes norms of subordination, as I will mention in Chapter 2

[3]There are, of course, many different kinds of pornography, some of it problematic and some unproblematic, moreover, not all graphic depictions of sex count as pornography. The claim that Langton is making is that the problematic kind of pornography is sufficiently pervasive to be playing the role of setting problematic norms. There is considerable debate on what counts as problematic, which I will not try to define, but will only say that the contemporary pornography industry as it stands is problematic in ways which I will outline in Chapter 2.

(Smith, 174). This term refers to a culture with some combination of normalization of sexual violence, rape apology, depictions of subordination, objectification, lack of appropriate sexual education, victim blaming, 'slut' shaming, and so on.

A further criticism of Langton's thesis is that it seems to some to shift the blame from those who committed the violent actions to extrinsic social factors which affected their psychology without their knowledge and out of their control. This concern also raises a question of determinism—however mild or strong: if pornography causes persons to do 'bad' actions, e.g. by teaching them that those behaviours are acceptable, how can they be blameworthy for actions that they were taught are acceptable? If we consider these sources as similar to brainwashing (though perhaps lower on a severity scale[4]), how could a person be morally responsible for actions they didn't know were wrong? In contemporary theories of moral responsibility, there tend to be (at least) two conditions for moral responsibility: a control condition, and an epistemic condition. In simplified and, arguably, inaccurate terms, there is some sense in which, in order to be morally responsible for an action, one ought to have been in control of that action and know the moral status of that action. Take for example someone who either was under hypnosis, unable to control her actions, or did not know (and couldn't have been expected to know) that a person was going to dart in front of her just as she went to stretch her legs. Since she did not know she was going to do something bad in tripping someone, we wouldn't consider her to be blameworthy for it.

I mentioned that the preceding short descriptions might be considered "inaccurate",

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[4]See Pereboom (2013), where he discusses, on the topic of free will, our intuitions on the distinction between brainwashing and normal conditioning, among other 'slippery slopes' that challenge intuitions on free will and determinism.

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because it's not that simple. It is not the case that immediate control and knowledge are essential, because that would excuse too much. A drunk driver is not in control of her vehicle, thus is not in control of her hitting a pedestrian with her car. Her impairment may also prevent her from having immediate knowledge that her driving while drunk is wrong, and/or would lead to her killing a pedestrian, which is wrong. Yet we still take the drunk driver to be morally responsible for causing the death, because she had adequate knowledge of those possible consequences and was in control when she made prior decisions that would impair her, and had reasonable belief about possible consequences. Kevin Timpe (2010) argues for a model of moral responsibility which accounts for this tracing condition, which I believe can be used as a basis to argue for the moral responsibility of those who, even though they may not know that what they are doing is rape and is wrong, could and ought to have known better. This model for attributing blame to autonomous individuals avoids a wholesale shift of responsibility onto a broader or systemic entity, the pornography industry or our culture at large, but neither does blaming the individual take away from the magnitude of systemic problems.

This relates to the moral responsibility of individuals acting within an oppressive framework, in their individual actions which subordinate and harm others. But there is a further level of moral responsibility which is both individual and collective, which is a political-moral responsibility for justice. To the extent to which some of our morally relevant actions affect our society and its norms, we have partial responsibility for the justness of our society. Iris Marion Young (2011) suggests a "social connections model" of responsibility, meant to explain a sort of collective political responsibility that members of a society have

towards that society to ensure its justness. In a sense, we are each responsible for 'keeping an eye on' our social institutions, so to speak, to avoid an unjust society which unduly harms people. To continue with the theme of this thesis, we would say that we are each and all politically responsible for combating oppression in the ways we see fit. The relates back to the fact that "rape culture," more than just the pornography industry, is a systemic issue in which we are all involved to some extent. Young contends that our political responsibility is forward-looking, and that "blame" for following the status quo is not appropriate, because "blame" is backwards-looking; she rejects a liability model for this type of responsibility. I disagree with this part of her argument, because I do think that political responsibilities for combating oppression and undue harm are moral ones, and that though responsibility is forward-looking, failing in that responsibility becomes a moral failure, liable to blameworthiness. Nonetheless, what she is interested in doing (2011) is giving a model for collective responsibility for justice, which I take to be helpful to my project: On the one hand, it helps to explain how individuals have certain duties towards their society and fellow citizens—and, indeed, all people, citizens or not—and, though it's often non-malicious people who go along with the status quo, that doesn't excuse those who fail to pay attention to oppression.

Carol Hay (2005) also has a theory of moral responsibility which applies to all members of the social community, oppressed, non-oppressed and/or oppressors alike, to varying degrees. She contends we all have a responsibility for resisting oppression, so long as our level of autonomy permits. Her theory focuses on the importance, even for victims, to confront wrongdoers—which can of course be attenuated or overridden by other normative

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considerations (101-102). She believes, like Young, that people have a responsibility for justice, but unlike Young, she emphasizes that this is a moral obligation (not merely a political one) and that a woman's confronting her harasser can be a moral obligation prima facie (unless of course other considerations make this too dangerous, either supererogatory or foolhardy). This obligation is not only for the sake of the individual it affects, or for individual harms avoided, but it is also a contributing factor to the justness of her society as a whole. It also points to the role of individual actions in combating structural injustice and oppression. There are also important similarities and differences between the case of sexual harassment and illocutionary disablement, particularly at the level of the loss of autonomy that the latter victims experience. This will be relevant for pointing out some essential features of the moral responsibility of those who are illocutionarily disabled, and particularly those who become victims of sexual assault due to the disablement.

This does not mean that the majority of the burden for combating oppression rests on the shoulders of victims, because there are other moral considerations, including the relative level of autonomy of people. Further, we must not forget the additional responsibility that men have not only for the justice of their society but also for not performing the harmful actions to individuals. Men have the obligation not to oppress women through sexual violence. I extend this argument further by suggesting that people ought to pay attention to the epistemic violence that they may commit towards oppressed people by silencing them, even if others are not paying attention to it.

This dissertation will thus be evaluating various aspects and consequences of adopting Langton's claims, all through the lens of how they relate to autonomy and moral

responsibility. Langton sows the seeds for a theory of illocutionary disablement as a form of oppression, which limits persons' autonomy, specifically women's illocutionary autonomy to refuse sex. Critics mistakenly draw unwanted conclusions, which can be defended against with a broader and more developed theoretical framework of moral and political responsibility. In my first chapter, I explain the claims in Langton's 1996 paper pertaining to illocutionary disablement that I aim to defend, corroborate some of the base principles and assumptions, and introduce a useful vocabulary through the lens of autonomy and oppression. The goal for this chapter is to set the context for my project and to introduce some of the concepts I will be using throughout my thesis as a theoretical framework. My second chapter will address an objection to Langton's thesis, which says that agreement with her thesis would entail lesser or no moral responsibility accorded to the individuals who did not understand "no" as refusal (and acted in subordinating ways accordingly), and could not have, since no refusal would have taken place. I will argue along the lines of Kevin Timpe's solution to the tracing condition problem for moral responsibility, in order to maintain that oppressors are culpably ignorant, thus blameworthy. In my third chapter, I will broaden the scope from individual moral responsibility for wrong actions within an oppressive society to the moral-political responsibility we all have towards our society to question the status quo and fight systemic oppression, first via a social-connection model of moral responsibility, based on Iris Marion Young's theory about our responsibility for justice, agreeing on some points and not others. I will then explain how these considerations relates back to the autonomy framework by tying in Carol Hay's work on women's moral obligation to confront sexual harassers, and explain what this would mean if we take Langton's concept of

illocutionary disablement seriously.

Overall, I defend the theory of illocutionary disablement set out by Langton as not only plausible, but also consistent with a theory of moral responsibility which still holds people accountable for their actions both as individuals and as members of a social community, despite the effect of the silencing as systemic oppression: all of this framed in, and elucidated by, considerations of autonomy. I will conclude with an optimistic and practical approach to identifying and combating oppression, which will be autonomy-conferring without placing an unrealistic and unfair burden on victims.

Chapter 2: Disabling Women's Illocutions

Freedom of speech is often used as an argument in defense of pornography. Rae Langton and other philosophers of language have criticized this position by arguing that the prevalence of pornography creates a context where women are no longer able to communicate a denial of consent to sexual actions. This deprives women of the freedom to refuse. Taken more broadly, it is a matter of illocutionary freedom. In this chapter, I argue that the silencing effect of pornography (or, as I will discuss, a broader oppressive context) is best treated in terms of illocutionary autonomy, where unnecessarily discriminatory disablement is oppressive. First, I will explain Langton's project of legitimating the ideas that pornography is subordination and women's speech is silenced; then, I will evaluate these claims in terms of what I take to be important and under-appreciated aspects of Langton's theses, and finally I will suggest that we talk about illocutionary disablement in terms of autonomy and oppression. This will be setting the stage for the following chapters by situating Langton's project and laying out the basic concepts that will be central to my thesis.

2.2 Explaining Langton's Project

Rae Langton, in her paper "Speech Acts and Unspeakable Acts" (1993), argues two main points: pornography constitutes subordination, and pornography silences women. She is careful to note that she does not mean that pornography, by itself, of any kind, is the sole cause of subordination and silencing, nor does she think her conclusions entail the censorship and banning of pornography. Rather, she uses pornography as a sort of paradigm case to show that the argument that pornography is subordination is not "philosophically

indefensible", as William Parent called it in the *Journal of Philosophy* (quoted in Langton, 294). She admits that her arguments rest on empirical claims that require further confirmation, so she is only arguing that these positions are philosophically tenable and empirically plausible. The reason for using pornography as the paradigm case is in light of recent legislation and debate about the reversal of the free speech argument for pornography. With pornography being accepted by many, including law makers, as a form of speech that ought to be protected under freedom of speech provisions, the question arises whether that right outweighs the harm it causes. Others, like Catharine MacKinnon and Langton, argue that there is an additional conflict between the freedom of speech of different people, if it is true that pornography silences women; the freedom of speech of pornographers restricts the freedom of speech of women. The kind of speech that is being silenced, according to Langton, is not the locutions themselves, but illocutions.

Langton takes these disambiguations of speech acts from J.L. Austin's "How to Do Things with Words" (1962). Austin distinguishes the three aspects of speech acts: locution, illocution, and perlocution. Briefly, locution is the actual utterance of meaningful speech; perlocution is the effect, intended or not, of the utterance (or what we do *by* saying something); and illocution is the action performed *in* saying something (e.g. promising, warning, voting...). If we take for example an old man who yells at the neighbourhood children: "You had better get off my lawn, or I'll call the police", the locution is the utterance of that sentence, the illocution is one of warning, and the perlocution, if he is successful, is that the children scamper off away from his property. A failure of locution might come about if, for example, the old man doesn't manage to utter the sentence (perhaps he had a coughing

fit when we opened his mouth and could not speak). A failure of perlocution might come about if the children refused to leave the old man's lawn, despite the warning (if they are risk-takers on top of being trouble-makers). A third kind of failure, which is not as evident, is a failure of illocution: if the old man was speaking another language, for example, not only does the perlocution fail, but the children don't even recognize that the old man is trying to warn them—here, it is not a matter of the children's being risk-takers who ignore warnings, but there is no uptake of the illocution that it was meant to be.

With this background established, the first thing Langton wants to argue is that, if pornography is taken to be a speech act, it is not unreasonable to say its illocution *is* subordination. This is not to say that Langton is making the strong claim that she will prove that it is, but only that it is a philosophically tenable position (albeit one that rests on further empirical evidence). What would be the conditions that would need to be satisfied for a speech act to constitute subordination? Langton takes the enactment of the voting policy that underpinned South African apartheid (taking for example the utterance "blacks are not permitted to vote" by an authority (302)) as a paradigmatic case of a speech act that did not only have the effect of subordination, but constituted an act of subordination itself. From this, she comes up with what seem to be important and (at least mostly) necessary criteria for a speech act to constitute subordination. These are: it (1) has verdictive and exercitive force (i.e. is taken as exercising a truth or power); (2) unfairly ranks people, legitimates discrimination, and unjustly deprives people of rights and powers; (3) has certain felicity conditions which include, at least, authority of the speaker; (4) achieves a certain uptake; and (5) has a pattern of perlocutionary effect (i.e. of a particular kind of consequence). These

seem relatively clear for the case of apartheid; the question is whether these apply to pornography.

Without getting too far into this question, I side with Langton when I say, it seems like pornography fulfills some of these conditions clearly, and others are debatable. For the purpose of my thesis, it is not crucial to defend that all of these conditions are met by pornography, nor that it is sufficient that most are met for saying it still counts as subordination. I do, however, wish to point out certain salient points that arise from Langton's discussion on the matter. First of all, it seems that pornography does have verdictive and excercitive force, and even authority, at least in some contexts. As she points out, many (I would hazard to say, a large majority of) young boys look to pornography as a guide to how sexual encounters work, what the norms are, what they are supposed to do and how. In the "domain of speech about sex" (312), pornography is certainly authoritative, in that it is taken as an educational resource, particularly when there is a certain ubiquity or consistency in the message that is being given (just as one parent's message may be less authoritative if the other parent(s) disagree(s)). Secondly, that it unfairly ranks people, legitimates discrimination, and unjustly deprives people of rights and powers also seems right. It ranks men higher than women by depicting, in the vast majority of hetero-pornography, men as dominant and women as subordinate (Gavrieli). As we know, images in media have a great effect on our perceptions, particularly when they are so pervasive[5]. It legitimates discrimination in the same way, by teaching boys that this is how sex works, and

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[5]Gavrieli gives the anecdotal example of finding himself thinking about what song he would sing on the television talent show American Idol, even though he is not a good singer. This example, for him, demonstrates the powerful cognitive effect of pervasive media.

by perpetuating gender roles with different rules for men and women. Finally, it obviously deprives women of power, both the women in the industry and at large, because of the legitimation of male dominance. Moreover, pornography also deprives women of rights. Even for those who don't agree that women's right to free speech is at stake, other rights, like the right to bodily autonomy and integrity, sexual rights, rights to be counted as equal, etc. certainly are.

Langton's second main argument is that pornography silences women. It is relatively uncontentious to say that the pornography industry, as it is now, has negative effects on both men and women, and not only on those in the industry who are often exploited, abused, and so forth, but it also gives unrealistic expectations about our bodies, about how sexual encounters 'work', and establishes norms of subordination (even if one is not ready to admit that it constitutes subordination in itself). A further effect, Langton claims, is that it disables women from even being able to communicate refusal in certain sexual contexts. There are two possible ways this could be the case: first of all, it could be that pornography eroticizes refusal, which would mean perlocutionary frustration of the intended effect of uttering an appropriate locution which constitutes the speech act of refusal (e.g. "no"). In this case, there is uptake of the illocution—it is taken, understood, by the hearer as a refusal; however, the refusal does not (and cannot) have the intended perlocutionary effect of making the hearer desist. This, of course, is certainly sometimes the case, but not necessarily every time, or even most times.

The second possibility is that, more than a matter of perlocutionary frustration, it is a matter of illocutionary disablement. That is, a woman's refusal in a sexual context is not only

not respected, but not even understood to be a refusal at all. Once again, Langton is arguing that this may plausibly be the case, since illocutionary disablement does occur in some other cases, and refusal of sexual actions is a likely candidate, pending empirical confirmation. Illocutionary disablement can occur when one lacks authority in the right domain. Langton gives the example of gay marriage: in a state that does not recognize gay marriage, if two men get together with a priest/judge/captain and say "I do", though that locution would be taken as marrying for other people, the gay couple does not satisfy the felicity conditions for authority because of the subordinating law preventing it. As such, when one of the men says "I do", he does not disobediently marry—he does not marry. Some fact about the person, his sexual orientation, in this case, prevents him from performing a certain kind of illocution (marrying) in a context (with his male partner—he *could* marry a woman)(301). It does not, however, need to be the result of laws. Other norms can work just as well for disabling people's speech. Langton gives Davidson's example of an actor who is performing a play on stage, in which he acts as if he's warning people of a fire (315). Coincidentally, at the same time, a real fire breaks out, but this time his genuine attempt to warn is taken as part of the play. Some fact about him, being an actor, in a context, being on stage mid-play[6], meant that he could not warn the audience of the real fire. Here, it is not a matter of subordination, but of self-imposed constraints. One might even say that, in an appropriate context (probably a comedy), the actor puts himself in a position where the only illocution available to him is acting, until such a time as the audience believes the performance to be over. Nonetheless,

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[6]What the context is, exactly, is not clear. On could say that, had the play had nothing to do with fires, or if the context within the play (e.g. the scene takes place under water and is not a comedy), or if the actor broke character, etc., the illocution may have had uptake.

this is a risk the actor is taking, and no injustice has been done towards him. Moreover, it is a necessary condition for acting that other illocutions are temporarily silenced. I will elaborate on the difference between these cases further; for now, they at least show that there are cases of illocutionary disablement. The question is, is women's refusal of sexual acts another such case?

As Langton presents it, like the actor who fails to warn, or the gay couple who fail to marry, women can fail to refuse. The woman's case is not of legislative disablement, where the felicity conditions are often clearer and can be consulted to judge whether there was a legitimate illocution, but it is a disablement caused by norms. Something about her, and the role she plays, make her unable, in certain contexts, to have her purposive locution of "no" and her intention to refuse (as well as cause the perlocution of the man's desisting) recognized *as* a refusal. On Langton's account, the felicity conditions for refusal cannot be satisfied by women in these contexts where men have learned the norms of sexual activity from pornography: "The rules fixing possible moves in the language games of sex are such that saying 'no' can fail to count as making a refusal move (…)" (324). When it comes to sex, these men have learned that they are entitled to sexual acts with women, such that these women do not have the authority to refuse—as far as the audience in that context is concerned, whether it is one person or many involved in that language game, the woman cannot refuse. Not only can her speech acts not cause the man[7] to desist, refusing is not even a move available to her, whether or not there has been eroticization of associated behaviours to a woman's intending to refuse—perhaps the locution of "no" has been eroticized, or

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[7]I will carry on using the singular, though some of the things I say would apply to gang rape as well.

something like "attempting to refuse" or "putting up a fight" is eroticized. Perhaps even, and this is an extrapolation from Langton, like the actor who enters a context where he is no longer seen as a full agent but as a fictional character, the actor's only illocution available being acting, the woman (who is seen as an object of sexual desire available to the entitled man) only has consent as a possible illocution. Langton quotes Naomi Wolf saying that the normalization of sexual violence leads boys to not recognize that what they're doing is rape, nor that it is wrong (325). Langton's claim is that this is because they don't recognize women who mean to refuse as refusing.

2.3 Evaluation with Regards to Autonomy and Oppression

To some, the claim that men don't recognize women as refusing when they say "no" or make similar utterances, specifically in sexual contexts when they do recognize refusal everywhere else, can seem that it could only be the case for very few men with unusual pathologies. To put it bluntly: you'd have to be crazy to not know that "no" means "no". In the following discussion, I hope to make a convincing account of the fact that it does seem to be more common than we would like to think and why that might be, based both on empirical data and philosophical hypotheses.

It seems to me that Langton is right to invoke Wolf's argument about the normalization of sexual violence, because it does seem that it is not pornography alone that is single-handedly causing this kind of ignorant sexual assault (i.e. sexual assault without the belief that your act is sexual assault). There are many non-pornographic contributors to "rape culture" and men's ignorance about women's intentions or their own privilege. Some of these

include, but are not limited to: depictions of subordination, rape apology, lack of sexual education in schools, objectification in media, etc. Whether any subset of these, or the prevalence of certain kinds of pornography, are necessary or sufficient conditions for a "rape culture" would be an empirical matter. Certainly, a "rape culture" can come in degrees, where pernicious norms are more or less harmful, and more or less prevalent. Nonetheless, it seems as though the aggregation of the aforementioned contributors does manifest a rape culture. Moreover, it does seems as though the empirical data point to the fact that a lot of men don't realize that what they've done is rape, and these men also feel sexually entitled to the women they rape. For example, in a survey of American college students, "85% of men who committed rape did not label it as rape" (Malamuth, as quoted in UIC). Further, in a study of six Asian countries, 70% of men who acknowledged forcing a woman to have sex said it was because of "sexual entitlement"--1 in 4 men in these countries has raped (without necessarily acknowledging it as rape) (Cheng). These are but a few figures, and, of course, could be attributable to other things than illocutionary silencing. Nonetheless, it is evident from these and other statistics that it is not a marginal group of people who rape without acknowledging that that is what they've done, and that they feel they are only accepting what they are entitled to; women have no authority in the matter, neither the right nor the power to refuse.

Whether this is attributable in an important way to pornography, it is not clear to me. However, it does seem clear that, in Western culture at least, pornography is looked to by young boys, especially, as an educational resource and authority on sex–after all, 'porn stars' are successful professionals; who better to learn from? The statistics are staggering: 9 out of

10 children aged 8-16 have viewed pornography online (Enough.org, citing London School of Economics report); 90% of boys aged 13-14 in Alberta reported accessing sexually explicit media content online at least once (Thompson, as quoted by Enough.org); 90% of 12 year old boys watch porn on a regular basis (Gavrieli, source of statistics unknown).[8] With exposure being so high in children who may not be otherwise informed, or adequately informed, about sexual interactions, surely they absorb and learn from it, intentionally or not, the norms that are portrayed and thus set by pornography. That these norms are reinforced by other contributing factors of rape culture at large, as mentioned earlier[9], reinforces what pornography has taught. Boys learn that sexual intercourse is their decision alone.

Of course, not every boy learns this, and it is not in every case that women's refusals are silenced. Some may see this as undermining the claim of systemic subordination and disabling of women's illocutions. I want to raise a distinction which may be helpful in evaluating this issue. I propose taking the chosen term of "illocutionary disablement" more seriously, and considering what it means to be disabled. "Disablement" is an appropriate word to use when we consider how disabilities differ from impairments, on a social constructivist view[10]: an impairment is some fact about a person (illness, injury, etc.) which causes a loss or difference of physiological or psychological function, whereas a disability is

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[8]Keep in mind that these are different sample groups, and the content was accessed in different ways, sometimes intentionally and sometimes not. In any case, these statistics show a high level of exposure of children to pornography.

[9]Depictions of subordination, rape apology, lack of sexual education in schools, objectification in media, etc.

[10]It is not uncontroversial, but it is the view I espouse. The main criticism is that it may fail to capture the disability associated with certain inward impairments like chronic pain. I take this concern seriously, but I don't find it incontrovertible, with an appropriately subtle elaboration of the view. However, since this is beyond the scope of my project, I will continue to use the social construction view, which brings out some important features of disablement.

"the loss or limitation of opportunities to take part in society on an equal level with others due to social and environmental barriers" (Chadwick, 1). Definitions differ, but the essential factor that differentiates disability and impairment is that disability is experienced socially or in an environment. For example, someone with amputated legs who needs to use a wheelchair to get around has an impairment, the amputated legs, which means he is missing the physiological functions of walking, kicking, etc. that most others have. However, he is only disabled insofar as the built environment restricts his ability to do things that others can do (e.g. if buildings are only accessible by stairs), or if social factors present barriers to his choices (e.g. if people refuse to let him join their club because of prejudice). In this case, some fact about the person (having that impairment of missing legs), unnecessarily— because it does not follow from the impairment alone, it follows from contingent social factors—prevents him from performing certain actions (entering a building; joining a club). Now, let's draw the parallel with the case of women's refusal: some fact about the person (being a woman) unnecessarily prevents her from performing certain actions (refusing sex).

There are two main points I want to pull out from this parallel. The first is that it does not have to be in every case, or even in most cases, that the amputee fails to be able to perform an intended act in order for him to have a disability. If only 1 in 10 buildings is inaccessible to him discriminatorily, that does not mean he does not have a disability, nor if only 1 in 50 clubs discriminatorily won't let him (and other amputees) join. If or where there is a line drawn where we would no longer want to say that he was disabled by that barrier, I cannot say; but if it is true that women's refusal is silenced in the way Langton claims, and if that is what is being reflected in any non-negligible way in the statistics of men who do not

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recognize that what they are doing is rape (as I suspect is the case), then it does make sense to talk about it in terms of disablement. This goes to show that, even if it is in a minority of cases that women's illocutions of refusal are disabled, this does not mean that we can dismiss the claim that there is a systemic issue.

The second point I want to draw out of this parallel, if the reader has not already made the connection, is that if women are disabled in this way, it becomes the case that being a woman is like an impairment; that is, some fact about women that makes their functions different from "the norm", which, combined with social barriers, restricts their autonomy. Women as "the Other", or as a "minority" even though they outnumber men, is not at all a novel idea; but that idea is useful in seeing how, like an impairment, being a woman is being different from those who are setting up the social environment that disables women's speech acts. It was not long ago in our society that the "impairment" of being a woman was used to discriminatorily prevent them from voting, disabling them from doing so by setting the barriers to—the felicity conditions for—voting. These were heteronomous[11] constraints on women's autonomy and their authority in a certain domain (the authority to contribute to decisions in matters of governance).

When we look at illocutionary disablement as a matter of heteronomous social constraints on women's autonomy, we can talk about these barriers as constraints on what women can do with words, or in other words, constraints on women's illocutionary autonomy. The case of the right to vote makes it clear that it is at least possible for illocutions to be constrained in this way, and that autonomy can apply to illocutions as well

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[11]By "heteronomous constraints", I mean constraints imposed by others, be it other individuals directly or indirectly (through societal factors). I take this vocabulary from Andrew Sneddon's *Autonomy* (2013)

as locutions and perlocutions. This also ties back in to the original motivation for Langton, following MacKinnon, to respond in the freedom of speech debate. Pornography silences women by constructing barriers to certain kinds of speech acts, and this could be taken as restricting their freedom of speech. This is to be differentiated from the negative right to freedom of speech, where one is free to perform speech acts (which would be locutionary freedom); as well as from a sort of positive right to perlocutionary freedom, where speech acts can secure uptake, and one's freedom involves others responding in the ways one intends. Instead, "illocutionary freedom" is the ability for a speaker to have her "speaker's meaning" recognized as purposive meaning. When talking about disabilities, "autonomy" may be a better lens than "freedom", because of their respective applications. I could be 'free' to illocute, or have free will in a general sense, but still contingently be unable to perform a certain illocution because of constraints imposed by others. For example, the amputee is "free" to enter a building, and free to have the effect of being inside the building, but if there are constraints which impose a disability on those with his impairment, he cannot successfully enter the building just by deciding or intending to. Further, the laws of physics make it so that I do not have the freedom to levitate, but they do not constrain my autonomy, or self-governance. My autonomy as an agent depends on my social environment and heteronomous constraints, i.e. constraints imposed by others.

To have illocutionary autonomy is to be able to have control over the speech acts you can perform in appropriate contexts, without undue barriers. To say "I do" when sitting alone in my room and fail at the illocution of marrying is not to have restricted autonomy. Similarly, to not have the authority to enact laws is not to be subordinated, because we have

implicitly agreed to a system which confers illocutionary power to certain people. These are not the kinds of illocutions that everyone could or ought to have, because the kind of authority necessary for them is one we agree only some may have (it would not make sense that everyone can individually enact laws—they would no longer really be laws). Without getting too far into this discussion, I merely want to note that it is not the fixing of *any* felicity conditions for illocutions that disables people and restricts their autonomy. However, it is oppressive to fix unnecessarily discriminatory felicity conditions for matters of self-governance that are unsatisfiable for certain people, based on some fact about them. The actor who fails to warn his audience about a real fire is not oppressed. His illocutions are restricted for the duration of the play, but the felicity conditions for acting are not unnecessarily discriminatory: it is necessary that, in order to be recognized as acting, one must suspend other illocutionary powers (to be taken as fiction, the illocutions can't be 'real'--people who get married in a play can't 'really' be getting married, or it would not be acting). However, refusing sexual actions is an illocution whose restriction, for the fact of being a woman, is unnecessarily discriminatory, and presents barriers that disable.

One might raise the following objection: what of, for example, refusing life-saving blood transfusions because of your religion? Would it be oppressive to fix barriers which would disable that illocution of refusal, pertaining to self-governance? It seems to me that there would be two possible answers: first, we might argue that it is not unnecessarily discriminatory to have one of the felicity conditions for refusing treatment be something about a doctor's authority overriding your own in appropriate cases. Second, we could bite the bullet and agree that they have a right to refuse treatment; however, we might not want

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to follow through on the perlocution of that refusal if we have appropriate justification that fits with other values, etc. Presumably, someone who has been brainwashed by a religious sect is not fully autonomous in the first place, so the constraint on an already non-autonomous person's autonomy because of her non-autonomy seems like less of a problem. Nonetheless, I do not contend that there is a firm line between what is oppressive or not, what subordinates or not, nor do I claim to know what "appropriate" felicity conditions would look like. I only hope to have illuminated some nuances, and made more plausible the idea of illocutionary disablement in the case of sexual refusal.

2.4 Concluding Remarks

In conclusion, it seems there is a lot to be learned from the theory of illocutionary silencing, not just about the particularities of language, but also about disability, autonomy and oppression. Further investigation is needed to find out just how common it is for men to fail to recognize a woman's authority to refuse sexual activity. Nonetheless, it is worthwhile to take it seriously as a possible explanation, because it brings to light certain social problems, problems about moral responsibility, and also sheds light on the fact that we have very little empirical evidence about things like rape and pornography. For one, they are difficult studies to conduct, but also we are reluctant to talk about some of these subjects in academia. Moreover, one of the constructive conclusions I pull out of this project is that we need better sex- and even gender-education for children, since we've seen the dangers of taking pornography as an authority. I have shown why I believe that women's illocutionary autonomy is disabled in certain contexts, but this view has a fairly serious consequence,

which is to say that, in these cases, the women do not, and cannot, refuse. I will discuss the

implications of this consequence in the following chapter, by assessing the moral

responsibility of the perpetrators when women's illocutions are disabled.

Chapter 3: Individual Moral Responsibility Within Systemic Oppression

In some cases, it seems appropriate to forgive a person for wrongdoings committed when we judge that person to be an unwitting product of her time or circumstances. This is due to our understanding of moral responsibility as having an epistemic component: a person is not blameworthy (or praiseworthy) for her action if she did not have some reasonable belief about the moral status of her action or its consequences. However, it also seems as though there are cases where ignorance does *not* excuse, e.g. when they *ought to* have known better. In this chapter, I will explore the topic of individual moral responsibility for oppressive acts within an oppressive framework, in light of a criticism that Alexander Bird makes of Rae Langton's view. He claims that if we accept Langton's view that women's speech acts in the sexual sphere are disabled (i.e. suffer "illocutionary silencing"), then we would also have to admit that the men who don't understand "no" as refusal are not morally responsible for the actions they commit despite the woman's "no", because our society would be such that they are unculpably ignorant of the speaker's meaning, given the social meaning of the utterance.

In defense of Langton, I submit that, even in such a society, these men are indeed culpable in their ignorance and blameworthy for their resulting actions, as autonomous agents. This will be shown via Kevin Timpe's solution to the tracing condition problem that Manuel Vargas identifies, whereby an appropriate formulation of the epistemic condition for moral responsibility can explain why and when a person can be morally responsible despite that person's ignorance of certain morally relevant facts. Once again, I will be using the language of autonomy as a lens throughout this chapter to elucidate certain concepts, within the tracing condition and in its relation to a broader concern for non-oppression.

3.2 Setting the Stage

I will begin this section with a review of some of the key points from Chapter 2. Rae Langton (1996) gives an analysis of the problem of men who do not recognize "no" (and other such utterances) as refusal in sexual contexts, under a speech act theory lens. She suggests, with her theory of illocutionary silencing, that social factors and authoritative actors like the pornography industry have contributed to setting the norms of sex, and with it the illocutionary power of words—or what actions can be accomplished *in* saying something. As the theory goes, just as a gay couple can be prevented from accomplishing the act of marrying in saying "I do" in the appropriate context, or an actor mid-play can fail to warn the audience of a real fire, a woman can fail at accomplishing the act of refusal in saying "no" in certain contexts; she is not seen as the right kind of person with the right kind of authority to refuse. Alexander Bird[12] raises the following objection: if Langton is right, and illocutionary silencing of women's refusal of sexual acts is in fact a real phenomenon, then that would mean that so far as the men are concerned, the women *are not* refusing. Their utterance of "no", in that context, does not count as refusal, and though we can blame social factors and pornographers and so forth for this effect, we cannot blame the individuals who do not understand "no" as refusal, because, in this context, that's not what it is. Of course, it wouldn't necessarily let them off the hook for rape, if we define rape as being something like "sex without explicit, enthusiastic consent", where even though "no" doesn't count as refusal, it might not count as explicit consent either. Nonetheless, if Bird is right, this still poses a problem, in that these men might be blameworthy for having sex without

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[12]Bird takes this objection from Jacobson, but it gained popularity with Bird, whose formulation of it, I find, carries more weight for my purposes.

explicit consent (depending how we define "explicit consent"[13]), but would *not* be guilty of the arguably worse action of having sex despite explicit refusal. This is, at least, an intuition that Bird has: "...one might […] think there is something badly wrong with someone who takes sex in the absence of an invitation, encouragement and so on, even if a refusal is absent too. But it does seem less bad than ignoring a refusal" (3).

In order to address this issue of moral responsibility in this particular case, I wish to take a look at individual moral responsibility within this *kind* of context more broadly. The kind of context I'm referring to is one where, due to a subordinating or oppressive social framework, illocutionary acts are silenced in a way that affects the meaning of words. When I refer to "the meaning of words", I am talking about the "sentence meaning", as distinct from the "speaker's meaning".[14] The distinction here is important, because herein lies the problem: the sentence meaning does not match up with the speaker's meaning in contexts of illocutionary disablement[15], because of undue barriers. Because we're talking about speech acts, the part of the "sentence meaning" that is being affected is the illocution that the utterance constitutes, which is dependent on uptake[16], and is contextual. Thus, the broader

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[13]Langton mentions the possibility that, not only is "no" not taken as refusal, it could even be taken as consent (324), though there would be more to say about it to defend this claim. Bird makes a similar remark on this possibility. (3)

[14]"[Grice] defined 'saying' in terms of both speaker meaning and sentence meaning, and defined sentence meaning by generalising across speakers. (Very roughly, the meaning of a sentence S, for Grice, is largely a matter of what speakers in general mean by their utterances of S.)" (Saul, 12) I give Grice's definition as a common and recognizable one, though I do not intend to tie myself to his theory more broadly.

[15]"Illocutionary silencing" and "illocutionary disablement" are used interchangeably, though I will continue to prefer using "disablement" because it tends to more clearly serve the function I ascribe it.

[16]Some philosophers, such as Bird (2002), take issue with the claim that "uptake" is essential for illocutions in general, or for refusal in particular. If uptake is not essential, that would mean that refusal is not being disabled as an illocution, but rather it becomes an issue of perlocutionary frustration. Though this is an interesting debate, since I'm taking Langton to be right in this respect, I'm assuming that there really is a way in which a common meaning is being changed when utterances like "no" are not taken as *meaning* refusal, or counting as the action of refusal.

problem when meanings are affected in this way is that certain actions are disabled, and the question becomes about what is the onus on those who individually perpetrate the disablement, without knowing that their lack of uptake[17] is disabling.

In the previous chapter, I defined "illocutionary autonomy" as the ability to have control over the speech acts you can perform in appropriate contexts, without undue barriers. Conversely, illocutionary disablement involves restricted autonomy: when we look at illocutionary disablement as a matter of heteronomous social constraints on women's autonomy, we can talk about these barriers as constraints on what women can do with words, or in other words, constraints on women's illocutionary autonomy. With these definitions laid out, I further concluded that it is oppressive to fix unnecessarily discriminatory felicity conditions for matters of self-governance that are unsatisfiable for certain people, based on some fact about them. In the particular case of illocutionary disablement that Langton poses, some fact about the person (being a woman) unnecessarily prevents her from performing certain actions (refusing sex).

Illocutionary disablement, or silencing, is thus oppressive under this theory. But who is the oppressor, that is, who is to blame for illocutionary disablement? As I have previously explained, the silencing at stake here is the result of social factors, and heteronomous contraints by "people"--no one person can claim total responsibility for single-handedly creating and maintaining systemic oppression[18]. Of course, there is the further harm of sexual assault which can happen with or without illocutionary disablement, and that wrong alone can more easily be attributed to an individual. Moreover, since this disablement is not

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[17]Or "reciprocity", as will be discussed in §4.4.
[18]In Chapter 4, I will explore our responsibility for our contribution to oppressive norms.

one brought on by law or official declaration, but by other types of norms, the problem arises from a conglomeration of factors. That is, it is a type of norm that requires social uptake, thus other cultural factors have to be conducive to its permeating our society for it to achieve the status of 'norm'. With all of these contributing factors at play, it seems as though individuals who receive and accept these norms are not individually doing anything particularly heinous, but merely following the status quo—even though this status quo is within the context of an oppressive society.

I want to argue, however, that individuals *can* be morally responsible for following the status quo, and for accepting the norms given to them, provided they meet certain other conditions. Typically, in contemporary models of moral responsibility, a person has to meet (at least) two disambiguated conditions[19] in order to be morally responsible: a control condition, and an epistemic condition (and often a third condition which has to do with the actual moral status of the action). These conditions draw the difference between actions whose performance have moral weight and those that do not, so as to exclude actions which are either out of the agent's control (e.g. if we are forced to act in a certain way) or actions about which the agent is unculpably ignorant of morally relevant facts (e.g. if we had no way of knowing our actions would result in bad consequences). However, it is not enough to say that appropriate present control and present knowledge are sufficient for moral responsibility, because that would excuse too much.

It is common in the literature on moral responsibility to rely on some form of tracing condition to account for the moral responsibility of people who are responsible for having

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[19]I mention their disambiguation because it is not as if these categories are strictly distinct—they are simply useful to distinguish for our understanding.

put themselves in a situation where they would lack the control over or knowledge about the moral status of their actions. Manuel Vargas, in his article "The Trouble with Tracing" (2005), points out some interesting hurdles that tracing poses for theories of moral responsibility. Kevin Timpe's response in his "Tracing and the Epistemic Condition on Moral Responsibility" (2011) largely overcomes these hurdles with his new account of the epistemic condition for moral responsibility, which he calls IEC. Aside from some minor qualms, I side with Timpe and take the desiderata for his IEC to be applicable to the case of illocutionary disablement, and I will explain how an individual perpetrator of the disablement can be culpably ignorant when such a tracing condition is applied.

3.3 Tracing Debate and a Defence of Timpe

Vargas defines tracing as such: "Tracing is the idea that responsibility for some outcome need not be anchored in the agent or agent's action at the moment immediately prior to outcome, but rather at some suitable time prior to the moment of deliberation or action" (269). Many philosophers[20] believe that a tracing condition is essential for a complete account of moral responsibility. Its importance can be seen in the paradigm case (adapted from Vargas (269), but widely used in the literature) of the drunk driver, Luis, who gets in an accident and kills a pedestrian. Because he was inebriated, Luis was not really in control of his driving when he hit the pedestrian, nor did he know that his decision to drive his car was dangerous and morally wrong. Without a tracing condition, and if we were only looking at Luis's responsibility at the time of the action of hitting the pedestrian (or even the decision to

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[20]Such as Vargas (2005); Kane (1996); Fischer, Tognazzini and Ravizza (2000; 2009), etc.

drive his car), it would seem that he was not the kind of agent that could be morally responsible for killing the person, because he was too inebriated to be able to fulfill any control condition when hitting the pedestrian, or any epistemic condition when deciding to drive. However, we *do* think that Luis is morally responsible for killing the person; thus, it seems like we need a tracing condition that says that Luis was responsible at a prior time, when he decided to get inebriated, because he could have reasonably anticipated that he might want to drive home later—and took the risk. At this prior time, he satisfied both epistemic and control conditions.

As Timpe notes, the epistemic and control conditions for moral responsibility can take on many forms (2-3). The control condition can be, for example, that the agent had free will (in the strong, incompatibilist sense), or that the agent had guidance control (as in Fischer and Ravizza's (1998) semi-compatibilist view), etc. The epistemic condition is a requirement for some sort of knowledge or reasonable belief on the part of the agent about the outcomes and/or moral status of her actions. This is necessary to prevent people from being held morally responsible for unculpable ignorance, when someone couldn't have reasonably known that her action would be morally right or wrong, or have good or bad consequences. In isolation, tripping that person is morally wrong, but because she could not reasonably have known that that would be the result of her leg-stretching, she does not fulfill an appropriate epistemic condition that would make her blameworthy. Vargas gives a description of the epistemic condition, which he takes to be just general enough to capture more specific definitions of it:

> (KC) For an agent to be responsible for some outcome (whether an action or consequence) the outcome must be reasonably foreseeable for that agent at

some suitable prior time. (p. 274)[21]

This definition will be important for Timpe's counter-argument.

Tracing is particularly important in the discussion of the epistemic condition for moral responsibility. This is because most people (presumably) believe there is such a thing as culpable ignorance. Not only are people just blameworthy if they knew that what they were doing was wrong, but they are also blameworthy if they *ought to* have known. For example, if you close your eyes, walk out into the street and shoot a gun, you didn't *know*, or even reasonably believe, that you would kill someone. But you are still morally responsible if you do kill someone, because you are morally responsible for your ignorance: you ought to have known that your previous decision (to close your eyes and walk out into the street with a gun) might reasonably result in you doing something wrong (killing someone). Your ignorance, in this case, is not an excuse for subsequent wrong actions.

It intuitively seems right that there is such a thing as culpable ignorance, however one cashes it out; but Vargas raises counter-examples that threaten the intuition. He raises four main examples, though I will only give one, because they all illustrate a common trouble with tracing.[22] In the "Jeff the Jerk" example,

> Jeff is a middle aged middle manager in a mid-size company located
> somewhere in the Midwest. To him has fallen the task of alerting
> "downsized" employees of their new status as job seekers in a gloomy
> economy. That Jeff has the task is unfortunate for those about to be laid off,
> not only because they are about to lose their jobs, but—to add insult to
> injury—because Jeff is jerk. He is rude and inconsiderate about the feelings
> of others. And, he is unreflective about it. When people react poorly to his

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[21]He gives no reason for calling it "KC": this seems to be a stylistic choice by philosophers in this debate. Note that Timpe doesn't give an explanation for naming his "IEC" either.

[22]The other 3 are: Britney the Bride, Paulina the Paralyzed and Reuben the Unfortunate (Vargas 278-282) All three are instances of non-deliberative actions for which an agent is intuitively responsible, but for which the agent fails to satisfy the knowledge condition.

behavior (something they avoid doing because he is large, imposing, generally unsympathetic, and even a little frightening) he always writes it off as a shortcoming on the part of others. One afternoon, his superiors tell him that he needs to give notice to a group of long-time employees that they will be laid off. He does tell them, but in an altogether rude and insensitive fashion. Is Jeff responsible for the way he laid off his employees? (Vargas 271)

To this example, Vargas adds that Jeff only started becoming a jerk as a teenager when he naively (but unculpably) came to believe that jerk-like behaviours would help with his romantic life. Coincidentally, as he gradually started exhibiting jerk-like behaviours, he also had more romantic success. Over the next few years, being a jerk became more and more ingrained in his character. At the point where he rudely lays off his employees, he is not aware that he is doing something wrong, so we would want to trace back his wrong action to a previous action at t-1 when the wrong action would be reasonably foreseeable; we would have to trace it, according to Vargas, in order to say that Jeff was culpably ignorant, and therefore, morally responsible. But as Vargas notes, there is no prior time at which it seems he was responsible for becoming the kind of person who either was ignorant of a certain morally relevant fact or was not really in control of his actions.

Here, it is important to note that the casual switch in the example between actions and traits is not so straight-forward—there is a distinction that will be useful later on in this chapter, when I propose a parallel example. For now, a simple reminder that my and Timpe's projects are focusing on moral responsibility for actions, and though Vargas's is too, it seems he blurs the lines between traits and actions in order to manipulate intuitions.

Vargas's arguments rest on the idea of character formation, often happening through childhood when the long-term consequences of one's actions, which contribute to character

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formation, are not always reasonably foreseeable. The long-term consequences of developing a trait are often unforeseeable even by fully competent adults, and some traits are of the kind that "seem to bring with them the resources for dismissing countervailing evidence" to the acknowledgment of having that trait, its consequences, or their moral status. (278) Timpe pulls out the essential part of Vargas's argument:

> All of Vargas' cases involve "an action (or omission) that is brought about in large part by the presence of a disposition, character trait, habit or other non-deliberative aspect of the agents" (Vargas 2005a, 275). Vargas focuses on non-deliberative cases because there are going to [be] many cases where "the non-deliberative source of behavior was acquired or retained under conditions where the agent could not have reasonably foreseen the later consequences of having that disposition, habit, or character trait" (Vargas 2005a, 275). (Timpe, 7)

This seems to be a problem for the tracing condition—*if* Vargas's characterization of tracing and the epistemic condition for moral responsibility are correct.

Timpe's answer to this "trouble" that Vargas raises is twofold. First, he says that he is sympathetic to the "Denial Strategy" as used by Fischer and Tognazzini in "The Truth about Tracing" (2009), which attempts to show that the so-called counter-examples raised by Vargas are not a problem after all for tracing theories. For example, they say that Jeff the Jerk may not, as a teenager starting to become a jerk, have reasonably known that he'd fire those specific employees in a jerky way on that day, or even that he'd ever fire people in a jerky way; but he did know (or could have and should have known) that becoming a jerk would lead to his doing jerky things to people in future. Timpe agrees with their assessments, but adds that they can be subsumed and better explained under his even better strategy: the "Bring it On" strategy.

The "Bring it On" strategy aims at pointing out the insufficiency of Vargas's

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postulated epistemic condition (KC), and coming up with a new epistemic condition for moral responsibility that is not susceptible to Vargas's counter-examples. Timpe provides us with his full formulation of the epistemic condition for moral responsibility in view of Vargas's worries, based on certain desiderata that I will outline shortly. The overall aim is to give a fuller account of the epistemic condition to show just when ignorance of morally-relevant facts excuses someone from moral responsibility, and when someone is morally responsible despite that ignorance. His formulation may seem excessively complicated, but it is worth including, if only for reference. I will bring to bear the essential features of it after giving Timpe's own formulation, which goes as follows:

IEC: For an agent to be morally responsible for an action or the consequence of an action x at time t:

 (i) the agent must at t have reasonable [and true] belief about the moral status of his x-ing, or be culpably ignorant at t of the moral status of his x-ing;

 OR

 (ii) there must be some previous time t-1 at which the agent

  (a) had reasonable though again not necessarily occurrent belief about the moral status of his x-ing or was culpably ignorant of the moral status of his x-ing;

  (b) had a reasonable though not necessarily occurrent belief that his y-ing might lead to his x-ing in the future (where the 'might' is understood as a function of expected value), or was culpably ignorant of the fact that his y-ing might lead to his x-ing in the future;

  (c) [autonomously] y-ed; **and**

  (d) the agent's [autonomously] y-ing at t-1 leads to his x-ing at t;

 OR

 (iii) the agent is non-culpably ignorant of either

  (a) the moral status of his x-ing,

  (b) the moral status of his y-ing, **or**

  (c) the fact that his y-ing might (again, understood a a function of expected value) lead to his x-ing in the future,

  but even if the agent had been aware of (a), (b), and (c), he still would have performed y [autonomously].

(16-17, emphasis mine, brackets are my corrections to the formulation[23])

In the upcoming sections, I will show how this model presents a solution to Vargas's proposed trouble with tracing and his Jeff the Jerk counter-example. Then, I will apply this model to a parallel case to show how it applies to Bird's concern for illocutionary disablement. To make it clearer in the upcoming sections, I will refer to the three primary disjuncts as:

(i) Present Belief Condition

(ii) Tracing Condition

(iii) Concomitant Ignorance Condition

I take IEC to make these three main alterations to Vargas's KC. First, it allows for non-occurrent beliefs to play an epistemic role. Second, it includes a context-sensitivity clause. Third, it accounts for concomitant ignorance. In both the Present Belief Condition and the Tracing Condition[24], Timpe allows for "reasonable belief" to include non-occurent beliefs,

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[23]My first correction is in (i), the Present Belief Condition: it is insufficient, because the first disjunct ("the agent must at t have reasonable belief about the moral status of his x-ing ") should include correctness of belief. This is an important omission, because otherwise an agent with an unculpably mistaken but reasonable belief would be morally responsible: a conclusion with which many people disagree, as it would mean one can be praiseworthy for doing something wrong and blameworthy for doing something right. Thus, I suggest the following revision to the first disjunct of (i): "the agent must at t have a reasonable *and true* belief about the moral status of his x-ing." Timpe omits this on purpose (13), but I think he is mistaken in doing so, which I will not discuss further here. The second issue I have with IEC is that the Concomitant Ignorance Condition (iii) is missing a control or autonomy condition. The way Timpe phrases the Concomitant Ignorance Condition, a control/autonomy clause needs to be added within it. I propose the following change to the consequent of the last conjunct of (iii): "...even if the agent had been aware of (a), (b), and (c), he still would have performed y *autonomously*." This would exclude cases where the agent actually acts freely, but in the hypothetical alternative scenario proposed by the conditional in the Concomitant Ignorance Condition, the act may not have been free (or under the agent's control—which I have called "autonomous" for the sake of better fitting with my wider thesis). Timpe uses the word "freely" in (iii)(c) & (d), which I have also replaced with "autonomously", for the above reason and also in following with Timpe's own preference for staying neutral in the compatibilist vs. incompatibilist debate (4). Further, I expect some change needs to be made to the Concomitant Ignorance Condition to account for intentions, since I have some worries about possible counter-examples, which Timpe (in personal correspondence) shares; but, for the sake of this project, it is not necessary to address them here.

[24]He says it explicitly in (ii), but I believe it is also implied in (i), particularly because of his use of the word

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i.e. beliefs that a person holds but that she is not now aware of or thinking about. An epistemic condition which allows for non-occurrent beliefs to "count" towards moral responsibility makes something like the Jeff the Jerk case more plausible. When Jeff decided to do the jerky things and thus become a jerk, he may not have been thinking about the consequences, but he surely had a non-occurrent belief that becoming a jerk will lead to doing jerky things[25]. This is similar to what Fischer and Tognazzini say in regards to the control condition: "the mere fact that Jeff's relevant behavior is 'unreflective' does nothing to show that it does not meet the control condition" (539). Non-occurrent beliefs count towards the epistemic condition just as unreflective behaviours count towards the control condition, because a non-occurrent belief is still a belief held by the agent that could be called to her attention, and an unreflective behaviour is still behaviour under the agent's control that could be called to her attention. Moreover, just as unreflective behaviours still retain a "suitable sort of (…) control in the formation, retention or expression of a trait" (Fischer and Ravizza, 89), so are non-occurrent beliefs a suitable sort of belief about the formation, retention or expression of a trait. In other words, Jeff probably had a non-occurrent belief that his becoming a jerk, his retaining (or neglecting to stop) being a jerk, and/or his putting himself in a situation where he might express his jerkiness, would lead to a jerky (and wrong) action.

Now, we could answer that another possibility is that Jeff was coerced into becoming a jerk by either individuals or a society that taught him the wrong things and encouraged

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"again"--I don't think the omission in (i) is indicative of any difference in the sense of "reasonable belief".
[25]One might suggest that he didn't even know he was becoming a jerk, but simply a ladies' man; however, the non-occurrence clause extends to the non-occurrent belief that doing jerky things makes you a jerk (unless, of course, one is very careful to not let it become a trait—but if this was Jeff's intention, his failure is still culpable).

him to be a jerk, perhaps even threatened him with the social consequences of being non-jerky. This is going beyond the scope of Vargas' concern, but it is helpful for my broader project to notice two things. First of all, the action for which we're evaluating Jeff's moral responsibility is the one where he jerkily fires his employees, not the first jerky action he committed or even his teenage disposition. Remember that the tracing condition applies to not only the acquisition, but also the retention and expression of a trait (Fischer and Ravizza, 89). I mentioned earlier that there was an important distinction between actions and traits. It is possible to do jerky actions without developing the 'jerk' trait[26], and it is possible to have the 'jerk' trait and abstain from jerky actions. The important part to note is that, when evaluating someone's moral responsibility for an action at time t, moral responsibility can be traced to either the acquisition, retention, or expression of a trait (expression can be the current expression of it at t, but could also be culpably allowing for the conditions of expression). It is not, however, moral responsibility *for being a jerk* more broadly[27].

Second, the fact that he was a teenager at the time can mitigate his responsibility for actions done around that time. If he was coerced into *acquiring* the trait, for example, that may also mitigate or override moral responsibility[28]. But at the time of the action of jerkily firing people, he very likely *was* blameworthy for the *expression* of that trait i.e. the action at t, even if he didn't have appropriate beliefs and control for acquiring the trait in the first place[29]. This would likely be because, throughout his life subsequent to the trait's

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[26]Though, you may very well be *seen* as a jerk, even if it's not a disposition.

[27]One could give an argument to this effect, but that is not what I am concerned with. It may be that *being a jerk* involves all 3: acquisition, retention and expression, but I will not pronounce myself on that.

[28]This is an amendment to the original case, but a plausible scenario, since it's normal for teenagers to be peer-pressured and bullied into acting certain ways.

[29]According to the example as it is stated, it seems that he did; according to the amended case where he really

acquisition, there were times when he wrongfully *retained* that trait (despite fulfilling epistemic and control conditions), and/or because he knew (or ought to have known) better at time t than to *express* that trait, or allow for the conditions of expression of that trait. Again, when tracing moral responsibility for an action back to an appropriate prior time when both epistemic and control conditions are fulfilled, when an unreflective or non-deliberative trait is involved, we can point to either the acquisition, retention or expression of that trait. Of course, the case only gives us so much information—not a step-by-step account of Jeff's entire life and an inside view of his cognitive processes. But if we limit ourselves to the information given, we can see how Timpe's conditions *can* account for Jeff's blameworthiness, without strong countervailing evidence (e.g. if Jeff were hypnotized the whole time, of course we would evaluate it differently).

Another desideratum for Timpe is that an epistemic condition, unlike KC, should account for context-sensitivity. This is relevant in (ii)(b)[30], where he says the "might" should be understood in terms of the function of expected value, because context factors into that function. Basically, this means that the probability that it is reasonable to perform or avoid performing an action is proportional to how good or bad the morally-relevant consequences are. For example[31], I know that when I pass someone a piece of paper quickly, there is a small but non-negligible chance that I'll give that person a paper cut. Let's call it a 2% chance. If I throw a bowling ball out of the window of my 6th floor apartment, there is a

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was coerced, it might be mitigated or overridden.

[30]"had a reasonable though not necessarily occurrent belief that his y-ing might lead to his x-ing in the future (where the 'might' is understood as a function of expected value), or was culpably ignorant of the fact that his y-ing might lead to his x-ing in the future"

[31]This example is mine, though Timpe uses an example similar to the latter part of this one, only with an individual throwing a rock off the top of the Empire State Building (p.12)

small but non-negligible chance that I'll kill a passerby, also a 2% chance. Timpe would say that you are not blameworthy for passing someone a piece of paper just because it is reasonably foreseeable that they might get a paper cut. However, you *are* blameworthy for throwing a bowling ball out of a 6th floor window onto a sidewalk, because the consequence is so much worse.[32][33]

The third condition is a concomitant ignorance condition, meaning that someone's ignorance about certain morally relevant facts does not excuse that person if she would do the same thing anyway had she known those facts. In the Jeff the Jerk example, Timpe would want to say something like the following: it might be the case that the fact that Jeff made a non-culpably ignorant choice as a teenager, which led him to ignorance about morally relevant facts today, *wouldn't* excuse him of moral responsibility if, had Jeff known that his choosing to become a jerk would lead to him jerkily firing people in the future, he still would have chosen to become a jerk; or had he not been a jerk, he still would have fired his employees in a jerky way. I am not sure whether I agree with this condition, since it seems to rely on background assumptions about blameworthiness for intentions or character (or perhaps traits), which would translate into being blameworthy for hypothetical alternatives where the agent is cognitively the same but external circumstances could—concomittantly—be different. Timpe gives the example of Tamler, who wishes to kill his arch-enemy Dan. Tamler plans on shooting Dan with a bow and arrow, so he goes into the

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[32]Similarly, a bioethicist might think that an experiment is ethical when there is a risk of a minor side effect, but unethical if there is the same percent chance of a more major side effect.

[33]Later on, I mention that one could also espouse the position that moral responsibility comes in degrees, such that one could be a little blameworthy or very blameworthy. In that case, here, the condition could be tweaked to account for this, without much repercussion on the argument as a whole.

woods to practice on deer. A rustling in the bushes alerts Dan to what he thinks is a deer, so he shoots at it, and hits. As it turns out, Tamler is pleased to find out he accidentally shot Dan, whom he had mistaken for a deer. The point of this example is to show that Tamler's ignorance of what was rustling in the bush does not excuse him from killing Dan, because, had he known, he would have done it anyway. Thus, according to Timpe, he is still morally responsible for killing Dan. (16) I am not committed to the necessity of this condition, as I don't share all of Timpe's intuitions about it. Nonetheless, I believe the motivating intuition for such a condition to be interesting, because it does sometimes seem that ignorance of some morally relevant fact does not excuse a person if that ignorance played no role in the person's decision to perform the action.

The concomitant ignorance condition is reminiscent of a similar condition that appears within discussion of control conditions, in that they both evoke intuitions about the not-excusing of unculpable ignorance and unculpable lack of control. Take, for example, Harry Frankfurt's cases of $Jones_2$ and $Jones_3$[34]. Here, both $Jones_2$ and $Jones_3$ already have an intention to do something wrong, but when faced with a serious threat to do that same thing, $Jones_2$ completely forgets his previous intention and, moved only by fear, does what is asked of him. $Jones_3$, on the other hand, is unmoved by the threat, because he intended to do it anyway, and does it for his own reasons. Some have the intuition that they are both morally responsible for doing the bad thing, or they're at least morally responsible for their decision

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[34]In his "Alternative Possibilities and Moral Responsibility" (1969, 167-176), the cases are variations on the case of Jones, who has the intention to do something bad, and is threatened with a very large penalty by Black to do that same thing. The different variations bring to bear our intuitions about how motivations for an action relate to blameworthiness.

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to do the bad thing[35]. This is because, in the hypothetical alternative where there is no threat, and all control conditions are satisfied, Jones would do the bad thing anyway. It seems as though the concomitant ignorance condition reflects something similar: an agent would be morally responsible because, in the hypothetical alternative where all epistemic conditions were satisfied, the agent would have still done the bad thing. I hope the parallel with Frankfurt's cases has made the concomitant ignorance condition more plausible, by showing that there may be cases where even unculpable ignorance doesn't excuse, but there are still conflicting intuitions about this condition, which I will not discuss here.[36]

Timpe's improved definition of the epistemic condition for moral responsibility answers the debate about tracing and culpable ignorance by both standing up to Vargas's criticisms about other tracing accounts, and by providing a structure to other attempts to undermine his counter-examples. A few things still have to be refined, as I briefly showed with my bracketed amendments to his IEC. Some of these fixes are relatively simple; others will take more work to refine. Nonetheless, Timpe points us in the right direction for keeping a tracing condition and also keeping our intuitions intact. In the following section, I will be using this general theory, particularly the tracing condition and the three principle desiderata (context-sensitivity, non-occurrent beliefs and concomitant ignorance) to motivate the moral responsibility of the individual perpetrator of illocutionary disablement with subsequent sexual assault.

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[35]The decision to do a bad thing, even if it fails, can still be considered blameworthy because of the tracing condition; the decision is an action at t-1 which reasonably might lead to a wrong action.

[36]In personal correspondence, Timpe agreed that there are conflicting intuitions and that he had to think about it some more. (2014)

3.4 Applying the Tracing Condition to the Langtonian View

Now, how does this all relate to the problem of individual moral responsibility within an oppressive framework? Consider the Jeff the Jerk example to be parallel to a case of, say, Steve the Subordinator, who lives in a society where women's illocutions of refusal are disabled. At a young age, Steve started watching porn, reading certain magazines, and so forth, and bought into the idea of women as subordinate in the sexual sphere, even though, in general, he harbours no ill-will towards women and has always shown them respect—and may even have been praised for his "gentlemanly" actions. No one has ever explicitly taught him about sexual relations other than the pornographic and media sources he's consulted and come across. Perhaps even, once he becomes sexually active, he has a series of sexual relations with women who genuinely want to participate, and take his dominant behaviour as all-in-good-fun—or, at least, he sees it this way. Then one day, when he comes across a woman who does not want to have sexual relations with him, and he forces himself on her anyway despite her saying "no", he still does not believe he is doing anything wrong, but that saying "no" is just part of the game, rather than counting as refusal.

Just as in the case of Jeff the Jerk, there was no point at which Steve the Subordinator knowingly made a decision that would lead him to the future wrong action. However, he did have (perhaps non-occurrent) beliefs, such as that women ought to be treated with respect, are autonomous agents, and ought not to be unduly harmed—and also knowledge of what the word "no" usually means—from which he should have deduced that they ought to be autonomous even in the sexual sphere, and that he has insufficient reason to treat their "no" as non-refusal or consent, even if he had never connected the dots. Moreover,

Steve most likely had plenty of opportunities throughout his life to pay attention to feminist perspectives on the matter—and here I mean "feminist" in the loosest of senses. Similar to Fischer and Tognazzini's objection to Vargas, it seems highly unlikely that in real life, anyone would actually go through life without being exposed to the countering rhetoric, particularly in our current culture where a feminist counter-culture permeates[37]. One may even take the "sexist"/silencing culture to be the fringe in our society, and wonder how a minority of people who are confused or mistaken could constitute systemic injustice and/or be representative of cultural norms. In response to this, I concede that the silencing norms may not be "the norm" in our current society, may not be overarching norms in the eyes of the majority (this is an empirical matter). But recall what I said in Chapter 2 about the fact that it need not be in the majority of cases that someone's actions are restricted for that person to be considered disabled. Systemic oppression of a certain group of people need not be all the time and for the majority of their actions. The norms of sex and silencing perpetuated by pornography and other aspects of 'rape culture' need not be realized in the majority of sexual encounters for them to be considered norms; they have been normalized, not in the sense that everybody follows them, but in the sense that a significant portion of the population takes these as norms, and take the actions that follow from them as not particularly shocking, or blameworthy. Nonetheless, considering that norms are at play, this type of case is still subject to a tracing condition, despite Steve's having been taught a certain way and not having a present belief of the wrongness of his action.

The fact that the context is one of an individual acting in accordance with what he

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[37]Once again, by "permeates", I don't necessarily mean it's dominant, but it's still relatively normal to have an at least vaguely feminist perspective ('women ought to be equal', 'no means no': these sorts of general beliefs).

takes to be the status quo makes people like Bird worry about shifting the blame to a societal level, away from the individual. If the meanings of words are such that "no" doesn't count as refusal—not just for a confused individual, but in a systemic way—then how can an individual be expected to recognize that a particular "no" should count as refusal? How can one be expected to recognize something that is not the case? I see the answer to this in two ways: first, a tracing condition is sufficient to point out that a person *ought to have* realized that he was contributing to an oppressive culture either in the "formation, retention or expression" of sexist attitudes. Thus, they had non-occurrent beliefs, unreflective ones, or were culpably ignorant (or possibly were concomitantly ignorant, if we should choose to accept that theory). The second is our moral and political forward-looking responsibilities with regards to oppression, which will be the subject matter for Chapter 4.

I would like to address another possible concern, in order to clarify the limits of my account of moral responsibility. I take this to be a concern with theories of moral responsibility more broadly, which is that of contextualism. It is relatively easy to see how the first argument would work in our modern context, where, as I've mentioned, a feminist counter-culture permeates. Yet what of the cases where such a counter-rhetoric is minimal or even non-existent[38], so that it is not a matter of simply ignoring opposition, but really a matter of that opposition not being present; it could not be reasonably expected for the perpetrator to have encountered the opposing view no matter how good a social value and opinion mediator he is. Take for example the difference between the blameworthiness of a slave-owner today, in Canada, and that of a slave-owner thousands of years ago in Egypt,

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[38]I'm not sure if it has ever been the case that a culture of oppression has existed with absolutely no hint of disagreement from anyone, including the oppressed, but I will consider its logical possibility anyway.

where the former is almost certainly blameworthy and the latter may not be (or, at least, less obviously so). There are a few things to say about this. First, it is true that it is easier to trace the culpable ignorance of someone whose ignorance is more unlikely in a society where certain values like equality, autonomy and respect are prevalent. But for ignorance to be more or less likely does not change the fact that it was still immoral in the relevant ways (as discussed). One may want to argue that a person whose ignorance is more unlikely or deliberate than someone else's is *more* blameworthy, and I have no objection to that move if one has an appropriate explanation for degrees of moral responsibility, which I touched on above, and am sympathetic to. It could plausibly be the case that, similar to how first degree murder is considered worse than negligent homicide, rape in a certain society could be worse than in another. I don't take a stance on this, but its plausibility as a theory does not threaten my position.

Secondly, one might accuse me of *ad hoc* trying to justify our moral intuitions of ascription of blame in a given situation by giving tools that could be stretched to ascribe blame to any person who does something we find 'bad', thus too many people can contingently be called morally responsible. To this I say that, yes, to some extent, it might let us more easily justify our ascriptions of blame, even when it's highly unlikely that the agent really could have done or thought otherwise than they did. But I don't think this is unreasonable. We may very well be blameworthy for much more than we care to admit, and probably rightly so. I may very well be blameworthy for profiting from injustices committed towards First Nations people, possibly even silencing them in certain ways[39], and

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[39]In the broader sense of silencing, not necessarily illocutionary silencing.

contributing to a pernicious culture without sufficient involvement in reversing their oppression. I believe an account of moral responsibility should, in fact, hold me accountable for this contribution to injustice, even though it is unreflective and status quo and I don't imagine any of my individual actions has been necessarily heinous. Engaging in this self-reflection may make me feel a little guilty, but it's also harder to tell at the time than in retrospect, because it's easier to say something was wrong in retrospect when a fuller picture is available. We may need to swallow our pride on this and accept the unpleasant consequence that we're not as moral as we like to think we are. Moreover, someone's being blameworthy for an action does not mean they are a 'bad person' either. This bring us back to the difference between being blameworthy for an action and our character being blameworthy, which is a worry that some may have, or rather a defensiveness against being called blameworthy by this theory for things which they consider to be 'honest mistakes' because they're 'a good person'. Despite Aristotle's hope, nobody is morally excellent, and mistakes are inevitable, some of which are worthy of blame and others not (or not as much). Even Gandhi, the pinnacle of moral persons, engaged in dubious physical relations with women (Adams, 2011). We can say he is blameworthy for those actions, and still find him to be overall a good person, who was seeking justice in many ways, but failed in one way. All this to say, we need not get defensive about our character when faced with an account of moral responsibility that points out our blameworthiness for more than we had hoped.

We must also remember the context-sensitivity clause (from Timpe's desiderata): for example, my giving someone a paper-cut may have been bad, and the chances of it may have been reasonably foreseeable, but an ascription of blame is not appropriate. So, it is not

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the case that it ascribes blame to *every* action that had bad consequences, only those where appropriately bad things are appropriately foreseeable, though it is purposely not decisive about where the lines ought to be drawn. It may very well be the case, and I am sure it is sometimes the case, that someone who raped is unculpable for it. I stress that this would be in a small minority of possible cases, where the actor is perhaps unculpably cognitively impaired[40] or not in control. This leads to the 'slippery slope' charge, where it is unclear where the line is (if there is one at all) between one who is hypnotized, brainwashed, deeply socially conditioned, and any social conditioning whatsoever. To this, I answer that it is true that I have not given an account of just where the line is drawn, and I did not intend to—proposing a basic structure for the epistemic condition for moral responsibility does not commit me to being an arbiter of all things right or wrong. As mentioned, it could be that we'd want to say that responsibility comes in degrees, where a slope doesn't matter too much, or we might not. Either way, there is a built-in context dependency, and I'm happy not to venture outside of this kind of guideline-casuistic, i.e. providing a structure for evaluating actions on a case-by-case basis.

3.5 Concluding Remarks

In conclusion, an elaboration of Kevin Timpe's solution to Manuel Vargas' proposed "trouble with tracing", as seen through the lens of autonomy and oppression outlined in Chapter 1, can help guard against the objection that Langton's theory of illocutionary disablement

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[40]People who deliberately impair themselves with reasonable, proportional and context-sensitive expectations would still be culpable. Further, I include as cognitive impairments things like hypnosis; disabled epistemic abilities.

commits us to the conclusion that "ignorant rapists" (like Steve the Subordinator) are not morally responsible. My answer rests on an epistemic condition for moral responsibility which admits for tracing back from an ignorantly wrong action to a previous time at which, in simplified terms, a person knew or ought to have known better than to acquire, maintain or allow the expression of a trait or action. This condition must fulfill certain desiderata, such as allowing for context-sensitivity and non-occurrent beliefs. Since, in the broader thesis, I am dealing with cases of individuals doing morally wrong actions within an oppressive framework, it is important to distinguish the responsibility of individuals to act morally from the responsibility for societies to be just, and not merely defer an autonomous agent's autonomous actions to social causes.

Chapter 4: Moral and Political Responsibility for Combating Oppression

In the last chapter, I responded to an objection to Langton which claimed that, if one were to accept the theory of illocutionary disablement, one would have to admit the conclusion that a man is not morally responsible for rape when he does not understand a woman's "no" as refusal: this is because we're admitting that she literally can't refuse him. I have argued that, even though he was ignorant of certain morally relevant facts at the time of his wrongdoing, he was still morally responsible (notwithstanding marginal cases with other unfulfilled conditions). I argued this in order to show that individuals can still be morally responsible for oppressive acts despite their having been influenced by an oppressive society, without merely shifting the blame to the society itself. Nonetheless, the society's being oppressive does exert an influence which places barriers on the oppressor as well as the oppressed[41]. In this chapter, I suggest that we have a further moral responsibility with regards to oppression, not just in the individual harms we cause, but as part of a broader responsibility towards our society for justice. In the first part, I start from Iris Marion Young's conception of our responsibility for justice (2011) to show how we have a duty to resist oppression. Because we ought to be paying attention to structural oppression and our part in it, our failure to do so can result in the kind of culpable ignorance that can make us blameworthy for actions, such as those of Steve the Subordinator. In the second part, I endorse a view similar to Carol Hay's (2005) to explain the imperfect moral duty that victims of silencing and sexual assault have in certain cases, but also the difficulty of fulfilling that moral obligation when a woman

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[41]Not necessarily binary (in fact, surely not), but for simplicity and consistency, I will refer to "men" and "women" as the oppressive and the oppressed groups, respectively—though, as we will see, this doesn't mean women aren't also responsible for contributing to their own oppression.

suffers from such a complete disablement of autonomy. Finally, I put the victim's responsibility into perspective with the responsibilities that everyone, but men in particular, have because of their privileged position of higher autonomy and duty to avoid epistemic violence.

4.2 Responsibility for Justice

On top of individuals being morally responsible for certain actions within an oppressive framework, according to the conditions set out in Chapter 3, individuals also have a responsibility for justice. Of course, there are many definitions of justice, but I take "non-oppressive" at least to be a necessary condition for a just society, so when I refer to "justice", to keep within the vocabulary of those I reference, the term can be replaced, for my purposes, by "at least non-oppression". Thus, a responsibility for justice involves a responsibility for non-oppression. I will argue that we can be morally responsible for how we contribute to the justice or injustice of our society. Starting from the case of women's illocutionary disablement, as Langton (1996) lays out, an individual would be morally responsible for not recognizing "no" (or not allowing "no" to count) as a valid refusal move not only in the particular wrong that it caused to the woman at that time, but also for contributing to a society which is oppressive by maintaining the (perceived or actual) status quo.

In her posthumous book *Responsibility for Justice* (2011), Iris Marion Young notes that responsibility is forward-looking. Martha Nussbaum summarizes this view in her forward:

(…) we cannot avoid the imperative to have a relationship with actions and events performed by institutions of our society (...) with our passive or active support. The imperative of political responsibility consists in watching these institutions, monitoring their effects to make sure they are not grossly harmful, and maintaining organized public space where such watching and monitoring can occur and citizens can speak publicly and support one another in their efforts to prevent suffering. (XV, forward by Martha Nussbaum)

However, Young also seems to say that individuals are not to blame for going along with the status quo:

A typical case will be the passive or normally active behaviour of non-malicious people who simply go along with their society's way of doing things. These people, Young argues, are not guilty "and should not be blamed." Nonetheless, they are a case of "political responsibility not taken up." (XV, forward by Martha Nussbaum)

Perhaps I am the one who is unfairly conflating her ideas of political and moral responsibility, but it seems to me that where there is an imperative to try to prevent our society from doing harm (for example)[42], that political imperative is also a moral one; perhaps even it is a political one only *because* it is a moral one. I'm inclined to say that failing at taking up one's political responsibility *is* in fact blameworthy—so long as there are no extant circumstances that would mean unfulfilled control or epistemic conditions (e.g. failing a duty under hypnosis or with a gun to one's head), or other moral considerations (as will be discussed further, e.g. conflict with other responsibilities, mitigating consequences to acting, etc.). Simply having unreflectively accepted the status quo and ignored one's political imperatives does not absolve one of moral responsibility.

I take the point that she makes about an individual not being to blame for the justness

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[42]Or perhaps other kinds of wrongs, however one wishes to define these. Henceforth, I will refer to wrongs as 'harms', for simplicity, and to take on the vocabulary of those I quote.

of their society as a whole, because, though they may contribute to unjust outcomes, no individual has enough causal power to be blamed for the unjust outcomes of the society as a whole. However, I think there is a distinction to be made, especially for the type of injustice that I am looking at with the disablement of women, between whether an individual is to blame for systemic injustice as a whole, in their minor contribution to it or their passivity regarding it, and whether an individual is to blame for their actions which directly harm others *within* an unjust society. Thus, I identify three types of moral responsibility in the case of injustice: (i) political-moral responsibility for an unjust society as a whole (which is almost never the case for individuals because they don't have the causal power for it, and which is clearly not fulfilled by individual perpetrators in this type of case, though perhaps by the pornography industry as a whole and/or law-makers), (ii) political-moral responsibility for one's contribution to the injustice of a society, both in actions done which perpetuate injustice and in failures to act to encourage justice (which would likely be fulfilled in this type of case), and (iii) moral responsibility for individual wrongdoings, or harms caused, within an unjust society, as discussed in Chapter 3.

All three types are facets of going along with the status quo of an unjust society. Thus, though one may argue about someone like Steve the Subordinator that, e.g., "it's not his fault that the society is that way, and he can't be expected to single-handedly overturn the system, and he isn't malicious, and he doesn't *mean* to be perpetuating injustice," I would still argue that he is individually morally responsible for the actions he performs *despite* the influence of an unjust society, according to the third type of moral responsibility: the one described in Chapter 3. Moreover, since he is politically responsible (in the forward-looking

sense that Young describes) for reflecting on and trying to positively affect social and political norms, he is also morally responsible for his failure to do so—even if other people are failing too. This is an example of the second type of moral responsibility: political-moral responsibility for one's contribution to the injustice of a society. This moral-political failure is tied with, but distinguishable from, the third type of moral responsibility: his moral responsibility for performing actions that directly harm others (or are otherwise 'bad'). These individual harms, out of context, would be apolitical (and need not be political for this type of moral responsibility in general[43]).

Once again, one might argue that there is a limit to what we can plausibly do in the name of justice when we are (let's face it) pretty bad at forming all of the right morally-relevant beliefs when no one else (or few) may have even considered that a certain thing is right or wrong. We are not perfect. To what extent ought we to expect a perfect conception of justice in epistemically nonviable or unlikely contexts? The answers here will be similar to some of those in the last chapter: the built-in context-sensitivity of my view of moral responsibility allows leeway for saying that, when the offense is relatively minor, or when the expectation of appropriate beliefs is unreasonable, people wouldn't necessarily be morally responsible, or that responsibility could be mitigated in varying degrees. Once again, just where the line is drawn, or if there is a line at all, I cannot say.

In addition, keep in mind that this also relies on the assumption that there is a moral fact-of-the-matter. In any given context, one should at least be expected to try to 'get at' this

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[43]One may want to support the claim that all actions are political. I think this position is more useful in other contexts, and is simply based on a different conception of what "political" means. I have disambiguated, here, to show some of the different issues at play, but a person could plausibly take my argument and apply it to their theory of all actions being political without contradiction.

moral fact-of-the-matter, which is not necessarily accessible by pure reflection in a platonic 'turning towards truth' way, but is also based on available information, perceptual capacities, cognitive ability, and a moral community. As we garner more information on just how various factors affect us, just how the mind works and how our beliefs affect our actions, or how heteronomous constraints affect a person's autonomy, and so forth, we could become increasingly good judges.

Young distinguishes between two models of responsibility: the liability model, and the social connection model. The liability model is the traditional one where "one assigns responsibility to particular agents whose actions can be shown to be causally connected to the circumstances for which responsibility is sought" (97), whereas the social connection model "says that individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. […] All who dwell within the structures must take responsibility for remedying injustices they cause, though none is specifically liable for the harm […]" (105). She claims that responsibility for justice follows a social connection model, and not a liability model: as mentioned, she thinks political responsibility is forward-looking, as opposed to a backward-looking moral responsibility (or "liability" for blame), with which I have mentioned my disagreement above. Nonetheless, a social connection model does elucidate the second type of moral responsibility that I claim, i.e. the moral-political responsibility for one's participation in one's society. A theory of collective responsibility shows how, even though individual citizens generally cannot be blamed for the injustices of their society and the harms those injustices cause, there is a collective responsibility shared among community members who

either contributed to, or failed to adequately prevent or respond to, systemic injustices. Something else that a social connection model gives us is the idea of a 'team effort'. It is easy to despair if you think either that you are always blameworthy when your society is unjust, because surely you are unlikely to ever escape that blameworthiness and associated guilt, or if your perceived powerlessness leads you to stop trying and accept that it is in the hands of others. Either way, you perceive your autonomy to be limited by the constraints of a society that is, though not necessarily oppressive to you, limiting your ability to have the society you want, and in some cases limiting your ability to act morally.

I believe this point to be an important one, because a sexist culture constrains not only women's autonomous actions, but men's autonomy as well. Of course, the illocutionary disablement that I've been talking about throughout this thesis is a specific issue that, in this case, does not apply to everyone, but to those who are made unable to refuse through objectifying norms and so forth[44]. However, if we place this particular consequence in its wider context, we see that the "rape myths"[45] that disable women's autonomy also have a coercive effect on men. The status quo imposes expectations on men, and when being taught the norms of sex from pornography and other reinforcing factors, boys and men are led to believe certain pernicious things, leaving them morally-epistemically impoverished. Of course, that is not to say that they are not also to blame for blindly accepting the pernicious norms in harmful ways, but it does show that the "bad influence" of a rape culture extends

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[44]As mentioned earlier, I've simplified the problem to talk about women in particular in a gender-binary, but of course there may well be a disabling effect of sexual refusal stemming from the same causes on other genders or sexualities.

[45]The term "rape myths" has entered popular vocabulary, which I take to mean something like: misconceptions about what rape, how it happens or what constitutes it. For example, that being raped requires having been penetrated is a rape myth, or that you can't rape someone to whom you're married. They range from misconceptions about probabilities to actual mistaken definitions.

beyond the silencing of women, but also constitutes a pernicious moral education for all. It is easier to avoid finding out what are appropriate sexual norms and positive interactions when you're being fed a consistent rhetoric. As mentioned in Chapter 2, it is not necessarily pornography in itself that is the problem, but the prevalence, ubiquity and context of pornography within a reinforcing culture. We should always be striving to be moral for ourselves and for the justice of our society, but it certainly helps one cultivate these aims to not have pernicious heteronomous influences, particularly in our formative years. All the more reason that collective responsibility is an important concept, because of course not all individual citizens have a direct responsibility to teach children about sex, but together we should be supporting a collective culture that promotes rather than hinders children's autonomous moral decision making, so that they, too, may positively contribute to society.

Another way in which a social connection model is helpful is in our discourse with others. Acknowledging that a collective effort is necessary to avoid collective responsibility for systemic injustice and oppression is the first step in *actually* collectively avoiding and overturning such injustices. If people believe they have such a duty, then the lines of communication are open, and these principles can be appealed to in public forums to actually exercise collective duties, and increase one's individual, minor causal power to a coalition of higher, collective power. Moreover, a collectivity of minds makes it less likely to overlook morally relevant facts.[46] Ignorance, culpable or not, is more readily avoided. Of course, not all norms are decided after discussion. Many arise out of the sum of individual

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[46]I take this to be uncontentious, but in case there is contention about the possibility that, though more minds have more collective knowledge, perhaps empirically collective decisions on the whole can be worse than the sum of individual decisions, I could add "in theory".

actions, others by a collection (representative or not) of people who teach or actively promote the norms or institute them into law, or some combination thereof. Still, it seems to me that this is all the more reason that norms should be questioned and issues discussed among members of the community who share in the collective responsibility. Also, all the more reason to make sure autonomy is conferred upon all, not only because it is morally right and just to not oppress people (which, of course, is sufficient reason in itself), but also because it increases the epistemic power of the collective.

Thus, I take this section to show how, more than just looking at a person's individual moral responsibility for wrong actions within and *despite* an oppressive society, we ought also to look at what kind of responsibility a person has for reflecting on her society and for how they contribute to it. This also helps to show how being unreflective of one's society can, in some cases, lead to culpable ignorance. Further, adopting a social-connection model of responsibility helps to show how even small contributions or a lack thereof matter.

4.3 Moral Obligations of the Oppressed

So far I have addressed the moral obligations of all members of society, and the moral responsibility of individuals who participate in or fail to combat oppression, but there is a further question of what responsibility is conferred on those individuals who are oppressed. In her paper "Whether to Ignore Them and Spin: Moral Obligations to Resist Sexual Harassment" (2005), Carol Hay discusses the moral obligations of those to whom a moral harm has been done, in the context of oppression. Her paper is specifically about cases of sexual harassment, but there are important parallels as well as differences that are useful for

cashing out the responsibility of those in the position of illocutionary disablement of sexual refusal. I agree with her framing of the problem in terms of autonomy and objectification, and that she considers both individual and collective responsibility, but I think there are additional features to bring out that are elucidated by the application of Hay's paper to our case of illocutionary disablement, from sexual harassment to rape.

Hay suggests that, if a woman[47] is sexually harassed, she has a moral obligation to confront the harasser(s). She takes care not to slip into an argument of victim-blaming which, for good reason, we ought to be cautious about.[48] Nonetheless, she is treading in this territory, but only in the sense that an unfulfilled obligation, barring overriding moral considerations, is blameworthy. Note, however, that this moral responsibility is not so much of the first kind laid out in the first section—individual moral responsibility for actions harming particular others—but more like the third kind: moral-political responsibility for taking your society to account (though clearly the disambiguation gets blurry here). Her aim is to show how, when confronted with sexual harassment, since the moral harm done is not merely one to the individual as an individual, but to someone as member of a group, the obligation is not merely to defend one's own autonomy but to defend the group against a

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[47]Again, sexual harassment can happen to other genders, though perhaps in the case of the harassment of cis-men it doesn't have the same relation to systemic oppression. For simplicity, and to continue with the language I've been using, I will refer specifically to the sexual harassment (and, later, illocutionary disablement and rape) of women.

[48]Victim-blaming is something that feminists rightly criticize, particularly in the case of condemning the "she was asking for it" argument, which also, interestingly ties into the disablement of women in a community where their agency and autonomy are undermined—it is obvious from my perspective, as a woman in the relevant type of culture, that there are many men who believe not only that they have authority over women but that they are in an epistemic position to interpret women's intentions despite their attempting to say otherwise. In these cases, the victim is blamed for not having refused (for example), even though she 'tried' and was unable to because of having been disabled (by both the perpetrator who ought to have given uptake, and the structural factors that encouraged it).

moral harm symptomatic of systematic oppression or objectification[49].

She takes as her primary example the story of "Native Companion", from David

Foster Wallace's essay "Getting Away from Already Being Pretty Much Away from It All",

where he

> ...describes his visit to the Illinois State Fair. The friend who goes with him, whom he calls Native Companion because she's a local, gets on one of the fair's rides. While she is hanging upside down, the men operating the ride stop it so that her dress falls over her head and they can ogle her. What follows is the exchange that takes place between Wallace and Native Companion immediately after she gets off the ride. Wallace speaks first.
> "Did you sense something kind of sexual-harassmentish going on through that whole little sick exercise?"
> "Oh for fuck's sake . . . it was fun." . . .
> "They were looking up your dress. You couldn't see them, maybe. They hung you upside down at a great height and made your dress fall up and ogled you. They shaded their eyes and made comments to each other. I saw the whole thing."
> "Oh for fuck's sake." . . .
> "So this doesn't bother you? . . . Or did you just not have an accurate sense of what was going on back there?"
> "So if I noticed or I didn't, why does it have to be my deal? What, because there's assholes in the world I don't get to ride on The Zipper? I don't get to ever spin? Maybe I shouldn't ever go to the pool or ever get all girled up, just out of fear of assholes?"
> "So I'm curious, then, about what it would have taken back there, say, to have gotten you to lodge some sort of complaint with the Fair's management."
> "You're so fucking innocent," she says. "Assholes are just assholes. What's getting hot and bothered going to do about it except keep me from getting to have fun?" (Wallace 1997, 100)
> When Wallace suggests to Native Companion that other women might
> "Confront the ogler, [or] file an injunction," she replies, "They might ought to try just climbing on and spinning and ignoring assholes and saying Fuck 'em. That's pretty much all you can do with assholes" (101). (Hay, 95)

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[49]Inclusive disjunction; it may be the case that "systematic objectification" is reducible to oppression, but I've left it as a disjunction in case someone wants to give more specific definitions of those words that do not entirely overlap.

This story serves to illustrate the basic intuitions behind Hay's paper: the one she espouses (Wallace's) and the one she wants to criticize (Native Companion's). It raises the question of whether women ought to confront their harassers, or otherwise do something about it to say that they didn't just accept it (thus, in a sense, give the impression they don't object to it); or, if it's unreasonable to impose a moral expectation on the victims of harassment, because the extra burden would only be a further injustice, especially when they feel powerless to actually effect change—I will call this latter part the "haters gonna hate"[50] argument.

I agree with Hay that a moral obligation does impose itself when confronted with sexual harassment, but I also think the "haters gonna hate" argument should be taken seriously, and ties in the concern about victim-blaming. In many cases, sexual harassment happens in settings where there are good reasons for a woman to *not* directly confront her harasser: she may feel threatened, and want to avoid putting herself in further danger or make things worse otherwise; she may have something at stake in maintaining a good relationship with the harasser (e.g. losing her job by confronting her boss's harassment); or often it happens too quickly to give her a chance to consider a response (e.g. someone catcalling her from a car window). Hay covers these sorts of concerns by indicating that there can be other morally relevant facts that override a person's obligation to confront harassers:

> The obligation might still exist, but it would be tempered, and possibly even
> overridden, by considerations of safety. Confronting an offender in a case like
> this seems supererogatory--not something that reasonably could be morally

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[50]The contemporary colloquialism is used to reflect Native Companion's "assholes are just assholes" and that ignoring them is pretty much all you can do with them; it implies that people like this will always exist, thus it is not worth taking on the burden of trying to confront individuals one-by-one, because it is not only largely fruitless, but also constrains our autonomy, preventing us from carrying on with our projects and enjoyment despite the 'haters'.

required of someone. Failing to confront an offender here is understandable and morally justifiable; confronting an offender here seems noble, brave, or possibly even foolhardy. (…) [O]bligations to confront wrongdoers can be overridden by normative considerations. There's good reason to think that the fact that sexual harassment takes place under patriarchal oppression will give rise to normative considerations that might override women's obligation to confront sexual harassers. (101-102)

She mainly focuses on the possible endangerment when confronting wrongdoers, but I think this argument can be extended to other "normative considerations", which I have previously referred to as "morally-relevant facts". Under this interpretation, it may well be the case that a lot of victims of sexual harassment who took the "haters gonna hate" approach were not blameworthy, but merely acknowledging that they were not in a position where confronting their harasser was 'the right thing to do'[51], and not letting it affect their autonomy and/or mood. In a sense, it can be a reclamation of autonomy in cases where the obligations of oppressed people is mitigated or overridden.

The consideration of autonomy extends further than this, though. In cases where the obligation does exist, barring other normative considerations, confronting the issue[52] becomes a matter not only of defending one's own autonomy, but also that of the other members of the oppressed group of which you are a part. One may ask why individual women must necessarily be representatives of their gender every time they are confronted

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[51] I've phrased it this way because it could be that it would have been a good thing to do, but not a moral obligation, and that their choosing not to respond was appropriate.

[52] I say "confronting the issue" here, rather than "confronting the harasser", because sometimes indirect routes are either safer, more appropriate, or more effective (e.g. instead of yelling at the Zipper operators, Native Companion could have filed a complaint with the fair, or denounced it in another way). Some ways may be better than others, but essentially, the obligation is an imperfect one. Since Hay is a Kantian, I imagine she would agree with this assessment, that women have an imperfect duty to confront harassment. This way, they are not constrained to act in a particular way, but can choose the way they feel most comfortable exercising their obligation—thus, again, allowing for greater autonomy, and avoiding imposing too burdensome duties on victims.

with harassment, because this is a pretty big responsibility, and it is hardly possible for an individual woman to represent the opinions and interests of all women.

The response is that harmful acts and opinions directed towards an individual *because of* her gender means that she is not being treated as an autonomous individual, but as a member of the group. As Hay says,

> (…) following Anita Superson, I want to argue that the harm a woman experiences when she is sexually harassed is not aimed at her as an individual; the harasser is able to harass her because she is a member of an oppressed group to whose members he does not accord the proper amount of moral respect (Superson 1993a, 51; 1993b,41). So the harm of sexual harassment differs from other kinds of harms, because it both draws on and reinforces certain oppressive social norms. This means that when a particular woman is sexually harassed, all women are in fact harmed. (97)

Thus, the answer is that, yes, it is an unfair burden to place on women to say that they must represent their gender when harassed, but this burden is placed on them by the harasser, not by those who recognize that this becomes a moral obligation. When a woman is harassed *as* a woman, she is not being recognized as a moral equal; moreover, it is symptomatic of women in general not being recognized as moral equals. In one of her most memorable quotes, Hay says: "One does not ogle the nethers of a moral equal without her permission."[53] (97) This normative claim shows how sexual harassment is a matter of more than just a wrong done to an individual (as discussed in Chapter 3), but of a wrong done to members of an oppressed group in general. Thus, the response a woman gives in these cases is taken as representative of women in general, and in this respect a woman can be responsible for

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[53]Ogling, in this context, seems to be a type of "treating someone as an object of sexual desire", which is appropriate in some contexts and not others, the inappropriate ones being "where her sexuality is, or ought to be, irrelevant, or when she is not treated as a moral equal because of her sex" (96). In Native Companion's case, the ogling was not appropriate.

representing women, if only insofar as they are being treated as representatives of the group "women"; a female body, not an individual.[54]

It could also be the case that she actually is not being harassed as a member of the group "women". It could be that some other characteristic about her is the reason for the harassment. For example, if Native Companion was, in fact, an aboriginal woman, and the harasser was actually acting out of a subordinating attitude towards aboriginals, then perhaps it's wrong to say she has to defend women's autonomy as a response. However, being harassed in the sense that commits an injustice[55] deserves a defense anyway, because if someone has reduced or ignored your autonomy, your confronting that moral harm is asserting your autonomy; in asserting your autonomy, you've not only defended yourself but also shown that 'someone like you', whatever the discriminating factor the harasser has in mind, is a morally-relevant, autonomous agent. Further, you may have put into question the harasser's assumptions, and as is the case with sexual harassment, his sense of entitlement. In response to the possibility that we can sometimes make a mistake and think we're defending a certain group when that is not the case, all I can say is that, yes, it's possible to make mistakes when we don't have all the relevant information, and our best guess is our best bet.

The fact that sexual harassment displays a sense of entitlement is an important one to

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[54]There is also a question of what the responsibility of bystanders, like Wallace, is. Of course, if someone identifies a harm as a harm, even if the harm is not done directly to them, there is a moral responsibility to address it (again, contingent on other moral considerations). Hay gives the example of someone who sees children setting a cat on fire: barring mitigating moral considerations, that person ought to intervene and stop the cat-burning (101). This obligation to confront wrongdoers in appropriate contexts applies to everyone, but I am addressing the further considerations when the wrong is done to oneself as a member of a group.

[55]We commonly use the word "harass" in cases where there is no injustice, but note that I will only be talking about the cases where the harassment is done as an injustice.

consider, and it ties in with the objectification of women. A sexual harasser, because he

objectifies women (I will talk about Hay's analysis of the objectification shortly), sees a

given woman not as a moral equal, but as someone—something—he is entitled to treat in a

way not consistent with how he'd treat a morally equal, autonomous person. The succinct

definition of "objectification" can be put in the following way: objectification is "the seeing

and/or treating a person (...) *as an object*" (Papadaki, 2014) This could be disambiguated in

many ways. There is, of course, an epistemological difference between restricting someone's

agency and actually believing them to be non-agents--between the looser "treating" and the

stricter "seeing", in the above definition. In fact, Martha Nussbaum (1995, quoted in

Papadaki) disambiguates the different features involved in objectification. There is

instrumentality, denial of autonomy, inertness, fungibility, violability, ownership, and denial

of subjectivity. To this list, Rae Langton (2009) adds three more features: reduction to body,

reduction to appearance, and silencing. As such, silencing is at once both a drop in the pond

of the many ways in which women can be (and are) objectified, but also one integral to the

pond, since these are not separate and distinct categories but features of the same

phenomenon. That is not to say that, if one of the features can be identified in any given

relation, they are all necessarily present; what it *does* mean is that any expression of one of

these features is symptomatic of objectification—"symptomatic" not as a causal result, but as

an indication.

In her book *Sexual Solipsism: Philosophical Essays on Pornography and

Objectification* (2009), Langton explains Nussbaum's seven features of objectification as a

"cluster concept" (225). She makes a further methodological point about such 'cluster

concepts':

> ...when dealing with a cluster concept, something counts as coming under the concept in case it satisfies a vague 'sufficiently many' of the listed features. This means there can be reason to add features especially associated with objectification, even if (in some cases) they imply or are implied by members of the cluster. (228)

Establishing this methodological point allows her to justify adding her three additional features to the cluster concept of objectification, without being interpreted as making redundant additions (if some critic were to claim her additional features can be implied by some of the initial ones). However, I believe the "denial of autonomy" stretches over all cases of objectification, because of the looser definition mentioned earlier: "seeing as" or "treating as" an object, though it may not actually, directly hinder someone's autonomy, or even restrict autonomous actions, still demonstrates a lack of respect for someone's autonomy[56], at the very least. This is because seeing or treating someone as an object means *not* seeing or treating them as subjects, or autonomous agents.

Herein lies one of the important differences between sexual harassment and sexual assault involving illocutionary silencing. When a woman is sexually harassed, she is being objectified in a way that causes a moral harm to her and to women in general, and she can (and ought to, in appropriate circumstances) defend her autonomy and that of women generally by exercising it to denounce the harasser. In the case of sexual assault due to illocutionary silencing, a woman is being objectified in a way that not only is a moral harm

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[56]I take the difference between act- and agent-autonomy from Andrew Sneddon's *Autonomy* (2013), which is important when we consider that autonomous agents can act non-autonomously (e.g. the illocution of refusal can be disabled, in which case a woman cannot autonomously refuse, but she can still be an autonomous agent in general and can choose certain actions but not others). His discussion of this basically spans the entire book, thus I will not endeavour to defend it.

to a woman qua woman, but also restricts in a literal sense her autonomy—what she can do

with words, and it also is usually followed by a physical or paralyzing[57] constraint, not just

of the one non-autonomous action, but of her agent autonomy. For however long a man

treats a woman as an object, in these cases, she loses a large part of her autonomy: someone

may blame the victim and say that "when her illocutionary autonomy to refuse is disabled,

surely in some cases she could still kick and scream and either manage to convince the

perpetrator that she really *means* to refuse, or at least she can avoid being subjected to the

consequences of non-refusal"--after all, if she doesn't, isn't she failing in her obligation

towards ending oppression? Though it is true that in some cases, women manage to succeed

at these tactics[58], by no means does it mean that they always can and would succeed, and we

must also remember the argument for obligations being proportional to one's level of

autonomy. Victims of sexual assault do not take the "haters gonna hate" approach in these

cases ("rapists gonna rape": may as well ignore the fact that I'm being unduly constrained

against my will, may as well accept it), other than as a defense mechanism to cope with the

trauma of losing so wholly their autonomy, at the time, and of the residual effects in future.

Further, there can be a hopelessness in realizing both one's powerlessness to change the

situation at the time and, realistically, the futility of even trying to prove him guilty after, or

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[57]E.g. paralysed by fear

[58]When talking about illocutionary silencing, one of the things we can talk about, in certain cases, is something like "breaking character" (I credit discussion with Charlie Steven for the term, in this context). In the example of the actor failing to warn his audience of a real fire, given in Chapter 1, I mentioned that it is possible that the felicity conditions for 'warning' may be context-sensitive, in the sense that an actor in a certain kind of play (e.g. non-comedy set underwater) might be able to succeed in warning an audience of a real fire while an actor in another context might not. In the case of women's silencing, it is surely also the case that, in some cases, a woman can "break character" and convince a man that she really *does* mean no, depending on things like the man's more specific expectations and the level of autonomy a woman may have retained.

she could even fear the consequences of doing anything about it (sometimes to the point of fearing murder).

So what kind of obligations do the victims of illocutionary disablement have? The first thing to address, which I brought up in the last paragraph, is the obligation of a person at the time of her refusal being disabled. Of course, we would almost[59] never want to say a woman who fails to exercise her autonomy in confronting her subordinator has failed a moral obligation, because of the reasons listed above, her loss of autonomy and the additional moral considerations (putting herself in additional danger, etc.), but also the built-in difficulty of making your intention to refuse known when your refusal is already disabled. I mentioned in Chapter 3 when talking about Jeff the Jerk that some traits "seem to bring with them the resources for dismissing countervailing evidence" ([Timpe,] 278) to the acknowledgment of having that trait, its consequences, or their moral status. Similarly, one of the things that is so pernicious about subordinating beliefs is that they also bring with them the resources for dismissing countervailing evidence. If a woman is not seen as being able to refuse, saying "no, really, I *mean 'no'*" is not going to get any traction either. The further question, then, is about what a woman's obligation would be after-the-fact. Is there a moral obligation to report such an incident to the police? Well, no, not exactly. First of all, we must not underestimate the lasting psychological effects of having one's autonomy so fully reduced, which can make one continue to have a feeling of helplessness past the end of

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[59]The "almost" is only to avoid stating an absolute only because of the logical possibility that a woman would for some reason purposely encourage her own disablement and assault, in full knowledge of the morally relevant facts and without countervailing moral considerations (like avoiding additional danger). This is a highly implausible scenario, and may even be subject the objection of the sort that one cannot autonomously give up their autonomy (though this would take us too far off track to fully consider).

the physical incident: this is unculpable, because the heteronomous, psychological constraint can persist past the physical constraint[60]. Further, there are often other moral considerations, such as the various negative consequences that can come from reporting to the police, and the statistical unlikelihood of any solution. Further, confrontation of injustice being an imperfect duty, a woman should be allowed to choose how she sees fit to exercise that duty—and that may be to try to tackle the underlying issue in the public sphere, once she's regained her sense of autonomy. Thus, she still has a duty towards justice, which is exacerbated in a sense by having a first-hand experience of an oppressive act (which, unfortunate as it may be, puts her in an epistemically advantaged position to contribute to a public forum), which she can choose to fulfill in various ways, as she sees fit and depending on other moral considerations. Her expression of her autonomy even indirectly and after-the-fact is not only a defense of her own autonomy, but also a defense and conferral of the autonomy of other victims (and even the oppressed group as a whole who have not been directly victimized). Since Hay was writing about sexual harassment in particular, she did not address this kind of case, but I don't think it would be too far off from the spirit of her paper and the motivating factors to say that it could be applied in this way.

4.4 Victim's Responsibility in Perspective

However, this doesn't necessarily place the burden of resisting oppression merely or even mostly on the shoulders of victims. This may seem to be the case because of the many levels of moral responsibility a woman has: to confront wrongdoings, to stand up for women's

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[60]Also, by the time the psychological barrier passes, it can be too late to collect any evidence.

autonomy in general, and to have a broader contribution to justice. This may seem unfair, because of their already being oppressed, thus in a position less able to effect change. But men also have several levels of moral responsibility, arguably greater than women's[61], because not only do they have the same responsibility for justice in general, but they also have the obligation to confront the wrongdoings of other men (when appropriate), even if the effect of this is not quite the same as when a woman does it (the assertion of autonomy is an important component of a woman's response, but the norm-breaking can be more effective from a man), and further, men have the moral responsibility for not doing wrongs in the first place. The fact that they are in the privileged position of illocutionary autonomy is all the more reason that they should be paying attention to their contribution to the oppression of others.

As a final and further justification of this argument, people's duty for justice, or moral-political obligation to avoid systemic oppression, can be extended further from a negative duty: we should try not to oppress, to a positive duty: we should try to confer autonomy. This may seem like a pretty high expectation, particularly because it is not always obvious how to identify less-autonomous people, or what to do about it, especially in the cases where systemic oppression brings with it "the resources for dismissing countervailing evidence" (Timpe, 278). It is hard to convince people that they need to confer autonomy on someone they don't see as capable or deserving of autonomy, perhaps because they see them as an object, and thus feel entitled to treat them as an object. The solution lies in avoiding

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[61]Of course, there are other, intersectional reasons some women are in more privileged positions than some men, etc., which makes their proportional responsibility (with regards to their autonomy and authority) greater.

objectification altogether, and supporting everyone's autonomy[62]: the privileged expect it, and the oppressed benefit from it. Again, this duty can be mitigated in certain ways, is proportional to the harm neglecting it would cause, depends on other moral considerations, etc. Nonetheless, there is a certain sense in which we owe it to others to not only recognize and remedy oppression on a societal level, but also to avoid oppressive behaviours on an individual level by accounting for the vulnerability of members of oppressed groups.

In order to see the merit of my suggestion that we need to take the extra step of trying to confer autonomy, I will briefly show how it ties in with some other literature on the subject. This helps to put my project into perspective, by showing how it fits into a broader scope of theories exploring the connection between language and responsibility, epistemology and oppression. This should give the reader a taste of further avenues that could be pursued. I turn to Kristie Dotson's vocabulary for explaining how illocutionary disablement can be construed a form of "epistemic violence" towards oppressed speakers:

> *Epistemic violence* in testimony is a refusal, intentional or unintentional, of
> an audience to communicatively reciprocate a linguistic exchange owing to
> pernicious ignorance. Pernicious ignorance should be understood to refer to
> any reliable ignorance that, in a given context, harms another person (or set
> of persons). *Reliable ignorance* is ignorance that is consistent or follows
> from a predictable epistemic gap in cognitive resources. (Dotson, 238)

Thus, I suggest that men's moral responsibility extends to the epistemic violence committed by pernicious, reliable ignorance[63] (when culpable—based on conditions in Chapter 3). We owe it to members of our linguistic communities to strive for reciprocity, i.e. being a hearer

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[62]Of course, who counts as appropriate "others" capable of autonomy gets a little murky when considering great apes, artificial intelligence, babies, etc. I am of the opinion that, when in doubt, try to confer autonomy, at least in a way that is reasonable (e.g. some paternalism may be required—but this goes beyond the scope of my project).

[63]Not all reliable ignorance is necessarily harmful; a 3-year old is reliably ignorant of state legislature. (239)

able and willing to understand the speaker's meaning, which involves "recogniz(ing) one another's speech as it is meant to be taken" (Hornsby, quoted in Dotson, 237). Reciprocity is a necessary condition for illocutionary autonomy, in the sense that disablement involves a failure of uptake because of oppressive norms. These oppressive norms are integrally linked with pernicious ignorance, and thus we need to address the reasons why the pernicious ignorance exists. As I have explained throughout this thesis, individuals are morally and politically responsible for avoiding certain kinds of ignorance, which we can now refer to as "pernicious ignorance", both to avoid being culpably ignorant of wrongs committed, but also to keep our societies accountable for injustice. Reciprocity is thus a way in which we confer autonomy, by avoiding epistemic violence. This, then, comes full circle with one of the central points in Chapter 2: when the intentional, purposive illocution is recognized as the illocution intended, in appropriate contexts and free from disablement, this is a matter of the autonomy of the speaker to perform speech acts. This is what I have named "illocutionary autonomy".

4.5 Concluding Remarks

In this chapter, I have outlined the various types of moral and political responsibility people have towards resisting oppression on a societal level, confronting instances of oppressive behaviours and, in so doing, avoiding illocutionary disablement—further, I suggest that, more than trying to avoid oppression, we should be seeking to confer autonomy, and in particular, illocutionary autonomy, to avoid epistemic violence and disablement of speech acts. I distinguished between the reasons for, and levels of, responsibility of people in

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general, women in particular, and men in particular, depending on their level of autonomy, epistemic advantages, and other moral considerations. Though dealing with a narrow manifestation of oppression, i.e. illocutionary disablement of women's refusal in sexual contexts, I believe my analysis of the various kinds and aspects of responsibility towards our society sets a basis for moral expectations of all members of a community.

Chapter 5: Conclusion

Throughout this thesis, I have shown various consequences of adopting Rae Langton's (1996) claims, all through the lens of how they relate to autonomy and moral responsibility. Langton sows the seeds for a theory of illocutionary disablement as a form of oppression, which limits persons' autonomy, specifically women's illocutionary autonomy to refuse sex. Critics mistakenly draw unwarranted conclusions, which I defended against with a broader and more developed theoretical framework of moral and political responsibility—of the culpably ignorant individual doing the disabling, of the women disabled, and of how this relates to the responsibility all people have for combating oppression and conferring autonomy.

In the second chapter, I set the stage by contextualising Langton's paper "Speech Acts and Unspeakable Acts" (1996) in the debate about whether or not pornography, if we grant that it is in some sense protected by freedom of speech provisions, actually infringes on freedom of speech itself; that is, whether it silences women. Langton takes up a speech act theory lens to show how pornography, the way it currently is and in its context, serves to disable women's illocutionary power of refusal of sexual acts. I defended this view by not only bringing in corroborating empirical evidence, but by proposing a new framework for looking at "illocutionary disablement" *qua* disablement. By doing this, via a social construction model of disability, we can more readily bring out the implications that silencing has on women's autonomy. I mentioned that it need not be all contexts that are disabling for someone to be disabled, but that some non-negligible or sufficient number would suffice to say that there is an illocutionary disablement happening to women in

contexts where the men in their interactions don't understand or accept "no" (and similar utterances) as a refusal. I suggested that this is properly viewed in terms of the effect on women's autonomy, where disablement of this sort is oppressive; it is oppressive to fix unnecessarily discriminatory felicity conditions for matters of self-governance that are unsatisfiable for certain people, based on some fact about them. When we look at illocutionary disablement as a matter of heteronomous social constraints on women's autonomy, we can talk about these barriers as constraints on what women can do with words, or in other words, constraints on women's illocutionary autonomy, which I defined as the ability to have control over the speech acts you can perform in appropriate contexts, without undue barriers. This framework served to elucidate some of the important aspects of illocutionary disablement, based on Langton's original explication, which set the stage for talking about moral responsibility also under the lens of autonomy and oppression.

In the third chapter, I started with one of the objections that Alexander Bird and others make of Langton's theory in order to talk about individual moral responsibility. I aimed to defend Langton against the claim that she shifts the blame from the perpetrators of sexual assault to the pornography industry and other social factors, which change the felicity conditions of refusal, meaning that women literally can't refuse—thus, men literally cannot understand them as refusing. This seems to point to the unculpable ignorance of men who don't know that women *mean* to refuse. However, I contended that it is in fact, in most contemporary Western cases as least, a matter of culpable ignorance. In order to argue this, I presented a tracing condition for moral responsibility, taken from Kevin Timpe's desiderata for formulating his epistemic condition for moral responsibility. I showed how this tracing-

enabled epistemic condition for moral responsibility applies the same instincts we have about the moral responsibility of a drunk driver and of the sexual subordinator. When we account for context-sensitivity, including the proportionality of the "function of expected value" (one is more likely to be morally responsible for worse harms), non-occurrent beliefs, and perhaps concomitant ignorance, we can see how the sexual subordinator can be culpably ignorant. Thus, Bird's concern that the blame is shifted from the individual to the society, because social norms informed the individual's action without his knowing that the word "no" ought to—in a non-oppressive society—count as the illocution of refusal, is dispelled.

In the fourth chapter, I broadened the scope from individual moral responsibility for wrong actions within an oppressive society to the moral-political responsibility we all have towards our society to challenge the status quo and fight systemic oppression. I started with Iris Marion Young's theory about our responsibility for justice and a social-connection model of moral responsibility, agreeing that we all have a forward-looking political responsibility for engaging with our society and ensuring it isn't unjust (or, in the more limited scope of my project, ensuring it isn't oppressive). Where I differ with her is that I believe a failure to fulfill this obligation, other moral considerations aside, is morally culpable. Thus, being unreflective about the injustices in one's society does not necessarily excuse one from perpetuating those injustices. I then tied in Carol Hay's work on women's moral obligations for confronting sexual harassment, in order to relate back to the framework of autonomy that I set up in Chapter 2. I explained how saying that women have an obligation to confront harassment in some way is not reducible to victim-blaming, but is part of the larger responsibility that everyone has for fighting oppression. Of course, other

moral considerations and considerations of levels of autonomy prevent us from being too prescriptive with what women ought to do in this type of case, because it is once again context-sensitive. I then applied these considerations to Langton's theory of illocutionary silencing, and resulting sexual assaults, by pulling out key similarities and differences. Most importantly, the drastically reduced autonomy of women who are silenced means it's unlikely they can or ought to fulfill that responsibility for justice at the time of the illocutionary disablement (since their illocutionary autonomy has been disabled, perhaps leading to more wholesale reductions in autonomy), but, unfortunate as it may be to place an extra burden on victims, they do gain an epistemically-advantaged perspective on the oppression and ought to (when their autonomy is restored and other moral considerations are conducive to it) use that to fight oppression. Of course, those in privileged positions with regards to autonomy and social, causal power also have a higher obligation to fight oppression, because, as I argued, responsibility is proportional to autonomy. Thus, the burden is not disproportionately placed on women, and further, there is an extra burden on men to avoid committing epistemic violence to the oppressed by not letting pernicious ignorance affect linguistic reciprocity. Thereby, I conclude that we all have a responsibility to confer illocutionary autonomy to the oppressed.

This all may seem like asking too much. After all, as I have mentioned, we have historically been pretty bad at identifying and fighting oppression; so bad that we're still 'discovering' new ways in which our societies are unjust that even our most morally excellent role-models have not addressed. However, that should not stop us from trying, and from addressing injustices where and how we reasonably can, based on reasonable epistemic

expectations. I argued that illocutionary disablement of women's refusal is one of the things that, in our society in particular, people are almost always blameworthy for perpetrating. The good news is that we can fairly easily trace this particular kind of oppression to a pernicious conglomeration of social factors which perpetuate 'rape myths' and a 'rape culture', which includes in no small part pornography. Langton is right to point to this as an example of a causal factor we can identify for illocutionary disablement, which becomes even clearer with a tracing condition for moral responsibility. Of course, individuals are responsible for their own actions, but when we can trace a common cause for a common problem which contributes to oppression, with a social-connection model of responsibility, we can clearly see that this is one of the things we need to address as a moral community. If we know this pernicious factor is a mitigating factor in people's oppressive behaviours, particularly because of its strong influence on children and teenagers who don't yet have their full autonomy or epistemic abilities, we have a duty to address it—that is, not by banning pornography, necessarily, but by effecting some change in the kind, prevalence, ubiquity or access to pornography, and providing better sex education to children so they don't take pornography as an authority and have better tools to identify oppressive behaviours. We need also to dispel rape myths and combat the oppression of women and other groups, of course, which a tracing theory can help us do, because it helps to identify the factors that encourage moral failings. Finally, we need to encourage a social-connection model of moral responsibility so that public forums give sufficient political autonomy for people who want to effect positive change. These public forums need also to guard against pernicious, reliable ignorance by engaging reciprocally with those in our community to avoid epistemic

violence, especially since those oppressed people against whom epistemic violence is

otherwise committed tend to be those with the most direct epistemic access to oppression,

whose voices most need to be heard.

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