

Question for the Culture:

An Inquiry Into Feminine Freedom

by

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Introduction

The concept for this paper was conceived as I reflected on a media scandal that unfolded in the spring of last year. On May 21st 2020, singer Lana Del Rey penned an Instagram post in which she posed her infamous “question for the culture”, a public statement that resulted in major controversy. In her open letter, posited in the form of two typewritten slides posted to Instagram, Del Rey laments on the constant and arguably unfair criticism she has faced in her career for her lyrical explorations of domestic abuse and sexual promiscuity. Since the inception of her career, Del Rey has received endless allegations from her critics of ‘glamorizing’ domestic violence and female suffering in her work in response to her confessions to experiences with violent lovers, as well as her occasional mentions of sex work within her music. All the while, she points out, her contemporaries continue to receive increasing feminist acclaim for the hypersexual nature of their lyrics and performance styles. Here, Del Rey observes a glaring double standard. Somehow, she is failing in the eyes of her feminist critics to explore the right kind of feminine experience.

“I’m fed up with female writers and alt singers saying that I glamorize abuse when in reality I’m just a glamorous person singing about the realities of what we are all now seeing are very prevalent emotionally abusive relationships all over the world.” She states in her letter. “With all of the topics women are finally allowed to explore I just want to say over the last ten years I think it’s pathetic that my minor lyrical exploration detailing my sometimes submissive or passive roles in my relationships has often made people say I’ve set women back hundreds of years. Let this be clear, I’m not not a feminist - but there has to be a place in feminism for women who look and act like me - the kind of women who says no but men hear yes - the kind of women who are slated mercilessly for being their authentic, delicate selves, the kind of women who get their own stories and voices taken away from them by stronger women or by men who hate women.” (Del Rey 2020) Public outrage ensued in response to her statements.

When I first witnessed this scandal, despite the major controversy, I immediately recognized an element of truth in her words. Anyone who is familiar with Del Rey’s career in any capacity is aware of the kind of scathing criticism she is prone to receiving in the name of feminism and female advocacy, there is no doubting her honesty on that claim. Frankly though, I have always found this discourse about her work to be condescending and antithetical to a true feminist philosophy. There is something deeply troubling to me about the conception that female liberation somehow necessarily entails policing female expression, and in my eyes this kind of prevailing attitude is evidence of an alarming flaw in modern feminist thinking. Are women truly liberated if they are so severely limited in the kinds of content they are permitted to explore, in the kinds of ‘bad behavior’ they are

allowed to admit to? Is it with feminist spirit to say that the only women worthy of respect, the only ones whose art or consciousness we should acknowledge, are those who are willing to abide by a set of incoherent rules set forth by the very movement that is supposed to be liberating them? If it is the goal of feminism to grant true liberation unto women, which I believe most would agree that it is, then instances such as these prove that it is failing in its mission, and prove also that in order to maintain an authentic and productive feminist ideology, we must reevaluate our conception of freedom, and subsequently female freedom. Otherwise we are merely subjecting ourselves to new and uniquely sinister forms of oppression. As Camille Paglia so aptly puts it, “We need a new kind of feminism, one that stresses personal responsibility and is open to art and sex in all their dark, unconsoling mysteries.” (Paglia 7)

Freedom & Female Expression:

John Stuart Mill, Isaiah Berlin, and the Harm Principle

In searching for the proper philosophical grounds through which true and adequate liberation can be realized, one can look toward John Stuart Mill’s *‘On Liberty’*. In this work, Mill offers us a thorough philosophy of freedom, including an impassioned advocacy for free speech which proves incredibly relevant to the matter at hand. In *‘On Liberty,’* Mill theorizes that while democratic societies can offer us unique freedoms, they can also offer us unique forms of oppression carried out by the very members of its own society. According to Mill, the social majority could threaten individual freedom just as savagely as a dictator or monarch might - In its own distinctively threatening way, the social majority is capable of

imposing its own moral and social laws and expectations, and is capable of enforcing them just as viciously, subsequently resulting in sterilization of thought and total conformity. As such, Mill argues that censorship as a result of such social pressures should not be tolerated, and adversely freedom of thought, speech, and opinion should be staunchly defended. In his defense of free speech, Mill goes on to assert that any contestable opinion is either true, false, or a combination of both true and false, and since this is the case, any such thought serves as an opportunity to bring us closer to realizing actual truth. This being so, all such opinions have value and should be regarded as such. Furthermore, any attempt to censor an opinion or thought which one believes to be false suggests a belief that one's own thoughts and values are absolutely true; Such absolute knowledge is not available to us, thus invalidating any such attempt and proving it antithetical to the pursuit of true knowledge. (Mill 60) In order to get closer to achieving any kind of objective truth about anything, we must be open to a diverse landscape of thoughts and beliefs which can subsequently lead us there.

This theory is invaluable to the feminist movement as it exists today - In order for feminists to achieve true liberation, they must be willing to engage in authentic discourse, and welcome unconventional or allegedly 'harmful' dialogue. This is the only way true freedom can be exercised and maintained - by allowing freedom of thought, expression, and discourse, which can then reveal to us new and beautiful forms of freedom beyond our previous understanding. In rigorously policing the expression of women, feminists only lead themselves farther away from actualizing the freedom which they have historically aimed to achieve. One cannot devote themselves to the pursuit of freedom while simultaneously insisting on standing in its way.

Another deeply important facet of Mill's philosophy to consider when engaging with our dilemma of feminist contradiction is Mill's conception of the 'harm principle'. Recall my initial illustration of this conflict in the case of Lana Del Rey and her career-long battle against her feminist critics - Take this excerpt from Lily Oberman's 2014 article for Mic, '*Lana Del Rey is a Huge Step Back for Women Everywhere*': "Her appeal depends on her willingness to disregard feminism completely. She plays a character who smells like French perfume and lusts after "dope and diamonds." Her music hints at abusive relationships, at [death](#), at [drug abuse](#), but never comes close to offering a nuanced discussion on those topics. She sits around listlessly, waiting for her man to call (and when he does, she'll quickly answer, as she points out on the track "Old Money" — "But if you send for me / You know I'll come"). She romanticizes everything modern women have fought not to be." (Oberman 2014) Later, Oberman quotes pop singer Lorde's interview with Fader, where she says of Del Rey's music, "[It's] so unhealthy for young girls to be listening to, you know: 'I'm nothing without you.' This sort of shirt-tugging, desperate, don't leave me stuff. That's not a good thing for young girls, even young people, to hear." At the heart of this article, which resembles many others on the nature of Del Rey's music, is the fear that the ideas presented in the music are harmful to the psyche of its female listeners - that it encourages, even insidiously persuades them to succumb to a life of subservience.

But how can we truly discern what kind of speech is authentically 'harmful'? Is it reasonable to classify contentious song lyrics as distinctly harmful? And if so, does this mean that contentious speech should be subject to regulation and censorship? In conceiving of his harm principle, Mill upheld that there is a fundamental difference between speech that is

earnestly ‘harmful’ and speech that is merely ‘offensive’. For Mill, in order for an action to be rightfully labeled as harmful, it must directly infringe upon an individual’s human rights. Instances in which an individual’s rights are genuinely and gravely challenged are the sole instances in which personal liberties should be limited, and as such, we should be rigorous and speculative when we attempt to discern whether or not harm has truly taken place and whether subsequent restrictions to individual freedoms are warranted. Our liberties are sacred, and we should closely and carefully consider any situation which we believe may warrant limitations upon them. This is not by any means a black and white principle, and distinguishing which instances constitute harm requires committed deliberation, and if enforcing restrictions is in fact more harmful than the initial harm itself, then Mill would insist that restriction is therefore unjustified. In this way, Mill defends *weak sufficiency* for regulation of speech and behavior, in which alleged harm is not a conclusive justification for regulation, and must instead be met with adequate investigation and reflection. (Mill 89)

The concept of harm has become a crucial talking point in discourse regarding art and media within the past decade. Critics and audiences have become hyperconscious of and hypercritical to sensitive imagery or themes in works of art and media, the basis of this line of thinking being that by including or acknowledging sensitive content in art, the artist is committing an act of ethical wrongdoing, and as such is causing harm to the marginalized members of their audience. In her book, *On Freedom: Four Songs of Care and Constraint*, author Maggie Nelson offers an abundance of insightful musings on the matter of art and censorship in the name of political sensitivity, and does a wonderful job illustrating the ways in which conceptions of the harm principle exist in popular dialogues regarding the role

artists are meant to play in our lives. In her opening chapter, *Art Song*, she perfectly articulates the major narratives at play in contemporary artistic discourse: “Here we can find a compressed version of a series of presumptions that have been congealing in recent years: depicting violence in art, harms others; there exists some kind of ethical imperative for the artist to acknowledge that harm, even if she does not agree with the premise; “not caring” about, not responding to, or not agreeing with one’s critics, including not making or doing or saying what they would prefer you make or do or say, is ethically negligent; treasuring the freedom to make the art you feel most driven to make correlates to a general claim “to do as [one] pleases,” analogous to shooting someone on fifth avenue, as we now like to say.””

(Nelson 27) Here, Nelson thoroughly illustrates popular discussions utilizing the concept of the harm principle in their thinking about and appreciation of art as they exist in the current collective consciousness. Such discussions, which make a massive statement regarding the ultimate purpose of art (although perhaps not explicitly, they nonetheless certainly do) force us to pause and truly investigate what purpose art is meant to serve in our lives, and what responsibilities we sincerely believe artists to have. Is it really the case, as many would argue, that the purpose of art is to reaffirm popular narratives, and validate the beliefs and values we already confidently hold? Can it indeed be true that an affront to one’s personal values encountered in art constitutes a threat to one’s individual freedom to such an extent that it should be regulated, and as such the artist should be obligated to comply? If we investigate this question with Mill’s understanding of the definition of harm in mind, we would likely conclude that this is not the case. Consider again Mill’s aforementioned criteria for placing restrictions upon free speech, wherein he states that scenarios in which restrictions to one’s freedom of speech cause more detriment than the alleged initial harm do

not justify restrictions to individual freedom. With that in mind, what I would consider the attempt at intellectual homogenization inherent in the belief that “for the artist to acknowledge that harm, even if she does not agree with the premise; “not caring” about, not responding to, or not agreeing with one’s critics, including not making or doing or saying would prefer you make or do or say, is ethically negligent” is undoubtedly a more legitimate threat to individual freedom than any affront to one’s personally held values. Forced compliance seems necessarily contradictory to freedom and liberation, rather than a means to actualizing it. To act as though the opposite is the case seems rather misguided, perhaps even sinister. Perhaps, as Nelson expresses in her chapter, “Since having strong expectations of what other people should feel, or how a certain work should make them feel, is not usually a recipe for their autonomy or liberation, Ranciere’s formulation that “an art is emancipated and emancipating when...it stops *wanting* to emancipate us.”” (Nelson 25) should inform the way we think and converse about the obligations of art and artists.

Similarly to Mill, one can look toward Isaiah Berlin’s conceptions of positive and negative liberties in attempting to navigate this concept. This is no surprise, as Berlin’s philosophy of liberty was directly informed by Mill’s and as such one can find traces of Mill’s theory within Berlin’s formulations on the subject. In his seminal work *Two Concepts of Liberty*, Berlin identifies *positive* and *negative* liberty, two parallel conceptions of freedom. For Berlin, negative freedom refers to the absence of external obstacles or influences in one’s actions and decision-making; Freedom exists when nothing and no one is preventing you from acting precisely as you wish to. Positive liberty, conversely, refers to the presence of control over one’s own actions. Those concerned with positive liberty wish to

identify the source of one's inclinations toward one action or another - Are the decisions we make truly our own or are they dictated to us by some external force that guides our hand? Perhaps it appears that we are acting autonomously, free of obstacles, until we really choose to examine what drives us to act as we do. (Carter 2016) In this way, just as negative freedom is concerned with the absence of *external* obstacles, positive liberty is likewise concerned with the presence of *internal* autonomy. This distinction is often referred to as that between freedom *from* and freedom *to*. (Berlin 11)

Berlin expands on his conception of liberty by implying the existence of two diverged selves, a higher and lower self, which arise specifically as a symptom of positive liberty. According to Berlin, the higher self is characterized by its rationality, and perhaps most importantly, its moral sensitivity - It is astute, discerning, logical, and acutely conscious of the moral bearings and consequences of its actions. The lower self, on the other hand, makes itself known when one slips into their less sophisticated tendencies - crudely passionate, illogical, unthinking, impulsive. When one's lower self is dominant, they have relinquished their freedom and autonomy to their desires. It is only when an individual is successfully governed by their higher selves that they are indeed free, as they can actively exercise their freedom of choice through their ability to engage in thoughtfulness and reflection. Essentially, it is possible for one to fall victim to a kind of false consciousness in this state, in which one believes they are behaving freely and autonomously, when they are in fact at the mercy of their own primitive desires. However, Berlin acknowledged that this line of thinking is uniquely susceptible to manipulation. It is possible for certain individuals or collectives to weaponize this conception of higher and lower consciousness by claiming that

they are somehow innately more attuned to their higher selves than others, and that as such, they serve as necessary leaders for those who are simply less capable of accessing their own higher consciousness and are bound helplessly to their inferior impulses. In this way, these individuals can use their supposed intellectual and moral advantages to justify implementing limitations onto the negative freedom of others, allegedly for their own good. For Berlin, this becomes especially problematic when the so-called ‘intellectually advantageous’ are associated with a collective, group, or organization, and feel entitled to suppress the autonomy of individuals - their negative freedom - for the sake of their own liberation. In such cases, suppression of one’s freedom is advertised as just the opposite. (Berlin 18) One might be tempted to argue that certain women whose lifestyles are perhaps less conventionally ‘feminist’ might simply be deluded about the extent to which they are actually free. If only they knew what was really good for them, they could be truly liberated women. However, this kind of thinking too closely parallels what Berlin warned us of. If the feminist movement serves only to impose its will on women by demanding they conform to an arbitrary set of guidelines, regardless of a woman’s own desires or intuition, then feminism does no more than sell them further oppression under the guise of liberation.

In her essay ‘*Feminism and Censorship*’, author Kirstie Lang compellingly integrates Berlin’s conceptions of positive and negative liberty into more accessible conversations about censorship, and discusses these applied concepts even more specifically in terms of censorship as it relates to feminism and its dissidents. According to Lang, the kind of censorship which we are most concerned with with regard to feminist nonconformity, what she identifies as censorship in the name of equality, occurs as a symptom of positive liberty.

Through this specific facet of positive liberty, dissenting speech is controlled under the assumption that it threatens, harmfully misrepresents, or stifles the voices of certain marginalized peoples. That being so, according to this line of argument, such speech must be restricted in order to protect the disenfranchised (Lang 121). This is precisely the kind of policing we see occurring in the scandal we began this discussion with - A repeated attempt at censorship in the name of feminism, in the spirit of protecting women from falling victim to a dreamy romanticization of abuse which, without proper intervention, they are urgently susceptible to. However, contrary to the general beliefs of feminism, this line of thinking does not regard women as intelligent and autonomous beings - Instead, it reduces them to infant-minded creatures, lost without protection from the evil and dangerous ideas that the world bombards them with. If we don't shield them from the wrong ideas, then they are bound to be hopelessly corrupted by those who wish to do so. How can we possibly claim to fight for female autonomy while building our activism on the degradation of that very concept, as well as that of female intellect? It strikes me as especially condescending and egotistical to claim to have such a uniquely advanced understanding of ethics that one feels qualified to dictate what kinds of art and media others have the intellectual capacity to consume, and it is especially distasteful to do so in the name of activism. As Maggie Nelson expresses it, "It seems to me crucial—even ethically crucial—to treat with caution any rhetoric that purports to have all ethical goodness on its side, and acts to expel, as Butler has put it, (in *The Force of Nonviolence*) "the flawed or destructive dimension of the human psyche to actors on the outside, those living in the region of the 'not-me,' with whom we dis-identify." This is especially so when it comes to art, insofar as artists often make work precisely to give expression to complex, sometimes disturbing dimensions of their psyches

kept elsewhere under wraps.” (Nelson 27) Here, Nelson cleverly identifies the strangely insidious and puritanical nature of this line of argument which, while it disguises itself as existing in defense of the marginalized, actually exists to repudiate those who fall outside of the status quo.

These kinds of conceptions regarding the nature of acceptable female or ‘feminist’ narratives rooted in ethical noncomplexity are no new invention. While they are perhaps amplified by the arrival of social media, women have been historically subjected to this unique kind of puritanical criticism for a very long time - Del Rey by far is not the first or last instance of such troublesome lines of thinking. Angela Davis highlights this phenomenon in her meditations on Billie Holiday’s feminist legacy in her collection of essays entitled *Blues Legacies and Black Feminism*, in which she deconstructs (among a vast number of other things) the often contested issue of the submissive and allegedly victimizing lyrics popular in female blues songs. In her essay *When a Woman Loves a Man: Social Implications of Billie Holiday’s Love Songs*, she writes of Billie Holiday’s song ‘My Man’, “The lyrics shock in the extravagance and intensity of their masculinist point of view and complacent dominance of male self-regard they seem to countenance and encourage. Black feminist cultural critic Michele Wallace observed that this approach to love has not endeared Billie Holiday to feminists. However, Wallace argues, black women across several generations are able to discover themselves in this and other performances by Lady Day, because of the “existential truths” her singing reveals about black women’s lives... The way Billie Holiday sings ‘My Man’ - now playfully, now mournfully, now emphatically, and now frivolously - highlights the contradictions and ambiguities of women’s location in love relationships and

creates a space within which female subjectivity can move toward self-consciousness...Her genius was to give her life experiences an aesthetic form that recast them as windows through which other women could peer critically at their own lives.” Here, Davis so insightfully points out what makes this kind of speech not only acceptable but profound and important, especially for their female audiences. In this song and countless others like it that Holiday performed throughout her career, Holiday artfully expresses a, while unfortunate, still undeniable truth of the collective female consciousness - what Wallace identifies as ‘existential truths’ of the female experience. To deny women this kind of expression would be tragically repressive, and would deny women the kind of fully actualized consciousness which feminism should aim to allow women to build in order to more deeply and cathartically understand themselves and the lives they inhabit as women. Art like Billy Holiday’s *My Man* or Lana Del Rey’s *Ultraviolence*, or any likewise expression of female suffering does not threaten the freedom of women; on the contrary, this kind of expression provides women, including the women creators, with an opportunity for a distinctive understanding of the unique consciousness they inhabit as women in this world. This very opportunity I understand distinctly as liberation, rather than oppression. Any attempt to stifle this kind of speech is an attack on feminine freedom in the sense that it implicitly aims to stifle the intellectual and spiritual understanding that women are to have about themselves and their lives, as well as deny them any catharsis regarding the often painful and unpleasant realities that come with those lives and those understandings of them. As Maggie Nelson so succinctly articulates it, “art that makes some people feel sick makes others feel sane or enlivened; art that some people find irredeemably toxic, others find to be a cherished source of inspiration or catharsis.” (Nelson 32)

Contention among feminists regarding what qualifies as the ‘right’ and most ‘authentic’ kind of feminism has existed since feminism’s second wave in the early nineteen-sixties. In 1976, American feminist, political scientist, and writer Jo Freeman penned her iconic essay “Trashing: The Dark Side of Sisterhood”, for an issue of Ms. Magazine. In it, Freeman denounces what she observes as a prevalent trend within feminism, in which nonconforming feminists are promptly degraded and ousted. In this important article, Freeman declares, “I have been watching for years with increasing dismay as the movement consciously destroys anyone who stands out in any way. I had long hoped that this self-destructive tendency would wither away with time and experience...Instead, trashing has reached epidemic proportions.” Freeman essentially describes trashing as an attempt to ostracize, humiliate, and denigrate women of any dissenting opinion, including through both public and private slander. Trashers will manipulate you into believing that your colleagues think poorly of you, or convince your colleagues that you in fact think poorly of them. Trashers will purposefully misconstrue your statements in the most negative, unflattering perspective possible, and present you with impossible expectations so that they can guarantee your failure, turning you into an ideal target for mass outrage. The goal of this unrelenting manipulation, Freeman claims, is to convince you, and those around you, that you and your values are deeply and irredeemably asymmetrical to the feminist movement, and your colleagues will find you too precarious to be associated with, effectively pushing you out of the movement entirely. Freeman articulates this tactic best, and possibly most famously, as such: “What is trashing, this colloquial term that expresses so much, yet explains so little? It is not disagreement; It is not conflict; It is not opposition. These are perfectly ordinary phenomena which, when engaged in mutually, honestly, and not excessively, are necessary to

keep an organism or organization healthy and active. Trashing is a particularly vicious form of character assassination which amounts to psychological rape. It is manipulative, dishonest and excessive. It is occasionally disguised by the rhetoric of honest conflict, or covered up by denying that any disapproval exists at all. But it is not done to expose disagreements or resolve differences. It is done to disparage and destroy.” Freeman goes on to share that she was mercilessly trashed three times before she felt too psychologically damaged to continue to be active within the movement in 1969. Freeman recalls the repeated (and ultimately successful) attempts at isolation which eventually led her to step away from the movement: requests to contribute to articles were dismissed, any articles she published independently were likewise dismissed, statements made during meetings were met with no response, meeting organizers would change dates to prevent her from attending, requests for collaboration or assistance on her own projects were met with silence. When Freeman finally stopped attending meetings and communicating with her colleagues, no one reached out. Six months after her departure from feminist circles, in June 1970, Freeman found herself in a chance meeting in New York with a group of feminists from across the country. She discovered, amid their conversation, that they too had been trashed and subsequently cast aside as a result of their reputation. Freeman describes the sensation of utter relief she experienced as she indulged in the opportunity to hear the other women’s stories which so closely resembled her own. Following this eye-opening meeting, Freeman observed this insidious trend only continue to pollute the movement to a greater and greater extent. As the phenomenon continued to grow, Freeman’s initial observations that it existed not as a response to political conflict or even individual offenses but was in fact “a social disease” only became increasingly clear. She understood it to be “a very powerful tool of social

control. The qualities and styles which are attacked become examples other women learn not to follow -- lest the same fate befall them.” Diversity of thought was unwelcome, as it was understood as being mutually exclusive with the concepts of equality and egalitarianism. To acknowledge and allow diversity of thought is to acknowledge difference among women, and therefore disprove the concept of equality. Freeman goes on to explain that “consequently the Movement makes the wrong demands from the achievers within it. It asks for guilt and atonement rather than acknowledgment and responsibility. Women who have benefited personally from the Movement's existence do owe it more than gratitude. But that debt is not called in by trashing. Trashing only discourages other women from trying to break free of their traditional shackles.” In order to identify the difference between trashing and fair, productive conflict, Freeman states, the difference lies in the response to a defense mounted in favor of the ‘guilty’ individual. If the defense presented is met with an openness to discussion and consideration, and a willingness to fairly investigate any potential evidence, then trashing is likely not taking place. On the contrary, if the defense is met with incredulity regarding your willingness to even consider defending the individual at all, and an unwillingness for any discussion, compounded with a subsequent suspicion of *you*, then you can confidently identify this interaction as a case of trashing. Freeman consequently raises this question, which bears a close resemblance to the one this paper aims to raise: “How can we on the one hand talk about encouraging women to develop their own individual potential and on the other smash those among us who do just that? Why do we damn our sexist society for the damage it does to women, and then damn those women who do not appear as severely damaged by it? Why has consciousness-raising not raised our consciousness about trashing?...from the stories I've heard, and the groups I've watched, what has impressed me

most is how traditional it is. There is nothing new about discouraging women from stepping out of place by the use of psychological manipulation. This is one of the things that have kept women down for years; it is one thing that feminism was supposed to liberate us from. Yet, instead of an alternative culture with alternative values, we have created alternative means of enforcing the traditional culture and values. Only the name has changed; the results are the same.”

Part of feminism’s many fractures can be attributed to the fact that it is and has always been an incredibly diverse and multifaceted movement of thought. While this in and of itself is not necessarily a handicap or a fault, this paper has thus far given emphasis to the fact that it has been the source of constant contention between feminists and has been the source of many of the movement’s hurdles. Recent controversies such as advocacy for censorship in the arts in the name of political progress and sensitivity is just one contemporary example of this continued phenomenon; However, it is not the only recent example that must be noted. Significantly, the #MeToo movement can also be viewed as one of the most recent manifestations of this ever-present philosophical divide within feminism. In her piece for The Guardian, “How #MeToo revealed the central rift within feminism today,” Moira Donegan details the specific ways the MeToo movement has highlighted this tense philosophical rift (I will discuss #MeToo in the context of this article and its arguments here, but in much greater length later in the paper; It is a rich topic which requires ample thought and attention which I intend to provide). In her piece, Donegan points out that responses to the MeToo movement are divided rather starkly into two camps: Those women who rejoiced at the opportunity to deliver, at any cost, the long overdue justice owed to those

that suffered at the hands of powerful sexually violent men, as well as an opportunity to reform the state of the media industry for women by making it safer and less tolerant of abuse against women - and those other women that approached the movement with caution, suspicious of its tendencies to conflate minor offenses, like raunchy comments or unwanted flirtation, with major sexual crimes the likes of Harvey Weinstein or Jeffrey Epstein. These women tend to be of the opinion that the MeToo movement often undermines the autonomy and responsibility that women certainly have, and argue that it reduces women to childlike, perpetually innocent creatures. Donegan goes on to point out that in the face of this heated cultural debate, many were eager to attribute this phenomenon to a generational divide between overly-optimistic young feminists and social-media-addicted egotists, and older, more bitter and cynical feminists who sneer at their younger counterparts. However, Donegan suggests that this assumption does not actually correlate with reality. According to her own observations of these unfolding dialogues, arguments on both sides came from feminists of varying age groups. Instead, Donegan proposes what she believes might be a more adequate and truthful way to understand this divide between feminists: “A closer look at the arguments being made by these two camps reveals a deeper, more serious intellectual rift. What’s really at play is that feminism has come to contain two distinct understandings of sexism, and two wildly different, often incompatible ideas of how that problem should be solved. One approach is individualist, hard-headed, grounded in ideals of pragmatism, realism and self-sufficiency. The other is expansive, communal, idealistic and premised on the ideals of mutual interest and solidarity. The clash between these two kinds of feminism has been starkly exposed by #MeToo, but the crisis is the result of shifts in feminist thought that have been decades in the making.” (Donegan 2018) By this, Donegan proposes that

feminists who are skeptical of the MeToo movement and its motives observe the movement's tendencies to undermine the agency of women, and to almost eagerly subject them to a state of victimhood. According to its critics, the MeToo movement declares women helpless and innocent by nature, constantly succumbing to the whims of their male counterparts - inherently passive and therefore never responsible, never themselves capable of manipulation or wrongdoing. In this sense, it denies women any semblance of individual autonomy and reduces them to mere subjects. As such, women who subscribe to this view would maintain, according to Donegan's formulation, that women would benefit from a more individualistic vision of feminism, which would better equip them to navigate their unique circumstances as women and bring them closer to a life of liberation - As Donegan articulates it, "according to the individualist model of feminism, personal responsibility, individual freedoms and psychological adjustments offer a woman meaningful routes out of the suffering imposed by patriarchy, and into equality with men."

On the other hand, for its most enthusiastic supporters, MeToo represents an opportunity to make oneself part of a greater social whole. Rather than being concerned with always diligently preserving and considering one's individuality, Donegan suggests that the very nature of #MeToo rests in finding solidarity and community among others, among women who one perceives as having been made victims of the same forces of misogynistic violence as oneself.

Donegan identifies this as "a conflict between "individualist" and "social" feminisms...the rift is between visions of how to undertake the feminist project, of which tactics are best: whether through individual empowerment, or through collective liberation."

Donegan ultimately proposes that because feminism is not a monolith - because it is and always has been so deeply diverse and has historically experienced a great deal of contention between its many camps as a result of this fact - Me Too has inevitably become the most recent subject of disagreement among feminists of differing philosophies and perspectives. Such is just the nature of a varied and manifold theory the likes of feminism. Donegan herself expresses this obstacle as such: “As an approach, social feminism has real flaws...The real weakness of social feminism...[is] that it is so broad. The call for women to unite can overlook the kinds of pain and conflict that can exist between them. After all, who do we mean when we talk about “women”? What experiences or conditions, exactly, do we identify as common to all women? It is difficult to generalize about so many people at once, and questions of injustice, inequality and privilege mean that doing so puts us at the risk of ignoring vital differences. Women are a varied bunch, and they encounter intersecting oppressions that are not of patriarchy’s exclusive making: racism, classism, ability and sexuality. Often, these oppressions are enforced by other women. There are vast gulfs that separate women from one another: gulfs of racism and money, of colonialism, bigotry, history, resentment, defensiveness, ignorance and hurt. It can be very hard to see each other across them.” (Donegan 2018)

Proper Women:

MeToo, Sex Wars, and Feminist Authenticity

While discussions about speech and expression as harm seem to be gaining momentum within popular feminist discourse within recent years, they are not new to the feminist movement. Arguments such as the ones being mounted against allegedly harmful speech today harken back to those that made their first major appearance within the movement during what was known as the ‘Sex Wars,’ a period which began in the seventies and persisted throughout the eighties and nineties, marked by heated debate between two distinct camps within feminism: Anti-Pornography feminists and Pro-Sex feminists. The Anti-Pornography movement saw its beginnings in 1976, when Andrea Dworkin founded WAVPM, ‘Women Against Violence in Porn and Media’, an activist collective which engaged in public protest against the depiction of women in sexually violent or explicit scenarios (the group famously succeeded in having a billboard for The Rolling Stones *Black and Blue* removed in 1976, which featured a woman bound by rope that displayed the words “I’m Black and Blue from The Rolling Stones – And I love It!”). The principles of their collective read as such: “(1) To educate women and men about the woman-hatred expressed in pornography and other media violence to women, and to increase understanding of the destructive consequences of these images; (2) To confront those responsible—for example, the owners of pornographic stores and theaters, those who devise violent images on record covers, newspapers that give a lot of space to advertising pornographic movies, politicians who give out permits for “live shows,” pornographic bookstores, etc.; (3) To put an end to all portrayals of women being bound, raped, tortured, killed, or degraded for sexual stimulation or pleasure. We believe that the constant linking of sexuality and violence is dangerous.” (McBride 2008) Dworkin worked very often alongside her long-time partner, constitutional-lawyer-turned-activist Catherine MacKinnon, both of whom devoted their

lives to what they believed to be an urgent and essential cause in the effort to achieve genuine equality and safety for women. In her 1993 book *Only Words*, MacKinnon presents her famed argument that all pornographic material exists as an act of violence against women which cements their position in society as being constantly subverted to the will of men, and that pornography therefore should be legally regarded as such. For MacKinnon, pornography exists to create the image of woman as sexual object, to perpetuate the concept that women exist to allow men to attain sexual pleasure, and that the images and tropes necessarily present in pornographic material train men to perceive and therefore regard women as subhuman. On behalf of its inherently harmful nature then, MacKinnon subsequently maintains that pornography does not constitute as a form of free speech and therefore does not qualify for protection under the First Amendment. Instead, pornography should be legally recognized as a form of hate speech, which serves as a direct obstacle for the sexual equality of women, and that as such the production and distribution of pornography should be banned and subject to legal penalty. Dworkin joined her in these views- her most famous political efforts were those she engaged in against pornography, and she spent much of her life as an activist fighting to revoke pornography's credibility as a form of free speech, and instead ensure that it is recognized as a catalyst for violence against women and a tool to maintain women's status as second class citizens. Dworkin ultimately argued that pornography should be legally eliminated. (Robertson 2009) For Dworkin, pornography is violence, regardless of whether the depictions in the material are actually physically violent. More specifically, because pornography directly changes the way men perceive women through its manipulative tropes and imagery, and because it then renders men incapable of understanding women as anything other than objects that exist to be used and abused for

male pleasure and nothing else, it then follows that pornography is responsible for all instances of violence against women, in all its forms. In her own words, “Pornography is the essential sexuality of male power: of hate, of ownership, of hierarchy; of sadism, of dominance. The premises of pornography are controlling in every rape and every rape case, whenever a woman is battered or prostituted, in incest, including in incest that occurs before a child can even speak, and in murder—murders of women by husbands, lovers, and serial killers.” Together, MacKinnon and Dworkin presented the Antipornography Civil Rights Ordinance in 1983 (also referred to as the Dworkin-MacKinnon Ordinance). This law aimed to require legal action against those who were found guilty of distributing material which included “[t]he graphic sexually explicit subordination of women through pictures and words that also includes women being sexually used and abused, for example being dehumanized as sexual objects who enjoy pain, humiliation or rape, bound, mutilated, dismembered, in positions of servility or submission or display, or penetrated by objects or animals.” (McBride 2008)

However, the ordinance was quickly overturned on the account that its definition of pornography was too vague and all-encompassing. In truth, the views held by MacKinnon and Dworkin regarding pornography have been the subject of controversy since their inception. From the beginning, those skeptical of their theories have held that according to MacKinnon’s set of identifying characteristics, many works of art (including inevitably those for and by women) would fall into this category and thus be subject to censorship. In this way, critics of MacKinnon have argued that such measures would only further suppress women’s ability to freely exercise artistic expression and sexuality. Such is the spirit of

argument put forth by the anti-pornography movement's counterparts, the 'pro-sex' feminists. Pro-sex feminism arose in the nineteen-eighties as a direct response to anti-pornography feminism, and operated under the belief that the philosophy of anti-pornography feminists was not in fact a tool for the liberation of women, but instead a new mechanism of oppression against women's sexual and expressive liberty. Rather than advocating on behalf of the freedom and autonomy of women, these feminists believed that anti-porn activists sought only to further police and demonize the sex lives of women. In her seminal piece, *Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality*, Gayle Rubin, one of the primary figures of the pro-sex movement, mounts a comprehensive critique of her anti-porn counterparts. Rubin delivers her argument by offering an exhaustive history of prior cultural sex panics and their repercussions regarding attitudes about sex and sexual freedom, and an analysis of the ways in which society has favored and vilified specific sexual behaviors. Ultimately, she insists that sexual liberation is a necessary element of feminism that cannot be compromised, and that this is precisely the reason that anti-pornography feminism is an inadequate ideology that cannot truly serve women. Another figure whose contributions to the pro-sex movement are especially significant is Ellen Willis. In her most notable work (in which she coins the term 'pro-sex feminism'), *Lust Horizons: Is the Women's Movement Pro-Sex?* (1981), Willis argues that the stance of anti-pornography feminists is a right-wing one which does no more than to exercise harsh moral judgement against those it claims to advocate for, and poses an undeniable threat to free speech through its calls for censorship. In addition to her writing, Ellen Willis also formed the Feminists Against Censorship in 1989, an activist group founded as a response to Dworkin & MacKinnon's Anti-Pornography Civil Rights Ordinance. (McBride 2008)

These styles of conversation are especially relevant today when we consider the MeToo movement and its cultural implications. The MeToo movement took flight in 2017 following an exposé of Harvey Weinstein's numerous sex crimes and blackmailing schemes against a myriad of actresses in the film industry. As these truly disturbing stories came to light, countless actresses throughout the industry began sharing the hashtag #MeToo en masse on social media, letting it be known that they too were victims of powerful and sexually violent male colleagues. In the months that followed, the MeToo movement quickly gained momentum, and masses of women in film and television continued to expose their own alleged rapists and abusers, leading to a number of high-profile terminations and several instances of social blacklisting against the accused. Finally, it seemed that women were beginning to receive some amount of justice, though pitifully overdue, for lifetimes of harassment, humiliation, and pain. However, as the movement continued to progress in the weeks and months following Weinstein's exposure, the definition of 'sex crimes' quickly began to blur, and criticism, even and especially from feminists, began to trickle in. Suddenly, not only were heinous acts the likes of Weinstein's serial rape being harshly condemned, but now minor conversational transgressions and even sexually scandalous works of art were beginning to receive the same degree of condemnation. While it is no doubt that this movement was born out of an abundantly real and necessary demand for justice for a shamefully vast number of victims, it is also difficult to deny that prescient issues have arisen within the movement and its approach which demand our attention.

In the very same month as the Weinstein spectacle, October of 2017, an anonymously crowdsourced document titled "Shitty Media Men" surfaced on social media (the creator of

this list has since been revealed as the aforementioned Moira Donegan, writer for the New York Times). The allegations on this list range from “revenge porn” to “workplace affairs” and “ ‘weird’ lunch dates.” In December of 2018, two Manhattan women launched a campaign to insist that the Metropolitan Museum of Art remove Balthus’s 1938 painting *Thérèse Dreaming*, because its ambiguous eroticism constituted as an endorsement of the sexualization of young women (the painting features a girl seated in a chair with one leg propped up on a table, underwear partly visible). In January, a woman presenting herself under the pseudonym Grace accused comedian Aziz Ansari of sexual misconduct after claiming that he did not detect her “physical cues” that she was uninterested in sex with him. Obviously, despite initially well-intentioned efforts, our understanding of sexual violence has become deeply confused. Many, like Masha Gessen for The New Yorker, have begun to liken these new modes of conversation to a contemporary sex panic. In her 2017 article “When Does A Watershed Become A Sex Panic?”, Gessen states that “over the last three decades, as American society has apparently accepted more open expression of different kinds of sexuality, it has also invented new ways and reasons to police sex.” Indeed, although we, as an increasingly progressive culture pride ourselves on our growing tolerance and inclusivity, even our activism, we have somehow managed to enter a new age of social conservatism, especially in regards to the way we view sex. In this day and age, almost anything can be identified as sexual deviancy or even sexual violence. In Gessen’s words, “the policing of sex seems to assume that it’s better to have ten times less sex than to risk having a nonconsensual sexual experience. The problem is not just that this reduces the amount of sex people are likely to be having; it also serves to blur the boundaries between rape, nonviolent sexual

coercion, and bad, fumbling, drunken sex. The effect is both to criminalize bad sex and trivialize rape.”

In her article for Harper’s Bazaar, “The Other Whisper Network”, Katie Roiphe underscores some of MeToo’s arguable weaknesses in its diagnoses of sexual misconduct. In the article, Roiphe identifies a key issue within the MeToo movement - It’s tendency to undermine the potential for women to exercise sexual autonomy. She recalls one allegation listed on the “Shitty Media Men” document: “One man on the spreadsheet—a writer with no authority over anyone, and a drinker himself—is accused of the following: “targets very drunk women.” To me, the verb “target” is eloquent of the motives and the mind-set of the list’s creators. Why is hitting on someone, even with the third drink in your hand, targeting? Surely some of the women are targeting him back, or targeting someone else—the tall guy with a paperback tucked into his jacket pocket, maybe, on the other side of the room. However one feels about the health of drinkers who hang around till the last minutes of the party consorting with other drinkers, I am not sure you can accurately frame this as political oppression. Among other things, the verb makes a series of sexist assumptions about how helpless and passive the women (I mean, targets) at the party are.” Not only are these murky ideas about sex and consent problematic in that they result in often nebulous and speculative allegations with nonetheless serious consequences for those who are accused, but they are indicative of the way the movement and its proponents regard women and their intellectual faculties. One cannot help but recognize the recurring tendency for women’s autonomy and power to be constantly undermined ‘for their own good’ time and time again within their own movements. She recalls another story she encountered in an addition of *The Cut*, in

which a female author calls to mind an instance in which the head of a literary organization asks for her phone number as the pair sat together in a taxi after a party, suggesting that this was somehow an occasion of sexually intimidating behavior. Roiphe states, “one wonders when someone asking for your phone number became an aggressive and dehumanizing gesture rather than, say, annoying or awkward. In a way, asking someone for her phone number seems like asking for consent—it’s asking, not assuming, it’s reaching out, risking rejection. It begins to feel as if the endgame of this project is not bringing to account powerful sexual bullies but, as a male acquaintance puts it, the “presumptive criminalization of all male sexual initiatives.”” (Roiphe 2018)

In January of 2018, French newspaper *Le Monde* published an essay denouncing this phenomenon of sexual criminalization that was quickly taking hold of the feminist psyche. The essay, which was signed by 100 French women including prominent figures like Catherine Deneuve, proposed that while the Harvey Weinstein story instigated a much needed disruption of the mechanisms of serial abuse and assault that have undoubtedly affected the lives of so many women for so many years, the MeToo movement has become confused in its purpose. The authors of the essay (a collaboration between five women) argue that while the #MeToo and #Balancetonporc (France’s equivalent to #MeToo, translates to ‘Expose Your Pig’) began as an effort to liberate the voices of women, it has since managed to transform into one that aims to stifle and control them. In the words of the authors, “what was supposed to liberate voices has now been turned on its head: We are being told what is proper to say and what we must stay silent about — and the women who refuse to fall into line are considered traitors, accomplices!” Rather than serving as a genuine opportunity to

liberate female voices, the authors maintain that the MeToo and Balancetonporc movements have been reduced to a tyranny of thought which undermines female power and autonomy, and is hostile towards sex and sexual freedom. In this way, these movements and their proponents do not in fact exist to serve the wellbeing or liberation of women at all, despite the fact that they claim to do so with pride. In fact, these movements do no more than sell women a new brand of subjugation by refusing to allow women to acknowledge themselves as anything other than eternally helpless. Rather than sovereign and capable individuals, women are regarded as perpetually childlike, existing at the whims of the men around them. As the article states, “Just like in the good old witch-hunt days, what we are once again witnessing here is puritanism in the name of a so-called greater good, claiming to promote the liberation and protection of women, only to enslave them to a status of eternal victim and reduce them to defenseless preys of male chauvinist demons.”

The letter is divided into two sections, the first titled “Ratting Out & Calling Out”. In this section, the authors present their argument regarding the threat that this arguably conservative rhetoric poses to our freedom of expression. The authors recall several familiar examples of attacks made on art in the name of sensitivity to women - censorship of Egon Schiele’s female nudes following accusations of perversion and female objectification, a petition for removal of a Balthus piece from the Met, retrospectives for both Roman Polanski and Jean-Claude Brisseau prevented from screening at two French theaters, and a university’s condemnation of Michelangelo Antonioni’s *Blow-Up* on behalf of its alleged misogyny. The authors also recall some of their own experiences, claiming that in their own work, they too have been asked to revise their writing to make characters “less "sexist" and more restrained

in how they talk about sexuality and love, or to make it so that the "traumas experienced by female characters' be more evident.”

In addition to censorship in the arts, the authors also address the ways in which individuals are forced to censor their own personal and sexual expressions. The essay addresses what the authors consider to be overzealous and misguided diagnoses of mundane discomfort or disinterest as misogynistic violence and sexual intimidation. For the authors of this piece, to insist that we need to endlessly police the way that we express ourselves - personally, artistically, sexually - in the name of women’s safety is not truly a progressive statement when we take a moment to examine it. In fact, one can view it, as the authors of the article do, as a total denial of female power and autonomy. Are women truly so delicate and naive that they must be shielded from material that is too crude in its sexuality, or so inept that they cannot be trusted to navigate their own sex lives without proper intervention by those who know better, those who can really protect them? Ultimately, for the writers of this piece, this kind of ideology only serves to further infantilize and patronize women, reducing them to total incompetence and powerlessness. As the article states, “This frenzy for sending the "pigs" to the slaughterhouse, far from helping women empower themselves, actually serves the interests of the enemies of sexual freedom, the religious extremists, the reactionaries and those who believe — in their righteousness and the Victorian moral outlook that goes with it — that women are a species "apart," children with adult faces who demand to be protected.”

In the second section of the article, titled “The Essential Freedom to Offend”, the authors make their case that sexual freedom, inevitably, cannot exist without risks, and that

despite these inevitable risks, sexual freedom is far too valuable to be compromised. By nature, sex will always be complex and primal, but women should be given enough credit to be trusted to be able to navigate its complexities. The title is a reference to French philosopher Ruwen Ogien's conception of the artist's freedom to offend as essential to his craft, and the authors maintain that it the freedom to offend is essential also to the achievement of sexual liberation. In the words of the authors, "We believe that the freedom to say "no" to a sexual proposition cannot exist without the freedom to bother. And we consider that one must know how to respond to this freedom to bother in ways other than by closing ourselves off in the role of the prey." The authors go on to state that perhaps most important to consider is the fact that women are not one-dimensional beings. They can, as we all do, be full of apparent inconsistencies and complexities; A woman's carnal sexual desires do are not mutually exclusiver with her autonomy, her power, her resilience, or her desire to be recongized as being of equal value to her male counterparts. "Above all, we are aware that the human being is not a monolith," The article states, "A woman can, in the same day, lead a professional team and enjoy being a man's sexual object, without being a "whore" or a vile accomplice of the patriarchy. She can make sure that her wages are equal to a man's but not feel forever traumatized by a man who rubs himself against her in the subway, even if that is regarded as an offense. She can even consider this act as the expression of a great sexual deprivation, or even as a non-event."

The article concludes with this statement: "Incidents that can affect a woman's body do not necessarily affect her dignity and must not, as difficult as they can be, necessarily make her a perpetual victim. Because we are not reducible to our bodies. Our inner freedom

is inviolable. And this freedom that we cherish is not without risks and responsibilities.” (Le Monde 2018)

While they may be unforgiving and perhaps provocative in their argument, it is difficult to deny that the women behind this essay are not entirely deluded in their diagnosis of our cultural and political climate as it pertains to feminism and sex. The essay presents an argument similar to one that I myself have raised earlier in this paper - That it is especially deceptive and discreditable to claim to fight for the best interest of women while in the same breath insulting and degrading the autonomy and mental faculties of those very same women you claim you wish to protect. As self-proclaimed feminists, we cannot identify ourselves with the goal of liberating women while, at once, arguing in favor of increased limitations on their personal and sexual liberty. And it is even more insulting to do so on the grounds that they are too meek to be trusted with them - to say that really, it's for their own good. Women are not perpetually infantile, nor are they lost or helpless in the albeit often awkward and imperfect world of sex. In her article for Harper's, Katie Roiphe calls back to the words of Joan Didion to express a similar thought: “[If] all women are innocent...my question is, Do we really want that innocence? What is the price of it? In her prescient early-Seventies critique of the women's movement, Joan Didion wrote, “Increasingly it seemed that the aversion was to adult sexual life itself: how much cleaner to stay forever children.” She went on to object to a feminist idea of sex that assumed women were, in her memorable phrase, “wounded birds.””

Judith Butler on Speech as Harm

Another invaluable theoretical contribution to the discussion of speech and its potential to cause harm is Judith Butler's *Excitable Speech*. In her first chapter, 'Burning Acts and Injurious Speech,' Butler offers a rich analysis of speech as an acting force by considering an array of relevant perspectives on the subject. She begins with British philosopher J.L. Austin's *How To Do Things With Words*, in which Austin argues that words constitute actions. Within his analysis, Austin distinguishes between illocutionary speech - speech which performs an explicitly intentional action - and perlocutionary speech - speech which results in an action, but does not constitute the action in itself. As Butler expresses it, Austin is presenting a conception of "actions that are performed by virtue of words, and those that are performed by a consequence of words." She describes illocutionary speech as such: "[In] the illocutionary speech act, the name performs *itself*, and in the course of that performing becomes a thing done; the pronouncement is the act of speech at the same time that it is the speaking of an act. Of such an act, one cannot reasonably ask for a "referent," since the effect of the act of speech is not to refer beyond itself, but to perform itself". (Butler 44) On the other hand, she describes perlocutionary speech as instances in which "words are instrumental to the accomplishment of actions, but they are not themselves the actions which they help to accomplish.

Next, Butler consults Friedrich Nietzsche in her investigation into the nature of speech. She refers to Nietzsche's *Genealogy of Morals*, in which Nietzsche offers an analysis of the nature of morality as it relates to the need for an assignment of accountability in the

event of harm. However, Butler is not satisfied with Nietzsche's analysis, as she finds it to be fundamentally confused in its argument. This is because Butler argues that harmful words and actions exist before they are carried out and continue to exist after they are performed, rendering them continuous rather than singular, while Nietzsche's argument rests on the understanding of these harmful acts as singular acts which blame is retroactively accounted for. Butler describes this contradiction as such: "Nietzsche's account of the metaleptic relation between doer and deed rests on a certain confusion about the status of the "deed." For even there, Nietzsche will claim that certain forms of morality require a subject and institute a subject as the consequence of that requirement...At such a moment the subject is not only fabricated as the prior and causal origin of a painful effect that is recast as an action, but the actions whose effects are injurious is no longer an action, the continuous present of "a doing," but is reduced to a "singular act"." (Butler 45)

Butler continues her analysis by introducing arguments made in professor of law Robert Cover's essay 'Violence and the Word,' which investigates the ways in which the court system and legal forces are capable of weaponizing speech. Butler argues that recent legal decisions regarding hate crimes and the ability for citizens to commit targeted attacks on one another on the basis of identity have resulted in a significant shift in approach within discussions about 14th Amendment rights. According to Butler, it is now accepted that governmental powers are not solely capable of imposing limitations on one's constitutional rights to equal protection, moving discussions of violations of equal treatment out of the legal sphere and into an interpersonal one. She maintains that if this is indeed the case, then

we must commit ourselves to understanding the interplay between speech and power, and precisely how speech acquires its power to harm. Through this dedicated analysis, we can then accurately identify hate speech and discover effective ways to counter it. Butler posits that the power behind words does not arise out of their intention, but from the history that the words carry with them.

In advancing her argument, Butler goes on to examine the Supreme Court's history of identification of hate speech. She begins with a recollection of *R.A.V v. St. Paul*, the 1992 Supreme Court decision which determined that the burning of a cross by a young white man on the lawn of a black family constitutes "fighting words" as identified by a previous case, *Chaplinsky v. New Hampshire* or 1942, which dictated that speech which threatens the peace is subject to legal penalty, and that as such, the burning of the cross is recognized as an act of hate speech. However, this decision was ultimately overturned as the Supreme Court deemed this understanding of hate speech and fighting words to be too all-encompassing and would threaten forms of speech which were not injurious. Butler posits that decisions such as this one which refuse to acknowledge certain forms of hate speech as such itself constitutes hate speech in itself. It is in ways such as these that court systems and legal forces are capable of carrying out violence through speech in their own right.

Perhaps most relevant to the subject matter of this paper is Butler's discussion of the ways in which the conservative forces within the U.S. The Supreme Court have utilized their power in order to broaden the realm of injurious speech to include expression which is arguably 'obscene'. This has included efforts to argue that the conception of fighting words

should include sexually explicit expression, such as is the case with the Supreme Court's decision in *Miller v. California* in 1976, which ruled that obscene expression and material is not protected under the First Amendment. Butler argues that these decisions about speech create a slippery slope which have the potential to unduly jeopardize certain forms of expression.

Butler concludes her chapter with a discussion of Catherine MacKinnon, and her long standing position that pornography constitutes hate speech as a result of the fact that it has tangible effects on the social reality of women, ones which serve to dictate women's social role as inferior and subservient, existing only for the pleasure of men. According to MacKinnon's, pornography creates a reality which mirrors itself, and as such she maintains that pornographic material should be subject to censorship on the same legal grounds that one would regulate instances of hate speech. In this section, Butler argues that while pornography can undoubtedly be offensive and derogatory, to attribute this offensive nature to its ability to create a reality for women which they are inescapably tethered to is to attribute to a pornography a powerw which it does not truly have.

Final Remarks

If we truly care for women, if we truly envision a more free and fair life for them, then we must devote ourselves to a persevering investigation of the movements which claim to defend them. While at face value I acknowledge that some of the concepts presented in this paper may be provocative to some, I hope that this paper has brought to light that these beliefs are not actually so subversive among women. As feminists or simply women, we do ourselves no favors by remaining timid about the inconsistencies we observe in feminists movements that claim to exist on behalf of our wellbeing - by fearing that perhaps we will be perceived as gender traitors for expressing our discontents. We should always maintain a critical eye, and ensure that the forces which promise to fight for are really faithful to the project of female liberty. Otherwise, we have a hand in maintaining the status quo of our own subjugation.

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