Philosophy of Race

Lecture 2

- Biological determinism of class, religion?
- Different forms of biologically determinist arguments, based on genetics or very early development
- Depends on how strong we understand malleability
- Connotations/associations of ‘biologically based’: evolved, pre-determined, natural, out of human control, innate, observable
- But there are many counter-examples to these sorts of associations
  - Innate but malleable, for example fear of visual cliffs, innate but people learn to get over it (most of the time)
  - Evolved but not innate, for example programs of social teaching and learning, clearly something evolved and cross-cultural but not innate
  - Epigenetic inheritance
- Problems with the biologically determinist argument
  - ‘Some of our socially defined group identities (e.g. race and gender) are biologically based and therefore non-malleable.’ – biologically determined doesn’t follow that its non-malleable
  - No inference can be made about whether it would be worth attempting social change as perfect
- Examples in Scientific American mind

Lectures 3-4

- Biological determinism: races are the result of possessing some biological trait that has significant explanatory power and difference between groups of people. Not really any scientific evidence to support this
- Eliminitivism: races don’t exist. One big pro is that one can respond to racism by responding that races don’t exist, so the racist is simply conceptually confused
- Compare: “What is a witch?” Analyze our concept “witch” and then ask, is there anything in the world which corresponds to it? If we get the answer, no, then we should suppose there are no witches.
- Social constructivism: races are real but they are a socially defined practise/concept
- Associations of socially constructed
  - Not innate
  - Built through interaction
  - Culturally relative
  - Contingent upon some level of popular belief/attitudes/norms/emotions
  - Fluid and changing
  - Unreal/less real
  - Unnatural
  - Learned
What is social construction? Broad definition ‘something is socially constructed if it is an intended or unintended product of a social practise’

This is a very broad definition, including all artifacts, language, concepts

What is more interesting is who or what has been constructed and by whom for what purpose

In one sense it is no surprise to say that ideas/concepts are socially constructed: we have the concepts/theories we do because of a range of social practices including educating children, technology production, various historical contingencies

Does not imply these concepts/theories etc are inadequate, that there is no “reality” out there, or that we can’t get at it

Don’t have to be an idealist to adhere to this

Socially construction of things can be covert or overt
  - Overt: clothing, nationality, legal authority, husbands, members of Parliament
  - Covert: gender roles

Meat: ‘animal flesh intended for consumption’. But what about talking about having ‘meat on one’s bones’? What about plant-based meat substitutes

May have a normative aspect to this as well, meat is something that may be eaten

Classificatory practices have real effects, often massive ones. These classificatory practices are optional. They can group together what are otherwise disparate things and make them come to have commonalities that they would not otherwise have had.

Discursive construction: something is discursively constructed just in case it is (to a significant extent) the way it is because of what is attributed to it or how it is classified

**Lectures 5-6**

- Discursive construction: something is discursively constructed just in case it is the way it is because of what is attributed to it or how it is classified
- Causal construction: something is causally constructed iff social factors play a causal role in bringing it into existence or, to some substantial extent, in its being the way it is
- A thing can be causally constructed without discursive construction playing a role: e.g. washing machines
- Discursively constructed human kinds (if any there be) are also causally constructed
- Discursive construction isn’t just about use of particular language, because words don’t have magical power and changing words doesn’t change the power structure
- Debunking analysis that concepts like race and gender don’t ‘carve nature at its joints’ as we might have thought, but groups heterogenous things together, and this conceptualising is made because of certain social/political interests
- Masking: processes that obscure the true (constructed) nature of identities like race and gender by appealing to some other discourse, such as science or religion
- Contrast intrinsic (colour, shape, size, some abilities) versus relational properties (comparisons, ability to be understood, social roles, nationality)
- Key difference is whether there must be a change in the entity itself in order to change the property (intrinsic), or whether the change can be external (relational) – e.g. my nationality can change purely by political actions totally external to me
• “Race is the social meaning of color”, where “Color” = skin tone, hair texture, eye-shape, lip shape and other observable physical features by which we ordinarily divide people into races.

• Definition of race. A group G is racialized relative to context C iffdf members of G are (all and only) those:
  o ii) whose having (or being imagined to have) these features marks them within the context of the background ideology in C as appropriately occupying certain kinds of social position that are in fact either subordinate or privileged (and so motivates and justifies their occupying such a position)
  o iii) whose satisfying (i) and (ii) plays (or i) who are observed or imagined to have certain bodily features presumed in C to be evidence of ancestral links to a certain geographical region (or regions)
  o would play) a role in their systematic subordination or privilege in C, i.e., who are along some dimension systematically subordinated or privileged when in C, and satisfying (i) and (ii) plays (or would play) a role in that dimension of privilege or subordination

• Note that the context C is very important here, since people who are rationalised in one context may not be in other contexts (e.g. some historians argue that the Irish were not considered to be white until the early 20th century)

• These concepts are discursively constructed, but are not just about words because these discursive practices purport to justify the social relations Haslanger claims are constitutive of race, many social practices and institutions that maintain these divisions

• The privileges/disadvantage constituting racial groups are along some dimension only. The fact that a person belongs to a racial group does not tell us anything about their overall social privilege/disadvantage (president Obama example)

• Under Haslanger’s view, race and racism always go together, there are no races without racism. Races entail hierarchy

• Possible objections
  o What role is the place for racial or gender self-conception and can it be right?
  o Would it allow for changing race in other’s perceptions of oneself?
  o Rather vague – who is doing the identifying, what if people disagree
  o How could one proud of being black or being a women?

Lectures 7-8

• First objection to Haslanger: what about the issue that we don’t think of race as hierarchical? Isn’t Haslanger changing the subject?
  o The linguistic intuitions of ordinary speakers aren’t the arbiter of our concepts.
  o We should expect that we will not adequately understand our own concept, when we’ve got a debunking account of that concept.
  o Besides, the point isn’t to ask what our concepts are, but what they should be. (Haslanger calls this “ameliorative analysis”)
  o Not using the concept at all (eliminitivism) overlooks the fact that these concepts are very socially real
  o She is staking her claim on the political utility of her definitions for an anti-racist project – some have critiqued whether it works even by her own light
• Second objection to Haslanger: if the goal is to eliminate race (being part and parcel with racism), how can we reconcile this with the fact that many people value their racial identity and do not want it to be eliminated.
  o Distinguishes race from ‘idealised ethnicities’
• Strands of racial classification – terms like whigger, banana, white aboriginie, and the notion of ‘passing’ or of being misclassified, both indicate some idea that there is or should be an alignment between outward appearance and self-awareness of ancestry, public awareness of ancestry, culture, experience, and subjective identification
• The Passing Constraint: On a constructivist theory of race, passing should be possible and explicable – doesn’t seem like Haslanger can do this (case of Rachel Dolezal)
• How important is ancestry in the conception of race?
• According to Haslanger, if someone always passes as a different race, they have changed their race, irrespective of ancestry
• But if Haslanger needs to account for more items on Mills list, then she might have a problem with her account
• Also how does subjective self-identification play a role? Presumably it is relevant to some degree, but few people would say that can ever decide race on its own, so what work does it do exactly?
• Haslanger is trying to provide the core of a concept of race that we need for transformative political purposes
• What is the relationship between culture and race? How strongly does the former impinge on the latter?
• Another puzzle: if we reject racial essentialism and acknowledge diversity, then how are we to ground group solidarity?
• Shelby’s thesis: You don’t need identity to ground solidarity. You can do it purely in terms of experience of race-based oppression (but does such a common experience exist?)
• In general, everyone, including the eliminativist, agrees that:
  o There is no biological foundation for race, but people mistakenly though there was.
  o There are different local practices employing racial labels
  o These labeling practices impose objective (local) standards for racial classification
  o Racial classification has profound causal effects on life chances
• Given so much agreement, what exactly is the point of the dispute?

**Philosophy of Gender**

**Lectures 9-11**

• Biological reduction/essentialism:
  o Gender identity (i.e. being a man or a woman) is biologically based and therefore non-malleable. (Recall the challenge to this “therefore”)
  o Our sex affect our psychological and/or bodily capacities fitting us for certain social role identities.
  o To try to change those social role identities would be working “against nature”.
  o Why we shouldn’t expect there to be equal numbers of women in STEM, as CEO’s or in politics
- Moderate biological determinism: In normal environments, a biological factor (e.g. genes; prenatal hormone levels) makes a given phenotypic outcome highly probable.

- Potentially biologically essentialist approaches to gender have more legs than those for race, less clear consensus than there is for race

- Critiques of evolutionary biology and socio-biology based on the fact that we don’t understand the environment of evolutionary adaptation very well, and also that it treated the mind as a ‘black box’ which one cannot do because we need to know how the mind respond to the different stimuli

- Fine has critiqued a lot of this neuroscience work:
  - The claimed correlations between assumed fT levels and gendered skills and interests do not hold:
    - Not usually possible to measure fT in humans
    - Data are very weak and contradictory
    - Experiments poorly designed and have artifacts
    - Classification of activities into those revealing a “systematizing brain” versus an “empathizing brain” are grounded in the same stereotypes they are supposed to justify and are often odd.

- Simone de Beauvoir on sex and gender
  - “One is not born, but rather becomes, a woman”
  - Social constructivist position: women have no essential nature, not e.g. possession of uterus, not XX chromosomes, not partaking of the form of femininity
  - Yet she acknowledges that sex differences are real, and that as such there are no such thing as ‘persons’ on the abstract, only men and women. Accounts purporting to be of people have actually been accounts of men
  - According to Beauvoir, sex differences are the result of many ideological practises, such as religion, philosophy, and science, which make women become as they are represented as being, which in turn is taken to be justification of such treatment
  - Beauvoir does not give a theory as to the original source of women’s oppression, but she thinks that there can be various maintaining mechanisms, which can change over time

- Beauvoir’s account of what it is to be a women
  - Woman is ‘Other’, defined as what men is not
  - “Man represents both the positive and the neutral”
  - Examples of this
    - Sandy and Daryl Bem on androgeny, asking what makes a good person, what makes a good man, an what makes a good women, with the man account mirroring the person account
    - Figures used in medicine and examples tended to be male
    - Feminist images of liberation compared to the male standard
    - Changing of female surnames to husband’s names
  - To be a woman is to understand and experience one’s body as a spectacle (to be looked at) rather than as a tool (to interact with the world)
  - Beauvoir thinks that women’s agency to pursue their own interests and projects is hampered by the need to conform to and respond to the male gaze

- Beauvoir’s project
Any change is difficult because women have no shared history or culture or time before the oppression, and live dispersed amongst men.

Beauvoir also thinks that everyone has an opportunity to live in authentically given al the push they have to conform.

According to existentialist conceptions of the self, what characterizes human beings is that we are “objects for ourselves.” We have a kind of reflective self-consciousness that makes freedom possible.

Beauvoir wants to enable this for women as well as men, noting that it is quite distinct form happiness.

Critique of sex as binary

- The biology is complex: chromosomes, hormones, gonads, genitals, secondary sexual characteristics.
- Sex is assumed to be dimorphic: M/F; but actually displays considerable variation in the combinations of the above.
- Sex is made dimorphic though social practices, including practices of sex assignment for the intersexed.
- This fact does not itself eradicate the sex-gender distinction, but does question traditional dogma about this.

Judith Butler goes further than this and argues that there is no merely biological strata at all.

- “It would make no sense, then, to define gender as the cultural interpretation of sex, if sex itself is a gendered category”
- Seems she is saying, ‘If sex isn’t as immutable as we thought, perhaps sex just the same thing as gender/a gendered category’
- Better interpretation: sex is discursively constructed; i.e. it is our practices of divided bodies into two kinds M/F that transforms those bodies and shapes the meanings that can be ascribed to them.

Critique of identity politics

- Critical argument:
  - There is nothing that women share in virtue of which they are all women.
  - Identity politics requires such a shared identity.
  - Therefore feminist politics, as identity politics, is confused.
- Past failures to provide an account of what it is to be a women doesn’t show that this is impossible, but should make is suspicious.
- ‘Pop bead metaphysics’ example: two different women might share one element of their identity (the women element), even if others are very different.
- This is a problematic approach because it cannot account for the interactivity of social categories and identities.
- Butler goes even further than this and argues that any attempt to define women at all, arguing that any attempted definition of women is actually a covertly normative claim. Thus, any woman who is not as the theory describes is ‘doing gender wrong’

Question to be addressed: Does feminist politics presuppose sameness? Can gender realism (i.e. the view that there is something that women share qua women) be supported in revised form?
Lectures 12-13

- Young’s dilemma
  - On the one hand, without some sense in which “woman” is the name of a social collective, there is nothing specific to a feminist politics – it becomes just white women’s politics, or humanist politics
  - On the other hand, any effort to identify the attributes of that collective appears to undermine feminist politics by leaving out some women whom feminists ought to include
- Young’s solution: to claim that women make up a social series, in Sartre’s sense
- The idea of a social series is that it consists of a collection of people (always of people: why?) organized passively by the things they interact with and by the way the material world is affected by the actions of others. Example: people waiting for a bus, where the practico-inert realities are the bus, the timetable, need to buy a ticket, etc
- Social series:
  - Do not think of yourself as a member of that collective, no identity
  - Need not share properties with other members
  - Need not share goals or objectives
- Social group:
  - Think of yourself as belonging to that group
  - Share ends, goals
  - Organized around action
  - Social series can turn into social groups if the seriality activates under a common identity
- Examples of a series:
  - African Americans
  - People in a carpark
  - People staying in a given hotel
  - Smokers
  - People born in a certain year or time given a military draft
  - Rural/urban
- Examples of a social group:
  - Vegans
  - Sport team
  - Political parties
- What are the practico-inert realities that constitute women as a social series?
  - Patterns of how people urinate and norms about that
  - Beauty myths and norms
  - Clothing and what is appropriate to wear
  - Pay gap
  - More generally: gender coded objects and practices, including clothes, workspaces, language, comportment etc, as structured by the sexual division of labor
  - Bodily practices and associated social meanings such as menstruation and lactation
- Analysis of Young’s account:
Does not identify a set of attributes that all women share, which, Young claims, lets her account escape the dilemma.

Takes gender out of the head: not primarily a psychological phenomenon.

Explains why people might value (some aspects of their) gender “identities” (something which Haslanger cannot do).

Does not explain in virtue of what women might be oppressed, or why they might want to come together as a movement.

Haslanger’s analysis of gender:

(i) S is regularly and for the most part observed or imagined to have certain bodily features presumed to be evidence of a female’s biological role in reproduction;

(ii) that S has these features marks S within the dominant ideology of S’s society as someone who ought to occupy certain kinds of social position that are in fact subordinate (and so motivates and justifies S’s occupying such a position); and

(iii) the fact that S satisfies (i) and (ii) plays a role in S’s systematic subordination, that is, along some dimension, S’s social position is oppressive, and S’s satisfying (i) and (ii) plays a role in that dimension of subordination.

Some notes on this definition:

- Haslanger rejects psychological identities as an account of gender, relating to feminine or masculine traits, it's all about how people perceive you.
- Social position is a location in a hierarchy, not social role (though social roles will be attributed as appropriate for them). Haslanger’s idea is that women occupy the inferior social position in a wide range of social roles.
- No such thing as ‘trans’ men or women as such, they are just members of what ever gender they are interacted as.
- On her analysis you can’t say gender is partly a matter of biology, partly a matter of social practices. That is you can’t “split the difference” between SC and biological determinism, since her account is thoroughly social through and through, there is simply no room for biology.

Lecture 14

- Problems for Haslanger:
  - No place for self-conception or valuing, taking pride someone’s gender identity.
  - No possibility for passing.
  - Necessitates the adoption of a gender eliminationist position, which many would regard as counter-intuitive or inconsistent with feminist aims. Many feminists take themselves as fighting for women’s liberation, not the abolition of women (and men).
  - “Women” (if any such exist) whose privilege means they escape gender-based subordination. (Catherine the Great?). Haslanger’s reply: These so-called women don’t need to be included for the feminist liberatory projects.
  - Transwomen. Will include only those transwomen who regularly and for the most part function socially as women. A parallel reply is not attractive here because transwomen are oppressed and the gender system is instrumental in this.
  - One possible response would be to say that some trans men and women are neither men nor women, exist in a sort of limbo land.
Jenkins’ solution
- Split conceptions of identity into two:
  - Gender as social class (Haslanger’s existing def).
  - Gender as identity, as an internal self-identity or map
- S has a female gender identity iff S’s internal ‘map’ is formed to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class
- What is an internal ‘map’? A sense that a gender norm applies to you. No need to endorse that norm as many such norms are negative or hierarchical, but a sense in which they apply to oneself. Can act so as to subvert, reject, change or ignore that norm

Intersectionality
- In particular contexts, privilege may be granted or revoked.
- “When systems of White supremacy and male dominance collide, a Black man’s male privilege may be seen as so threatening that it must be violently wrested from him”
- From which it follows that, in those contexts, Black men are not functioning as men.
- But make those contexts frequent enough and central enough (as might be the case for some Indigenous men) then it follows that they do not function as men.

Lectures 15-16
- What about indigenous men, does their subordinate status totally eliminate their status as men?
  - First response: These Indigenous men only appear to be men; a deeper analysis shows they are not. Trouble with this is that it seems to disallow us from theorising about how aboriginal men can be oppressed qua women of colour
  - Second response: Find a dimension of relative privilege that these men enjoy. If we can’t find one at all it indicates that the gender system has totally broken down

Models of intersectionality:
- The plus and minus model: your social positioning will be an additive function of the advantages you experience from location on the positive end of some social hierarchies and the negative end of others
- The complex interaction of dimensions model: depending on the context, dimensions of oppression can interact in multiple ways. One can trump another, they can add or subtract, be multipliers, etc
- Problem with the plus/minus model is that it ignores the possibility of valence reversal (black man and police violence), and also multiplication of overlapping oppressions or privileges, and also instances of one identity ‘trumping’ all others (e.g. Jews in Nazi Germany)
- What are we trying to do in this analysis?
  - If we are trying to come up with a reductive explanation of one’s overall social position, this seems to overdetermine and eliminate all agency
  - This might not be our project however; we might just be looking at the impact of social structures on shaping outcomes
• Choices operate in social contexts and if we focus only on choice we ignore the effect that these structures and enabling and constraining factors shape choices, which in turn reproduce those structures

• What is oppression?
  o Has to be structured/systematic not just one off, restricting of opportunities
  o Marylin Fry says that one is oppressed if you:
    ▪ Face barriers or limitations on freedom (children?)
    ▪ Suffer harm, not outweighed by any benefits, as a result of these restrictions
    ▪ The restrictions are systematic rather than isolated
    ▪ The restrictions result from membership in a social group
    ▪ Another group (oppressor) benefits from these restrictive social structures
    ▪ Question as to what sort of ‘benefits’ might be deemed relevant
  o Young’s answer is to avoid giving necessary and sufficient conditions. Some aspects include:
    ▪ Oppression can manifest itself in different ways and combinations of ways:
      ▪ Exploitation
      ▪ Marginalization
      ▪ Powerlessness
      ▪ Cultural Imperialism
      ▪ Violence

• The practical importance of intersectionality from Crenshaw
  o If we overlook the way identity categories interact, we fail to adequately theorize the full dimensions of racism and sexism so our anti-racist & feminist strategies fail by their own lights (black women are neither women nor black, as these categories defined in white and male ways respectively)
  o Crenshaw shows how ignoring intersectionality gives rise to bad policy decisions and strategies; e.g. battered women’s shelters and rape crisis centres and support services
  o Not advocating an overarching “theory” of intersectionality. Trying to understand the workings of intersectionality up close, in particular contexts
  o Key question is ‘what difference does difference make’?

Epistemology

Lectures 17-18

• Bias in credibility assignments
  o Some testifiers and asserters are accorded more credibility than others
  o This is necessary for us to have any knowledge about anything, especially with intellectual division of labour, but it can also be a way to embed prejudice
  o What is the distinction between testifying that p and asserting that p? We generally think that testimony is a particular type of assertion, perhaps based on particular personal experience or on the basis of trust
  o Testimony seems to rest on trust in a way that e.g. assertions in the context of arguments do not
• Background questions
  o Is there a default license to believe what one is told, absent reason to think the testifier untrustworthy? Or does one require positive evidence of trustworthiness?
  o If there is default epistemic permission to believe what others say, what rule best expresses this permission?
  o Can one know that p on the basis of testimony? If so, must the speaker themselves know that p? That is, does testimony only transfer knowledge, or can it create it?
  o Is testimony as a ground of knowledge a distinct path analogous to perception and memory, or is it a special case of inferential justification?
  o What are the intellectual virtues proper to wise recipients of testimony? Do they contain a requirement to avoid testimonial injustice, or the underestimation of credibility due to identity-based prejudice?

• Reductionism versus non-reductionism
  o Reductionists think that testimony is not an independent source of knowledge, it is a special instance of inductive warrant
  o Generally they will argue that there is no general entitlement to accept testimony, or such a general right will be only be defended on the basis of empirical experience
  o Non-reductionists typically regard testimony as an independent source of knowledge on part with perception or deduction, perhaps analogous to memory
  o They are also liable to support a general right to believe the testimony of others, absent some sufficient defeater

• Fricker on testimonial sensibilities
  o Fricker argues that we can explain the seemingly non-inferential nature of most testimonial encounters by positing a “testimonial sensibility”
  o A testimonial sensibility is a set of dispositions to assign credibility to kinds of speakers, regarding kinds of subject matter in given contexts
  o Testimonial sensibilities develop from lots of past experiences including those of our teachers, parents, etc
  o Given how we acquire testimonial sensibilities, they will embed social assumptions, including identity-based prejudices
  o As we mature, we become accountable for calibrating our testimonial sensibility to reflect “reflexive critical openness” to the word of others
  o The idea is to become aware of the patterns in our tendency to trust or distrust informants of a given kind and working to calibrate them so that they do not reflect prejudice

• Potential concerns with this approach
  o We need to have some basis for deciding what level of credibility is appropriate, but it is hard to see how or where we could get this from
  o Meta-reflection on our practices of according weight to various persons is likely to be subject to the same first level prejudices
  o Miscalibrated intellectual self-trust distorts critical reflection
  o It's different to believe in the abstract that we might have this problem to actually change our practices of making these sorts of judgements
Lectures 19-20

- Other forms of epistemic injustice apart from testimonial injustice?
  - Hermeneutical injustice: where the conceptual resources for articulating one’s experiences are unequally distributed because of inequalities in social power. Examples: “sexual harassment,” “workplace bullying,” “domestic violence,” “homophobia”
  - We might also add other ways of not being accorded full and equal participation in communities of inquiry. E.g. having questions dismissed (Hookway)
  - Tricky issue of distinguishing between legitimate exclusion (e.g. physics crackpots) and illegitimate exclusion (e.g. contributions of the mentally ill)

- Responsibilities of a wise recipient of testimony
  - Do they depend on the domain at issue (e.g. scientific claims, common-sense matters, moral matters)?
  - Do they require reflexive thinking about your ability as an inquirer?
  - Do they vary depending on how plausible the claim being told?
  - Do they vary depending on what is at stake for you or for others if the claim accepted is false?
  - Do they vary depending on the role(s) in which you might be using the testimony; e.g. as academic, journalist, scientist, judge?
  - Do we have default licenses to believe?

- Active ignorance
  - Ignorance is one of the ways in which racial hierarchy is created and sustained (Mills)
  - A common understanding of ignorance is that it is passive, accidental, excusing, and represents a ‘gap’ in knowledge
  - Challenging this is the idea that ignorance can be active, that some forms of ignorance are active, purposive, and do not excuse

- Possible examples of active ignorance
  - Ethical ramifications of supply chains, consumerism
  - History of the colonisation of Australia, lack of knowledge of resistance
  - Ignorance about relative privilege (e.g. income)

- White ignorance
  - Is causally related to the fact of Whiteness (not necessarily the fact of an individual being white)
  - Is systematically produced and maintained, as “a prism of perception and interpretation, a worldview”, more of a practise/approach rather than a particular belief – we can have it even though we throw away the particular beliefs that would justify them, similar to schemes and stereotype threat
  - It is not inevitable that a White person have white ignorance
  - A person of color can suffer from White ignorance
  - White ignorance can include evaluative and moral claims as well as non-evaluative ones – generate some examples of each

- Standpoint theory
Nancy Hartsock has argued that Women enjoy a certain kind of epistemic privilege because of the gender division of labor. Not that they know some particular facts that men don’t know, but more that they have a keener insights into certain social truths.

This epistemic privilege isn’t global but there’s important social truths that you can more readily access from women’s social position, truths that are obscured from the social position men occupy.

This has been criticised as essentialising.

Nevertheless, core intuitions behind standpoint theory aren’t very controversial:

- What you know is a function of your experiences
- Different people have different experiences
- Different groups of people have different experiences

A corollary of epistemic privilege is epistemic disadvantage. The idea is that “White ignorance” names the group based “cognitive handicap” caused by White domination.

Mechanisms of white ignorance:

- Testimonial/cognitive injustice: we could know some things if we would listen to those in a position to tell us
- Hermeneutical injustice and other conceptual biases
- Historical erasure
- Media and historical narratives
- School curricula

Philosophy of Language

Lectures 21-22

- Why is speech thought to be special?
  - John Stuart Mill: “the peculiar evil of silencing the expression of opinion is that it is robbing the human race, posterity as well as the existing generation -- those who dissent from the opinion as much, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error”

- What counts as speech?
  - Words whether written or spoken – seems to narrow
  - Other things such as performances embedded in systems of meaning
  - Protests – but what about violence?
  - Art (e.g. child pornography examples)

- Prohibiting forms of speech
  - No one really thinks that the state may impose no restrictions on speech
  - Uncontroversial examples include insider trading, incitement to violence, libel, fraud, criminal solicitation, breach of confidentiality
  - Mill’s argument supports only the claim that speech merits special protection. A rebuttable but strong presumption in favour of free speech
Harm principle: That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others

What is pornography?

- According to MacKinnon: pornography depicts women “dehumanized as sexual objects, things or commodities; enjoying pain or humiliation or rape; being tied up, cut up, mutilated, bruised, or physically hurt; in postures of sexual submission or servility or display; reduced to body parts, penetrated by objects or animals, or presented in scenarios of degradation, injury, torture; shown as filthy or inferior; bleeding, bruised or hurt in a context which makes these conditions sexual”
- This applies to only a subset of material that would be generally considered to be pornographic
- Not just ‘sexually explicit for the purpose of arousal’

Harm arguments against pornography

- Some argue that pornography is not protected speech because it harms women
- Pornography depicts women’s subordination and so causes the subordination it depicts
- It is claimed that there is a significant causal mechanism operating between pornography and women’s subordination, particularly violence against women
- Depictions of the sexual objectification of women and their second-class status

Objections to the harm argument

- Evidence about the causal link between pornography and violence
- Any causal pathways that do exist are indirect and mediated by the mental state of the viewer
- If we think that certain mindsets and attitudes to sex might, when combined with use of pornography, lead to violence, it is not the fault of the pornography but of these psychopathic views
- Pornographers say that they are producing entertainment and fantasy and if an individual confuses fantasy with script that is that individual’s responsibility and not grounds for restricting their speech.

Responses

- Incitement causes harms mediated through the consciousness of others, but many accept that it is not protected speech
- Problem becomes largely empirical: whether the harms, if any, produced by pornography outweigh the harms, if any of, restricting it
- An alternative take is to develop a constitutive model which side-steps the issue of establishing a causal link between pornography and oppression/violence by making a constitutive claim that pornographic speech is (in itself) subordinating

Austin’s speech act theory

- The basic idea of speech/act theory is simple: to say something is also to do something. All speech is also action
- Each utterance of a sentence is simultaneously a locutionary, perlocutionary, and illocutionary act
- Locutionary act: relatively straightforward notion. The act of uttering a sentence, or saying something. This is the focus of semantic analysis by linguists, and
philosophers. The *locutionary force* of a statement is what is said by that statement, the linguistic meaning, the semantic content

- Perlocutionary act: the effects of what is said. What you bring about by what you say. E.g. people rush to leave the theatre; there is a stampede; nothing at all. The harm argument against pornography focuses on pornography as perlocutionary act.
- Illocutionary act: the action constituted by the utterance itself. What you do in saying what you say. E.g. to say “there’s a fire!” is to warn people. Some speech acts achieve their ends in virtue of their illocutionary force alone (e.g. marriage), not because of the words but in the words being said itself

- Felicity conditions of illocution
  - These are the background conditions that must be met in order for the illocutionary effect to take force

**Lectures 23-24**

- The illocutionary force of pornography
  - Langton argues for a constitutive relation between pornography and subordination: the illocutionary force of pornography is to subordinate
  - Not anyone can subordinate: some form of authority is required
  - “Blacks are not permitted to vote” said by a legislative body has the authority to make an illocutionary act that prevents blacks from voting, which they can do in virtue of their authority
  - Compare this to ‘a graphic depiction of women’s sexualized subordination’

- Possible objections:
  - Does pornography have the relevant authority with respect to sex
  - How can you tell what the illocutionary force of an act is?
  - How to separate the causal versus constitutive elements of the subordinating effects of pornography
  - Who is making the illocution?

- Silencing argument
  - Langton argues for a constitutive relation between pornography and silencing: the perlocutionary force of (i.e. the effect) pornography is to change the background conditions so that women suffer illocutionary disablement
  - They are silenced in the sense that they cannot use their words to perform the illocutionary acts they intended them to perform, as a result of lack of felicity conditions
  - For this to work Langton has to argue that at least the illocutionary act of refusal requires uptake, hence by rendering uptake impossible, pornography silences

- What might be wrong with pornography?
  - On the harm account, the free speech rights of pornographers conflict with the rights of women to be safe from violence (if the causal claims hold). That is, the debate is *speech* versus *harm*
  - On the subordinating speech account, the free speech rights of pornographers conflict with the value of equality (if the claims about authority and the illocutionary force of subordinating hold). i.e. *speech* versus *equality*
On the silencing account, the free speech rights of pornographers conflict with the free speech rights of women. I.e. the debate is the speech of some versus the speech of others.

The accounts are compatible and independent, so you can accept any one, any two, or all three analyses.

- Rebecca Kukla, discursive injustice
- From pornography to racist hate speech
  - The feminist critique of pornography amounts to saying that it is a form of sexist hate speech.
  - This explains why models developed there came to be applied to hate speech, where you see the same two constitutive argument forms.
  - Racist hate speech is subordinating speech (speech versus equality).
  - Racist hate speech silences (speech versus speech).
  - Dworkin responded to this by arguing that freedom of speech does not require a sympathetic hearing, an implausible model of a freedom of speech.

- What is racist hate speech?
  - West’s definition: Racist hate speech expresses derogatory feelings about, or attitudes towards, people on the basis of their race in order 1) directly to inflict psychological injury on them (in the case of face-to-face encounters) or 2) to invite in third parties hostility towards or hatred for them or both.
  - This definition makes intention and purpose matter. Do we think that it is plausible that we could accidentally perform an act of racist hate speech? If we base the understanding on consequences to others we might think that intentionality isn’t so important.
  - We might also consider what role semantic content of the speech has.
  - Is racist hate speech symmetrical? Plausibly I cannot do with the racial/ethnic epithet “skip” is not the same as what I can do with the racist epithet “boong”.

- The silencing argument redux
  - Does free speech require more than no-one preventing you from speaking?
  - Generally the argument is that yes it does, it is more than just a negative right.
  - West argues that minimal comprehension and minimal consideration are both necessary, using two thought experiments to argue this point:
    - The “meaning obliterator” -- prevents you communicating, because it prevents understanding.
    - The “input buffer” -- prevents what you say gaining uptake in changing beliefs/wishes.
  - The key idea is that being able to communicate requires uptake, not just freedom to speak, and that therefore the right to freedom of speech must extend beyond merely the necessary condition of freedom to produce sounds.
  - Potentially this confuses necessarily and sufficient conditions, in that freedom of speech is only interested in addressing one necessary condition for communication not all the other necessary ones.

- Policy implications, if any
  - Suppose that pornography and racist hate speech, 1. Subordinate and 2. silence, but what are the policy implications?
- The strong but rebuttable presumption in favour of protection lapses. This kind of speech cannot be simply assumed to contribute to the free flow of ideas.
- Let individuals and groups fight speech with speech – e.g. pro porn feminist responses. The concern might be that this is difficult when resources for speech are not evenly distributed.
- Supporting oppositional speech, e.g. SBS, promotion of multi-cultural narratives.
- Final option is to restrict, either by civil or criminal means.