

Ideologies of Language Use on the Internet: The case of "free speech"

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Introduction

Perhaps no concept inspires such exalted rhetoric—and threats to it, such as outpourings of protest—as "freedom of speech" on the Internet. Its praises are sung in discussions about the Internet online and offline. Organizations such as the Electronic Frontier Foundation have been formed to protect it, complete with legal staff. And any suggestion that electronic freedom of expression should be restricted is invariably met with angry cries of "censorship"—indeed, respondents to a recent net-wide survey ranked "censorship" as their number one concern.¹ Despite (or perhaps because of) this concern, freedom of expression on the Internet has been described as near absolute,² and pornography is tolerated alongside of sexist and racist hate speech, attacks on government, and recipes for how to build terrorist bombs.

However, a curious fact about the notion of free speech on the Internet is that while it has numerous vocal defenders, it has few visible critics. This is surprising, in that one of the foremost tenets of free speech philosophy is that truth tends to emerge out of competing discourses in a free marketplace of ideas.³ The lack of competing discourses is all the more puzzling in light of the fact that courts of law in the offline world, in an attempt to balance individual rights with the good of society as a whole, have historically recognized numerous limitations on the rights of individuals to say absolutely anything (Lakoff, 1991); the difficult question then becomes: What speech should be protected, and what should be limited?⁴ We would expect to find similar debate about the appropriate limits of "free speech" on the Internet, as well.

In this talk, I propose that a particular ideology of free speech—that of absolute or near-absolute individual freedom of expression—has attained the status of orthodoxy on the Internet, an orthodoxy that replaces the free marketplace of ideas with a single version of truth. This orthodoxy is not a result of any properties of the computer medium, purely historical factors, or the inherent "correctness" of the position; rather is constructed and exploited in order to maintain the dominance of a particular class of users. I illustrate these claims with specific reference to cases in which male users evoke free speech orthodoxy in order to justify the harassment of women online.

Background

Numerous arguments have been advanced in support of the claim that speech on the Internet should be unrestricted. Users, a majority of whom are American, often invoke the First Amendment of the United States Constitution, arguing that the same protections guaranteed by the Constitution offline should be extended to online interaction. Discourse about the First Amendment is typically accompanied by idealistic talk about abstract concepts such as freedom, democracy, tolerance, and the right of individual citizens to resist governmental tyranny.

Other writers appeal to inherent qualities of the technology, arguing that computer networks provide democratic access and reduce social prejudice because participants are "anonymous". Moreover, restrictions are claimed to be difficult or impossible to enforce, due to the global, distributed nature of the Internet. As Electronic Frontier Foundation founder John Perry Barlow commented in an oft-repeated quote, "the Net interprets censorship as damage, and routes around it."⁵

Finally, a number of writers appeal to the status quo, arguing that because the Internet has traditionally been unregulated, it should continue to be so. These writers celebrate the Internet as a glorious anarchy, claiming that although it has some "rough edges", it is effectively "self-regulating". All would be well, according to this view, if people—and especially, politicians and lawmakers—would just "leave the Net alone".⁶

Of all the justifications put forward in support of free speech on the Internet, none includes an appeal to self- or class interest. Yet most vocal advocates of absolute free speech fall into a homogeneous social group: white, middle class, university-educated, North American males. Not coincidentally, this is the same demographic profile as the inventors and first users of computer networks, as well as of most system administrators and policy makers on the Internet today. This group enjoys an a priori advantage: It has historically influenced, and continues to exercise a strong influence on, norms of Internet interaction. Thus this group has a vested interest in preserving the ("self-regulating") status quo.

However, in recent years, the traditional class privilege of white, American men has been challenged by dramatic increases in the number of women using the Internet. Whereas in 1991 only 5% of Internet users were female, by 1997 this percentage had jumped to 40%.⁷ Advocates of online equality are justifiably encouraged by this trend. When women explore online, however, they often encounter a masculine culture, one

dominated by adversarial norms of interaction,⁸ in which sexism and expressions of misogyny are commonplace.⁹

Female users tend to be less concerned about freedom of speech than male users. Women are more likely to criticize "uncivil" speech in public Internet discussions (Smith, McLaughlin, and Osbourne, 1997), and when empowered to do so (for example in women-centered groups), they are more likely to implement limits to ensure an environment in which less aggressive participants are not intimidated into silence by more aggressive participants (Camp, 1996; Herring, 1996a). Since women are often the targets of gender-based harassment, they are also less likely to reveal their gender in online interactions. It is telling that in the Internet survey I mentioned at the beginning of this talk, whereas male respondents rated "censorship" as their number one concern, for female respondents censorship was second to a concern for "privacy".

What happens when the right of women to participate freely on the Internet, without hostility being directed against them because of their gender, comes into conflict with the right of men to express sexist and misogynistic views? As I will demonstrate next, one consequence is that many males seek to protect their dominant class interest. One way they do so is by invoking free speech ideology in defense of the anarchic, "rough-edged" status quo, and by constructing intimidation and harassment of women as "protected speech" that should not be curtailed or challenged.

Case Studies

To demonstrate these claims, I will present several examples of gender harassment on the Internet in which the harassers explicitly invoke the principle of "free speech" or its ostensible opposite, "censorship". The first two examples involve blatant harassment in the form of patently offensive material posted publicly on the Internet. The last example involves covert harassment that takes place through discursive interaction in an online public discussion group. All of these behaviors can be considered gender harassment in that they involve unwanted contact that tends to annoy, alarm, and [verbally] abuse female participants by reason of their gender.¹⁰ After briefly describing the three cases, I focus in some detail on the last case in order to analyze the pragmatic mechanisms that contribute to the success of the harassers, and the failure of the ideal of the "free marketplace of ideas" to insure that reasonable ideas ultimately prevail.

Some of the examples contain vulgar content you may find offensive. This reflects the messages' original intent, which was, precisely, to offend. However, I ask that you look past the shock value of the messages to the dynamics of the interactions themselves, and

especially, to the ways in which free speech ideology is strategically invoked to justify oppressive behavior.

Babes on the Web

My first example is from the World Wide Web. Early in 1995, an American named Rob Toups put up a publicly-accessible site called "Babes on the Web". The site consisted of unauthorized links to photographs of women on the web, including many professional and academic women, who were rated by Toups on the basis of their physical appearance on a scale of 1-4 "Toupsies" (small images of Toups himself, dressed in standard business clothing and smoking a long cigar). A rating of 4 represented a "super hot babe", and a rating of 1 a "dog-o-matic", an allusion to the use of the word "dog" to refer to a sexually unattractive woman. "Babes on the Web" was clearly intended as a provocation towards women. The introduction to Toups' original page reads as follows:

Along with being a Capitalist Pig, I am a proud Male Chauvinist Pig. As such, I have gathered the World Wide Web sites of Women I could find. Instead of rating them on quality of design, I am grading them on a four Toupsie scale according to their personal pictures. My rating system is totally subjective to my personal tastes and whims. If this page is offensive to you, then go to The National Organization for Women (NOW) Home Page and cry to them. Maybe they will organize a cyber-protest against my page or maybe you will find something else to bitch about. Either way, I won't care. [If you have a BABE's page that I don't have on this list please E-Mail it to me using the form at the end of the list. If you found your site on this page and didn't like the rating, put up a better picture, your rating can change in the future.]

At the bottom of the page, Toups states defiantly that he is "exercising [his] First Amendment rights", or freedom of speech, which, if challenged, he will back up by exercising his "Second Amendment rights"—a reference to the right to bear firearms—illustrated by a photograph of him aggressively pointing a shotgun at the site viewer.

Many people were offended by Babes on the Web. Some women whose pictures had been linked to the site without their knowledge were surprised to receive crude propositions from men who had seen the pictures and interpreted them to mean that the women were sexually available. When the women asked Toups to remove their pictures, he refused. The outcry continued, however, and the Babes on the Web site was eventually quietly withdrawn, presumably by Toups himself, over a year and a half after its inception.

75 Reasons

The second case involves an e-mail message distributed across the Internet in November of 1995 by four male undergraduates at Cornell University. The message contained a list entitled, "Top 75 reasons why women (bitches) should not have freedom of speech." The misogynistic and often violent reasons include the following:

2. If she's in the kitchen like she should be, no one can hear her anyway.
10. When men whistle at them in the street, they should just shut up and obey anyway.
(another reference to women as dogs)
26. Stupid says as stupid does (and is).
38. If she can't speak, she can't cry rape.
47. Nothing should come out a woman's mouth, SWALLOW BITCH!
(reference to forced oral sex)

Other items reflect the political reality of sexist discrimination:

13. Feminists.
23. Women congressman [sic].
51. Equality is for math.
66. Do you think it was BILL Clinton who fucked up the country?

and finally, and most revealingly of all:

68. Because they're not men.

Feminist groups rallied to protest the "75 reasons" message and urge that disciplinary action be taken against the students. The outcry was so great that Cornell University officials threatened legal action against the perpetrators on grounds of sexual harassment, although charges were never pressed. The students themselves, in the face of possible disciplinary action, claimed that the message was "just a joke" and that they had not intended to offend anyone.

The most interesting reaction, however, was that of a number of male Internet users who turned the case into a free speech *cause celebre*. The number of messages protesting the *reaction against* the "75 reasons" list was even greater than the number of messages protesting the list itself. These men dismissed the list as merely a "college prank" and

labeled those who were upset by it as would-be censors of the students' right to free expression. One widely distributed message attacked the Cornell administration as "thought police" and included a companion list of "50 Humiliating Indignities To Which The Cornell Administrators and PC Freaks Should Be Subjected". The message ended with a large ascii drawing of a hand making an obscene gesture, under which was typed in capital letters: FUCK CENSORSHIP. The four Cornell students did not, however, entirely escape the consequences of their act. Ultimately, it was announced that they had "voluntarily" agreed to apologize to Cornell university officials and perform 50 hours of community service in retribution for their offense.

Their individual differences notwithstanding, these two cases share a number of common features. First, the content of the material involved was patently offensive and degrading to women as a class. Second, the communications were initiated by males in the absence of any (known) provocation by individual women; that is, they were "preemptive strikes" (Lawrence, 1990). Third, both were justified and defended (albeit crudely and aggressively) as free speech, as if the communications were mere expression, rather than having potential or actual real-world effects. (I will return to this point later.) The cases also resulted in similar outcomes: Both provoked public outrage, especially among women, which caused the perpetrators to suffer public criticism and, ultimately, to back off from their misogynist stances. For many commentators on these events, these outcomes were a victory for freedom of speech as it is ideally supposed to work: Bad speech is overcome by good speech in an open marketplace of competing ideas.¹¹

Unfortunately, however, "good speech" does not always prevail on the Internet. The next example illustrates that blatant misogyny is sometimes less effective than more covert forms of harassment embedded in discursive interaction.

The Yaqzan debate on Paglia-L

The case in question involves a single discussion, or "thread", that took place in a listserv discussion group known as Paglia-L, which was created in 1993 by a Canadian man as a forum for discussion of the scholarly writings of the American "anti-feminist feminist" Camille Paglia. Perhaps because of Paglia's well-publicized attacks on "traditional" feminists, from its inception the group attracted anti-feminist—and in some cases, overtly misogynistic—males as its primary constituency. However, about one-third of the subscribers to the group were academic women interested in engaging intellectually with Paglia's work. Within the first six months of the group's existence, two extended discussions took place in which animus was directed against female participants by virtue of their gender. In the first exchange, the woman who was the main target of hostility was

intimidated into dropping out of the group. In the second exchange (which is the one I will examine here), although a number of other women dropped out, two women resisted actively, fighting speech with speech. However, despite behaving in the way recommended by online free speech advocates, their reasonable positions did not prevail over the harassing discourse. It is instructive to consider why this was the case.

The ostensible topic of the thread in question was an event that took place in November 1993 at a Canadian university in which a male professor named Matin Yaqzan published a letter in the student newspaper blaming women for the phenomenon of 'date rape'.¹² The letter provoked widespread student outrage, as a result of which Yaqzan was forced into early retirement from the university. Camille Paglia commented publicly on the case, and her comments became a point of departure for discussion on Paglia-L. Initially, the discussion focused on the behavior of the university administrators, which several men in the group characterized as an unacceptable violation of Yaqzan's right to freedom of expression. However, when a woman posted a message commenting unfavorably on Yaqzan's behavior, the topic shifted to feminist bashing: Feminists and other "PC fascists" were alleged to be the force behind the university's decision. From there, the topic shifted to problems with women in general: Women were claimed to be essentially incapable of understanding higher moral principles such as "freedom". Although the first woman was soon joined by another, and although the two women posted numerous messages, they were entirely unsuccessful in gaining acknowledgment of the view that Yaqzan bore some responsibility for the outcome of his case—or more generally, that aggressive speech can have undesirable real-world consequences. They reasoned and argued with the men, and even tried insulting them back, but the only effect was that their messages were attacked with increasing hostility. Ultimately, the group moderator terminated the exchange by posting a message calling for an end to the discussion. A number of women, dismayed by the quality of the interaction, had already ceased to participate, and women's participation remained at a low level in subsequent discussions on Paglia-L.

Why were the women not more successful in making themselves heard in the Yaqzan thread, and why did so many ultimately drop out of the discussion? The "success" of the harassment can be attributed in large part to discursive strategies employed by four or five regular male participants, whom I will refer to in the following examples by the initials of their first and last names. I discuss these strategies under the general categories: 'the Uncooperative Principle', 'Ideological Manipulation', and 'Pragmatic Denial'.

The Uncooperative Principle

The legal justification for protecting unpopular speech generally requires that such speech be contentful and a potentially constructive contribution to public debate. Speech that does not meet these criteria, including "fighting words",¹³ has historically been excluded from protection by courts of law in the United States. Fighting words are defined (Nowak, Rotunda, and Young, 1986:942-3) as "speech that holds no intellectual content to be conveyed to the listener, but is merely a provocative emotional message intended and likely to incite an immediate, violent response". In other words, free speech is about persuasion rather than force. And in order to persuade, one must enter into a cooperative arrangement with one's interlocutors, in the sense of Grice (1975).

In contrast, the harassing men on Paglia-L consistently reject the premise of cooperative interaction. Instead, they adhere to a set of maxims I refer to collectively as the Uncooperative Principle. These maxims are summarized on the overhead projector:

1. Threaten your interlocutor's face.
2. Do not acknowledge the interlocutor's points.
3. Force your points.
4. Claim the moral high ground.

(Assume the worst of the interlocutor.)

1. Threatening your interlocutor's face can be accomplished by a variety of means. The first example illustrates three kinds of face threat that are common on the Internet: pejorative labeling, sarcasm, and quoting another participant's message in order to "interrupt" it:

>But my gut feeling

Which you feel compelled to air here, without any substantiation. (...)

> is that Yaqzan probably had failed to produce much
>research, was a terrible teacher, or had some other problem, and the
>university used this incident as a way to finally get rid of him.

To quote the Dread Pirate Roberts, your insight is ``truly dizzying".
You read a couple of summaries of an op-ed piece by someone unknown to you,
and you are able to reconstruct his career. What an amazing power! (...)

>Someone also wrote something

Your usual clarity is, again, breath-taking. (...) [DI]

2. Avoiding acknowledgment of an interlocutor's points may be accomplished passively by simply not responding to her messages. Participants in Paglia-L also employ more *aggressive* methods that derail and distort the interlocutor's points, especially when they involve criticism of the respondent. One such method is the "hyper-literal" response illustrated in the following example:

Hyper-literalism

> On second thought, Geoff, don't bother explaining your "too male
> for you" remark. I think you got it right for once. In the several
> months that this list has been in existence, you have systematically
> misinterpreted other people's arguments, forcing them to repeatedly
> SPELL IT OUT FOR YOU.

Since I don't often contribute to this list, you probably have me confused with someone else. I don't recall a single instance of asking anyone to spell out anything for me. [GM 51]

Although his literal response and failure to recognize the conventional meaning of the expression 'spell it out for you' makes him appear slow-witted, GM is in fact a successful lawyer and legal counsel for the Electronic Frontier Foundation. He is also a vocal defender of absolute free speech, and one of the most uncooperative and hostile participants in the discussion.

The second strategy for avoiding acknowledgment of a critical point is the "defensive reversal". In the next example, DI is responding to a criticism by one of the women in the group, MJ, that speech that encourages rape oppresses women:

Defensive reversal

I love the way Accredited Minorities (tm) will bitch and moan about the incredible depth of their oppression, and then casually toss off a line like this, asserting their power to impose whatever limitations they want on Future Dead White European-Descended Males, who damn well better get used to it! [DI 17]

[women's original point that 'men (=rapists, or men who condone rape) oppress women' is reversed by DI as 'women (=feminists) oppress men']

3. At the same time that the interlocutors' points are avoided or subverted, the speaker is exhorted by the Uncooperative Principle to force his own points. Two common strategies for forcing a point are repetition and presupposition.

Repetition

(GM repeats "definition" of free speech in 12 messages; WD repeats allegations of "new left facism" in 3 messages and multiple times w/in same message.)

The most obvious means of forcing one's point is by continuously repeating it.

Presupposition (contentious rhetorical questions)

I would like to know, when the values clash, which is more important, feminist dogma or freedom? [WD 11]

In this example, by setting up a non-viable contrast between concepts of unequal status ('fem. dogma' and 'freedom'), WD's question presupposes that 'freedom' is more important. Presupposed propositions are more difficult than direct assertions to challenge (Herring, 1995).

4. The fourth maxim is to claim the moral high ground for oneself, a corollary of which is to assume the worst of one's interlocutor. In the next example, WD constructs males as heroic, and females as 'unreasonable' and morally inferior:

Mary,
your postings are verging on the stereotypically hysterical. (...) Be reasonable, at least.

(...) In this debate, it has been the men who have been defending freedom of expression despite the real risks that allowing people to say offensive things creates. And it has been the females Like Mary who have insisted that security is more important than "male freedom." [WD 74]

Far from encouraging free debate, these interactional strategies are coercive, leaving the interlocutor to choose between two undesirable choices: accept the terms of the uncooperative participants—including negative constructions of oneself and one's gender—or drop out of the discussion, which is in fact what many women on Paglia-L do. Lack of conversational cooperation in this context must thus be understood as a strategic exercise that has as its goal to preserve male power by effectively limiting the interactive options of women who attempt to challenge that power.

Ideological Manipulation

Women's concerns on Paglia-L are further constructed as problematic by a second set of strategies involving ideological manipulation, and specifically, by the co-optation of *keywords* in the discourse, in the sense of Michel Pêcheux (1982). Three keywords—or potentially contested sites of ideological meaning—in the Yaqzan discussion are: "freedom", "censorship", and "free speech":

In example 1) below, WD constructs the Yaqzan incident as a debate about "freedom", and one woman's—MJ's—concerns about Yaqzan's writings on date rape as "feminist dogma" inherently opposed to "freedom":

- 1) The debate is about freedom and the need to be able to speak and write freely. Any dogma is an enemy of freedom. (...) I would like to know, when the values clash, which is more important, feminist dogma or freedom? [WD 11]

MJ contests this discursive maneuver in 2), redefining freedom as 'male freedom' and 'feminist dogma' as 'freedom for women':

- 2) Someone also wrote something about which does one accept, feminist dogma or freedom. I sense that in this case, freedom=male freedom. One cannot feel very free as a woman if you feel that every time you enter a room there is a possibility of rape. "Feminist dogma" as you so kindly called it, does represent freedom for women-- freedom of movement and freedom from fear. [MJ 13]

In accordance with the maxims of the Uncooperative Principle, however, the male majority ignores MJ's point, escalating the accusation of "feminist dogma" to that of "censorship".

- 3) This is the typical rationalization of the censor. "You have the right to say whatever you want, but of course you should expect to be punished for it." [GM 18]

- 4) To argue that because of the content of Yaqzan's speech he ought to shut up, even if not legally required to, is to go along with fascists of the left. [Paglia has had to use extreme imagery and language to make her point, but apparently it takes that kind of rhetoric to break through the incredible bullshit with which the new PC fascists are trying to structure their new cages for us all.] [WD 11]

In these messages, censorship is effectively defined as any position critical of Yaqzan's views, since in fact no one has suggested that Yaqzan should have been prevented from speaking. Only women are accused of censorship, and only men make the accusation.

The opposite of censorship in this discussion is "free speech", which is defined in absolutist terms as the right to say hateful things without fear of any form of punishment (including, presumably, social disapproval). The quotes in 5) and 6) are typical of the men in the Yaqzan discussion:

- 5) Many of us feel that the right to say obnoxious things is what freedom is all about. [As soon as anyone has the right or power to limit what can be said or published, we all are enslaved.] [WD 40]
- 6) I would testify in any court or speak at any rally in support of their right to say awful, mean, cruel, ignorant, pig-headed things about me and my "community." THAT, just that, is free speech and the "American ideal." [CM 27]

Through these definitions, a moral opposition is set up between "free speech" and "censorship", the former being "ideal" (and associated with men), and the latter associated with evil forces such as "fascism" (and women).

There are numerous problems with this opposition, both in theory and practice. As philosopher Charles Ess (1996) has pointed out, it is a false dichotomy, since in theory an infinite number of intermediate degrees of freedom or restriction on speech can be identified, including the many *voluntary* accommodations that speakers make to their interlocutors in everyday interaction. The concern with censorship is also arguably misdirected: Female users do not constitute a threat to freedom of expression on the Internet so much as organized commercial interests do, although even there it is not obvious that "censorship" is the most appropriate term for the phenomenon.

The concern is also out of touch with a current reality in which speakers—and especially Americans—enjoy a greater degree of freedom of speech than at any other time

in history. By focusing narrowly on minor or imaginary threats to free speech, free speech advocates ignore large and present problems of escalating hate speech, sexual harassment, and other marginalized and marginalizing behaviors in Western society, effectively maintaining that it is more important to protect the miscreants than to protect the victims (Lawrence, 1990).

Last but not least, those who argue that speech on the Internet should receive the same protections as the 1st Amendment of the U.S. Constitution ignore the fact that other nations connected to the Internet have different laws governing what speech is protected and what is not (for example, the Netherlands has more liberal laws governing the public display of pornography, but more restrictive laws concerning racially-motivated hate speech) (Bell & de La Rue, 1995). Moreover, even within the U.S., American courts of law have historically recognized numerous content-based exceptions to absolute freedom of speech, including libel, slander, and the "fighting words" exception mentioned earlier (Lakoff, 1991). Any one of these problems could be cited as a criticism of the simplistic proposition that free speech on the Internet must be absolute, and that anyone who suggests otherwise is guilty of censorship.

Remarkably, however, this proposition was not contested in the Paglia-L case. Even the two women who are accused of censorship, MJ and GA, make explicit concessions to the dominant ideology on "free speech" and "censorship" in almost every message they contribute to the Yaqzan discussion. In some messages, they agree outright with the dominant positions:

Agreement

- 7) I have to agree with Paglia that it was wrong to suspend him (...). Universities, after all, are **supposed to provide academic freedom, so one must allow Yaqzan his views, however unfortunate they may be.** [MJ 6]
- 8) First, let me say that I am also totally appalled at the way in which the Yaqzan case was handled by that university's administration. (...) **Yes, this is censorship** and it should not have happened, in my opinion. [GA 12, 39]
- 9) [Although I appreciate the (minority) feminist arguments for limitations on freedom of speech, ultimately I side with the majority of feminists who believe that the advantages of freedom of speech far outweigh its disadvantages.] [GA 45]

In other messages the women initially disagree, but then undercut their disagreement with a concession to free speech orthodoxy:

- 10) Free speech means no jail, not no consequences. If I call my boss an asshole, I better not expect a raise that year, and if I do it often enough, I better not expect my contract to be renewed. Now, **I am not condoning Yaqzan being fired for writing an article, I think it was wrong if that was what happened.** [MJ 28]

[In fact, MJ thinks that what Y. said was deserving of negative consequences.]

- 11) [T]here are rules as to "contempt of court", for example, or moderators in public discussions to make sure people stay within bounds of polite discourse, rules in Parliament, etc. about what is acceptable language, etc. All these rules are not rules about what one can say so much as about the manner in which one can say them. And while **I repeat that I am against censorship**, I do see that there must be rules of acceptable discourse in specified contexts in order to keep the climate conducive to rational discourse. [GA 99]

[In fact, GA is proposing restrictions on speech, which she has previously agreed (in ex. 8) constitutes "censorship", at least in the Yaqzan case. These last two examples thus contain internal contradictions that weaken the rhetorical effectiveness of the women's dissenting views.]

These examples are evidence of the hegemonic status of free speech ideology on the Internet. They show that members of the subordinate group have themselves internalized the ideology of the dominant group, even though it is used to oppress them. Ideological manipulation is a powerful strategy for silencing dissent; rather than exerting overt force, it covertly brings dissenters under the control of the dominant discourse by, as Foucault put it, "introducing a master within", and thereby internalizing and normalizing systems of social regulation.

Pragmatic Denial

The last set of strategies I term 'pragmatic denial', in that they seek to deny basic pragmatic insights concerning human communication. These strategies are typically invoked to defend against the criticism that some particular speech has caused harm, most often by the perpetrators of the speech itself. Strong forms of pragmatic denial deny that meaning exists other than at the level of literal expression.

Strong denial

- Utterances have only literal meaning. (e.g., hyper-literalism ex. 'spell it out')

- Utterances are "only words", never acts. (e.g., Haiman, 1993; used in defense of sexual harassment on the Internet in the LambdaMOO rape case; Dibbell, 1993).

Such positions deny the existence of illocutionary and perlocutionary forces, effectively reducing all types of utterance to the category of "simple expression" and hence protected speech, according to some interpretations of the 1st Amendment.

A weaker form of pragmatic denial recognizes that other meanings may be present in context, but denies that they are associated with harm or harmful intent, often despite strong circumstantial evidence to the contrary.

Weak denial

- Utterances are "just a joke", "silly", "stupid", not intended to harm.
- Effects are (or should be) negligible.

Perpetrators of abuse through language (e.g., racist and sexist speech) often deny that they had any intent to harm; this was the case in the '75 reasons' incident. Moreover, both perpetrators and free speech advocates—who, as this talk aims to show, are often one and the same on the Internet—tend to minimize the harmful effects of offensive or harassing language, trivializing the language as "silly", "stupid", in poor taste, or a strategic error in judgment. Thus the '75 reasons' list was "just a prank" or "poor judgment" (rather than "harassment" or "hate speech"), and Yaqzan's writings on rape were described by men as "silly" (rather than "sexist" or "mysogynistic"). It follows that those who are bothered by such speech are "hypersensitive", "lack a sense of humor", or are unable to see past their self-interest to broader principles of freedom of speech, as was alleged to be the case for women on Paglia-L.

That pragmatic denial is a strategy, rather than a failure on the part of the persons involved to grasp basic principles of speech act theory, can be inferred from the fact that such denial conveniently protects those who use it from blame. In fact, as Robin Lakoff (1991) has pointed out, pragmatic considerations such as 'intent' vs. 'effect' and the degree to which an utterance can be said to constitute an act have figured prominently in legal discourse surrounding the 1st Amendment for the past 100 years. Courts of law have generally recognized that those accused of wrongdoing through speech should not be allowed to minimize harm to others by denying their intent; rather, the intentions of the perpetrators must be weighed against the harm experienced by the victims. On the Internet, in contrast, there are no structures in place to insure that victims' concerns are given equal consideration.

Discussion and Conclusion

The Paglia-L example differs from the first two examples in several important respects. First, it arose in the context of ongoing interaction on a computer-mediated discussion group, as a response to a perceived threat by a small number of women in the group. Aggressively hostile behavior by men had the effect of reducing the rate of participation by women and clearly contributed to producing a hostile environment. However, it is less clearly "sexual harassment" than the earlier cases, which according to the narrow definition of one legal scholar (Haiman, 1993) is "communicative behavior that is ... personally directed in a persistent pattern at particular individuals in a captive audience situation" (p. 56), and which has "serious, direct, and immediate" consequences (p. 85). After all, it is "only words", and if women are offended by them (the defense goes), they can always go elsewhere.

Nor is it possible to classify such behavior as mere provocation or "fighting words", since it is presented as intellectual debate—and in the Paglia-L case, as debate about the abstract notion of free speech itself. However, it is precisely the ambiguous nature of hostile discourse in discussion groups that makes it a more effective form of gender oppression. It is difficult to name as harassment, and without the support of structures to protect the interests of minority group participants, it is difficult to make it stop. In contrast, blatant sexism such as is contained in the Babes on the Web site and the '75 reasons' list is easy to identify and readily provokes public outrage, which can be brought to bear as a form of social pressure to end the offending behavior. Indeed, blatant sexism may backfire by causing feminist groups to organize in resistance, thereby empowering them.

These findings provide striking counterevidence to popular claims about the Internet as a technological panacea for social inequality, one in which individual freedom and equal opportunity for all are "built into the system". Instead, the Internet is revealed to be a socially, culturally, and ideologically constructed communication medium, and therefore in need of critical analysis (cf. Fairclough, 1992). It follows that rather than accepting at face value the claim that speech is essentially harmless and that any speech should be tolerated, we should raise context-sensitive and socially- and pragmatically informed questions about communication in the new medium.

For example, which is the greatest danger to free expression on the Internet at any given point in time and place: external governmental and economic controls, or internal censorship of one group of users by another? Is it not hypocrisy to censure the former but not the latter? If we agree that some abuses must be tolerated in order to protect the larger

principle of free speech, is it fair to make subordinate groups disproportionately the target of that abuse—and have the subordinate groups agreed to such an arrangement? In the case of women on the Internet, the exercise of hegemony aside, it seems clear that they have not. Last but not least, where does one draw the line between expression of controversial ideas, for example in racist hate speech, and the discursive exercise of dominance—or put another way, when does discourse constitute harassment?

In addressing this last question, we might learn something useful from looking to courts of law, which have long recognized the need to take context into account in evaluating the effects of speech, as well as the need to balance individual freedoms against the protection of a stable social order, including, notably, protecting citizens from one another. Even advocates of near-absolute free speech hold that a society must not tolerate speech that "clearly and demonstrably interfere[s] with the freedom and autonomy of others" (Haiman, 1993: 85). Or to paraphrase Ess (1996), it is necessary to move beyond false dichotomies in order to realize a more nuanced understanding of Internet communication that does not simply serve the interests of the most aggressive "speakers", but rather that takes the rights of the addressees into consideration, as well.

Notes

- ¹ GVU 8 (1997).
- ² Pfaffenberger (1996).
- ³ John Stuart Mill, *On Liberty*.
- ⁴ See, e.g., Schauer (1995).
- ⁵ Barlow (1996).
- ⁶ Wallace and Mangan (1996, p.239).
- ⁷ GVU 8 (1997).
- ⁸ See Hall (1996); Herring (1992, 1993, 1996a, 1996b); Sutton (1994).
- ⁹ See Adams (1996); Brail (1994); Collins-Jarvis (1996); Herring (forthcoming).
- ¹⁰ Herring (forthcoming).
- ¹¹ See, e.g., Spertus (1996); the Washington Post, Nov. 24, 1995 ("Cyber-Garbage at Cornell").
- ¹² Yaqzan's views were reported in the Montreal Gazette as follows: "he said that any woman who goes to a man's room should expect to be raped. He further said that coed residences cannot provide sexual gratification for all male students, and this is "the reason and the need (!) for the so-called 'date rape'." He opined that rape is really bad only when the victim is a virtuous woman who does not believe in sex outside marriage. Others, he said, should simply be paid for "inconvenience or discomfort" (Editorial, Nov. 12/93, p. B2).
- ¹³ According to Nowak, Rotunda, and Young (1986:942-3), fighting words are "speech that holds no intellectual content to be conveyed to the listener, but is merely a provocative emotional message intended and likely to incite an immediate, violent response."

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