2 When Speech Isn't Free: Varieties of Metapragmatic Struggle

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Introduction

Free Expression or Semiotic Transgression?

The words "freedom of expression," I suspect, are most often taken to refer to a political and aesthetic good. They invoke an emancipatory narrative of struggle against the unenlightened or anti-Enlightenment forces of suppression over centuries. It is a tale with a clear directionality to it, in which the forces of church, state, conformism, and bourgeois morality slowly give way to those of reason, progress, individual autonomy, artistic creativity, and, above all, democracy (Rosenberg 2021). And yet for roughly the last half century, that progressive storyline has become increasingly less straightforward. When feminist-inspired speech codes were first introduced in the 1970s, progressives often found themselves defending constraints on speech, and "freedom" became a rallying cry for the right (Cameron 1995). More recently, incidents of book banning in American libraries and charges of "cancel culture" and so forth have further tangled the narrative thread.

Nor are the parties to these arguments easily parsed into straightforward divisions between left and right. For example, anti-pornography feminists have battled pro-pornography ones, and secular leftists may side with traditionalist complaints about religious defamation. Recent years have seen a flurry of cases in which avowedly progressive academics have been attacked by other progressives for mentioning the so-called N-word in the classroom, even when they do so to condemn the very racism the word expresses (Flaherty 2018; Parikh 2018). Euphemisms have a way of absorbing the toxicity they were meant to avoid, so let's call this "racist lexicon."

Vehement reactions to the academic citation of racist lexicon seem to break down the purported "use/mention" distinction. This refers, for example, to the difference between the speaker's own intentions and those they attribute to

someone else whom they are quoting. Those who object even to quoting or mentioning certain words invoke various reasons for their reactions. These include the assertion that the very utterance of the word, no matter how much the speaker disclaims it, is an act of violence and/or can trigger trauma in the hearer. Objections like these tend to scandalize liberal thought (McWhorter 2021). How, they may ask, can the mere citation of a word be an act of violence in and of itself? And hasn't the word been detoxified when taken up by the appropriate speakers, as in rap music (Crenshaw 1993), much as the word "queer" was resignified by LGBTQ+ activists?

It goes without saying that current responses to uttering racist lexicon, at least in the United States, must be understood in the context of a larger struggle against racism and the rise of increasingly unrestrained expressions of white ethnonationalism (Hodges 2020b). And a growing body of research finds that hate speech can exact a psychological and somatic toll on those at whom it is directed (Delgado 1993; Silva 2017). But racist lexicon is not unique in confounding the supposed use/mention distinction. After all, there are still certain scatological and obscene words, like the "F-word," that the *New York Times* will not report, even when quoting the speech relevant to the story.

This chapter is not about racist lexicon as such. My purpose is both narrower and broader. It is narrower because I cannot possibly attempt to address all the issues that racist lexicon involves. It is broader because it points us towards a host of problems in the power and politics of language – ones that extend well beyond the anglophone context. To understand conflicts over free speech we must examine the modalities of semiotic *un*freedom and the risks, transgressions, and harms that can be imputed to verbal expression. Defenders of freedom of expression and those who oppose them often presume different *semiotic ideologies* (Keane 2009, 2018b). As a result, they may fail to grasp or take seriously just what the problem between them is. If the defence of free expression is not to become mere shadowboxing, it should grapple with this problem.

Semiotic transgression refers to any of the acts that can be attributed directly to signs themselves. The field includes libel, slander, defamation, blasphemy, obscenity, incitement, hate speech, threats, and pornography, but it can be extended as well to the revealing of secrets, sedition, idolatry, plagiarism, copyright infringement, perjury, and other sorts of dissimulation, even lying (Bok 1989; Denery 2015). These are the kinds of acts that may prompt censorship, taboo, euphemism, or legal sanctions – and sometimes physical violence. As we will see, such semiotic actions and reactions often involve a *metapragmatic struggle*.

In many of these cases, for the action to be transgressive, it must be taken to be intentional. This is, for instance, the distinction between a lie and an error, and a defining feature of American libel law. When speakers defend their

mention of racist lexicon, for example, they may invoke their benign intentions. But stressing speaker intentionality can depoliticize the act by turning the action and its effects into private matters of interior subjectivities and hurt feelings. As I will suggest, this often misses the point. And some semiotic transgressions, like blasphemy and obscenity, need not depend on anyone's intentions at all.

Semiotic transgression, therefore, is not confined to purposeful acts, discrete events, or particular kinds of addressee. Some acts centre on immediate interpersonal relations, others are more diffused in their social range. This chapter is an attempt to sketch out some of the contours of this field by looking at name taboos, blasphemy, pornography, linguistic sovereignty, and truth-telling. Disparate though these topics are, a pragmatist approach to verbal expression reveals some of the features that semiotic transgressions share. It may shed light on why the supposed use/mention distinction can fail to insulate purportedly innocent occurrences of prohibited words.

Representational Economy

Semiotic transgression takes place within a *representational economy*. This refers to how different media, their infrastructures, and the larger social context can have unintended effects on one another that go beyond those of logic, meaning, or interpretation: they can also be matters of brute causality. For example, the advent of photography changed what it was possible for painting to achieve. In effect, it pulled the rug out from under the function of providing mimetic representation. At the same time, the ability to reproduce paintings mechanically had consequences for the uniqueness of the individual work of art. One might then argue, contrary to Walter Benjamin's (1935) celebrated thesis, that the European work of art in the age of mechanical reproduction acquired *more* aura rather than less, because only after there are reproductions can there be an "original" as understood today. (It may be that AI chatbots will soon do something similar to writing!)

Two special aspects of representational economy concern us here. The first is intertextuality, of which the use/mention distinction is a species. The variety of ways that texts can circulate, and ways in which one instance of a sign can be taken as identical to another, make it extraordinarily difficult to define an incontestable context within which words should be understood or responsibility attributed (see Hill and Irvine 1993).

The second aspect is the relationship between visual and linguistic media, including such things as gesture (e.g., the *digitus impudicus*, or giving someone the middle finger; see I. Robbins 2008) and dance (e.g., twerking; see Onishi 2010; Sarahtika 2018). As we will see, the sign's transgressive character may or may not be preserved under transduction, the move from one medium

to another (Silverstein 2003b; Keane 2013). In the United States, for instance, where state control of media is often viewed with suspicion, restrictions on television have been more acceptable than those over print, on the grounds that print functions to inform more than does television, which regulators considered at the time to be primarily a medium of entertainment (Bollinger 1991). (Think of the one-time Fox News political commentator Tucker Carlson's legal defence against charges of lying on air, to the effect that no one would take him seriously: he's just an entertainer.)

Both aspects involve identifications, seeing one way of using a sign (e.g., "citing") as tantamount to another ("using"), or taking one semiotic medium (e.g., "burning a cross") to be equivalent to another (e.g., "issuing a verbal threat"; see *Virginia v. Black* [2003]). Arguments about freedom of expression often turn on disputes about these equivalences – that is, they are metapragmatic struggles.

Metapragmatic Struggle

The founder of philosophical pragmatism, Charles Sanders Peirce (1955, 99), defines a *sign* as "something which stands to somebody for something in some respect or capacity." This broad definition indicates that the same "something" (technically, the "sign vehicle") can stand to someone else in some different capacity. If a full-fledged sign includes not just that "something" or vehicle but also what it stands for and how it does so, then it follows that there is no such thing as a sign *as such*, independent of those *for whom* it serves as a sign. This introduces an irreducibly social component to signification, the consequences of which are crucial to arguments over freedom of expression.

The pragmatist definition has another important implication. To stand "in some respect or capacity" refers to the famous distinction among icon, index, and symbol. These denote the different ways someone might take a sign to be connected to the object it signifies. A sign is iconic if it is taken to be connected to its object by virtue of resemblance (e.g., a portrait to its subject; or, more to the point here, a quotation to the speech it quotes). It is indexical if it is taken to be connected to its object either causally (e.g., as smoke to fire) or by juxtaposition (e.g., an exit sign over a door). It is symbolic when the connection is established by a rule or convention (e.g., the so-called arbitrary signs of language).

Icons, indexes, and symbols do not simply exist as facts of the matter – they are possible ways someone can *take* the sign to signify. How one takes sign and object to be connected is a function of semiotic ideology (Keane 2018b). For example, many Muslims hold the language of the Qur'an to be an indexical icon of divine speech. It is iconic because its very sound resembles divine speech, because it was originally uttered by, and thus indexically linked to,

a divine being. By contrast, for a Saussurean linguist, that same language is symbolic – a set of arbitrary signs established by convention. When an expression becomes so toxic that even its mention is disturbing, the iconicity of form comes to the foreground. Even near homophones may have to be euphemized.

Of particular importance for understanding semiotic transgression is indexicality. Luke Fleming (2011, 144) notes that the most common linguistic forms subject to verbal taboos are those that are inherently indexical. As Peirce ([1885] 1933, 211) writes, the indexical sign "takes hold of our eyes … and forcibly directs them to a particular object." An index can impose itself on us like a blow or a shock (one of Peirce's more vivid examples of indexicality is a bullet hole in a wall). Systems of deference like Javanese speech levels function in part by elaborately muting the directness of reference to the person being deferred to, as if to blunt the blows of indexicality (Errington 1988).

For these reasons, indexicality plays a central role in the social actions that signs can carry out. Indexical signs can "point" in two directions (Silverstein 1976, 2003b; Nakassis 2018). *Presupposing* indexicals indicate something that is given in advance: smoke points to the prior existence of fire, a Brooklyn accent to the speaker's origins in that borough of New York. But indexicals can also be *creative* or *entailing*. Creative indexicals bring something new into the context through the very act of using them. To point towards a chair brings that chair into play as the object of reference, just as to utter the word "I" constitutes the speaker as the person being referred to.

The two sides of indexicality work in a dialectical relation to one another to configure manifest social identities and relations (Gal and Irvine 2019). Students being taught elementary French are commonly told that certain rules determine whom you address as *tu* and whom as *vous*. This treats these deference indexicals as presupposing fixed social identities – say "tu" to your sister, "vous" to your teacher, and so forth. But in practice a shift in pronouns can redefine a relationship, for instance from one of hierarchy to equality, or intimacy to distance (Friedrich 1979). Moreover, indexicals are commonly multiplex: my skill at displaying respect *to you* (a deference indexical) also reflexively signals *my own* character or sensitivity (a demeanour indexical).

Inferences of indexicality depend on what Peirce calls abduction – a best guess for now, subject to revision. The intuitions that guide abduction are directed, in part, by semiotic ideology. By their very nature, indexical signs are vulnerable to contestation. They are potentially subject to metapragmatic struggle. By this I mean the struggle over how to define a situation in a given context: what is going on here, who is doing what to whom, and who are they to one another. Whatever else is going on when people argue, whether the utterance of a certain word is "use" or "mention," it is always a metapragmatic struggle over the definition of the situation.

To gather the full import of this struggle, consider this pragmatist definition: "a *conception* … lies exclusively in its conceivable bearing upon the conduct of life" (Peirce 1966, 183). It follows that signs are not just vehicles for transmitting meanings, ideas, or information in any conventional sense. "The conduct of life" is precisely what metapragmatic struggle is often about. In the process, that struggle determines what aspects of the larger context (what histories, ontologies, identities, projects, solidarities, etc.) *count*. And it is only through the mediation of signs that anyone has access to the conceptions in play in any situation. If it can seem that arguments about semiotic transgression pay too much attention to signs rather than to something more substantial, this is because it is only through signs that people engage with one another. This is crucial to how politics and power shape and are shaped by the flow of everyday experience.

Domains of Transgression and Unfreedom

Self

Like racist lexicon, many systems of name taboo do not observe a use/mention distinction and focus on specific lexical items in discrete interactions between one individual and another, as members of certain classes of person. Across a wide range of languages, the pre-eminent object of avoidance is the personal name. The name is commonly linked to its bearer by virtue of an original indexical act, some version of a "baptismal event" (Kripke 1980) that establishes a direct and singular connection between name and person. Like the second person singular pronoun, the use of the name in address has the marked effect of picking out an individual and pointing at them. Name avoidance is often motivated by the effort to mute or blunt this very pointedness and the intimacy it can imply. The courtier who addresses the queen as "Her Majesty" is replacing direct address with third person reference to something other than the addressee. In some systems of verbal deference, such as Javanese speech levels, entire registers are shaped by the blunting of indexical force (Errington 1988). And one may reject one's own name, like members of the Nation of Islam, who took new ones (e.g., Muhammad Ali) or place markers (e.g., Malcolm X) in order to repudiate the indexical links to the enslavers who had un-named and re-named their ancestors (Benson 2006).

The figurative violence of indexicality can become literal. One of the first riots after the fall of Indonesia's President Suharto's authoritarian regime in 1998 was triggered by the violation of a name taboo. It occurred on Sumba, during a local election in a newly competitive political landscape. Tensions between supporters of the regent and his opponent came to a head when demonstrators openly called out the tabooed name of the regent. In the resulting

battle, at least twenty-six people were killed and an entire village burned to the ground (Mitchell 1999; Vel 2008, 136–7).

Obviously uttering the name was merely the match that lit the kindling, but the sense of outrage it provoked was real. To make sense of this, I draw here on my earlier analysis of central Sumbanese name avoidance (Keane 1997, 129–33). Everyone has an "original name" given at birth. It is bestowed through a divination process implying spiritual sanction. Only those family members intimate enough to witness this event are authorized to know it. At least it remains a public secret, in place of which people use a substitute "name that is uttered." Over a lifetime, additional layers of protective naming such as nicknames, teknonyms, titles of office, or the name of a favourite horse shroud the dignity of the person. The name you utter thus indexically presupposes the degree of your intimacy with its holder.

Name taboos often elaborate on the fact that you only know the original name through a chain linking you to that first baptismal act (Fleming 2011, 145; Stasch 2011). To utter the original name is as intrusive as the brute act of pointing. Since my name is most often spoken by others, it is in *their* use of my name that *my* identity is publicly recognized: delicacy around the uttering of my name displays my reputational dependence on others, the vulnerability of my self-possession. To demonstrably avoid that name indexically presupposes that which is not said, reproducing the power of its suppression. The violent reaction to the public utterance of the regent's name on Sumba was a response to an assault by outsiders on that potent zone of intimacy.

God

In some cases, there is only one name taboo, the ultimate one, that of a divinity. The way divine names and other sacred words are handled indexically presupposes an overarching ontological system with potentially far-reaching implications well beyond face-to-face interaction.

In 2008, the Vatican announced that the use of the name "Yahweh" should be avoided in Catholic liturgical settings out of respect for Jewish teaching (*The Compass* 2009). Protestant churches, by contrast, play down the name's power. This reflects the Reformation's moral narrative of a historical emancipation from erroneous attachments to the materiality of signs (Keane 2007). The semiotic ideology underlying this remains evident in secular form in the linguistic doctrine of the arbitrariness of the sign: the sounds and shapes of language are merely vehicles that contribute nothing to the immaterial meanings they convey.

In Islam, the Qur'an consists of divine words that were transmitted orally by the angel Gabriel to the Prophet Muhammad. The nature of this transmission places an enormous premium on the very sounds of the text. Seen in this light,

the Arabic language is not merely a set of arbitrary signs that serve to transmit the real message but an embodiment of that message. Divine content is inseparable from semiotic form, its sound part of its moral power (Gade 2004; Haeri 2003; Sells 2007). It is for this reason that it is commonly held that the scripture cannot be translated, only paraphrased.

Although renderings of the Qur'an in other languages are common, they normally take this background into consideration in one way or another. So when a prominent Indonesian literary critic, H.B. Jassin, ignored this scruple when translating the Qur'an into Indonesian in the 1990s, he received strenuous pushback from clerics (Keane 2018a). Among their objections was his attempt to reproduce the beauty of the original in what he described as "poetic" language. It is widely accepted that the Qur'an's verses are indeed beautiful, but Jassin, schooled in a self-consciously cosmopolitan appreciation of European high literary culture, was presenting the scripture as a text on a par with other great literature. His critics saw this as a dangerous category error, conflating two ontologically distinct *kinds* of signs. In their view, to treat the scriptural words as arbitrary signs even implicitly, as Jassin did by equating them with other literary texts, is to threaten the security of the connection to Allah established by that original vocal transmission. They argued that it threatens the community of the faithful who are constituted as a "we" by virtue of being the addressees of divine speech (Alatas 2021).

For this reason, one of the primary accusations against Jassin was that his translation posed an existential threat to the community itself. The Qur'anic linguistic sign here is treated as indexically creative, a constitutive form of address. To put it on a plane with other literary texts risks taking as indexically presupposing that its words have only an arbitrary relation to their meanings, grounded in the intentions of a human author. In the European literary tradition, this relative arbitrariness is one precondition for authorial agency, the freedom to wield signs as one will – to be a creator. To some of Jassin's critics, this comes too close to competing with the Creator.

Yasmin Moll discusses a related set of problems in her work on a religious television station in Cairo in the 2010s. The station grappled with an emerging representational economy that included print media, oral sermons, TV, radio, and the internet. One challenge was how to handle the translation of Arabic sermons for English-speaking viewers. Translators sometimes worked with sermons they considered to be doctrinally incorrect. As Moll (2017, 351) notes, "the task of the translator was not to 'literally' translate but rather to attempt to understand the meaning behind the speaker's words and to rephrase it in a manner appropriate for the target audience. This meaning was fixed not by the intentions of the speaker but rather by the intentions of God and the Prophet." For instance, one interpreter left untranslated a preacher's dubious assertion, lest she "be complicit in the serious sin of slander through further circulating

this potentially false assertion through subtitles" (355). As with racist lexicon, the use/mention distinction fails to hold.

Transgressions, like blasphemy, turn on ontological predicates whose practical consequences are mediated by semiotic ideologies. Seen in this light, constraints on freedom of expression do not arise from censorious agents like church or state, but from the very nature of things. If God demands the respect of name avoidance, we are not free to utter His name with impunity. If divine truth and its moral meanings have been transmitted in a sacred language, we are not free to manipulate its semiotic form, since that form is an indexical icon of its own divinity. If the ultimate source of our expression is itself divine, we should avoid participating in error. On the other hand, if divine truths are fundamentally immaterial, as maintained by certain strains of Islamic and Christian purism, too much attention to semiotic form is itself potentially idolatrous, a fetishistic distraction (Keane 2007).

Sex

According to one moral narrative of modernity, immaterial meanings are detachable from their materialization in semiotic form. This favours the view that signs function above all as vehicles of reference and denotation. It makes it hard to account for *other* effects that signs and their forms might have on the world. Underlying one of the prominent liberal defences of free expression (as this volume's introduction points out, there are others) is the semiotic ideology that signs convey meanings but are *in themselves* merely empty vehicles, created and wielded by human agents.[1] In this view, signs do not cause things to happen apart from the cognitive effects of the meanings they transmit, nor does their material form have any significance in its own right. One of the most obvious counters to this claim is pornography, whose function is physical arousal. But there is no agreement on just what is the nature of the semiotic transgression in question. Here I consider two alternatives in the American context: the scriptural hermeneutics of evangelical Protestants, and the secular rationality of anti-pornography feminists.

By the first decades of the twenty-first century, evangelical Protestants remained a strong exception to the ongoing decline in Americans' support for the banning of pornography. According to the sociologist Samuel Perry, however, the reasons they opposed pornography had changed since the 1980s. Whereas earlier pornography had been seen as a threat to moral purity, increasingly it

1 Arguably even US Supreme Court Justice Oliver Wendell Holmes's (1918) "clear-and-present-danger" test for suppressing speech, which acknowledges that speech can be a harmful action, focuses more on speakers' intentions than on the sign vehicle.

was being portrayed in psychological terms, as a source of harmful addiction. The idea of pornography addiction is based on the claim that its habitual use harms the brain by rewiring neural circuitry (Perry 2019, 714). In effect, there is a materially causal relationship between the sign and its effects.

But pornography still remains a moral problem as well. Curiously, Perry reports that over the same period masturbation mostly lost its moral disapproval among religious authorities. He attributes this divergence to two features of evangelical thought, biblicism and pietistic idealism. Biblicism refers to the familiar semiotic ideology that (among other things) "the Bible is God-inspired and inerrant" (701). The current consensus among evangelical pastors is that the Bible contains no reference to masturbation (the story of Onan having been misinterpreted in the past), and therefore offers no guidance to its morality (708). On the other hand, lusting after partners other than one's spouse is clearly proscribed by scripture. The distinction is reinforced by pietistic idealism, the claim that "ideas or beliefs rather than actions are what truly matter to God (701). In this light, if masturbation is carried out without fantasies about illicit partners, as some evangelicals say is possible, then the material act itself is morally neutral. By contrast, consuming pornography – even without any physical actions other than reading or viewing it – presents the consumer's mind with partners who, being other than their spouse, are illicit.

Unsurprisingly, many feminists arrive at their opposition to pornography by way of quite different semiotic ideologies. Although feminist discussions of this topic are diverse, complex, and highly contested, for the purposes of this chapter I will consider just one important intervention. The philosopher Rae Langton refines Catherine MacKinnon's (1993) arguments for banning pornography. Defining pornography as the "sexually explicit subordination of women in pictures or words" (quoted in Langton 1993, 294), MacKinnon attacks it not just for its sexual content, but for taking women as its object. Subordination is something that pornography *does* even without *depicting* it. Put in semiotic terms (not Langton's or MacKinnon's), pornography *indexically entails* a relation of subordination between an indexically presupposed male consumer and (any) female.

Moreover, both MacKinnon and Langton claim, the effects are found well beyond the scene of immediate consumption: if evangelicals worry about pornography's causal effects on the individual viewer, MacKinnon and Langton are interested in its consequences for women who may never directly encounter it. In short, they seek to explain pornography's effects on the entire representational economy in which it operates.

Langton aims to show how pornography defines certain actions, establishes their possibilities, and distributes them among possible social actors. Drawing on J.L. Austin's (1962) speech act theory, she argues that pornography

silences women by making certain illocutionary acts impossible for them. The argument turns on an essentially metapragmatic contrast between speech and act. Under the American Constitution's First Amendment, courts have ruled that pornography is protected *speech*. The classic liberal defence of freedom of speech by thinkers such as John Stuart Mill ([1859] 1989) equates speech with ideas. It privileges the semantico-referential "content" of expression over pragmatics.

Langton (1993, 328) reverses this priority. The harms effected by pornography are not about ideas, she says, "but about people and what they do … because it constrains people's actions." This claim rests on two presuppositions. One is that a key felicity condition for any illocutionary act is uptake. If a woman says "no" to a man and he does not recognize that she means it (that "No means no," as the slogan goes), then her speech act of refusal is infelicitous – a metapragmatic consequence. This is different from a situation in which a man understands what she means but chooses to ignore it. The former, I suggest, is a social effect on a representational economy, the latter the personal result of an individual choice.

Langton mentions in passing the memoir of the actress known as Linda Lovelace, who starred in the notorious 1972 movie *Deep Throat*. She wrote the book in order to expose the abuse to which she was subjected in her work in the pornography industry, but she was unable to control the context in which the book was taken. As a result, the book was sometimes marketed as pornography, her very objections being taken – like the rape victim's "no!" – to be further incitement to sexual fantasy.

This metapragmatic failure has to be understood within the representational economy in which texts and images circulate across an anonymous public and an indeterminate number of markets – some of which, according to Langton, are more authoritative than others. We might see here an analogy to the objection to mentioning racist lexicon. It may be that the aftermath of Donald Trump's presidency in the United States, in which expressions of overt racism receive authorization from high sources, is so powerful that it overwhelms any attempt at local metapragmatic control of the word's uptake.

But how exactly does pornography determine felicity conditions and bring about the "illocutionary disablement" of women's intentions to speak in certain ways? This turns on a second presupposition, that pornography holds a certain authority (within what I am calling a representational economy) to define "which moves in the sexual game are legitimate" (Langton 1993, 312). But does pornography hold such a systemic authority? This is an empirical question. At this point, the logic of speech act theory and its focus on face-to-face interaction reach their limits, and we need an analysis of the social and political struggle to establish and stabilize metapragmatic frames.

Sovereignty

So far our focus has been on actions – uttering a tabooed name, manipulating divine speech, producing and consuming pornography – that test the limits of freedom of expression by putting different semiotic ideologies about agency into contention. Some problems of freedom, however, concern entire semiotic systems in which questions of agency are diffused. The model of direct assault or affront is less helpful for understanding these. What is at stake in some kinds of prohibition may be not so much individual acts as collective identities and their claims to sovereignty over, or on the basis of, certain semiotic systems.

How far to go in accepting the ethical limits to knowledge and its legitimate circulation is a long-standing conundrum for anthropologists. As a discipline developed in the scholarly episteme of the Global North, anthropology is predicated on certain largely tacit assumptions about the inherent value of knowledge and its unhindered dissemination within a marketplace of ideas. But the slow process of decolonization has made it increasingly difficult to ignore or override the objections of communities that try to control others' knowledge about them.

Erin Debenport (2015) writes of her work on the language revitalization project of one of the casino-wealthy Rio Grande pueblos, which she calls San Ramón, where the language she pseudonymously dubs Keiwa has a dwindling number of fluent speakers. However, despite the work of the language revivalists, the pueblo governors decided to keep the written materials they had produced from circulating freely even within the pueblo itself. Debenport ultimately chose not to include any linguistic tokens of Keiwa in her monograph about the project. She goes beyond leaving things out: she displays excerpts from texts in the language that have been blacked out, as if by a censor. In this way, the reader cannot avoid seeing that there is something there to which they do not have rights of access.

Debenport's strategy is consistent with the larger pedagogical goal of the project leaders, in effect teaching the reader the appropriate stance towards local knowledge. The leaders were treating texts not just as linguistic samples, but as ethical instructions to the reader about how to behave and to live in a proper, traditional way. Given that much of this way of life is presently unavailable to the addressee of the texts, this resulted in an aspirational act of creative indexicality seeking to bring about that to which it points. In effect the leaders were treating what to the linguist looks like mere citation or mention as real uses of language. These uses of language are inseparable from the social and cosmological relations they entail.

Discussing a similar case, in which the Hopi sought legal control of a dictionary of their language, Jane Anderson, Hannah McElgunn, and Justin

Richland (2017, 197–8) conclude that labelling some items as sacred and secret positions the reader as a non-initiate and thereby "restores something of the social relations that underlie tribal distinctions about access to knowledge." Through stringent restrictions on rights to textual artefacts bearing tokens of the language, Hopi seek to establish a metapragmatic frame in accord with "specific cultural rules of obligation, responsibility and circulation" (194). In their view, for an individual to use the language "freely" is to deny the responsibilities entailed by the community membership its use presupposes. This involves a strong form of iconic indexicality in which semiotic form and practice are tightly bound to social identity.

Protecting some of the specialized knowledge of ritual even from those other Hopi who are non-initiates helps sustain the efficacy of the practices. Each kiva in a Hopi village, for instance, controls certain rites that must be kept from the others. This representational economy facilitates the "radically decentralized Hopi theocratic order, giving the different clans and ceremonial societies that make up Hopi society an important, but different, role to play in the welfare of the community as a whole" (Anderson, McElgunn, and Richland 2017, 190). If in the Islamic examples noted above semiotic action is constrained by the need to bind a community through address by a singular voice, here the constraints arise from the need to construct community by assuring the conditions for mutual interdependence by diversified address.

The effort to control the circulation of the Keiwa and Hopi languages is a direct confrontation of a community with the representational economy that articulates them with the larger, vastly more powerful society surrounding them. In the final examples, I turn to another set of contestations over representational economy. Here we should consider the marketplace of ideas model of freedom as itself a particular understanding of the representational economy, in which neither media nor agents, nor their effects on one another, are given much specificity.

Truth

One classic argument for freedom of speech envisions a marketplace of ideas. In a seemingly egalitarian refusal to grant anyone the authority to determine the truth, the market puts ideas in competition with one another. Against this view I have tried to establish two things. First, a semiotic ideology that takes the primary function of expression to be the conveying of information through reference and denotation often fails to grasp the nature of semiotic action (even though referring and denoting are themselves actions). As Susan Seizer (2011, 218) points out, when stand-up comics exclaim "fuck!" they are rarely referring to copulation. Contrary to Supreme Court Justice Antonin Scalia's assertion that this supposedly normal denotational content is invariably their

meaning, the pragmatics of words like "fuck" and "shit" as used by Seizer's comics virtually never depend on their purported referents but rather on the pragmatics of expressive transgression.

At stake in arguments over freedom of expression is often a struggle over metapragmatics. The very denial or downplaying of the pragmatic dimension of speech, like Scalia's, is itself a metapragmatic claim. To reiterate, metapragmatic struggle is about defining what kind of action is going on in any given instance, on whose authority, including what participants, and with what possible consequences. These actions often take their power from the dialectics of indexical presupposition and creativity as they play out within a representational economy. At stake is the determination of social identities and relations among them.

But do these get at what most worries many people about constraints on freedom of expression? The forces of repression are not just phantoms: the press, for example, is under siege in many countries, where journalists often work in mortal danger (Blanchard 2019). So let me be clear: in raising questions about freedom of expression, I am certainly not calling for its suppression but for a clearer self-understanding of what underlies arguments around it. The examples given so far do not concern the circulation of ideas or truth claims pure and simple but are primarily speech insofar as it is recognized as action. But of course, truth-telling is itself a kind of action. Here I turn to the idea that truth emerges from the marketplace of ideas. One alternative to the marketplace model is the ancient Greek idea of *parrhesia.* In Michel Foucault's (2019) version, this refers to the obligation of one person to speak the truth to another. *Parrhesia* is speech addressed to someone more powerful by someone who is less so. The freedom to speak this way is something that is granted from above, by the speaker's master, prince, or spiritual councillor. This is a crucial difference from the marketplace model, which tends to portray ideas as contending on a level field. By contrast, *parrhesia* presumes inequality as a given.

Whereas the marketplace is agnostic regarding truth, the parrhesiast has no doubts: he (and Foucault's examples are typically male) says what is true because he thinks that it is true, and he thinks that it is true *because it is really true* (Foucault 2019, 41–2). He has no need to produce evidence for his truth claims. You might say here is a pre-modern standpoint epistemology. Certain people know the truth *simply by virtue of who they are*. By contrast, a virtue of the marketplace model is precisely that, at least in principle, it grants no one a privileged grasp of the truth.

Perhaps the most prominent modern candidate for the role of parrhesiast is the journalist in struggle against an oppressive regime. Consider one clear case of the state suppressing truth-tellers (see Keane 2009). In 1994, Indonesia's Ministry of Information shut down the newsweekly *Tempo* after

it had reported on internal disputes within Suharto's authoritarian regime. Although *Tempo* was considered one of the most influential periodicals in Southeast Asia, its elite readership was miniscule compared to the tabloids (Steele 2005). Yet unlike the regime's far more violent actions, including several massacres, this suppression provoked an unprecedented wave of public protests. We can make sense of the public response in light of the observation by the social scientists Ariel Heryanto and Stanley Yoseph Adi (2002, 51) that "all dominant narratives of the rise of the nation in Indonesia are inseparable from the history of the press" (see also Anderson 1991). Tirto Adhi Soerjo, founder of the Dutch East Indies' first Indigenous paper in 1903, referred to himself as the "defender of the common people" (*pembela rakyat*), anticipating what came to be the dominant image of the press in Indonesia a half century later, the "press of struggle" (*pers perjuangan*) (Pramoedya 1985), propelled by "crusading journalists" (*wartawan jihad*) (Atmakusumah 1992).

The idea that the press speaks for the nation turns on its role as a teller of truth. Moreover, it does so against an identifiable opponent who tries to suppress that truth. It is the existence of this opposition that defines what will count as freedom (Boyer 2003; Candea 2019b). Indeed, one might argue that it is precisely the experience of repression that has made the metonymic idea that the press is, or should be, the voice of the people so persuasive.

In Indonesia, all this changed when press controls were rapidly removed after Suharto's fall. The representational economy was dramatically transfigured as free-wheeling, and newly commercialized media sprang up. Many of the same journalists who had fought bravely for freedom of expression found themselves worried that things had gone too far. One editor who had previously risked prison in order to expose the regime's violence wrote: "The hundreds of newspapers sold on the streets are full of slander and abuse … with a rhetoric that knows no bounds" (Ajidarma 1999, 170–1; cf. Cody 2015). With gossip, accusation, and salaciousness on the rise, newspapers and magazines became more profitable, making it harder to overlook the fact that they were selling a commodity. In the absence of a clear, powerful opponent, the courageous truth-telling of journalists became harder to square with their role in the actual political economy of the media. Real though the constraints of the market are, they are diffuse and hard to portray in the same agonistic light as those posed by the clearly defined censor. Truth-telling journalists who had previously faced suppression found themselves instead to be unconfined by anything other than the demand they produce saleable goods. Lacking an identifiable censorious agent, journalists found themselves engaged in metapragmatic struggle, the stakes no longer a truth suppressed but whether "truth" was even at stake in the first place. This is the world that helps lay the groundwork for the accusation of "fake news."

Conclusion

As I've argued here and elsewhere (Keane 2009), a tacit premise of some of the most prominent defences of free speech is a certain semiotic ideology. In this view, words and pictures are (at least normatively) vehicles for the transmission of opinion or information among otherwise autonomous and unengaged parties. This ideology treats the information they bear to be content largely independent of the activity of representation or the semiotic forms it takes. Speech, in this view, is only action by virtue of the intentions of the person wielding it. Certainly, in any given moment, other semiotic ideologies are in play even in the Euro-American context, for instance in Marxism, psychoanalysis, Burkean conservatism, satirical and subversive performance, Black Twitter, queer counter-discourses, numerous religious traditions, all sorts of literary styles, to say nothing of post-colonial and subaltern thought and the so-called new censorship theory (Bunn 2015). And, as the introduction to this volume makes clear, there are other grounds for conceiving of and defending free speech. But the view I sketch here dominates much of contemporary public debate in the West.

In contrast to this semiotic ideology, one argument against accepting even "mentions" of racist lexicon is that the word as such evokes the entire history of previous, explicitly racist "uses" of it (Lawrence 1993). This argument foregrounds the iconicity that links the sonic or graphic form of one utterance to previous utterances. To focus on those links (as advocated, for instance, by critical race theory) resituates the immediacy of face-to-face interaction within the deeper histories that focusing on the intentions of individual speakers obscures. "Mere form" in this way can – under certain metapragmatic construals – help forge links across different scales of social time and place (see Benson 2006; Carr and Lempert 2016).

The speaker, of course, may object to how those links are taken by the offended listener, to say "that's not what I meant." But just as we should not reduce meaning to conscious intentions, so too it is a mistake to reduce the taking of offence to magical thinking or individual psychology. What's often at stake is a question of authority, a metapragmatic struggle over who gets to define "what is going on here" and "what is the context" and "for whom." Outside special cases, the individual speaker's intentions cannot do this alone.

The detachment of social relations from their semiotic modalities is one reason why it is often so difficult to deal with verbal or visual expressions of hatred or sexual violation. To the extent that signs are "mere" words or pictures, it can be hard to see clearly how they are also modes of action in any serious way, beyond, say, making misleading truth claims or hurting someone's feelings. Even accepting that they are actions, they are actions often understood as taking place between otherwise independent agents. But, as the examples of

pueblo language and pornography show, metapragmatic struggle can engage entire semiotic systems, the communities that sustain or try to claim them, and the relations of power they entail.

Pragmatism emphasizes the creative, socially consequential, dialogic, and potentially conflictual processes of semiosis. For the object of a sign – what it is a sign *of* – is never simply a static anchor for signification. Semiosis, mediated by semiotic ideology, summons new contexts and new objects into existence, just as others change or disappear.

Just *how* a sign is taken is shaped by – though not reducible to – the projects and needs of people who take them to *be* signs of a certain sort (Gal and Irvine 2019, 100–1). "Who" those people are, who they are to one another, what they are engaged in doing together, and with what consequences are, if not wholly open-ended, also not entirely fixed in advance. They are defined and redefined through metapragmatic processes. Semiosis indexically presupposes the identities that it creatively brings into play and whose relevance it establishes or denies – this race, that gender, this tribe, that faith, this social status, that character flaw (Fleming and Lempert 2011). This is the field of metapragmatic struggle.

At stake in the unfreedom of speech is often the defining of social relations. The resignification of racial and ethnic slurs, like the defence of private or secret vocabularies, takes place at the shifting boundary between insider and outsider: the rapper or gay activist, Sumbanese kin or pueblo elders, may be authorized to use certain words that others should not. In using them, they are indexically *presupposing* their identification with a community that they are engaged in the indexically *creative* act of defining.

Whatever else may be going on, those who object when someone they define as an outsider utters the very same words they themselves might use are often denying that that person has the metapragmatic authority to presuppose the context in which their words will be taken. When someone objects to the "citation" of, say, racist lexicon or sacred names, they do not necessarily have to claim psychological harm, memories of historical racism, or personal affront. Their objection might just amount to this: "I do not accept *your* assertion of the right to tell me, unilaterally, how *I* should take your choice of words." And thus, perhaps, "I doubt that we share the reality your semiotic actions presuppose."

Only through the mediation of signs do people have access to, establish, affirm, and contest one another's thoughts, feelings, intentions, moral character, values, affiliations, political motives, and social identities. This is why arguments about semiotic transgression can be far more than just quibbles over "mere" words, gestures, or images. Obviously constraining or suppressing signs does not magically change power relations just like that. And of course, no one can fully control semiosis. But signs articulate the immediate field of experience – you talking to me, for instance – with social realities and their

histories. It is by establishing the indexicality of signs that different scales of politics and power are brought, palpably, into the here and now. You might say that those who object to even the "mention" of racial slurs, the "quoting" of sacred texts, the "citation" of secret names, are demanding that we not forget this.

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