1 THE CRITICAL LANDSCAPE OF PORNOGRAPHY

WHY INTERNET PORN SHOULD MATTER TO PHILOSOPHERS

Given the number of different discourses and methodologies with which it is possible to define, examine, and evaluate pornography today, there is surprisingly little philosophical theorizing about it. There is certainly no shortage of feminist legal and sociological literature about the effects of pornography on women's lives and psyches and on the production of gender. The spectrum of positions extends from the most "anti-," through arguments that the industry is work like any other work, into arguments that pornography functions as a political speech and thus is not like any other work but a site of resistance, even a creative avenue for reclaiming the body and rescripting sexual practices. Recently, the emerging field of porn theory has successfully motivated the study of pornography as a form of culture. However, even as topics like sexual difference, objectification, and spectacle take on a life beyond feminist theory, and subjects like technology, capitalism, and the democratization of information do so beyond critical theory, philosophers have been slow to turn their attention to pornography, the largest and fastest growing commodity on the "information superhighway."

To begin, then, and if I may be allowed a tenuous distinction for the sake of making a point, this is a work of philosophy before it is a work of feminist theory. In the tradition of Foucault's *History of Sexuality, Volume 1*, a philosophical examination of sexuality, subjectivity, and knowledge, which was only later appropriated and put to good use by feminist thinkers, I make an argument concerning pornography's role in political ontology that is appropriable not just for feminist concerns but for critical social projects in general. I aim to show that turning to the philosophical register results in reorienting what might be called the politics of pornography. The feminist contribution so far may be summarized as the successful shifting of the debate from problems of censorship and freedom of speech to questions of gender, and particularly gender understood as power difference. I here argue that the intersection of pornography and Internet distribution effects yet another shift in what pornography means and how it functions in the world. Internet distribution is not merely a new, faster delivery method that results in nothing more than more and more porn. The Internet fundamentally changes the social meaning of pornography by embedding it squarely in the epistemological shift from knowledge to information, and the political shift to information becoming democratically accessible to everyone. These shifts, in which Internet pornography acts as a catalyst, effect a noninnocent, particular understanding of the sexual subject in relationship to the democratic state and to speech, one which, I argue, constrains the possibilities for sexual speech, pornographic or otherwise, to resist or intervene in the state's policies. To borrow Foucault's term, Internet pornography creates unprecedentedly docile subjects. At stake is the governability of the embodied subject that presents as simultaneously sexual and speaking.

My attunement to the philosophical register should not be read within an academic hierarchy in which philosophy and other "old school," "boy's club" disciplines take priority over feminist theory.

It is a methodological decision in direct response to the sea of questions I encountered in the course of presenting my work. The one that consistently returned was *What is to be done about pornography?* As this book makes clear, a philosophical approach does not propose to answer this question. In fact, there are many aspects of pornography that cannot be properly, robustly discussed in the philosophical register. Some are more obvious than others. For instance, this approach does not yield statistics or interpret them. It does not have much to say about the demographics of pornography consumption or production, or about the psychophysical complexities of the experience of moving images, or about the market for French Catholic nun pornography in eighteenth-century England, or about the long-term economic effects of file sharing on the commercial pornography market, as opposed to the amateur market. It deliberately avoids the discourse of addiction, largely because I do not know how to think about addiction without relying on a framework of norms and pathologies, with its attendant ontological assumptions about autonomy, dependency, self-control, values—all of which are necessarily thrown into crisis by the thinking of the event and the inhuman that I invoke in my argument. It is ambivalent about the category of desire, because this category remains inextricably bound to psychoanalysis and the concepts and methods proper to it. A psychoanalytic approach to Internet pornography would be relevant and timely, but it is not the one I offer here, even as I gesture, somewhat obliquely, towards categories like fantasy and abjectitude. Porn theorist Laura Kipnis writes that pornography is interesting to talk about precisely because there is so much more at stake than just sexual pleasure, and the above are just a few examples of the possible alternative directions for analyzing this "more" (1999, 201).

But the philosophical offers critical trajectories that no other register does. Although it is easy to make the case that thinking and writing about pornography requires an interdisciplinary

approach, combining resources from visual studies, cultural studies, feminist theory, economics, media studies, political science, and history, I contend that certain discipline-specific questions should be prioritized. The case for interdisciplinarity tends to be made in any analysis of popular culture, and it could be argued that the philosophical register is the one most "allergic" to this kind of work. But how can we propose to examine pornography without considering the weight of the following: What is freedom? What are norms? What does it mean to be embodied? What does it mean to be a speaking subject? What makes something "sexual"? And then there is the normative aspect of what philosophers do, which results in questions not about what is, but what should be. What should be the role of the state in the production of sexualities? What is the best way to conceive of rights in liberationist projects? Should we attempt to define pornography or not, and what is to be gained (and by whom) from either approach? This is not to say that the feminist insight that gender is a power differential should no longer be important for those of us working on pornography. That would be a ridiculous claim. Neither is it to say that critically examining the contents of pornography is not important work. It is simply to indicate that a trajectory has been overlooked and should be incorporated into our discussions of this issue, which has been so hotly contested by feminists for the past four decades. There are many glaring, important issues that this book deliberately does not explore—for instance, how race functions in pornography—only because in my research I did not find them fundamentally changed in response to the technology of Internet distribution.

There are also philosophers appearing only in the peripheries of this book—most notably, Luce Irigaray—whose work offers important contributions to the pornography debate but does not engage with the role of technologies in the formation of subjectivities directly enough to help us interrogate the intersection of pornography and the Internet. My trajectory requires moving from

discussing the contents of pornography to discussing something like its form, those structural and logical particularities which allow it to play a pivotal role in the democratization of information. My main critical paradigm for this is Jean Baudrillard's development of the idea he calls "America" in his book by the same title. In Catharine MacKinnon and Andrea Dworkin's analysis of the social meanings and political effects of commercial pornography, a polemical and aggressive critique that has been championed, caricatured, misread, rejected, and reanimated by feminist thinkers since its appearance, we encounter the claim that pornography is symptomatic of America.[1] Starting from this and following Baudrillard, I argue that Internet pornography is symptomatic of and central to a kind of modernity that may be called "American" in its particular production of governable subjects. My claims will not concern the United States as a concrete pornography market, but America (or what Dworkin calls "Amerika") as an imaginary. This book presents a poststructuralist critique of the politics of the First Amendment and their central role in the formation of this imaginary, interrogating the relationships between speech, freedom, sexuality, and power as they are produced and maintained by the commodification of information, as well as the effect of the dematerialization of commodities on the idea of the real.

DEFINITIONS, DEBATES, AND CRITICAL PARADIGMS

To begin with the most obvious of philosophical questions, what is pornography? The problem of definition is well known and often invoked as part of the argument against the legal repression of pornographic materials. If we decide to censor, the worry goes, what will be the fate of works by artists such as Robert Mapplethorpe and Norman Mailer? What should be done about ad campaigns like those of Victoria's Secret, which openly draw on soft-core tropes, and American Apparel, which invoke the semiotics of amateur "teen" hard-core sites? Won't we have to censor

more things than necessary? I encounter this question from the audience every time I present my research: what do you do about the fact that pornography is so difficult to define and circumscribe? If it is impossible to point to exactly what makes something pornographic, then how is that elusive thing to be theoretically examined, much less politically acted upon?

Harriet Gilbert writes that "the recent obsession with a definition—especially with a foolproof, clear-cut, legal definition—has not only distracted from but positively harmed understanding" in the debates concerning pornography (1992, 217). Is it possible to understand the phenomenon of pornography without arriving at a definition of it? Arguably, definition must precede analysis, so that, at the very least, we all know what we're talking about. Equally arguably, however, the reason pornography remains such a complex and daunting topic that it demands ever more analysis is precisely that it is so difficult to define. The p-word is loaded, to put it mildly.[2] Gilbert advocates suspending the use of the word and discussing instead something like literatures of sex, a category in which the stuff that is easily recognizable as pornography would commingle with art and other cultural production in which explicit sexuality poses some degree of threat to personal boundaries and the social order. It is this broader phenomenon that we should be trying to understand, she argues, rather than looking for ways to define the pornographic so that we may then affect it legally, whether by posing constraints or protections. Linda Williams also argues against a stable definition, beginning from the position that what we call "pornography" is actually an irreducible plurality of pornographies, a diffuse and complex family of phenomena to be treated as such, and that the question of its political belonging (on which so much feminist intellectual energy is spent) is only one of many theoretical problems posed by the existence of pornographies.

I agree with both Gilbert and Williams to a certain degree. However, as someone for whom the question of political belonging remains pressing, I will continue to use the word *pornography*

and to use it in the singular for strategic reasons. While I concur with Williams that "there is no monolithic pathology that can be demonized as obscene pornography" but instead there are only irreducibly plural and multivalent pornographies, within the boundaries of that claim it remains necessary to account for what one means by the word (1992, 264). I also take issue with Williams's claim that the question of pornography's political belonging, for which I will use the shorthand question *Is pornography part of the problem or part of the solution?* is merely one question among others. I contend that in the case of Internet pornography, the question of political belonging must be foregrounded. The shift from previous forms of distribution to the Internet forces us to consider the central role of contemporary pornography in the changing dynamics between sexual freedom and freedom of expression, as well as fantasy and social change.

All disclaimers aside, then, what is pornography? I have two answers to this, one literal and simple, and the other more complex. The first concerns specifically what I mean by "Internet porn" in the present study, namely materials created specifically to aid in masturbation and circulated on the Internet, largely (though not exclusively) for commercial purposes. I am not interested in a clear-cut legal definition but in one which will allow me to get on with the project of thinking critically about a cultural phenomenon, or at the very least a set of materials and a set of practices. The question for me concerns not what people are actually masturbating to, but what has been created specifically for that purpose. Someone may indeed masturbate while reading *Lolita*, but that is an issue for a different study. The pornography subgenre "lolicon" (short for "Lolita complex"), however, a kind of cartoon imagery depicting very young girls with infantlike bodies penetrated by penises, fingers, and sometimes monster tentacles, has been created specifically and exclusively to sexually arouse to the point of orgasm. Lolicon, not *Lolita*, is what I mean by "pornography." Likewise, the fact that someone somewhere may be masturbating

to veterinary photographs of cow genitalia is not my concern. My concern is directed at a website like petsex.com, a bestiality pornography site, which features among other things films of farm animals mating. These were originally filmed for some other purpose but are placed on this site explicitly and deliberately packaged as pornography, edited and presented specifically for fans of bestiality sites to masturbate to. This kind of packaging and presentation of preexisting materials counts as "creating" pornography in my study.

As the example above illustrates, it is always possible to cite an image, from which it follows that it is equally possible to extract pornographic imagery like the aforementioned loli manga and present it in a different context, as artists sometimes do. This maintains the familiar controversy concerning the relationship of pornography to art (*Is it pornography? Is it art? Can art be pornographic, and vice versa?*). In the case of Mapplethorpe and Sade, for instance, the answer is clearly yes: artworks and pornography are not necessarily mutually exclusive. But the fact that the context of consumption is this important in determining whether the contents of the materials are properly pornographic simply underlines the point I will attempt to show: that in the phrase "Internet porn" the former word is at least as significant as the latter. In other words, in the age of Internet distribution, whatever question we ask about pornography's social effects and political significance cannot be answered without taking the mode of distribution into account.

On one hand, then, the question of definition is simply not that important except for practical or strategic purposes, so that we may agree, however temporarily, on what it is we are discussing with the aim of continuing the discussion. On the other hand, any serious theoretical encounter with pornography—including methodology, the particular shape of the inquiry, and something like a "position" vis-à-vis a politically divisive and inflammatory cultural phenomenon—depends precisely on stability of definition or,

rather, on making a compelling case that pornography is better conceived of as *this kind of thing rather than another*. But this is a different meaning of the word *is*, one less concerned with delimiting a certain range of materials and more concerned with what we might call the ontology of pornography.

The political belonging of pornography is intimately linked to its ontology: any answer to *Is pornography part of the problem or part of the solution?* is in a coconstitutive relationship to any answer to *What kind of thing is pornography?* MacKinnon and Dworkin knew this when they first proposed that pornography is not speech, in an effort to dislodge it from anxieties about state infringement on First Amendment rights (see MacKinnon 1987, 149). If pornography could no longer be defined as speech, then it could not be protected under the constitutional right to free speech. MacKinnon and Dworkin could not have made as forceful, far-reaching, and controversial a critique as they did had they not essentially rebooted the debate on the ontological level, beginning with the proposal that we think of pornography as a different kind of thing. Most of the work done on pornography today refers obligingly (and almost always very critically, even dismissively) to them as pioneers of the antiporn position.

However, as historian Matthew Lasar shows, debates about pornography have a long and rich history prior to the feminist critiques, including the argument, "well established by the 1870's, that pornographic representations cause people to commit acts of violence" (1995, 182). What makes the feminist contributions to the pornography debates so innovative that they quickly overshadow previous—and ongoing—arguments by conservatives and civil libertarians is that they "unquestionably revolutionized *how we think about* pornography," causing tectonic shifts on the ontological level (182, emphasis added). MacKinnon and Dworkin argued that pornography depicts not ideas, much less fantasies, but real events happening to real people. Unlike earlier periods when erotica and pornography flourished, like the sixteenth

century in Italy and the eighteenth in England, in contemporary pornography the sex is not fantasized—someone is actually performing it as it is being filmed or photographed (see MacKinnon 1993a). This, they argued, necessarily changes the terms of the debate from problems of speech and civil liberties to problems of practice and power.

Accordingly, much of the work written explicitly against MacKinnon and Dworkin, most notably by Ronald Dworkin and Nadine Strossen, attempts precisely to reverse this movement, rearticulating the stakes in terms of speech, ideas, and freedom of expression, in particular political expression. I will not detail the speech-versus-practice debate here, because Joan Mason-Grant already does this very well in the introduction to her book *Pornography Embodied: From Speech to Sexual Practice*. Indeed, more recent books like Mason-Grant's and Pamela Paul's *Pornified* respond to the cyberlibertarian move to rearticulate pornography in terms of speech by, again, insisting on the advantages of the practice paradigm. And so the back-and-forth between the two ontologies continues.

Mason-Grant articulates the practice paradigm differently and more efficiently, in some ways, than MacKinnon and Dworkin. Where they argued that pornography depicts not ideas but practices, Mason-Grant develops a theory of the consumption of pornography as itself a practice. In other words, she shifts the critique from the material reality of the sex acts being filmed to the material reality of the sex act that is the use of pornography. Phenomenological analysis allows her to further the MacKinnon/Dworkin position in more complex terms by showing use in particular to be embodied, material practice. "Regarding the question of consumption," she writes, "the use of pornographic materials in sex is not best conceptualized on the model of representations that are contemplated, scrutinized, and evaluated. Rather, they are used, enacted, performed, acted out, and rehearsed in real life in socially constructed, irreducibly embodied activities" (33).

She goes on to extend MacKinnon and Dworkin's critique by showing how the use of pornography comes to have subordinating effects in practice. MacKinnon and Dworkin reorient the debate concerning pornography as an issue of power from the power of the state over the private individual to the power of one social group (men) over another (women). However, this leaves them open to critiques such as Amy Allen's, who argues that their position depends on too reductive a definition of power as limited to relations of domination and subordination, when in fact different definitions of power are possible and even appropriate to discussions of pornography (2001). Mason-Grant's analysis avoids this criticism. She writes,

> The sexual dynamic in mainstream pornography is one of overt or implied struggle—involving either flight and capture or, more subtly, resistance and subduing and possession. The resolution of the sexual tension, the closing act of the performance, is male ejaculation, the male spent and satisfied. These are the regulative norms of mainstream pornography, and they create what counts as normal and perverse, sexy and asexual, identifying the paths of access to social viability as a sexual actor. In the account of the social practice I have elaborated here, they do not function primarily as ideas that we contemplate and over which we engage in explicit and critical debate. Rather, they are enacted—acted out—in sexual practice. . . . To use misogynist, heterosexist, racist, . . . pornography routinely is *repetitively* to experience these social relations of domination and subordination through sexual arousal and pleasure, and, conversely, *repetitively* to experience sexual arousal and pleasure through these social relations. (129)

In other words, insofar as much mainstream pornography overtly depicts subordination and dominance, the material practice of pornography allows the body to experience intense pleasure at these social relations. The problem is not that pornography somehow magically, automatically grants men power over women, or even, *pace* MacKinnon and Dworkin, that the men in pornography

exercise real power over the women with whom they have sex, but that men consuming pornography experience physical pleasure at the sights and sounds of the subordination of women.

From here, however, it is still a far leap to showing how relations of domination and subordination function to shut down *speech* in particular. As Mason-Grant argues that pornography is best understood as a sexual practice which codes subordination as bodily pleasure and has material effects on women as a group, effects which then in turn compromise speech, she remains unable to show that pornography is any different from any other (subordinating) sexual practice in this respect. Similar arguments using notions like norms, repetition, and "paths of access to social viability" may be made about nonpornographic, real-life sex, and certainly about rape or for that matter any other material practice of subordination (battery, harassment) operative in silencing those who are being subordinated. In fact, at the heart of MacKinnon's analysis of patriarchy is the idea that domination is prior to gender difference and that heterosexual relations are at their very core relations of domination and subordination. On this model, pornography is just another heterosexual practice, holding no special place except perhaps as a sort of user's manual. What remains to be shown is that pornography has *unique* effects on the capacity to speak, and that it is for this reason that it deserves particular attention from feminist and other liberationist projects. For the practice paradigm, the relationships among pornography (as opposed to sex in general), speech, and freedom remain to be convincingly worked out.

On the propornography or "sex radical" side of the debate, there are multiple takes on the role of pornography in heterosexual practice. Gayle Rubin, for instance, harbors the same assumption as the antipornography positions when writing that "a woman who enjoys pornography (even if that means enjoying a rape fantasy) is in a sense a rebel, insisting on an aspect of her sexuality that has been defined as a male preserve" (1992, 278). The assumption is that Western culture represses sexuality, particularly

women's sexuality, and women who embrace pornography are embracing their sexuality. There are other, in my opinion more significant defenses of pornography which depend on an original *dis*junction between pornography and other sexual practices. While, in the practice paradigm, the claim that pornography normalizes misogynistic sex ends up essentially collapsing the distinction between pornography and the rest of sexual practice, this more nuanced propornography position counters the normalizing schema by unhooking pornography from the rest of sex. In other words, pornography cannot be conceived as a user's manual in any straightforward way. For example, Williams argues against the notion that pornography normalizes heterosexist, misogynistic practices by showing that, by means of various conventions, it positions the viewer as a "pervert" and his or her pleasure as perverse. The persistent demand for pornography (as distinct from the demand for sex) functions as proof that no sexuality is normal, that "a perverse dynamic operates in all forms of sexual fantasy; . . . it is inevitable both within heterosexual pornography and outside it. . . . This idea of perversion is important to the agency and empowerment of those non-dominant, minority sexualities frequently condemned as perverse and evident in gay, lesbian, sadomasochistic and bisexual pornography" (1992, 243). The value of pornography, then, extends far beyond simple use to the queering of all sexuality, showing, against heterosexist normalization, that "we are all perverts in our desires" (264).

In a book on the other side of the spectrum from Mason-Grant's, Laura Kipnis's *Bound and Gagged: Pornography and the Politics of Fantasy in America* urges us to begin from the assumption that pornography is at least as complex and sophisticated as any other pop culture. Even more than the other forms, pornography tells the truth about the culture that produces it:

> As the avant-garde knew, transgression is no simple thing: it's a precisely calculated cultural endeavor. It means knowing the culture inside and out, discerning its secret shames and grubby secrets, and

> knowing how to best humiliate it, knock it off its prim perch. . . . A culture's pornography becomes, in effect, a very precise map of that culture's borders: pornography begins at the edge of that culture's decorum. Carefully tracing that edge, like an anthropologist mapping a culture's system of taboos and myths, gives you a detailed blueprint of the culture's anxieties, investments, contradictions. (164)

Williams and Kipnis argue that pornography does not normalize anything but instead queers sexuality and transgresses norms, exposing their contingency and limits. Thus, even this work, which does a better job of treating pornography as "its own thing" and not as just one piece of the larger puzzle of sex, still ultimately values pornography in terms of the sexual practices beyond it, locating it in queer and nonnormative sexualities in general.

Of both these "camps," it is Mason-Grant who limits her analysis to a particular kind of pornography, namely mainstream heterosexual hard core. While Williams and Kipnis describe all pornography as complex, transgressive, and denormalizing, Mason-Grant limits her claims to the mainstream, on which she focuses her argument that it normalizes subordination. She leaves open the possibility for other subgenres to be socially progressive. Williams and Kipnis, on the other hand, ascribe the same political meaning to all contemporary pornography and argue for its cultural and political value across the board. This metalevel difference between the arguments is not an accident, since Williams and Kipnis, whom we might call the "revolutionary fantasists," make claims about something like a "pornographic imagination" in general and its function in relationship to power. And it is precisely this that interests me, which is why I too will deliberately refer to a monolithic pornography.

None of the positions I have detailed here offer satisfactory accounts of the relationships among pornography, speech, and something like "freedom." Williams will not go as far as to argue that pornography can or does serve a liberatory function in general, but only to make the historical point that the legalization of

pornography has served that function, opening the door to more queer pornographies, which she takes to be a specific form of resistance to straight, misogynistic mainstream pornography. "It is because moving-image pornography became legal in the USA that the once off-scene voices of women, gays, lesbians, sadomasochists, and bisexuals have been heard opposing and negating the heterosexual, males-only pornography that once dominated" (1992, 262–63).

Kipnis claims that there are important *political* reasons to read pornography as something akin to fiction. She argues that our failure to see pornography as a medium for fiction and fantasy is politically dangerous, especially from the vantage point of the feminist demand for new futures, sexualities, and subjectivities. Pornography is "both a legitimate form of culture and a fictional, fantastical, even allegorical realm; it neither simply reflects the real world nor is it some hypnotizing call to action" (163). The last sentence could be directed at projects like Mason-Grant's, which try to account for precisely the ties between pornography, the real, and action, though no one reading her analysis will walk away thinking that the reflection is "simple" or that the norms function by "hypnotizing" anyone. As convincingly as Kipnis shows that pornography is not these things, she does not tell us much about what it *is*. More precisely, she goes only as far as to show that pornography is best conceived and analyzed as the complex phenomenon called "fantasy," but she stops short of exploring how fantasy acts in the world, what it "does," as it were, beyond its effect on the psyche of the individual subject.