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LEGITIMATE PREJUDICES

Georgia WARNKE

RÉSUMÉ : Dans *Vérité et Méthode*, Hans-Georg Gadamer distingue entre des préjugés légitimes et des préjugés illégitimes. D'après son « anticipation de la perfection », des préjugés peuvent être illégitimes pour deux raisons. Ils peuvent faire méconnaître l'unité des parties et du tout d'un texte ou de son analogue, ou encore, ils peuvent empêcher un texte ou son analogue de mettre en lumière pour nous une vérité possible. Mais si l'idée de préjugés illégitimes est claire, que sont des préjugés légitimes ? Une interprétation donnée d'un texte ou de son analogue peut-elle l'unifier et sembler mettre en lumière pour nous une vérité possible tout en étant néanmoins dominée par des préjugés illégitimes ? L'herméneutique de Gadamer peut-elle prendre en compte une compréhension déformée par une idéologie ? La pornographie peut-elle servir d'exemple d'une distorsion idéologique qui révèle les limites de l'herméneutique de Gadamer ?

ABSTRACT : In *Truth and Method*, Hans-Georg Gadamer distinguishes between legitimate and illegitimate prejudices. According to his "anticipation of completeness," prejudices can be illegitimate for two reasons. They can fail to allow for the unity of the parts and whole of a text or text-analogue or, they can fail to allow the text or text-analogue to illuminate a possible truth for us. But if the idea of illegitimate prejudices is clear, what are legitimate prejudices ? Might a given interpretation of a text or text-analogue both unify it and appear to illuminate a possible truth for us while nonetheless allowing illegitimate prejudices to hold sway ? Can Gadamer's hermeneutics deal with ideologically distorted understanding ? Does pornography serve as an instance of ideological distortion that indicates the limits of Gadamer's hermeneutics ?

In *Truth and Method*, Hans-Georg Gadamer inquires into the ground of what he calls legitimate prejudices. What distinguishes them, he asks, from "the countless others which it is the undeniable task of critical reason to overcome."¹ Such an inquiry might seem bizarre since it assumes that at least some prejudices are legitimate, an assumption at odds with the typical contraposition of prejudice and rational knowledge. The inquiry might seem especially bizarre in light of a philosophical division that sets a critical theory connecting legitimacy only to reason against a post-

1. Hans-Georg GADAMER, *Truth and Method*, second, revised edition, trans. Joel Weinsheimer and Donald G. Marshall, New York, Continuum Press, 1994, p. 277.

modernism dismissing reason as a discursive regime serving only to naturalize certain prejudices as reality or truth. Nevertheless, in this essay I want to try to make sense out of the idea of legitimate prejudices and consider what benefit it might have for current debates on social issues.

By prejudices or fore-projections, to use the Heideggerian terminology Gadamer sometimes invokes, he understands projections of meaning that orient us towards a text or object or what might be called a text-analogue such as an action, issue, or social practice. We approach a text as a certain sort of text, falling within a familiar set of genres or types. Similarly we make assumptions about the behavior of others, that they are performing a certain action or engaging in a certain practice such as voting or commuting to work. These assumptions are preliminary responses to that which we encounter, assumptions that provide a context or framework within which to place it and hence constitute the condition for understanding it as anything at all. In emphasizing the prejudiced character of understanding, Gadamer thus moves away from conceptions of an unconditioned or objective knowledge that pretends to make no use of a prior orientation towards or assumptions about its object. Rather, in trying to understand the meaning of a text or action or a practice, norm, or the like, we must understand it as something and hence must always already place it within a familiar context and bring certain assumptions and expectations to it.

By calling this pre-understanding a kind of prejudice, moreover, Gadamer signals its relation to the historical situation from which it emerges. We can understand a certain behavior as commuting to work because we are part of a social and cultural situation in which commuting to work is an intelligible and familiar concept. Hence, while the reliance of understanding on prejudice undermines appeals to an objective knowledge, prejudices are not simply subjective or personal takes on the meaning of a text, actions social norm, or social practice. Rather, Gadamer's use of the term prejudice is meant to underline the degree to which all our anticipations and expectations of meaning are grounded in the expectations we acquire from our history, from the views, concerns, interests, and assumptions of past generations, from our training and education, and from the categorial frameworks we inherit from the cultures and traditions to which we belong. Prejudices, then, in the first place, comprise the orientation to that which we are trying to understand without which we would be unable to understand it as anything at all. In the second place, they reflect the influence of the culture and traditions in which we participate and which provide the direction and categories of our attempts to apprehend meaning.

But if prejudices are historically influenced anticipations and if they are necessary conditions of understanding meaning, this circumstance does not imply that all anticipations of meaning will turn out to be adequate to that which they are trying to grasp. The expectations we project onto texts or text-analogues allow us to understand them as something. But this "understanding as" is a preliminary judgment, a pre-judgment (*Vor-Urteile*) or preconception which may not adequately grasp the meaning of that which we are trying to understand. We may assume that a certain practice is voting because of affinities it has with practices of voting with which we are familiar. But this preliminary understanding may be misleading when it comes to

providing an adequate interpretation of the practice in its own context. It may need to be revised or rejected as we experience or come to understand different facets of that which we are trying to understand. But if all understanding is necessarily prejudiced, how do we come to recognize that the initial prejudice in terms of which we understood the text or text-analogue is illegitimate or misleading? How do we distinguish legitimate anticipations of meaning from illegitimate ones?

One route Gadamer takes towards answering this question follows F.D.E. Schleiermacher's use of the hermeneutic circle. "The anticipation of meaning in which the whole is envisaged becomes actual understanding when the parts that are determined by the whole also themselves determine the whole."² Projections of meaning of the parts of that which one is trying to understand are verified or rejected in the process of working out the meaning of the whole, in constructing an interpretation bit by bit. One projects a meaning onto the first chapter of a book, for instance, and then tries to find an interpretation for the second chapter that will cohere with one's understanding of the first. In the process one must perhaps revise one's original projection of the first chapter in order to find an interpretation that can fit both it and the second chapter. Understanding is thus a circular movement in which the projection of the meaning of new chapters of a book proceeds on the basis of the understanding one has constructed of the meaning and unity of the previous chapters, while at the same time, one's understanding of the new chapter may require a revision of one's understanding of those previous parts. For Schleiermacher, the endpoint of this process is the "harmony of all the details with the whole," a harmony which is also, for him, "the criterion of correct understanding."³

Gadamer endorses this criterion to the extent that it provides a standard for exposing the illegitimacy of certain understandings of meaning. Those interpretations of the parts of a text or text-analogue that do not admit of a unity between part and whole cannot be adequate. Nor, therefore, can the assumptions or prejudices that orient the understanding. Thus, part of Gadamer's conception of what he calls the "anticipation of completeness" is that "only what really constitutes a unity of meaning is intelligible."⁴ One must presuppose that a given text or text-analogue composes a unified whole for, unless one does, it is unclear what ideal could supply a standard for checking one's interpretations of the various parts. Indeed, even if one thinks that a certain part of the text undermines its larger point or reveals that its supposed unity is a sham, unity, one must still have an interpretation of what that unity is meant to be. For, unless one assumes that the text or text-analogue is meant to compose a unity of meaning, it is not clear what one might appeal to as evidence for or against a given interpretation. An interpretation of a text or practice need not integrate every aspect of that which it is trying to understand into its interpretation. Nonetheless, the interpretation must integrate enough of what it can show to be the important aspects of the text or text-analogue to count as an interpretation of that particular thing. As Gada-

2. *Ibid.*, p. 291.

3. *Ibid.*

4. *Ibid.*, p. 294.

mer writes, "[W]hen we read a text we always assume its completeness, and only when this assumption proves mistaken — i.e. the text is not intelligible — do we begin to suspect the text and try to discover how it can be remedied."⁵

But if a lack of unity between part and whole supplies one condition for rejecting illegitimate interpretations, if as Gadamer writes, illegitimate prejudices "come to nothing in being worked out,"⁶ is not clear that the unity of part and whole is a sufficient condition for the legitimacy of prejudices or interpretations. Gadamer writes that: "A person who is trying to understand a text is always projecting. He projects a meaning for the text as a whole as soon as some initial meaning emerges in the text. [...] Working out this fore-projection, which is constantly revised in terms of what emerges as he penetrates into the meaning, is understanding what is there."⁷ But it is surely possible to find or construct an interpretation of a text or, alternatively, of an action or event that harmonizes "all the details with the whole" and is still wrong or misunderstands "what is there." Suppose, for example, that a man presumes that women typically pretend not to want sex when they want it and that a particular woman's protestations against his sexual advances really mean the opposite, that when she says "no" and tries to resist, she really means "yes."⁸ In this case, he might assume that her verbal denials of interest and her actions of struggling are meant to fit into a whole that indicates her endorsement of the sexual encounter together with a recognition of the customs under which women pretend not to want sex in order to make their ultimate surrender more romantic. Yet, suppose the woman herself takes her denials of interest quite differently, as rejections of a desire for a sexual encounter. In this case, the man would have misconstrued the woman's meaning or at least failed to understand it the way she understood it, even though he had followed a hermeneutic procedure of fitting part to whole.

Other examples of such apparent misunderstanding are not hard to imagine: conspiracy theories, the delusions of paranoids, gross but internally coherent misreadings of texts and the practices of other cultures and so on. If the prejudices that constitute our first access to the meaning of an action or text are to be confirmed or revised in the course of further understanding and if the catalyst for revision is to be a discrep-

5. *Ibid.*, p. 295.

6. *Ibid.*, p. 267.

7. *Ibid.*

8. In "Speech Acts and Pornography", Jennifer HORNSBY refers to the comments of two judges in this connection as reported in *The Sunday Times*. Judge David Wild claimed in 1982 that: "Women who say no do not always mean no. It is not just a question of saying no." ("Speech Acts and Pornography," in Susan Dwyer, ed., *The Problem of Pornography*, Belmont, CA, Wadsworth Publishing Company, 1995, p. 226.) And Judge Dean insisted in 1990: "As the gentlemen on the jury will understand, when a woman says 'No' she does not always mean it. Men can't turn their emotions on and off like a tap like some women can." ("Speech Acts and Pornography", p. 232, note 6.) Catherine MacKinnon has a horror story as well: "In the prosecution by Trish Crawford of South Carolina against her husband for marital rape, a thirty-minute videotape he took of the assault was shown. In it, Mr. Crawford has intercourse with her and penetrates her with objects while her hands and legs are tied with rope and her mouth is gagged and eyes blinded with duct tape. He was acquitted on a consent defense. [...] The defendant testified he did not think his wife was serious when she said 'No'." (*Only Words*, Cambridge, MA, Harvard University Press, 1993, p. 114, note 3.)

ancy between the supposed meaning of a part or parts, on the one hand, and the supposed meaning of the whole, on the other, then, in all these instances, it is nonetheless not the case that the absence of a discrepancy qualifies the understanding or prejudices that allowed for it as legitimate. That is, while one criterion for an illegitimate or inadequate understanding may be the presence of discrepancies between part and whole, it is not clear that the criterion for a legitimate prejudice or understanding can be simply the absence of discrepancies. Hence, a legitimate prejudice cannot be simply defined as one that leads to or allows for a unity of part and whole.

Although Gadamer accepts Schleiermacher's criterion as a condition of eliminating illegitimate prejudices, he does reject it as a criterion for legitimate understanding as long as it implies that legitimate understandings are those that supersede the prejudices or initial projections from which they arose. On Gadamer's analysis, any understanding remains prejudiced, not only because it is rooted in certain experiences and assumptions that provide the interpreter's initial take on the object, but also because in working out the meaning of the whole, any interpreter must make certain interpretive decisions about which parts are and are not important to the meaning of the whole, how important they are, how specific parts specifically fit together to form a unified whole and so on. Prejudices are not hypotheses that we can test against the independent evidence of a text or action. Instead, we first have access to that which we do not yet understand only through the initial projection of meaning we bring to it and we have access to its subsequent parts only through some sort of orientation as well. If we have to revise this initial orientation, it remains the case that we do so in terms of understandings of a subsequent part or parts that are themselves the product of certain expectations and orientations. Adequate or legitimate understanding cannot therefore be defined as either an understanding that unifies part and whole or one that supersedes prejudices. Rather, understanding always develops out of particular starting points, recurring to particular assumptions, and reflecting certain interpretive decisions.

But this characteristic of understanding, that it is always a perspective on that which it is trying to understand, an understanding, as Gadamer puts it, that arises out of a particular "horizon,"⁹ entails that it is also always partial. And this circumstance in turn entails that, more than one understanding of a particular text or text-analogue may be legitimate. That two interpretations of meaning differ, whether they are interpretations of a text such as *Hamlet* or a practice such as voting, will supply no sufficient reason to reject one as illegitimate. Rather, they may simply reflect different orientations, concerns, and interpretive decisions. This analysis seems to complicate the case of the sex abuser whose prejudices about women's behavior supposedly mislead his understanding of a particular women's words and actions. For it now appears on a Gadamerian analysis that even the woman's account of the meaning of her words and actions is perhaps only one possible interpretation of them. A legitimate prejudice cannot be defined simply as a prejudice that leads to a coherent working out of the harmony between part and whole, in Gadamer's view. Moreover, any har-

9. *Truth and Method*, p. 305-306.

mony of part and whole, whether legitimate or not, remains a prejudiced one, on Gadamer's analysis. Hence, a legitimate prejudice cannot be defined as the one that leads to the canonical understanding of a text or text-analogue. Rather, different prejudices may allow for different but equally legitimate interpretations. The question remains, then, if all of our understanding is prejudiced, is it at all possible to distinguish legitimate from illegitimate understanding or legitimate from illegitimate prejudices? If the idea of the hermeneutic circle does not provide for such distinctions, can they be made at all?

Gadamer provides two responses to this question. First, he insists that the meaning of a text or a text-analogue can emerge only because one brings certain expectations to that which one is trying to understand. Hence, whether or not prejudices allow for legitimate understanding, lack of prejudice allows for no understanding. Second, he insists that our prejudices must be subjected to critical examination from the start in order to separate the legitimate from the illegitimate. "Understanding, he claims, realizes its full potential only when the fore-meanings that it begins with are not arbitrary."

Thus it is quite right for the interpreter not to approach the text directly, relying solely on the fore-meanings already available to him, but rather explicitly to examine the legitimacy — i.e., the origin and validity — of the fore-meanings dwelling within him.¹⁰

But this response is odd for two reasons. First, it is not clear that illegitimate prejudices can be adequately defined as those that are arbitrary. A sex abuser's prejudices about women are not arbitrary if by arbitrary one means that they are simply subjective and personal biases. A sex abuser's projections of the meaning of a woman's behavior might be based on generations of male views of women, of what women's dress and behavior mean, about what women want or like, and so on. A more experienced male might view the pedigree of such prejudices with suspicion. Still, Gadamer's own emphasis on the role of prejudice in understanding the meaning of texts or actions insists that if women's speech and action is to be understood in any way at all, they will be understood in a way oriented by the history, experience, tradition, and consequent assumptions of the person who is trying to understand. Whether the prejudices we bring to the attempt to understand are legitimate or illegitimate, then, they are historically situated and thus, although this history might be a perverse one, the prejudices it produces cannot be called arbitrary.

The second odd feature of Gadamer's suggestion that we examine the legitimacy of our prejudices and exclude those that are arbitrary follows from the idea of a prejudice itself. For prejudices seem to be orientations to that which we are trying to understand which cannot be examined because they are pre-discursive. What makes a prejudice a prejudice would seem to be the way in which it orients our thinking or conscious attempts at interpretation without our attending to the character of the orientation itself. Prejudices would seem to be prejudices precisely as those embedded, unthematized frameworks that provide the background and direction for our articulations and, hence, precisely not as explicit concepts the legitimacy of which we could

10. *Ibid.*, p. 267.

examine. As Jürgen Habermas points out in his exchange with Gadamer, if we can examine them, then they would seem to be positions the legitimacy of which we must defend with arguments rather than orientations that condition our understanding of the meaning of a text, action, or object.¹¹ Moreover, if we focus on a prejudice we must do so on the basis of other prejudices on which we are not focusing and on which we cannot focus without 1) transforming them from prejudices to positions and 2) doing so on the basis of other prejudices the legitimacy of which we are not, at the time, examining. It remains, then, at least initially unclear what Gadamer means here. How is one to examine the legitimacy of "the fore-meanings dwelling within him" ?

Gadamer claims that "we cannot stick blindly to our own fore-meaning about the thing if we want to understand the meaning of another."¹² And he continues, "[A] person trying to understand a text is prepared for it to tell him something. That is why a hermeneutically trained consciousness must be, from the start, sensitive to the text's alterity." In other words, a hermeneutically trained consciousness is conscious from the start that it is prejudiced and that what it is trying to understand need not conform to its expectations about it. Of course, we have no access to that which we are trying to understand except through our expectations and it is precisely our expectations about which we are trying to be critical. Still, Gadamer's point seems to be that a hermeneutically trained consciousness is trained to be aware of the prejudiced and tentative character of its fore-meanings in general and hence open to the possibility of a text's or text-analogue's exposing and shattering certain of them. Thus, Gadamer argues that the kind of sensitivity he has in mind "involves neither 'neutrality' with respect to content nor the extinction of one's self. [...] The important thing is to be aware of one's own bias, so that the text can present itself in all its otherness."¹³

Gadamer's argument here has two parts. First, his claim is that an adequate understanding of meaning requires not only the orientation provided by our prejudices but a recognition that we are prejudiced and that our prejudices attach us to traditions of understanding that pre-orient us to that which we are trying to understand. Such a consciousness of what he calls effective history is not already what might be called a "hermeneutics of suspicion." To say that our traditions pre-orient us to that which we are trying to understand is not, for Gadamer, to say that those traditions necessarily mis-orient us. Indeed, were we to view all pre-orientation as mis-orientation, we would not need an inquiry into legitimate prejudices since all prejudices would be illegitimate. But Gadamer's critique of the Enlightenment is just that it considered all prejudices illegitimate, both those it claimed were the result of haste and those it claimed were a result of an uncritical attitude toward tradition. For Gadamer, in contrast, the task of hermeneutic understanding is to separate legitimate from illegitimate prejudices and, in his view, it can do so only if it assumes, not that all prejudice is illegitimate, but that all understanding of meaning is prejudiced. The idea is that inso-

11. See Jürgen HABERMAS, *Zur Logik der Sozialwissenschaften*, Frankfurt, Suhrkamp Verlag, 1970, p. 284.

12. *Truth and Method*, p. 268.

13. *Ibid.*, p. 269.

far as we are conscious of the influence of history on us and insofar as we acknowledge the roots of all our views and all our assumptions in history and tradition, we are also prepared to check them against what following Heidegger he calls "the things themselves."¹⁴

How can our prejudices be checked against "the things themselves," however, if we have access to the things themselves only through our prejudices? The second part of Gadamer's argument requires an addition to the "anticipation of completeness." If we are to be able to expose and critically to examine our prejudices, we must assume not only that a text or text-analogue composes a unity of meaning but that what it claims or expresses might be "true." It can provide a foil for checking our prejudices only if we assume not only that it composes a unity of meaning so that we can discard those prejudices that do not allow for unity. We must also assume that it can illuminate an issue for us, so that we can discard those prejudices under which what it means has nothing to say to us:

And just as we believe the news reported by a correspondent because he was present or is better informed, so too are we fundamentally open to the possibility that the writer of a transmitted text is better informed than we are, with our prior opinion.

The idea here is that our prior opinions must be checked against the text or text-analogue, first, to see if they allow a coherent and unified meaning to emerge from it and, second, to see if they allow the content of the text or text-analogue to be one from which we can learn. On this analysis, our prejudices or fore-meanings come to light precisely in the process of trying to understand the content of a text or text-analogue we recognize as being possibly different from our expectations about it. Moreover, we recognize its possible difference from our expectations by acknowledging that we might employ it to understand the issues it poses for us more adequately. Hence, Gadamer insists that at least the initial burden of interpretation falls on the interpreter to try to understand the text or text-analogue in such a way that it can be illuminating or, in other words, so that it can teach us both what our prejudices are and how we might revise them. Attempts to understand the meaning of texts and text-analogues become tests of our prejudices. We put them "at risk" or "into play"¹⁵ in trying to understand and as long as we remain open to the possibility of "being pulled up short"¹⁶ by the text, our attempts to understand expose or illuminate the questionability of certain of them for us.

Illegitimate prejudices, then, are not only those that do not allow the unity of part and whole, but also those that are held dogmatically and do not allow either a text or the claims of another person to be understood in their "otherness" or possible truth where truth is understood as the illumination of an issue or subject-matter for us. For Gadamer, this openness to otherness is the lesson of experience. "Every experience worthy of the name thwarts an expectation,"¹⁷ he claims and he therefore contrasts

14. *Ibid.*, p. 266.

15. *Ibid.*, p. 299.

16. *Ibid.*, p. 268.

17. *Ibid.*, p. 356.

the methodically achieved confirmation of experience necessary to the experimental sciences with the experience he calls dialectical which involves a "reversal of consciousness" or an experience of negation, the experience that "something is not what we supposed it to be."¹⁸ Experiences in this dialectical sense are things we go through or "have." Indeed, they qualify as experiences because they can be had in their fullest sense only once, as opposed to the sort of experience codified in the experimental sciences which must be repeated to qualify as experience. Similarly, the experienced person, for Gadamer is not someone who can predict what will happen because his or her experiences are inevitable confirmed. Rather he or she is someone who is prepared to be surprised or thwarted by experience and is therefore aware of the limits of all assumptions, plans, and expectations :

If it is characteristic of every phase of the process of experience that the experienced person acquires a new openness to new experiences, this is certain true of the idea of being perfectly experienced. It does not mean that experience has ceased and a higher form of knowledge is reached (Hegel), but that for the first time experience fully and truly is. In it all dogmatism, which proceeds from the soaring desires of the human heart, reaches an absolute barrier.¹⁹

The idea of legitimate prejudices includes a certain tension. On the one hand, we are necessarily prejudiced in our attempts to understand because we enter into projects of understanding with particular orientations and concerns and because these orientations and concerns arise out of particular categorial frameworks and traditions of thought and action. But, at the same time, to the extent that we are conscious of effective history, we are conscious of being prejudiced and conscious that our prejudices can be upset by our future experience. We are at once, then, situated in a past history and open to future change. Gadamer locates legitimate prejudices in this space. They are those prejudices that have not yet been shattered by the text, text-analogue, or claims of another despite an openness to their being shattered or, indeed, despite an expectation that they will be shattered against either the content or the plausibility of what one finds in the text or text-analogue. To this extent, they are those prejudices that continue to illuminate a text or text-analogue for us. In other words, legitimate prejudices are those that continue to make sense out of that which we are trying to understand in the face of : 1) an awareness of the production of pre-orienting prejudices by history and tradition and 2) a commitment to the possibility, in general, of any of our prejudices being exposed to the extent that we put them at risk in trying to understand the texts or text-analogues of others.

We put our prejudices into play in trying to understand a text or text-analogue. Where we nonetheless anticipate the otherness of the text or text-analogue, certain of our prejudices will be brought to light and we shall have to defend or reject them. In this case, our prejudices no longer function as orienting assumptions but become explicit positions that we either hold consciously or discard as indefensible. But other of our prejudices will continue to provide the orientation we need to argue for or against those positions. These orientations and assumptions remain, at least for the time be-

18. *Ibid.*, p. 354.

19. *Ibid.*, p. 357.

ing, legitimate prejudices. They are those forms and horizons of our thought that we require for our arguments and that continue to allow an illumination of texts, practices, and issues for us even though we always put them at risk in orienting our arguments through them.

Gadamer's example is the ideal of the classical. The classical represents an ideal of excellence that remains compelling to us in spite of critical reflection upon certain aspects of it. That is, one can recognize the extent to which classical architecture, for example, represents simply the style of a particular historical period or the extent to which a classical education simply refers to the components once though crucial for an educated, white, European male. Nonetheless, the idea of a classical education continues to exert a normative hold on us as the representation of an ideal of an excellence. As such, it continues to orient our explicit evaluations of education even as modern pluralistic societies try to accommodate diversity and moderate their Eurocentrism. Indeed, if current attempts to educate children and citizens are less eurocentric than they once were, they are so because of an ideal of excellence that is still contained for us in the idea of a classical. As Gadamer puts the point, the classical represents "a notable mode of being historical : the historical process of preservation (*Bewahrung*) that, through constantly proving itself (*Bewahrung*) allows something true (*ein Wahres*) to come into being."²⁰ It "is something that resists historical criticism because its historical dominion, the binding power of the validity that is preserved and handed down precedes all historical reflection and continues in it."²¹

But the circumstance that legitimate prejudices are those that still serve to orient our thought and action despite our openness to experience seems somewhat troubling. Suppose the prejudices that orient us include not only ideals such as the classical but sexist and racist ideas as well. And what if such prejudices can never be exposed or questioned in the process of trying to understand the "otherness" or truth of texts or text-analogues because the circumstances under which that understanding must proceed are distorted or constrained by factors that cannot come to light in it ? For Gadamer, the awareness of effective history and consequent openness to the otherness of the text is the condition for the possibility, for example, of the potential sex abuser's ability to recognize problems in his understanding of a woman's words and actions. Only to the extent that he risks his prejudice that when a woman says no she means yes is he able to hear the woman's own interpretation of her meaning. But suppose, a man who continues to misread a woman's rejection of his sexual advances regards himself as open to the "otherness" and even truth of the claims of another. The problem here is that he may not be able to recognize the otherness or truth of those claims because his misconception of the situation is total and because that total misconception is rooted not only in tradition but in certain sorts of power relations that distort the hermeneutic situation in which he might test and expose the illegitimacy of his prejudices.

20. *Ibid.*, p. 287.

21. *Ibid.*

Anti-pornography feminists such as Catherine MacKinnon have argued, in effect, that pornography provides for just such distortions. Women's attempts to reject sexual advances often cannot be understood in their "otherness" because the hermeneutic situation in which they must be understood is one saturated with pornographic views and assumptions.²² The distribution and consumption of pornographic materials establish certain expectations about women's desires and the meaning of their dress and behavior and MacKinnon's point might be reconstructed as the claim that in this situation, openness to learning from women is not enough to avoid systematic misunderstanding. A man might be conscious of the general possibility that his assumptions are open to shattering and that he can be enlightened by the claims of women. Yet in the encounter he has with a woman he learns the "wrong" lesson. Because of the distortions in the context of understanding produced by pornography, he takes her actions and words, not as denials of sexual interest but as new lessons about eroticism, the relation of force and sexual desire and so on. Here is not the case that "something true has come into being," as may be the case with regard to the classical. Rather a pervasive "falsehood" affects the context of understanding itself.

This objection to the possibility of distinguishing legitimate from illegitimate prejudices again recalls Habermas' original critique of Gadamer. In *On the Logic of the Social Sciences*, Habermas claims that the scope of hermeneutic understanding is limited by its inability to get behind the context of understanding to examine factors power and the conditions of social labor that might condition and distort it.²³ In response, Gadamer raises the obvious question. If attempts to understand the meaning of texts or text-analogues are driven by prejudices, then how can any attempt to go behind the particular context of understanding to examine the conditions affecting it escape this general hermeneutic situation? Attempts to unearth the conditions of understanding will themselves be prejudiced. They will reflect not so much the success of efforts to go behind hermeneutic understanding as expressions, themselves of it.

Still, the problem remains. The possibility of exposing illegitimate prejudices depends upon the general assumption that any of my assumptions are open to question. But understanding in general that I am fallible in this way needs not help me to reach the particular understanding that a particular woman is really resisting my particular advances if my sexist assumptions cannot come to light because of background distortions in the environment in which I am trying to understand and in which she is trying to communicate. At the same time, any attempt to gain access to possible background distortions will itself be based on prejudices which may or may not be influenced by background distortions and may or may not be legitimate.

The impasse to which this line of thought can lead, in which every inquiry into the conditions of hermeneutic understanding is itself subject to hermeneutic conditions is demonstrated, I think, by the objections that have been raised to MacKinnon's own analysis of the influence of pornography. For, if MacKinnon raises the question of whether women can be understood in their "otherness" given the distor-

22. See *Only Words*.

23. *Zur Logik der Sozialwissenschaften*, p. 289.

tions in the hermeneutic situation produced by pornography, others ask, in effect, if MacKinnon and anti-pornography feminists can understand their otherness given distortions in the hermeneutic situation produced by the critique of pornography. From a pro-pornography perspective, the man who cannot hear a woman's rejection of his sexual advances is subject to a psychological, not a social, critique. The conditions that undermine possibilities of hermeneutic understanding lie in his particular childhood not in the influence of pornography. Pornography is, instead, revolutionary in both its rejection of sexual repression and its exposure of different modes of sexual being. In advocating sexual adventure, sex without procreative intentions, "casual sex, anonymous sex, group sex, voyeuristic sex, illegal sex, public sex," it hardly victimizes women, pro-pornography feminists argue.²⁴ Rather, it may help some women to understand the legitimacy and generality of their own fantasies and desires. Such an understanding is particularly important, they suggest, for a young girl with what she may initially consider to represent illegitimate lesbian longings. But Ellen Willis insists that pornography also expresses a "radical impulse" in general "insofar as it is critical of the patriarchal ideology which divides women into 'bad girls' who enjoy violent, emotionless sex and submissive, ladylike 'good girls' who are interested only in romance."²⁵ Precisely to the extent that women find themselves enjoying and learning from the otherness pornography presents to them, Willis insists, they free themselves of distorting prejudices about female sexuality. As Myrna Kostash writes: "Until there is a revolution in the institutions that regulate sexual relations — the family, the school, the workplace — perhaps the pornographic fantasy is one of the few ways that women and men, captives together of those institutions, victims alike of their alienating procedures are permitted connection."²⁶ Hence, to the anti-pornography claim that pornography possesses a globally distorting influence, the anti-anti-pornography position suggests anti-pornography feminism impedes women's sexual self-development by working to suppress materials through which women can discover different views of an authentic sexuality and, indeed, different ways of being sexual.

In this controversy, pro-pornography and anti-pornography feminists each accuse the other side of illegitimate sexist prejudices and each suggests that the indifference of the other side to its own illegitimate prejudices stems from conditions that block their recognition of them. Those who are pro-pornography cannot understand pornographic images as reflections of power relations between men and women. Anti-pornography feminists cannot understand their own criticism of pornography as a reflection of ideological and stereotyped views of women. The recourse to mutual convictions of ideology seems at this point to lead to hermeneutic paralysis. But, it seems to me that one of the most striking aspects of Gadamer's hermeneutics is the way it allows us to shift the terms of the controversy at precisely this point. For despite his own concern with the conditions for rejecting illegitimate prejudices, he questions the

24. Quoted in Nadine STROSSEN, *Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights*, New York, Scribner, 1995, p. 175-176.

25. See Ellen WILLIS, "Feminism, Moralism, and Pornography", in *The Problem of Pornography*, p. 170-176.

26. Quoted in *Defending Pornography*, p. 175.

emphasis that the Enlightenment places on concerns with illegitimacy in general. Suppose instead of assuming that the views of the other side in the pornography controversy reflect illegitimate prejudices, we assume that each side includes ideas from which the other side might learn. Indeed, instead of talking past one another or dismissing one other as hopeless ideologues, pro-pornography and anti-pornography feminists might engage in a discussion of their disparate understandings in which each side assumes the "anticipation of completeness" or assumes, in other words, that the other might have something of value to say.

The remarks pro-pornography feminists make about the educational benefits of pornography in helping women to develop their sexual identities appeal to an understanding of pornography that sees it only in terms of its subversive possibilities. The remarks anti-pornography feminists make about the violence involved in both the pornography industry and the images it creates appeal to an understanding that sees pornography only in terms of its subordinating possibilities. But just as we learn to understand works of art through the eyes of others, each side might also view pornography in terms of the assumptions the other side makes. If each side took the orientation of the other to be possibly a corrective to their own prejudices, then although they might continue to disagree on actual policy measures, they might learn a more measured response both toward one another and toward the issue itself.

In the end, it seems to me that this is the idea that Gadamer tries to get at with the notion of legitimate prejudices. We are oriented in different ways to different issues because of our upbringing, heritage and the like. If we assume, at least initially, that such differences are simply differences rather than travesties of adequate understanding, then it might be clear what we can learn from one another. Those who defend pornography might acknowledge the way in which it can erect obstacles, such as the one we have been examining in this paper, to the possibility of mutual understanding between men and women especially in sexually heated situations. Conversely, those who attack pornography might acknowledge the way its subversion of certain stereotypes about women can assist that mutual understanding. Both defenders and critics of pornography and, indeed, both men and women, might thereby develop a more sophisticated and skeptical view of the claims of pornography which might allow those who enjoy it to continue to enjoy it without falling victim to its distortions. At the very least, Gadamer seems to place his hopes for reason in this sort of mutual learning and accommodation. Certain prejudices we carry with us quite obviously shatter on the content and "truth" of the texts or text-analogues with which we become concerned. Racist and sexist prejudices about the capabilities of women and minorities are a case in point. Such clear cases of social evolution in which we are forced to confront and modify our prejudices are the Enlightenment's model of rational progress and their importance is not to be diminished. But Gadamer's work asks us to look in another direction as well, a direction in which prejudices do not so obviously shatter on the things themselves and in which more might be gained from assuming the equal legitimacy of our differences. In many of our current controversies, including not only pornography but abortion, it may not be that one side is

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clearly wrong or that its views are obviously ideologically distorted. Rather it may be that we can learn from one another.