

DIRT AND DEMOCRACY 431

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In this essay, Alan Wolfe, a professor of sociology at Queens College and author of Whose Keeper?: Social Science and Moral Obligation, reviews five books on pornography and censorship. Because he quotes the authors of these books and discusses their ideas, you will need to keep the five works in mind: For Adult Users Only: The Dilemma of Violent Pornography, edited by Susan Babar and Joan Hoff; Pornography: Men Possessing Women by Andrea Dworkin; The New Politics of Pornography by Donald Alexander Downs; Hard Core: Power, Pleasure, and the "Frenzy of the Visible" by Linda Williams; and Freedom and Taboo: Pornography and the Politics of a Self Divided by Richard S. Randall. Wolfe's essay is particularly valuable because it offers an overview of the dilemmas and complexities of both sides of the censorship argument.

Pornography exists where sex and politics meet. Since few other activities are as fascinating as these two pleasures, it is no wonder that questions involving pornography have been with us so long.

Sex is, or at least is supposed to be, intimate, caring, invisible to others: the very definition of private. Politics is, or is supposed to be, open, debatable, a spectacle: the essence of public. A world in which sex and its representations were of no concern to others could not, by force of definition, contain pornography. A world in which politics regulated all sexual activities and their representation could not, by force of police, contain pornography either. To discuss pornography is always to discuss a matter of balance.

Our politics—the way we balance public and private things—are those of liberal democracy. As Richard Randall stresses in his comprehensive treatment of the subject, both liberalism and democracy are intimately linked to the pornographic inclination, even if that link is troubling and contradictory. Liberalism respects a private sphere within which government—that is, other people—ought not to find itself. Although the founders of liberalism might be unable to imagine their arguments for freedom of expression used in defense of the puritan, pornography could not exist without the two most fundamental props of the liberal world order: a market that efficiently responds to supply and demand, with little concern for the morality of what is traded; and a legal system that places a premium on individual rights.

Yet if liberalism is inclined to protect the pornographic, democracy is inclined to forbid it. Randall is correct to emphasize that it is the elite that seeks to defend the right of pornographic expression and the majority that seeks to curtail it. Politicians never run for office in favor of pornography. Unmoved by appeals to artistic expression, little concerned for constitutional subtleties, worried about the vulnerability of their children, Americans would gladly give up this one liberal right if they could be guaranteed that in return they would be rid of unwanted ugliness.

Legislatures and city councils, responsive to democratic demands, regularly try to control pornography; courts, undemocratic in principle and liberal in practice, try to stop them.

In the past 20 years, liberalism and democracy have both expanded in scope. Pornographers have shared, surely disproportionately, in the expansion of liberal rights that has defined American judicial practice since the Warren Court. The rise of the Moral Majority and other censorial movements, on the other hand, is one of the byproducts of increasingly plebiscitary democracy. The result of these simultaneous developments is what Donald Downs calls a "new politics of pornography" in which few of the older images, alliances, positions, and judicial standards make sense. Three developments since around 1970 have set the stage for the new politics of pornography.

First, the form of pornography has changed beyond recognition. Any images men may have in their heads about stag films — any leftover memories of fraternity bashes of the 1950s — have nothing to do with what pornography represents now. The sex is far more explicit; today's hard core is tomorrow's R-rated movie, or, to put it another way, yesterday's illegality is today's television commercial. In addition, the "quality" has improved. As Linda Williams points out, plots have been added, full-length feature status is now the norm, and efforts at credibility have been introduced. The symbol of these changes, of course, is video; most people now watch pornography at home in living color, not in grungy inner-city arcades. And high-definition television, once the Japanese get around to supplying it, is next.

Second, nearly all legal efforts used by local communities to control pornography in recent years have failed. The Supreme Court's 1957 decision in *Roth v. United States* — despite its famous language banning material that "appeals to the prurient interest" — effectively opened the door to previously forbidden sexual expression: 31 obscenity convictions were reversed between 1967 and 1973. The ability of pornographers to use courts and the First Amendment to their advantage (Downs notes that in Minneapolis the MCLU offices were in a building owned by its leading pornographic client, presumably rent-free) led local police to give up even trying to win convictions. Even a town as conservative as Indianapolis was able to initiate only two obscenity cases between 1979 and 1985. During the 1970s and early 1980s, in short, pornography grew increasingly worse as the ability to regulate it declined proportionately.

Third, our awareness that pornography involves violence against women has increased. Of the three developments, this is the most controversial, because there is no absolute proof — nor will there ever be — that pornography *definitely* results in harm to women. (Based on the Danish experience with legalization, the opposite case is equally as plausible: pornography may also be an excuse for men to masturbate and be done, and thus protect women.) Still, the images contained in pornography, brutal toward all, are most brutal toward women. Pornography is, to some degree, a feminist issue. How much it is a feminist issue is the most passionately debated question in the current writing on the subject.

If questions involving pornography always involve matters of balance, the rise of a new politics of pornography has placed in doubt what ought to be balanced with

what. Under the rules of the "old" politics of pornography, the right to free expression stood on one side and the ability of a community to protect itself from untoward sexuality stood on the other. Under the new politics of pornography, violence against women is defined as what we need protection against, whereas what pornography might stand for is not completely clear.

The new politics of pornography crested with the report of the Meese Commission in 1986, which concluded that pornography (including the violent kind) had increased to the point of being out of control. What was most striking about the Meese Commission was not its conclusions, but the way it reached them. For the commission focused specifically on the insult and injury to women involved in pornography, even to the extent of quoting, without attribution, Robin Morgan's fighting words: "Pornography is the theory; rape is the practice." The feminist critique of pornography had arrived.

That critique was the product of the meeting of two minds: legal theorist Catherine Mackinnon and essayist Andrea Dworkin. Dworkin expounded her ideas in *Pornography: Men Possessing Women*, recently republished with a new introduction. In Dworkin's view, sex is power, nothing else; and all the power belongs to the man. Every man is a beast, every woman an innocent and (remarkably, for a feminist) passive victim. Pornography, like heterosexual sex in general, is merely an extreme form by which men exercise power over women.

The philosophy in Dworkin's bedroom is the philosophy of Hobbes. She tells me, for example, that I have refrained from raping my son not because I love him, but because of the fear that when he grows up, he might rape me back. Dworkin, in that sense, is really not all that interested in pornography as such; the chapter of that name in her book is four pages long, whereas the one called "Force" is 70. (Brutal treatments of gay men or animals would not, presumably, bother her.) Let Dworkin herself speak:

In the male system, women are sex; sex is the whore. The whore is porné, the lowest whore, the whore who belongs to all male citizens: the slut, the cunt. Buying her is buying pornography. Having her is having pornography. Seeing her is seeing pornography. Seeing her sex, especially her genitals, is seeing pornography. Seeing her in sex is seeing the whore in sex. Using her is using pornography. Wanting her means wanting pornography. Being her means being pornography.

Dworkin believes that what men do to women in pornography is *worse* than what Nazis did to Jews in concentration camps: "The Jews didn't do it to themselves and they didn't orgasm. . . . No one, not even Goebbels, said that the Jews liked it." Dworkin does Robin Morgan one better: sex is the theory and extermination the practice. Women, though, unlike the Jews in the camps, are fighting back. (Totally passive, they suddenly found a voice.) Her advice to them is: "know the bastard on top of you." Men are scared. The women they have treated pornographically all their lives are massed to castrate them, and Dworkin is wielding the biggest knife.

This kind of analysis would hardly seem the stuff of local ordinances — especially in the American Midwest. But, as Downs recounts in his illuminating history of these events, one of Dworkin's readers was Catherine Mackinnon, by all accounts a

brilliant political strategist. In 1983 Mackinnon invited Dworkin to teach a class with her at the University of Minnesota School of Law. Two essential conclusions were quickly reached in the seminar: first, that pornography is not a question of free speech, because women cannot speak; and second, that pornography, because it harms women, does not extend civil liberties, it violates civil rights.

The resulting Minnesota ordinance was a first in American law. Pornography—not, as in most judicial decisions since *Roth*, the narrower notion of obscenity—was defined as discrimination against women. Finding herself depicted in what she believed to be pornographic fashion by any image—nine definitions of such depictions were given in the ordinance—any woman could lodge a complaint with the local Civil Rights Commission and, after a series of steps were followed, could win the right to a hearing. The Minnesota ordinance was eventually declared unconstitutional in 1985. Still, we may hear more from the feminist anti-pornographers. Given a censorial mood on campus, which makes it against university policy to say anything derogatory against women, minorities, gays, Native Americans, and the handicapped, we may soon see efforts to ban pornographic films from campus facilities or pornographers from rostrums. There is no way around it. Since the threat of an anti-discrimination suit is designed to stop the practice of depicting women pornographically *before* it occurs, the issue raised by Dworkin and Mackinnon is censorship. Is the harm to women represented in pornography so great that we are justified in using our democratic powers to stop it?

The first reaction to the rise of a feminist movement for censorship was to argue on empirical grounds that the harm done to women by pornography is not as great as feared. It has been said that pornography has targets other than women; that women make and enjoy pornography themselves; that no harm against women from pornography can be proved. Although in a narrow and technical sense these arguments are accurate, they miss the point. When a political position has as much popularity as the desire to control pornography, we ought to give those who hold it credit for their views, not dismiss them as know-nothings, anti-intellectual philistines, or (as Randall unfortunately does) people repressing the pornographic within. When the rage of women is eloquent and dramatic, we ought not let Dworkin's absurd rhetoric deny an important point. Pornography is demeaning, women are its primary targets, and even if we cannot prove that it causes violence, it certainly offends the sensibility of some very engaged citizens.

At this point, a second line of defense against censorship enters: even though pornography demeans women, it serves positive goals that are more important. Whether or not pornography has value, one form of this argument runs, liberty clearly does. Hence pornography can be bad, but what it symbolizes—free speech—is good. Pornography, therefore, has redeeming value in spite of itself. A similar response to the Dworkin-Mackinnon position has arisen among feminists who, objecting strenuously to their depiction of the passivity of women, argue that free sex has as much value as free speech. Did it ever occur to Dworkin and others like her, these thinkers have asked, that women like sex? It was hardly the intent of the feminist movement, after all, to turn all women into Puritans. (For similar reasons, gays objected vehemently to the Minneapolis ordinance.) Revisionist feminists—if they may be called that—also find indirect value in pornography. We have libidos.

They need outlets. Free speech and free sex both make a certain toleration of pornography necessary.

Both of these arguments are trying to balance the way that the new politics of pornography defines harm with the way that the old politics of pornography defined freedom. It is not easy to do. Harm is concrete, sensate, unambiguous. Rights are abstract and intellectualized, at least one remove away from immediate experience. Weigh the two, and the argument against harm will win, at least with the popular majorities that decide such things. Similarly, the argument for sexual freedom is unhelpful in this debate. Its images of sex correspond exactly to ACLU images of rights: free speech and free sex are private matters, not the business of anyone else. The age of AIDS should teach us otherwise: so long as tax monies are used to save lives, there is a public interest in private sex. The state may not be the best regulator, the regulation itself can often misfire, but a community cannot take a position of moral neutrality toward the libido. Most people recognize, in short, that your sexuality is at least partly my concern. Some sexual freedom is clearly necessary to discover the self. Some regulation is clearly necessary to protect the society without which there can be no selves.

Pornography has little redeeming social value. By artistic criteria, it is close to worthless. Heroic attempts to defend the pornographic imagination by Angela Carter and Simone de Beauvoir (in the case of Sade) or Susan Sontag (in the case of Georges Bataille and Pauline Réage) treat a rarefied aspect of the genre that has little to do with the predictability and the sheer mediocrity of much of the pornographic expression. By criteria of psychological development, moreover, pornography fails again. It infantilizes people, mostly men, locking them into a stage in which limits do not exist, all desires can be satisfied, and every complexity avoided. By the Kantian criterion of respect for persons, furthermore, pornography fails a third time, treating women as things available for the whimsical pleasures of men; pornography in that sense is also without redeeming moral value.

By civic criteria, finally, pornography flunks most severely. Although free speech gives much to pornography, pornography gives almost nothing to free speech. It does not enhance our capacity to act as citizens. It does not cause us to reflect on rights and responsibilities. It does not encourage participation in the life of the community. Pornographers are free riders on the liberties of everyone else. If a human activity with so little value is balanced against even a slight possibility that it may cause rape and mayhem, the feminist case for censorship would seem to win.

Still, for all that, the bad taste that censorship leaves in the mouth cannot be easily washed away. The question of pornography raises a host of complex moral and symbolic issues that cannot be resolved by banishing the problem's manifestations. On moral grounds, for example, the case for censorship and the case for unrestricted rights to pornography are quite similar—and similarly without nuance. Feminists like Dworkin, who would regulate all the fine details of private life, believe that there is no morality to speak of when discussing pornography; everything is power. Civil libertarians, on the other hand, ruling private behavior beyond the pale of public scrutiny, also believe that there is no morality at issue; everything is principle. The moral neutrality of both positions can hardly win a hearing among most people, who believe that pornography, which is obviously about sex, is also about morality.

Pornography raises issues about the nature of the self, moreover, that cannot be addressed either by banning pornography or by celebrating it. One of the unanticipated benefits of the feminist case for censorship has been to sharpen the sense of what we are in danger of losing if the urge to censor gets out of hand. It is not individual freedom to do or say anything one wants with little regard for the sensitivity of the community. The loss would be deeper, for pornography symbolizes fundamental human needs without which we would not be fully human. Two of them are the need to be aware of the dark side of sexuality and the need to make sense out of multiple realities. If we have learned anything about texts at all in this century, it is that the more readers, the more interpretations—that reality, in short, is never simply one unambiguous thing.

Those who would censor pornography have complete epistemological confidence that they know exactly what it is. Reflecting on the experience in Minneapolis, Dworkin writes: "For women who are hurt by pornography, this law simply describes reality; it is a map of the real world." None of the contingencies and ambiguities of language, representation, and meaning that one finds in thinkers like Derrida or Rorty have made it into the consciousness of feminist censors. For example, Joan Hoff, who frequently cites Foucault on the social contingency of knowledge, argues that we know what pornography is, even though no history of it is available to us. When that history is written, she already knows what it will say. What is at stake is not whether her unwritten history is correct but that such certainty about historical development is the exact opposite of what Foucault teaches us about genealogies. In Hoff's view—and in the view of many of the contributors to the book that she edited with Susan Gubar—there is only one representation in any pornographic work, the one that brutalizes women.

Linda Williams's book *Hard Core* is a brilliant demolition of the position that pornography represents one thing only. Arguing against the feminist case for censorship, Williams urges that we take pornography seriously, which does not mean that we like it, or that we believe it is art. Remarkably non-evaluative in her description of pornographic films since the invention of moving pictures (she offers a negative assessment only once, on the quality of the music in *Deep Throat*), Williams wants us to learn the rules of the pornographic genre.

All forms of representation have genre rules, and Williams turns to musical comedies to help understand pornography: like hard-core porno films, they regularly break narrative to introduce numbers. (She might also have looked at operas. They, too, have numbers, and one of the greatest works of art written in any genre at any time is about a man who lusts uncontrollably, indeed pornographically, after women. *Don Giovanni* would surely have been actionable under the Dworkin-Mackinnon ordinance.) The rules of the pornographic genre are defined by a fundamental contradiction: if a man enjoys pleasure inside a woman, generally viewed by men as the most satisfying way to experience sexual pleasure, the physical evidence of his pleasure is invisible. The conventions of pornography follow from efforts to capture what the trade calls a "money shot": proving visibly that the man has satisfied himself.

Pornography cannot mean one thing, and one thing only, because genre conventions, instead of confining all reality within pre-established frames, enable multiple interpretations of reality to exist simultaneously. That is why pornography is not, as Dworkin claims, *only* about men brutalizing women. It may equally be the case that what men want to see in pornographic movies is not the naked woman, since most men, in the course of their lives, get to see that with some frequency, but the image of another man enjoying himself visibly, which most men never get to see. We do not know, of course, whether this interpretation is correct. But Williams's subtle and fascinating explanations suggest that, in not knowing, we are best off allowing pornographic representations to exist. Despite what Hoff says, the history, or at least a history, of pornography has been written, and it does not show what she thought it would.

If the feminist censor's conviction that pornography reflects an unambiguous map of reality is naive, so is her conviction that, knowing the single-minded evil it represents, we can abolish it by force of law. Randall makes a convincing case that such an optimistic view of the powers of law is not justified. It is, in his view, the dark side of pornography that makes it important. Humans are the "pornographic" animal, fascinated and appalled by their sexuality. The pornography that we see out there is a reflection of the pornographic deep within our selves. Since pornography is part of what we are, we harm only ourselves by regulating it too severely. At the same time, however, since "complete sexual freedom is a contradiction of the human condition," we will need to control our sexual impulses in some way. Neither censors nor civil libertarians, Randall argues, understand "the paradoxical, mutually supportive relationship between pornography and censorship." We will have to live with various efforts to reconcile sexuality and its control, none of which will ever solve the problem.

The recognition that pornography speaks to needs within the self—its need to interpret as well as its need to express itself sexually—is a much firmer guide for sorting out the new politics of pornography than the purely libertarian notion of individual freedom. For one thing, the issue is not the abstract right of shady businessmen to sell dirty pictures, or the equally abstract right of sexual pleasure-seekers to purchase them—rights that in both cases apply to minorities. Pornography is important, rather, because in speaking to the self, it is speaking to a universal: we all have an interest in the many ways in which fundamental human conflicts are represented in print and in film.

In addition, both the free speech and the free sex argument, reflecting the optimism of liberal rationality, claim that our thoughts and our libidos if left free to roam will, like prices in an equally anarchic market, be guided by invisible hands into public benefits. Liberals, adherents to an all-too-optimistic faith, do not want to peek too closely into private spaces. They fear what they will find there.

Imperfect creatures growing to adulthood with sexual conflicts unresolved, many of us (surprisingly many, by most sociological accounts) need outlets for our imaginations, relying on our power to give meaning to representations of fantasies buried deep within the self, even if the pictorial representations of those fantasies involve, on the surface, harm to others. A case against censorship ought to argue not that

we can discover some redeeming virtue in pornographic expression, but that we cannot.

Considering how rapidly the terrain has shifted in the debate over pornography we are a long way from developing legal standards that will help us keep in balance the needs pornography obviously serves with the offensiveness it obviously entails. Until such a standard is developed, the debate over pornography will be social, not legal, and its participants will be intellectuals and academics, not lawyers. What we have a right to expect in the debate is honesty. Such an objective is not helped by politicizing pornography as exclusively a women's issue, as if women should compete with other oppressed groups in demonstrating how submissive they really are. The category of woman is both too broad and too narrow to make much sense in this debate.

Two political scientists among the authors reviewed here, Donald Downs and Richard Randall, ought to be commended for trying to develop standards, even though neither is successful. Randall argues that we should make offensiveness, not harm, the crucial offense, a position that would restrict expression far more than any current standard—given how offensive people like Dworkin find loving and intimate sex, let alone what most people mean by pornography. Downs has a better proposal. He would extend the definition of obscenity to include violence, an attempt he recognizes as largely symbolic but still important in responding to concerns about abuse of women. Downs is essentially arguing that the best course is to have laws on the books against certain representations but not to enforce them. Such an approach makes sense to the degree that it is sensitive to all the contradictions of pornography, but it also is a recipe for disaster in fueling paranoia.

It is no wonder that none of the standards we have established for balancing the concerns involved in pornographic expression—including those tried, valiantly, by the Supreme Court—seems any longer to work. In concerning themselves with freedom on the one hand and community standards on the other, they are balancing the wrong things. We need a standard for pornography capable of putting into balance what we know about the self and what we know about potential harm to others. The feminist case against pornography is powerful and eloquent. But it establishes a border for the public debate, it does not resolve it. Moral philosophers long ago demonstrated convincingly that harm, though a tragedy, does not settle the question of what is morally permissible.