

Against the Slang Use of the Word *Rape*: A Langtonian-Birdian Reproach

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Abstract

A disturbing trend that has surfaced recently in slang language is to use the word *rape* in a joking or hyperbolic manner. An example of this is, "I raped that exam!" In this paper, I argue that such use of the term *rape* is immoral. I begin by modeling my case after British philosopher Rae Langton's argument that pornography "silences" the speech of women in a particular way. I then discuss Alexander Bird's objection to Langton's notion of "silencing." In the end, I develop a hybrid theory that respects the cogency of Bird's objection while retaining the spirit of Langton's view. By analyzing communication in a novel way, I argue that the slang use of the word *rape* immorally silences rape victims/survivors, although not in the way Langton's argument would suggest.

* This article may be triggering to survivors of sexual assault and abuse.

Introduction

Before diving into my argument, I would first like to discuss why philosophy is the appropriate discipline for a discussion on the slang use of the word *rape*.¹ Philosophers have the unfair reputation of spending their days in ivory towers, blissfully ignorant of the world below. This is simply not true. Much like the biologist who uses a powerful microscope to inspect a specimen, the philosopher uses the tools of logic and reason to provide conceptual analyses of ideas, concepts, language, and indeed, entire worldviews. One part of this broad study is to analyze and form arguments that include *normative* terms. Normative terminology is prescriptive, rather than just descriptive. In this sense, we might say that the biologist makes our world better by giving us more detail about what is, and the philosopher makes our world better by giving us clear reasons for what ought to be. Philosophy has much to offer to humanity and the subject at hand.

Now consider, if you will, the following examples:

1. - "What does Suzy get when she goes into town?"
- "Raped."
2. "It's not rape if you say, 'Surprise!'"
3. "That exam totally raped me!"
4. "I raped that exam!"²

Did they shock you? Chances are that if you're over the age of 23, they did. Would it surprise you to know that many middle school, high school, and college students use the word *rape* in these ways? The first two examples are jokes that were heard in a middle school, and they should clearly be criticized in their own right, but it is the last two examples on which I wish to focus. They are instances of the slang use of the word *rape*, here said in a hyperbolic manner and meant to signify dominance. It is troubling to hear the word said in this way because it trivializes the reality of rape. The general definition of the word is, "To force (someone) to have sex with you by using violence or the threat of violence."³ This definition, contrary to the slang use, portrays the gravity of sexual assault.

So what is wrong with the slang use? The philosopher Rae Langton leads us to an answer. Langton wrote a compelling paper called "Speech Acts and Unspeakable Acts," in which she draws upon the work of J. L. Austin to make the argument that pornography *illocutionarily disables* the free speech of women (*illocution* is a type of *speech act*, and I will give definitions for both of these terms later). I employ Langton's argument to make a similar, though slightly more nuanced, case. I contend that the slang use of the word *rape* can lead to the illocutionary disablement of rape victims/survivors and is therefore immoral.⁴ I do not expect, nor do I wish, that public policy or laws will be developed based on the reasoning provided here in support of this contention. Rather, I would like to impress upon readers the immorality of using the word *rape* this way, and leave them to decide whether or not they agree. My hope is that the goodness of people will prevail and they will choose not to act immorally.

In what follows, I will first present consequences of the slang use of the word *rape*. Next, I will provide a brief discussion of speech acts and a summary of Langton's argument. Third, I will present my own argument, which uses Langton's as a model. Then I will respond to an objection Alexander Bird makes to Langton's argument. Finally, I will present my hybrid theory, which combines the work of Langton and Bird. This Langtonian-Birdian theory should serve as a powerful reproach against the slang use of the word *rape*.

Consequences of the Slang Use of the Word Rape **Trivialization**

Just imagine that you are a college student and one night you are sexually assaulted in your dorm room. Now flash forward to a few weeks later and you hear a fellow student say, "That exam totally raped me!" (example number 3). What do you feel? What goes through your mind? Do you feel fear because your gut reaction was that you thought another student had been raped? Or how about anger that the other student is comparing doing poorly on a test to the most traumatic night of your life? This is not just a thought experiment; given that one in five college women will be sexually assaulted,⁵ the chances of this scenario happening are high.

What we see in the scenario is that using the word *rape* as slang trivializes the reality that actual rape victims/survivors face. Victims/survivors of sexual assault may have to endure, among other things: shame, guilt, physical and emotional trauma, social pressure, mistreatment from the criminal justice system, and, in short, nothing less than the total upheaval of their lives. Using the word *rape* to express how well one did (or did not do) on an exam takes this reality and belittles it.

Semantic Amelioration

In *Slang & Sociability*, author Connie Eble writes, "Sometimes the connotation associated with a term becomes more favorable or less favorable, opposing processes

called amelioration and pejoration.”⁶ Can the slang use of the word *rape* lead to its semantic amelioration? The word *amelioration* simply means the improvement of something, and thus, *semantic amelioration* means the improvement in the evaluatively negative connotations of a word (usually over time). If we consider our examples from the introduction again, we can reasonably conclude that example number 4 (“I raped that exam!”) is the beginning of the amelioration of the verb *to rape*.

If a student says, “I raped that exam!” she could intend to convey several different meanings, but the most likely is that, by using hyperbole, she is expressing that she did extremely well on the exam. This would mean she intends to convey a positive evaluation of the situation, and the phrase will then carry a positive connotation. This is a change from the usual negative connotation associated with the word *rape*. Now, does the student really mean to say that rape is something positive? Most likely she doesn’t, but because she is using the word in a sentence that has a positive connotation, it starts to be ameliorated. The denotation of *rape* stays the same, but the connotation becomes more positive. This is not desirable, I contend, because having such a word with a negative connotation is extremely useful. It conveys the proper evaluation that the act of rape is indeed wrong.

I worry that this connotative shift will lead to the full semantic amelioration of *rape*. It would not be the first time something like this has happened. Consider the verb *to ravish*. This verb has two different, and opposite, meanings. One is “to force (a woman) to have sex with you by using violence or the threat of violence,” and the other is “to fill (someone) with pleasure, joy, or happiness.”⁷ The former definition is seldom used anymore, though the denotation is still retained. In contemporary times, the latter definition is more often associated with *ravish*, and it is worrisome that a word that is a synonym for *rape* has a positive meaning attached to it. Although we may be a long way away from the word *rape* completely ameliorating to include a positive meaning, the slang use, such as in example number 4, is the start of the amelioration process.

In sum, example number 3 leads to trivialization and example number 4 leads to not only trivialization but also semantic amelioration. These arguments on trivialization and semantic amelioration are an integral part of my further argument regarding illocutionary disablement, which will be considered presently. A final note is that trivialization and amelioration of *rape* can be included as symptoms of what is called *rape culture*, which I’ll discuss later. First, I would like to address a possible objection to the trivialization argument.

Objection

A possible objection to my argument against trivialization is that trivializing is, in some ways, a good thing. The counterargument is: the trivialization of *rape* reappropriates the word by taking the power of that word back. Much like what some members of the black community attempt with the “N”-word, the semantic amelioration of the word *rape* can be beneficial.⁸

Reappropriation of words is a highly contested issue that revolves around whether it is better to ban a word or to consciously change its meaning. The “N”-word, as mentioned, is one example. Another is the current debate within feminism over whether or not to ban or reappropriate the word *bossy*. This word is often used to insult girls and women and discourage them from being leaders. Sheryl Sandberg and the Lean In Foundation started a campaign to ban the word for this reason, but prominent feminist bell hooks believes its reappropriation is more beneficial.⁹ Notice that both arguments are based on what is better for those in the disadvantaged position (girls and women, in this case). This is why the argument for reappropriation is wrongly applied to the word *rape*. Who could possibly benefit from *rape* becoming more positive? It would seem

that the victims/survivors would not benefit from reappropriation; instead, the rapists would.

Furthermore, there are current words that already do what the ideal reappropriations for the “N”-word and *bossy* strive to do. For example, instead of the “N”-word (the debated term for reappropriation is *nigga*) there is *brother* (*brotha*); instead of *bossy* we have *confident* or *commanding*. Thus, the terms in question are not a necessity in our language. However, we do need the word *rape* because unfortunately the act of rape is a horrific reality in our world and we need a word to reflect this. Do we want the verb *to rape* to become equal to a neutral verb like *to stand*?

There is empirical evidence that humans pay closer attention to the word *rape* than to other words. Researcher Luiz Pessoa states, in “Emotion and Cognition and the Amygdala,” “One of the key functions of attention is to help select specific items that will further shape information processing. One way in which emotional content guides information processing is linked to the prioritization of this class of stimuli relative to neutral items.”¹⁰ Pessoa had subjects try to detect words that were written in a green font among distracting white-colored words. The experiment revealed that subjects could better detect emotionally laden words such as *rape* compared to words such as *house*, therefore demonstrating that emotionally laden stimuli are privileged.¹¹ In other words, Pessoa’s research shows us that *rape* shocks our brains more than other, more neutral terms.

If the word is continually trivialized by its slang use, I wonder, what would this do to the shock factor? I suspect that those who have had significant exposure to the slang use would not have the same reaction that Pessoa’s subjects did. This is problematic because, as previously stated, having *rape* retain its negative connotation conveys the proper evaluation that the act of rape is wrong. Likewise, given Pessoa’s research, we should want *rape* to retain its power to shock us because another proper evaluation of the act of rape is that it is shocking.

There are two other final points against reappropriation. First, it may be suggested that language is always changing, and it changes to suit the people who use it. If people begin to use the verb *to rape* in the ameliorated sense, then they will probably invent another word that reflects the horrors of the act. This may be true, but if it is, it might take hundreds of years for that to happen. Meanwhile, survivors are being hurt every day by the slang usage. The final point is that it is a mistake to conflate *is* with *ought*. Just because something *is* a certain way, doesn’t mean it *ought* to be. So the fact that certain words do change their meanings over time does not imply that they always ought to do so.

Langton’s “Speech Acts” Argument against Pornography Speech Acts

In his highly influential book *How to Do Things with Words*, J. L. Austin tells us that when we speak we actually do things. Our speech itself is action. He demarcates three different types of acts: locution, perlocution, and illocution.¹² Locution is simply saying the words. For example, if I say, “The girl said to the boy, ‘Jump high!’” the locution of the girl is “jump high.”¹³ Perlocution is the effect, or consequence, that can be elicited by performing the locution. If the boy is persuaded to jump high, then this is what is called a *perlocutionary effect*.

Illocution is the most interesting of the three and is best illustrated by an example. A couple is getting married, and they each say “I do.” In saying “I do” they are married.¹⁴ The act of saying the words made them married. The difference, then, between perlocution and illocution is the “in” versus the “by.” For example, *by* the bride’s saying “I do,” the bride’s mother became angry because she did not approve of

the marriage. In saying “I do,” the bride and her partner were married.¹⁵ These are the basics of Austin’s theory, which Langton applies in an interesting way to her argument against pornography. It is important to note that just as our physical actions can be blocked in some ways, so can speech acts. It is this blocking (or *disablement*) that interests Langton.

Langton’s Argument

Rae Langton’s paper on speech acts and pornography was (and is) both controversial and highly regarded. She combined the work of Catherine MacKinnon, who argued that pornography should not be protected as free speech because it silences the free speech of women, with Austin’s work on speech acts.¹⁶ Langton states, “If speech is action, then silence is failure to act. If pornography silences women, then it prevents women from doing things with their words.”¹⁷

How can speech acts be silenced? We can certainly see how locutionary acts can be silenced—if someone puts tape over my mouth so I cannot speak, I am silenced. *Perlocutionary frustration*, as it is called, is simply when, for example, person X makes an argument but person Y fails to be persuaded by this argument. It is more difficult to understand how illocutionary acts can be silenced. Langton says,

But there is a third kind of silencing that happens when one speaks, one utters words, and fails not simply to achieve the effect one aims at, but fails to perform the very action one intends. Here speech misfires . . . although the appropriate words are uttered, with the appropriate intention, the speaker fails to perform the intended illocutionary act. Silencing of this third kind we can call illocutionary disablement.¹⁸

The best way to illustrate this is through examples, and Langton gives several. She first gives the example of when a warning fails, and she notes that this example comes from Donald Davidson:

Imagine this: the actor is acting a scene in which there is supposed to be a fire. . . . It is his role to imitate as persuasively as he can a man who is trying to warn others of a fire. “Fire!” he screams. And perhaps he adds, at the behest of the author, “I mean it! Look at the smoke!” etc. And now a real fire breaks out, and the actor tries vainly to warn the real audience. “Fire!” he screams. “I mean it! Look at the smoke!” etc.¹⁹

Langton says that the actor gets the locutionary act correct—he says the correct word in saying, “Fire!” He intends to warn the audience that there really is a fire, but because uptake is not secured, he fails to warn.²⁰ The illocutionary act of a warning has misfired. It is important to note this mention of uptake. For Austin and Langton, uptake is required for an illocutionary act to be successful. Uptake is the hearer’s comprehension of the speaker’s intended illocutionary act. Simply put, it occurs when the audience understands what the speaker says. If there is no uptake, then a misfiring has happened and silencing of the illocutionary act—which Langton calls *disablement*—can occur. The idea that uptake is required for an illocutionary act to be performed is contested by other philosophers, including Alexander Bird, whom I shall address later.

Langton’s argument for how pornography illocutionarily disables women follows the fire example. Pornography objectifies women, is violent and degrading, and portrays acts of rape as normal. In other words, much of pornography shows women being objectified and used as mere tools for male pleasure, and there is a preponderance of pornography that shows women enjoying violent and degrading sex. Much of it even shows women resisting and refusing sexual advances and then, after the man goes

ahead despite her resistance, she is shown to enjoy it. These images in pornography—or rather, since pornography is speech, this kind of speech—can lead to illocutionary disablement when a woman says “no” to sex.²¹ Langton says,

Consider the utterance “no.” We all know how to do things with this word. We use it, typically, to disagree, to refuse, or to prohibit. In sexual contexts a woman sometimes uses it to refuse sex. . . . However, in sexual contexts something odd happens. Sometimes a woman tries to use the “no” locution to refuse sex, and it does not work.²²

The author further elucidates how the “no” locution does not work. It fails in two ways, she says. The first way is when the rapist understands the locution correctly as a refusal, but he ignores it. The other way it does not work is what constitutes illocutionary disablement. This is when the woman performs the “no” locution, but uptake is not secured; the rapist does not take her “no” to mean a refusal. It is not that he understands she is refusing and just ignores her, but instead, due to repeated watching of pornography in which violent acts and acts of rape are portrayed as normal, he doesn’t even comprehend her “no” as a refusal. Just like when the actor yells, “Fire!” there is something that goes wrong, and the refusal—the illocutionary act—is disabled.

My Argument: A Langtonian Reproach

I propose that the same style of argument that Langton uses can be applied to the relationship between the slang use of the word *rape* and rape victims’/survivors’ statements of “he raped me.” As previously mentioned, the slang use of the word *rape*, as in examples 3 and 4, trivializes the word and begins the process of semantic amelioration. This can lead to the disablement of the illocutionary act of the locution “he raped me.” But to understand how this happens, we must know which illocutionary act is performed. In Langton’s argument, the “no” locution had the illocutionary act of refusal. In Davidson’s example, the “fire” locution had the illocutionary act of warning. In the “he raped me” locution, the illocutionary act is accusal.

The question, then, is how this illocutionary act occurs. First we must look at what *accusal* or *to accuse* means. A general definition is “to charge with wrongdoing.” When a victim/survivor tells her friend that she has been raped, she is accusing her rapist of wrongdoing. When she goes to a police station to report a rape and she says, “He raped me,” she is accusing her rapist of wrongdoing. And again, the same action occurs when she is on the witness stand and is asked to identify her rapist: the jury looks on as she looks at the attacker and says, “He raped me.” Now if we consider some of the perlocutionary effects of these cases, we can see that by saying “He raped me” to her friend, she can cause the friend to believe her or not to believe her. By saying it to the police officer, she can cause the officer to start an investigation. By saying it on the witness stand she can cause the jurors to find the rapist guilty. These are all perlocutionary effects, but where does the illocutionary disablement come in?

The illocutionary disablement comes when any one of the people mentioned above does not recognize her accusal. It is when uptake is not secured. At first this may seem far-fetched, but given our discussion of trivialization and semantic amelioration, I contend that it is not. As stated, an accusal is a charge of wrongdoing. Here is where the argument becomes a bit more nuanced: wrongdoing can mean a legal wrongdoing or a moral wrongdoing. While it may be unlikely that uptake is not secured for an accusal of legal wrongdoing (after all, the police officer, jurors, and friend will most likely understand that rape is a legal wrongdoing), it is not as unlikely when it comes to moral wrongdoing. If the word *rape* is trivialized, or if it begins to take on a positive connotation, then it can be difficult for a rape victim/survivor to make the accusal of

a grave moral wrongdoing and have her audience secure uptake. Just like Langton's argument that repeated watching of certain types of pornography can lead to a rapist not having the proper uptake of a victim's refusal, repeated hearing and use of the word *rape* as slang can lead to the disablement of the illocutionary act of accusal (of moral wrongdoing).

We may then ask the question, "Well, so what?—the uptake of the legal wrongdoing is still secure." This strikes me as odd and rather dangerous. Of course there is a difference between morality and legality, but some things are made illegal precisely because we consider them to be immoral. Rape is one of these things. In practicality, I do not think we are in danger of rape becoming decriminalized because of the slang use of the word and its consequences, but the principle still holds. Do we want to do anything to undermine our view that rape is immoral?

An Objection by Alexander Bird

Alexander Bird responds to Langton's argument in his paper "Illocutionary Silencing," where he asks whether or not uptake is necessary for refusal. He starts out by discussing a case of warning. He says,

I doubt even that warning requires uptake, as the following case shows.

A burglar enters a property at night. He has seen a clearly displayed sign: "Warning: premises patrolled by fierce dogs" but believes this is just a blind, intended to mislead people into thinking there are dogs.

Believing that there are none, he later discovers his mistake when attacked by the patrolling dogs. The burglar has no right to claim that he was not in fact warned of the presence of dogs, just because he believed the sign was intended to deceive rather than genuinely warn. He was warned alright, but he failed to see that the warning was sincere.²³

Bird goes on to state, "If pornography does create a climate where certain men cannot recognize a woman's intention of refusing, that cannot prevent her from refusing."²⁴ What this quote and the burglar case show is that there was a situation where the intended audience thought what was being said was insincere, and therefore uptake was not achieved. According to Bird, despite the lack of uptake, the illocutionary act occurred. The burglar thought the intention of the sign was to deceive, and although he didn't have the proper uptake of the sign's intention, the sign still provided a warning. Applied to Langton's example, the rapist thinks that the intention of the woman in saying "no" is to deceive, and despite his lacking the uptake of refusal, the woman still refused.

Bird is muddling things a bit here because in these examples the burglar and rapist did have uptake of warning or refusal, respectively, but thought it was insincere. For the burglar or rapist to uptake deception, he first has to have an idea of what the speaker is deceiving him about; in Langton's example, this is the speaker's refusal of sex. Bird's example is different from Langton's because in the latter author's example the rapist does not comprehend the refusal at any point in the exchange.²⁵

However, this problem is not crucial to Bird's position. He still raises the valid question of whether or not uptake is required for a speaker to do things with her words. With regard to the woman's action, does it matter if the rapist thought her refusal was insincere? Does it matter if he did not even have uptake of her refusal? Bird says no, the refusal does not depend on the uptake of the audience, but rather on the intention of the speaker. It does not matter if the rapist didn't comprehend her refusal or if he thought it was insincere. If the woman intended to refuse and performed the requisite action (saying "no"), then she did refuse.²⁶ Bird's position is convincing. It does now seem odd to say that the woman didn't refuse simply because the rapist

didn't understand her. On the other hand, there is clearly something going wrong with communication here.

My intuition is that each author is partially right but is missing something. Bird is right that uptake is not necessary for a person to perform the illocutionary acts we have been discussing. I can still say "no" to someone who does not recognize that I'm refusing, and when I say "no" I am still refusing. I can still say, "He raped me," and even though my audience may not recognize that I'm making an accusation of wrongdoing, I am still doing just that. So Bird is correct that lack of uptake does not mean that I did not perform the illocutionary acts of refusal or accusal. But likewise, Langton is also correct that a type of disablement occurs when the intended audience does not secure uptake. Where do both authors go wrong? I contend that they both have been discussing the incorrect illocutionary act, and if we focus on the correct one, the problems that both authors face will be solved.

Toward a Hybrid Theory: A Langtonian-Birdian Reapproach

Neither Langton nor Bird do an adequate job of explaining how communication happens. For Langton (following Austin), whenever a speaker performs an illocutionary act (or in other words, *illocutes*), she communicates. The performance and communication are tied together in such a way that one cannot illocute without communicating. She doesn't elaborate on how this happens. For Bird, the speaker's intention is all that is needed to perform an illocutionary act, and he does not focus on communication at all. To understand what is happening and why both Langton and Bird have been focusing on the wrong illocutionary act, we must briefly analyze action.

Action: Intention and Performance

For every act we must consider three things: (1) the agent's intention, (2) the performance of the act, and (3) the consequences of the act. Only (1) and (2) relate directly to illocution, and (3) relates to perlocution; because perlocution is not the main focus of this paper, I will not address consequences here. Intention is important because we can perform multiple acts with the same movement. In classroom settings, the silent raising of a hand indicates that a student has a question. A student may raise his hand over his head and it would not be unusual for the teacher to ask, "Question? Or just stretching?" This is because the same movement can do different things, and the student's intention determines which act is occurring. The performance of the act is important because if the student intends to tell the teacher he has a question, then he must relay this intention to the teacher in the correct way (by raising his hand). He cannot, for example, relay his intention to the teacher by turning around in a circle and barking like a dog.

For illocutionary acts, intention and performance are just as important. Let's take Langton's case of refusal again and analyze it in these terms. In saying "no" to sex, what illocutionary act is the woman performing? Langton and Bird both say it is refusal. I want to suggest that she is performing two illocutionary acts at once—one of refusal and one of the communication of refusal. This may seem to be splitting hairs, but it is not, because there are two different intentions that the woman has when she says "no"—to refuse and to communicate this refusal.

If we take a physical example again this will become clearer. When Michael Jordan made one of his typical buzzer-beating, game-winning shots, what was he doing? In making that shot, he was doing two things—scoring and winning the game. He intended to do both and in performing the requisite action (making the shot), the acts of scoring and winning were both performed. If this is so, why should the same thing not be possible for speech acts?

A general definition of *to communicate* is “to convey information to someone else.” In saying “no,” the woman intends to refuse and to communicate the refusal. Here, her act of refusal is the piece of information she wants to convey. I will call the act that follows from the first intention the *primary act* and the act that follows from the second intention the *secondary act*. The reason for this terminology is that usually when we speak, we must first know what it is that we want to say. Likewise, when we communicate with others, we generally first must know what it is that we want to communicate.

Now that I’ve made the case for the performance of two illocutionary acts per locution, we’ll have to see whether both acts can be silenced (or, in Langton’s terminology, “disabled”) or if only one of them can. If the primary act can be disabled, then I will call this *primary act disablement*. If the secondary act can be disabled, then I will call this *secondary act disablement*.

Primary and Secondary Act Disablement

Is it possible for the primary act to be disabled? To use Langton’s example again, if a woman intends to refuse and performs the requisite locution, can that act of refusal be disabled? This is the question on which Langton and Bird disagree. Bird is correct here in saying that this act of refusal cannot be disabled. The reason is, it makes little sense that such an act would require uptake. It may come down to competing intuitions, but I follow Bird in saying that if a rape victim refused sex, then she refused, despite her audience’s lack of uptake. After all, are we to go to a rape victim and say to her, “Oh, but since the rapist didn’t have the proper uptake, you didn’t actually refuse”? This seems like it would be wrong on many levels. I conclude that primary acts, such as refusal and accusal, cannot be disabled. If this were the only possibility of disablement, then both Langton and I would be wrong when we say that pornography and the use of the word *rape* as slang illocutionarily disable. However, there is another possibility—secondary act disablement.

Is it possible for the secondary act to be disabled? That is, can the illocutionary act of communication be disabled? The answer is yes. Communication is relational between a speaker and a hearer, and this is why it requires uptake. Remember that *to communicate* is “to convey information to someone else.” If my audience does not know the information I wish them to know, then the act of communication was not completed.

Communication, then, is an action that seems to require an act from the speaker and an act from the hearer. The speaker must intend to perform the act of communication, and to actually perform it she must say the requisite locution. In intending so and performing so, she has performed her part of the action. The act of communication can be disabled when something gets in the way of the hearer’s part of the act (the uptake). This is secondary act disablement. In Langton’s example, what gets in the way is that pornography is violent and degrading and portrays acts of rape as normal. When a woman says “no” to sex, it disables the illocutionary act of communication (of refusal) by preventing the man from securing uptake. In my example, the use of the word *rape* as slang can disable the illocutionary act of communication (of accusal) that occurs when a victim/survivor says, “He raped me.”

Further Considerations

I would like to discuss very briefly two further considerations. The first is the culpability of the rapist if uptake is not secured. Bird mentions that this is a possible undesirable consequence of Langton’s view.²⁷ Should we say that the man committed a rape if he did not know that the woman was refusing? Yes, we should. This is because

consent is not based on the absence of a “no,” but rather on an affirmative “yes.” In other words, a lack of refusal does not equal consent. For example, if a victim is intoxicated and does not say “no,” this does not mean that she has consented to sex. The same logic applies to cases in which a victim is sober. Therefore, if the rapist didn’t have uptake of the refusal, that doesn’t mean that he did (or should) have uptake of consent.

Finally, it would be helpful to address what exactly the difference is between the statements “I raped that exam” and “I murdered that exam.” Both are reprehensible, but the reason the reproach of the former is so important has to do with context. Murder has always been severely castigated in our society, as have murderers. But rape and rapists have not. Instead, we have what is called a *rape culture*. The Baltimore-based organization called “FORCE: Upsetting Rape Culture” writes,

In a rape culture, people are surrounded with images, language, laws, and other everyday phenomena that validate and perpetuate rape. Rape culture includes jokes, TV, music, advertising, legal jargon, laws, words and imagery, that make violence against women and sexual coercion seem so normal that people believe that rape is inevitable. Rather than viewing the culture of rape as a problem to change, people in a rape culture think about the persistence of rape as “just the way things are.”²⁸

How does a rape culture do these things? It allows the star athlete or celebrity artist to get away with rape simply because of his status, it blames the victim while excusing the perpetrators, and it perpetuates harmful language such as the use of *rape* as a slang word.

Conclusion

Using Rae Langton’s argument against pornography as a model, and in conjunction with Alexander Bird’s convincing objection, I have developed a hybrid theory of illocutionary disablement. With this Langtonian-Birdian view, I have shown that the slang use of the word *rape* can lead to the illocutionary disablement of rape victims/survivors. The hybrid version is necessary to make the distinction between those illocutionary acts that may be disabled and those that may not be disabled.

In performing a certain locution, a speaker may intend for two illocutionary acts to occur—the primary act, which are acts like refusal and accusation, and the secondary act, which is the communication of the intended primary act. Only the secondary act requires uptake, and thus only the secondary act may be disabled. In sum, when victims/survivors say, “He raped me,” they intend both to accuse and to communicate this accusation to others. The communication of this accusation may be disabled by the slang use of the word *rape* because it interferes with the hearer’s necessary uptake.

The use of the word *rape* as slang is both a symptom and a cause of a profoundly sick society, which overtly condemns the act of certain kinds of rape but covertly tolerates rape in general.²⁹ Like a two-way street, our language informs rape culture, and in turn rape culture informs our language. One way we can work to heal this society is by ridding it of the sickness in our language. I propose that we fight against the use of *rape* as a slang word because not only does it cause immediate harm to victims/survivors of rape, it also leads to the illocutionary disablement of these victims/survivors when they have enough courage to speak up and say, “He raped me.” Such disablement is obviously harmful to, and disrespectful of, the victims/survivors. The use of the word *rape* as slang is therefore not only annoying, crass, or unkind, but it is also immoral.

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Notes

1. An important note: throughout this paper I will be referring to rapists with male pronouns and to the victims/survivors with female pronouns. I do this because this is the terminology Langton uses, and I model my argument after hers. It is important to recognize, however, that females can be perpetrators and males can be victims/survivors. Also, I recognize that the gender binary of male-female is insufficient, but I will use traditional pronouns for ease.
2. Examples 3 and 4 are heard quite often on university campuses, including the University of Wisconsin Oshkosh, where I have heard these expressions many times. Examples 1 and 2 are similar to a joke told by comedian Daniel Tosh in his stand-up routine. See "Daniel Tosh – rape," YouTube video, 0:52, posted by "PikeysPooOutdoors's channel," July 19, 2012, <https://www.youtube.com/watch?v=isSJwdXgho>.
3. *Merriam-Webster Online*, s.v. "rape," accessed November 20, 2013, <http://www.merriam-webster.com/dictionary/rape>.
4. I do not here have the space to expand on this issue. Briefly though, when I say "moral" or "immoral" I have Kantian ethical theory in mind, though I believe that my argument would also successfully fit into the framework of the other two main ethical theories (utilitarianism and virtue theory).
5. The White House Council on Women and Girls and the Office of the Vice President, "Rape and Sexual Assault: A Renewed Call to Action," January 2014, http://www.whitehouse.gov/sites/default/files/docs/sexual_assault_report_1-21-14.pdf, 1.
6. Connie C. Eble, *Slang & Sociability: In-Group Language among College Students* (Chapel Hill: University of North Carolina Press, 1996), 58.
7. *Merriam-Webster Online*, s.v. "ravish," accessed November 20, 2013, <http://www.merriam-webster.com/dictionary/ravish>.
8. There are others within the black community who argue against this attempted reappropriation of the "N"-word.
9. Charing Ball, "Ban Bossy or Be Bossy and Proud?" *Madame Noire* (blog), April 1, 2014, <http://madamenoire.com/416066/ban-bossy-bossy-proud/>.
10. Luiz Pessoa, "Emotion and Cognition and the Amygdala: From 'What Is It' to 'What's to Be Done?'" *Neuropsychologia* 48, no. 12 (October 2010): 3420, doi:10.1016/j.neuropsychologia.2010.06.0383420.
11. *Ibid.*
12. J. L. Austin, *How to Do Things with Words* (Cambridge, MA: Harvard University Press, 1962), 103.
13. *Ibid.*, 101. My example is analogous to Austin's, which is, "Shoot her!"
14. Rae Langton, "Speech Acts and Unspeakable Acts," *Philosophy and Public Affairs* 22, no. 4 (Fall 1993): 300, ProQuest Philosopher's Index (AN 1241801).
15. *Ibid.*
16. *Ibid.*, 314.
17. *Ibid.*
18. *Ibid.*, 315.
19. *Ibid.*, 316.

20. Ibid.
21. Marlene Goldsmith, "Sexual Offenders and Pornography: A Causal Connection?" *Without Consent: Confronting Adult Sexual Violence; Proceedings of a Conference Held 27–29 October 1992* (Canberra, Australia: Australian Institute of Criminology, 1993), http://aic.gov.au/media_library/publications/proceedings/20/goldsmith.pdf. Goldsmith does not address illocutionary disablement but I would like to note that there is substantial research on the relationship between violent and degrading pornography and rates of sexual assault; much of this research indicates there is a correlation. Goldsmith goes a step further and suggests a causal relationship.
22. Langton, "Speech Acts and Unspeakable Acts," 320.
23. Alexander Bird, "Illocutionary Silencing," *Pacific Philosophical Quarterly* 83, no. 1 (March 2002): 10, doi:10.1111/1468-0114.00137.
24. Ibid., 11.
25. Celia Kitzinger and Hannah Frith, "Just Say No? The Use of Conversation Analysis in Developing a Feminist Perspective on Sexual Refusal," *Discourse & Society* 10, no. 3 (July 1999), doi:10.1177/09579265990/0003002. The authors do an extensive conversation analysis on sexual refusal. They compare normal, nonsexual refusals to sexual refusals and note that in both it is more normal to use indirect speech and pauses rather than direct verbal communication. Following this, they state that their research supports the idea that rapists understand the refusal, they just don't like it. This is contrary to Langton's view, which states that the rapist does not secure uptake.
26. Speech acts allow nonverbal communication to be considered as speech (this means works of art, written signs, shakes of the head, etc., can all be considered speech). So if the woman screams or pushes the rapist away, this also counts as a speech act of refusal.
27. Bird, "Illocutionary Silencing," 3–4.
28. "Rape Culture," FORCE: Upsetting Rape Culture, accessed August 5, 2014, <http://upsettingrapeculture.com/rapeculture.php>.
29. There are very few types of rape that are overtly condemned by society. An example is what RAINN (Rape, Abuse and Incest National Network) calls "home invasion sexual assault." That is, if a victim is raped at home by a stranger she didn't invite inside, then she remains blameless in the eyes of society. These types of cases are rare. In most other cases—such as acquaintance rape and blitz assaults—the victim is blamed for a variety of reasons, including: what clothes she wore, when and where she was at the time of the assault (e.g., walking alone at night or being in a dangerous neighborhood), trusting a perpetrator (and victims are told they should have "just known" a friend or acquaintance is a rapist), and ingesting intoxicants with or without her knowledge. Furthermore, aside from blaming the victim, our society often excuses the perpetrator. An example is CNN's coverage of the 2012 Steubenville, Ohio, rape case. When society blames the victim or excuses the perpetrator, it tolerates rape. For more on the different types of rape, see "Types of Sexual Violence," RAINN: Rape, Abuse and Incest National Network, accessed October 17, 2014, <https://www.rainn.org/get-information/types-of-sexual-assault>.

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