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Perspectives on pornography demand ethical critique

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It takes no more than a cursory review of the literature on pornography to discover the very deep divides that permeate attitudes about the practice. Scholarship on pornography from the political, psychological, sociological, legal, economic, religious, and, of course, ethical traditions reveals that pornography has been hotly contested for years. And the debate shows little sign of ending. Like other disputed issues, most perspectives on pornography have come to represent one of two polarized positions: the strident anti-porn view and the equally strident anti-censorship view.

Part I of this chapter examines the state of scholarship on pornography framed around the two polarized perspectives. Within Part I, we include a discussion of the competing views, and we lay out various definitions of pornography for consideration. (None of those definitions includes child pornography, which we believe is beyond the justification of any moral system and which has long been deemed illegal and thus excluded from any constitutional protections for expression.) In Part I, we also summarize the actions and reactions that each side has pursued to further its agenda. Part II turns to a critique of the current framing and raises issues that we believe need to be considered in any discussion of pornography's ethical implications.

Part I – The Polarization of Pornography

Anti-Pornography Activists and the Call for Legal Remedies

The anti-pornography position, also called the absolutist position, began developing in the 1970s when anti-pornography feminists formed an unlikely partnership with moral conservatives to work toward a common cause: increasing prosecutions under existing obscenity laws and introducing new laws against pornography. For moral conservatives, pornography threatens “the family and the moral fabric of society” (Berger, Searles & Cottle, 1991, p. 1). Anti-pornography feminists, on the other hand, claimed that pornography reifies the traditional gender order and causes harm to women.

In the 1980s, as the gender order in the real world was being challenged but representations of that order via pornography remained stagnant, the feminist emphasis on pornography became axiomatic (Hardy, 2000). From the anti-pornography perspective, this emphasis can be illustrated through three events. The first represents the views of anti-pornography feminists; the second gives a nod to the feminist position but more than anything highlights the views of moral conservatives; and the third demonstrates that the two positions – while fundamentally different – have, in many instances, merged.

Anti-pornography feminism. Central to the anti-pornography feminist perspective is the belief that pornography is a male discourse that helps naturalize hegemony, which is characteristic of women’s oppression. According to anti-pornography feminists, the primary social sphere of male power resides in the area of sexuality (MacKinnon, 1982), and so “the ways and means of pornography are the ways

and means of male power” (Dworkin, 1981, p. 24). Women, on the other hand, are victims, the “objects” of a cycle of abuse that has pornography at its center.

For anti-pornography feminists, pornography is not only a form of misogyny and coercive sexuality, it is a system of sexual exploitation and female sexual slavery and a method of socialization that causes and perpetuates acts of violence against women. Pornography does nothing less than defines who women are based on the way men see them (Berger, Searles, & Cottle, 1991). These forms, systems, and methods that help us define “woman” exist not only as fantasy or a mere idea, but rather as sexual reality; anti-pornography feminists claim that pornography is “a concrete, discriminatory social practice that institutionalizes the inferiority and subordination” of women to men (p. 37). The representational practices of pornography, therefore, become indistinguishable from actual sexual practices, and gender power imbalances are further naturalized.

In the 1970s, anti-pornography feminists formed groups such as the San Francisco-based Women Against Violence in Pornography (1976) and New York-based Women Against Pornography (1978), both of which organized local demonstrations and protests. But their cause gained national exposure in 1983 when Andrea Dworkin and Catharine MacKinnon introduced an anti-pornography civil rights ordinance in Minneapolis. Until that time, pornography was legislated only if it met the definition of obscenity as set forth by U.S. Supreme Court Chief Justice Warren Burger in the 1973 *Miller v. California* ruling. This obscenity test had three conditions:

- (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest, (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as whole, lacks serious literary, artistic, political, or scientific value (Gunther, 1991, p. 1109).

For Dworkin and MacKinnon, obscenity laws did not suffice. Pornographic words and images were not only *about* subordination, they themselves *subordinated*. Whether or not they met the legal requirements of obscenity, pornographic words and images could have no value because they could not be used in non-derogatory ways. (Tirell, 1991, p. 228). The proposed ordinance, therefore, defined pornography as a practice that discriminates against women, and it gave women the option of civil suit against those whose involvement with pornography caused them harm.

Under the ordinance, pornography was defined as “the graphic sexually explicit subordination of women, whether in pictures or in words, that also includes one or more of the following” (Gunther, 1991, p. 1127):

- (1) Women are presented as sexual objects who enjoy pain or humiliation; or (2) Women are presented as sexual objects who experience sexual pleasure in being raped; or (3) Women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt, or as dismembered or truncated or fragmented or severed into body parts; or (4) Women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual; or (6) Women are presented as sexual objects for domination, conquest, violation, exploitation, possession, or use, or through postures or positions of servility or submission or display (p. 1127).

The Minneapolis City Council twice passed the ordinance, and the mayor twice vetoed it. In 1984, a similar ordinance was introduced in Indianapolis. This time, the ordinance did pass at the city level but soon after was declared unconstitutional in Federal District Court and reaffirmed as unconstitutional on appeal in the Seventh Circuit Court of Appeals and then in the U.S. Supreme Court (Berger, Searles, & Cottle, 1991).

The justification Indianapolis offered for passing the ordinance – and a premise the appellate court accepted even while striking down the ordinance – was the claim that pornography *affects* peoples’ thoughts and actions. People often act in accordance with words and images to which they are exposed. Men who see women depicted as

subordinate are more likely to believe these women are subordinate and treat them as such (Gunther, 1991, p. 1129).

Anti-pornography moral conservatives. The “harmful effects” argument used by anti-pornography feminists is also one familiar to moral conservatives. In fact, this group put pornography’s harmful effects front and center during hearings for the 1986 Attorney General’s Commission on Pornography, more commonly known as the Meese Commission. But for moral conservatives, the harm of pornography is not the subordination of women but pornography’s potential for causing sexual lust and sexual acts that lead to the disintegration of society’s established institutions, particularly those of marriage and family.

President Ronald Regan established the commission, and Attorney General Edwin Meese appointed its 11 members, seven of whom had taken previous public stands against pornography. The commission’s official charter was to “determine the nature, extent, and impact on society of pornography in the United States, and to make specific recommendations to the Attorney General concerning more effective ways in which the spread of pornography could be contained, consistent with constitutional guarantees” (Final Report of the Attorney General’s Commission on Pornography, 1986, p. ix).

This was not the first commission to investigate such issues. In 1970, the Commission on Obscenity and Pornography concluded that no anti-social effects resulted from pornography. However, following the release of the 1970 report, the U.S. Senate passed a resolution condemning it, and President Richard Nixon warned about permissive attitudes toward pornography, claiming they would threaten our social order and moral principles (Kendrick, 1987, p. 219).

During 14 months in 1985 and 1986, the Meese Commission brought forth scores of witnesses to testify in more than 300 hours of public hearings and business meetings. Most heavily represented among the witnesses were law enforcement officers and spokespeople from conservative anti-pornography groups, although social scientists, representatives of the anti-pornography feminist position, and a handful of civil libertarians and anti-censorship feminists were also given an opportunity to speak. Although the traditional religious-conservative view of pornography dominated the beliefs of most of the 11 commissioners, members also attempted to draw on feminist discourse and social science research in order to “modernize” their own moralistically based anti-pornography position (Vance, 1986).

The Meese Commission’s goal in looking to social science research was to refute the research cited by the 1970 commission, and in some ways it did. At the end of the section on “Social and Behavioral Science Research Analysis” in the Meese Commission’s final report comes a brief subsection titled “An Integration of the Research Findings.” The subsection states:

It is clear that the conclusion of "no negative effects" advanced by the 1970 Commission is no longer tenable. It is also clear that catharsis, as an explanatory model for the impact of pornography, is simply unwarranted by evidence in this area, nor has catharsis fared well in the general area of mass media effects and anti-social behavior.

This is not to say, however, that the evidence as a whole is comprehensive enough or definitive enough. While we have learned much more since 1970, even more areas remain to be explored (Final Report of the Attorney General’s Commission on Pornography, p. 289).

The Meese commissioners were unable to agree on a definition of pornography, but they did identify four classes of sexually explicit images: (1) images that are violent, (2) images that are not violent but degrading, (3) images that are not violent and not

degrading, and (4) images that portray nudity but are not sexually explicit. According to the commissioners, existing social science evidence showed clear negative effects with the first two classes of images (Berger, Searles, & Cottle, 1991).

The second modernizing perspective – feminist discourse – became the one from which the commission eventually drew most heavily. However, this discourse came not from well-known anti-pornography feminists such as Dworkin, but rather from anecdotal evidence provided by “victims of pornography.” One of the commission’s most famous victims was Linda Marchiano (formerly Linda Lovelace of the movie *Deep Throat*), who testified about the “sexual coercion and moral decadence” pervasive in the pornography industry (Berger, Searles & Cottle, 1991, p. 26). These stories ended up trumping the arguments of Dworkin and other anti-pornography feminists who had always argued against obscenity laws, claiming they reflected “a moralistic and anti-sexual tradition which could only harm women” (Vance, 1993, p. 37). Given the commission’s conservative constituency and agenda, it would never attack obscenity laws. Therefore, while the commission “happily assimilated the rhetoric of anti-pornography feminists, it decisively rejected their remedies” (p. 37).

The commission’s nearly 2,000-page final report claimed that the pre-eminent harms caused by porn were not sin and immorality, but rather violence – violence to women, to men, to children, to homosexuals, to marriage and to families. The commission gave 92 recommendations for increased enforcement of obscenity laws as well as the passage of new laws (Vance, 1993). The commission also called for local citizen action groups to “canvass local bookstores and newsstands for offensive items, report [them] to the police, monitor prosecutions and sentencing, and organize demonstrations and boycotts” (Vance, 1986, p. 81).

The melding of anti-pornography positions. At the end of the 1980s, the anti-pornography position had orchestrated two major efforts. The proposed civil rights ordinances represented the values of one group – anti-pornography feminists – while the Meese Commission largely symbolized the values of another – moral conservatives. Although the two groups began by proposing different tactics and opposing remedies, and even though their fundamental beliefs were poles apart, this unlikely duo continued to cross paths when the 1980s ended. In some cases, the tactics, remedies, and fundamental beliefs of the two groups became less distinct.

In 1992, for example, anti-pornography feminists were successful in temporarily shutting down an art exhibit about prostitution at the University of Michigan. The exhibit, which included several documentary films created by women, was commissioned as part of a conference titled “Prostitution – From Academia to Activism” (Vance, 1993). While the conference was supposed to feature competing views, some participants from the anti-pornography perspective refused to participate if the exhibit stood.

What critics of the threatened boycott pointed out, however, is that much of the material in the films had esthetic, intellectual, and political merit; the films were decontextualized when they were called porn (Vance, 1993). The result was that the campaign of the anti-pornography feminists aligned with moral conservatives in their use of the term “pornography” to describe any material with sexual content or a theme the viewer could find objectionable (Vance, 1993). According to at least one anti-censorship feminist, the Michigan case “shatters the illusion that restricting sexual imagery for feminist purposes is distinguishable from fundamentalist censorship - either in method or consequence” (¶ 21).

Anti-Censorship Activists and the Argument for Resignification

If the anti-pornography position emerged as a response to pornography and its harms, anti-censorship groups such as the Anti-Sexism Campaign and Feminists Against Censorship formed largely as a response to anti-pornography activism. Although the anti-censorship perspective has not garnered as much public attention and media coverage as the anti-pornography position, according to some scholars, it tends to hold higher academic ground (Hardy, 2000). This anti-censorship position includes both anti-censorship feminists and civil libertarians, and it puts forth two primary arguments: pornography has potential benefits, and censorship has real harms.

Civil libertarians flatly reject regulation of pornography as illegal and unethical infringement by government or pressure groups. The American Civil Liberties Union states, “Censorship, the suppression of words, images, or ideas that are ‘offensive,’ happens whenever some people succeed in imposing their personal political or moral values on others” (ACLU, ¶ 1). The ACLU bases its rejection of censorship on two fundamental principles in First Amendment law. First is content neutrality, which holds that government cannot censor expression merely because it offends. “In the context of art and entertainment, this means tolerating some works that we might find offensive, insulting, outrageous – or just plain bad” (ACLU, ¶ 5). The second principle is that of imminent harm. As the ACLU states, “Expression may be restricted only if it will clearly cause direct and imminent harm to an important societal interest” (¶ 6). According to the ACLU’s position, censorship of pornography must be rejected under this principle because “no causal link between exposure to sexually explicit material and anti-social or violent behavior has ever been scientifically established, in spite of many efforts to do so” (¶ 9).

The ACLU's president, Nadine Strossen, has gone so far as to suggest that feminists have a special obligation to reject censorship of pornography. Strossen suggests censorship of pornography is essentially paternalistic and harmful to women who earn their living as sex workers or who wish to explore their sexual identities. Further, she suggests censorship of pornography harms relatively powerless groups such as feminists and lesbians. "As is true for all relatively disempowered groups, women have a special stake in preserving our system of free expression. For those women who find certain 'pornographic' imagery troubling, their most effective weapon is to raise their voices and say so" (Strossen, 1994, p. 243).

The first response that anti-censorship feminists make to those who seek to restrict pornography is that women's victimization has been overemphasized. Most women, they say, would call most of their sexual experiences consensual (Berger, Searles, & Cottle, 1991). The problem is that sexually expressive women have come to be seen as victims of male propaganda and male violence. If women enjoy sex – and they don't hide it – they are viewed as expressing men's sexuality. Anti-censorship feminists are, therefore, fighting for women's freedom of sexual investigation and expression (Assiter & Carol, 1993).

What's more, anti-censorship feminists argue, simply removing words and images does nothing to change the larger culture. Questions ought to be asked about the roots of a culture that is so hostile to women. How, for example, did men achieve their symbolic power over women, and how can this be changed? For anti-censorship feminists, pornography is not violence and does not cause violence; instead, that violence is a symptom rather than a source of women's oppression (Hardy, 2000). Alison Assiter and Avedon Carol are two leading figures in the feminist anti-censorship movement who

claimed that before anti-pornography activism began, “it would have seemed ludicrous to treat pornography or sadomasochism as anything other than, at worst, mere symptoms of sexist culture, and sheer time-wasting to attack those supposed symptoms while leaving the causal foundations of sexism unremarked” (Assiter and Carol, 1993, p. 8). Yet, they maintain, this is exactly what the anti-pornography movement has done.

What’s needed, then, is “free and unfettered erotic expression” because that expression is the “best means for the diverse transformation of the hegemonic form” (Hardy, 2000, p. 79). Pornography, anti-censorship feminists maintain, can serve as a tool of discourse.

It is only because censorship was reduced and the language of sexuality became a common part of our ordinary lives that we were able to spread the word on sexual issues, publish the insights of our own consciousness-raising groups, read women’s own descriptions of the parts of our bodies that polite society kept hidden and secret, and begin to understand the extent to which the sex dualism had robbed us (Assiter & Carol, 1993, p. 4).

The attitude that derogatory words and images may have some redeeming value has led anti-censorship feminists to be described as reclaimers. Pornography, they say, can be reclaimed, resignified and, in turn, given liberating – rather than subordinating – power (Tirrell, 1999).

This liberating power has already been demonstrated by some of the new forms of pornographic expression produced by women. The Black Lace series of “domesticated porn” is one example of a product line written by women and marketed to women, although critics point out that the owners are still men (Ciclitira, 2004). Other companies, however, are owned and run by women. Former pornography star Candida Royalle formed Femme Productions, and her plot-oriented films featuring portrayals of older women, mothers and married couples provide “an emotional context and

motivation for sex” (Berger, Searles, & Cottle, 1991, p. 45). Pornography from a woman’s perspective can also be found on Internet sites run by women for women and in the growing selection of lesbian pornography, which features women writers, producers and directors. The idea behind all these endeavors is that “porn does not always perpetuate male power over female bodies” (Ong, 2005, ¶ 8). And these new forms of pornography, along with the more “traditional” materials, are not turning women away. In the United States, for example, women buy an estimated 40 percent of adult videos (Gibson, 2004, p. 60).

Another benefit of pornography relates to our need for fantasy. Many anti-censorship feminists tend to subscribe to a psychoanalytic theory of pornography as fantasy, a fantasy that is otherwise denied cultural expression (Hardy, 2000). Lynne Segal, for instance, claims that relations of domination and submission connect to oedipal and pre-oedipal desires, and “psychoanalytic readings suggest a way of understanding the bizarrely ‘pornographic nature of our fantasy life’” (Segal cited in Hardy, 2000, p. 85). This focus on pornography as fantasy that emerges from psychic forces has been “expedient” for anti-censorship feminists because it makes the “erotic preoccupation with power seem less threatening and politically problematic” (Hardy, 2000, p. 85). Critics of this view, not surprisingly, argue that taking refuge in a purely psychoanalytic account ignores compelling cultural issues.

Finally, a key critique by anti-censorship feminists of those who advocate restrictions is that the harms of censorship are far worse than the harms of pornography. While anti-pornography feminists (but not necessarily moral conservatives) want to make a distinction between objectionable pornography and acceptable erotica, it is impossible, anti-censorship feminists argue, to define where to draw the line. That line, therefore,

becomes arbitrary, and moralistic prudery often prevails. What the distinction usually amounts to is something like Ellen Wills' sarcastic description: "What I like is erotica, and what you like is pornographic" (Wills cited in Assiter and Carol, 1993, p. 28). With definitions as flexible as this, anti-censorship feminists warn that even sex education materials could be deemed pornographic and therefore restricted. What's more, anti-censorship feminists such as Judith Butler argue that censorship further marginalizes those who are already marginalized (Hardy, 2000). The anti-pornography position shows an indifference to class privilege and a lack of concern for sex workers.

In the end, anti-censorship feminists and civil libertarians claim that their anti-pornography counterparts reject the interpretive schemes that demonstrate the complexity and ambiguity of sexually explicit images as well as viewer responses (Vance 1993). In response, anti-pornography feminists and moral conservatives question how people who claim a feminist position and concern for the plight of women can be so reluctant to criticize a practice that clearly produces harm.

Part II – An Ethical Critique of Pornography

The problem with polarization

For more than 30 years, two diametrically opposed positions on pornography have almost entirely controlled the discourse about it. Anti-pornography feminists and moral conservatives act to regulate pornography, and anti-censorship feminists and civil libertarians then react. The debate has assumed an almost circular identity as the same arguments surface and resurface time and time again.

The opposing positions of the moral conservatives and civil libertarians are relatively clear, and the roots of both positions have can be traced to unambiguous foundational ideas. However, the arguments presented by feminists are messier; each side of the pornography debate has appropriated the idea of “feminism” to help make its case. This made the debate within feminism highly politicized – so politicized, in fact, that Carol Clover called pornography “the feminist issue” of the 1990s (Gibson & Gibson, 1993, p. 1). In more aggressive terms, Assiter and Carol called the debate within feminism a “sexual battlefield” (1993, p. vii).

Arguments presented by anti-pornography feminists and anti-censorship feminists are clearly important, and when analyzing the landscape of the pornography debate, both positions deserve commendation as well as criticism. Anti-pornography feminists – along with their moral conservative partners – recognize and speak against a practice that has distinct potential for harm and one that has helped perpetuate the hegemonic order. But their proposed remedies fail to address the culture of hostility toward women and often end up actually attacking women. On the other hand, anti-censorship feminists – together with civil libertarians – recognize that our culture, rather than pornography, is the source of women’s oppression, and they are cognizant of the real harms of censorship. But in making their arguments, anti-censorship advocates appear unwilling to offer any critique of hegemonic heterosexual eroticism; in making their claims for resignification, they fail to speak to the *signification* and the harms produced by pornographic images and texts.

Anyone with an interest in the ethics of pornography will come across much from the two polarized positions before ever discovering the voices that argue for something beyond – or perhaps between – the strident positions of the anti-pornography and anti-

copyright activists. When these voices do emerge, however, they make an important point: The polarized camps' attempts to advance their own arguments ignore complexity in the issues surrounding pornography.

The first complication involves people – particularly women – who are conflicted about pornography. The same women can both defend pornography based on personal pleasure and criticize it based on political ideas. Likewise, some women may use pornography as a tool to explore their sexuality but resist being complicit in it. In a series of semi-structured interviews conducted by British psychologist Karen Ciclitira in 2004, women reported that the negative politicization of pornography exacerbated “guilt, shame and confusion about their own sexuality” (Ciclitira, 2004, 297). One of Ciclitira’s subjects described the conflict like this:

I have this real porn dilemma, which is probably why I’ve never been into it in a *big* way anyway, because half of me wants to look and um explore and desire and, and go as far as I can go, and another half of me is *very* aware that the people who *make* those kinds of images films, or whatever, are maybe *not* doing it out of a *free* choice, and I and I know, I’d like to think that I am aware of that, and so because I don’t want to support an industry that is you know er abusing people, then I don’t want pornography, but because I want to explore my own sexuality, I want to reassure myself about my own sexuality. I want to explore my own potential then, I do want it. So I have this kind of half of me does and half of me doesn’t thing, the whole time I’m, I’m watching it...(p. 292-293, emphasis in original).

Just as many women have come to believe that enjoying pornography and being a feminist are incompatible, the same can be said about men who enjoy pornography but are committed to an egalitarian relationship with a female partner. The men are apt to either reject pornography because of its symbolic subordination of women or retain it as a guilty secret. This conflict over pornography has led both women and men to believe they must choose between their erotic pleasures and their ethical commitments (Hardy, 2000).

A second complication involves social scientific effects research. Both anti-pornography and anti-censorship feminists make claims to it, but, in fact, the findings cannot be completely allied with either camp. The bulk of social science research into pornography has been conducted in experimental settings and has focused on men's attitudes and behaviors. It has also tended to favor a distinction between strictly sexually explicit materials and materials that combine sexual themes with violence or degradation toward women (Scott, 2004, p. 295). A leading scholar in the study of pornography's effects, Daniel Linz, said if we know anything about antisocial behaviors that stem from exposure to pornography, it is that "1) for the average person, the message of violence as pleasurable to the woman must be present for negative effects to occur; and 2) for other forms of pornography, the effects are an interaction between personality characteristics and exposure" (Linz, 2004, ¶ 13).

A seminal study by Linz, Edward Donnerstein and Steven Penrod (1984) involved showing male college students films that were either sexually explicit, sexually explicit and violent, or not sexually explicit but violent. The study concluded that the men who viewed films that were only sexually explicit showed no negative effects. Conversely, men who saw films depicting violence toward women in a sexual context – whether the films were sexually explicit or not – viewed women as significantly less worthy as people. Britain Scott (in press) noted that other experiments involving men have yielded similar findings.

Exposure to sexually violent material increases men's sexual callousness toward women and lowers their support of sexual equality (e.g. Zillmann and Bryant, 1982), desensitizes men to violence against women and increases men's acceptance of rape myths such as "all women secretly want to be raped" (e.g., Malamuth and Check, 1981), and increases aggression toward women in the laboratory (e.g. Donnerstein and Berkowitz, 1981).

Similar negative effects have been found for men's exposure to degrading material – that which contains male dominance, female availability, penis worship, female insatiability, or objectification of women (Scott, 2004). Again, however, material that is sexually explicit but non-degrading has not led to the same negative attitudes and behaviors. Once research moves out of the laboratory, the effects of sexually explicit materials are “almost certainly a joint function of the personality characteristics of the individual who seeks out such materials and of exposure to such materials per se” (Linz, 2004, ¶ 15). Beyond pornography use, factors such as family violence, delinquency, attitudes supporting violence, sexual promiscuity, and hostile masculinity can all correlate with sexual aggression against women (Malamuth, Addison & Koss, 2000.)

Most psychological research on pornography focuses on men's responses to material designed for men. In recognizing the limits of this approach and responding to the growth of sexually explicit material geared toward women, some researchers such as Ciclitara have begun to investigate women's responses to pornography. Scholars have included women participants in experimental studies and have collected women's accounts of their experiences with pornography. Experimental research on women and pornography shows that women tend to respond more positively to sexually explicit material made for them than materials designed for men. When that material includes violent or degrading words or images, women respond less positively. The experimental research, however, “does not have much to say about how pornography might directly harm women” (Scott, in press).

Moving beyond the laboratory, accounts of battered women's experiences with pornography show that “pornography is associated with many cases of sexual violence and that from the perspective of these women, pornography suggested ways to harm the

women as was, itself, part of the harm inflicted upon them” (Scott, 2004, 300). Women in non-abusive relationships have also talked about their experiences with pornography, explaining that their partners’ use of pornography has affected their views of their partner, of their relationship, and of their self-esteem and sexual desirability (Scott, in press).

What does the effects research mean for the anti-pornography versus anti-censorship argument? Anti-pornography feminists habitually point to a causal relationship between pornography and violent behavior, but they run the risk of overstating the argument. Although pornography can be associated with violence, the causal link has not been established. What’s more, a good deal of sexually explicit material is neither violent nor degrading and cannot be connected to violent behavior. Conversely, anti-censorship feminists readily point to the dubiousness of studies conducted in artificial settings and the lack of definitive effects. Likewise, they note that recent studies have exonerated non-violent pornography and that research should explore material in the media that is violent but not sexual, which anti-censorship feminists claim is a much greater problem with more substantiating evidence.

An alternative approach

With problems evident in the two polarized positions on pornography, perhaps it’s time to put more effort into seeking voices that call for a different response and introduce alternative views. One voice already circulating is that of British sociologist Simon Hardy (2000), who has called for an ethical critique of pornography that works within rather than against eroticism. Hardy recognizes the need for critique that is so evident in the anti-pornography position but also the commitment to and desire for expression that

comes out strongly in the anti-censorship view. In developing his critique, Hardy looks to the work of Anthony Giddens and his claim that in our times, the realm of intimacy has been transformed into a site of moral and political negotiation where sexuality plays a special role in the ongoing reformation of gender relations and self-identities. The social structural domain of gender where principles of equality are generally upheld operates in stark contrast to the symbolic domain of the erotic where representations have been associated with a particular form of hegemonic heterosexuality in which the power of men over women is “tirelessly presented as the natural condition of heterosexual pleasure” (Hardy, 2004, p. 88). Hardy argues that, in theory, eroticism could be used “to bind fast *any* configuration of gender: conventional or unconventional, symmetrical or asymmetrical,” but until new ways of representing heterosexuality emerge, many are “forced in a real sense to choose between erotic pleasures and ethical commitments” (p. 88-89).

For Hardy, the “revolution which is elsewhere transforming gender relations” needs to move into the erotic realm and fill the gaps between the real hegemonic practice of current erotica and the ideal version of egalitarian erotic discourse (p. 89). This would be an eroticism that exulted love of equals; it would naturalize and help institute a counter-hegemonic heterosexuality founded on the modern principle of equality. This is resignification with a critical eye; it shares the commitment to expression that the anti-censorship position champions but brings with it the skeptical perspective of the anti-pornography position. Here skepticism of eroticism is retained “even as we engage with it and in it” (p. 92).

Considerations for an ethical critique

Hardy's approach to pornography – one that allows for erotic expression but also employs strategies of critique – is, in our minds, a more ethically defensible approach than either the unyielding anti-pornography or anti-censorship positions. Legal remedies are not the answer. In addition to serving as only Band-Aids that cover up symptoms but fail to treat the disease, legal remedies could never draw a clear line between acceptable erotica and unacceptable pornography. What's more, texts and images that are not sexually explicit per se but contain themes of sexual degradation or sexualized violence have begun flooding the media. The “everyday pornography” on network television – think *Law & Order: Special Victims Unit* – contains texts and images that are allowed on the public airwaves but that fit many criteria shown by social scientists to be associated with troubling attitudes and behaviors by those who consume them.

If pornography is to remain within legal bounds, however, it must not go uncriticized. Incorporated into an ethical critique should be several considerations. First, the critique must refuse to politicize the literature on effects; the social scientific research must be seen for what it is. As research on Internet pornography use begins to emerge, this imperative becomes even more important. While it is certainly clear that the Web has introduced a brand new medium for pornography – one with a global reach and one that certainly raises new questions about the potential harms of pornography – the temptation to exaggerate or take out of context effects of viewing Internet pornography must be resisted. Consider, for instance, this testimony given in November 2004 by Dr. Judith Reisman, president of the Institute for Media Education, before a U.S. Senate subcommittee on the science behind pornography addiction.

Thanks to the latest advances in neuroscience, we now know that pornographic

visual images imprint and alter the brain, triggering an instant, involuntary, but lasting, biochemical memory trail, arguably, subverting the First Amendment by overriding the cognitive speech process. This is true of so-called “soft-core” and “hard-core” pornography. And once new neurochemical pathways are established they are difficult or impossible to delete (Reisman, 2004, ¶ 2).

In response to Reisman’s claim that “media erotic fantasies become deeply imbedded, commonly coarsening, confusing, motivating and addicting many of those exposed” (¶ 3), Daniel Linz argued that, in fact, many powerful images leave strong memory traces, and Reisman’s claim that pornography is somehow unique is without credible evidence. Linz added that the notions of pornography addiction generally and on-line sex addiction particularly are “highly questionable to most scientists” (Linz, 2004, ¶ 5).

In addition to representing the social scientific research fairly, an ethical critique of pornography should also encourage more research on the variety of reactions that both heterosexual and lesbian women of all classes, races and ages may have to pornography produced by both men and women. As research continues to move out of the artificial conditions of the laboratory and becomes more inclusive of women’s perspectives, a more sophisticated understanding of the nuances behind the use of pornography should emerge that will better inform the critique.

Beyond taking into account how social scientific research informs our thinking about pornography, an ethical critique must consider new questions and challenges introduced by technological innovations. Emerging technologies have led not only to the global phenomenon of Internet pornography, but to the ability to digitally manipulate or even digitally create it. Does it matter, for instance, if someone or something portrayed in a pornographic image isn’t real?

The business of pornography is another important topic for consideration. While pornographic content has received much attention, an ethical critique must be all-

encompassing; it must address the entire process from writing and production to marketing and distribution. Germaine Greer has argued that pornography has nothing to do with freedom to express images; it is, rather, a business that “uses and abuses those who provide the imagery but also the fantasy-ridden sub-potent public, mostly male, that pays for its product” (Greer cited in Ciclitara, 2004, p. 298). While the analysis may not work in all instances, the condemnation is worthy of reflection.

The proliferation of everyday pornography was mentioned earlier as a challenge to instituting legal limits, but it is worth mentioning again under the umbrella of an ethical critique. We are now seeing an increasingly brazen pushing of the boundaries in media that are not considered traditional homes for pornography. The most obvious example is network television, where dramas routinely feature plots that focus on sexual deviance and violence toward women. Playboy magazine may be stocked behind the counter at the local convenience store, but *CSI: Crime Scene Investigation* is available on broadcast network TV for all to see. Advertisements in women’s and men’s magazines also include sexist, degrading, and even violent images of women. Although they may not be sexually explicit, the messages of these shows and advertisements can raise as many questions as more traditional pornographic materials do. Any ethical critique must include in its domain the everyday pornography we so often encounter.

It’s clear that most of the concern about pornography centers around the treatment of women by men. Anti-pornography feminists speak of the subordination of women through pictures and words, and anti-censorship feminists respond that these derogatory images and words can and should be reclaimed. Neither group would refute that many pornographic texts are misogynous. But what about words and images that degrade men? Sado-masochistic books and videos – one of pornography’s most popular

genres – feature plots in which females are dominant, in which “men perform as objects, or as virtual sex slaves to women” (Assiter and Carol, 1993). Here the tables are turned, and the message becomes not one of misogyny but misandry. An ethical critique of pornography must take into account the instances where hate is inflicted by women onto men.

Finally, an ethical critique must raise the question of whether the meaning of pornography changes if its texts are co-defined by men and women together. Feminists on both sides of the pornography debate would agree that the primary social sphere of male power now resides in the area of sexuality. Does *pornography* become simply *erotica* when the hegemonic nature of the texts’ production and content becomes a more egalitarian, relational enterprise?

In the end, it may be impossible to convince either moral conservatives or civil libertarians of the merits of an approach to pornography that allows for expression but also mandates critique. But for the feminists, perhaps there is hope. Within the rhetoric of both anti-pornography and anti-censorship feminists are important concerns that deserve to be heeded, and only a willingness from both sides to hear the claims of the other can bring with it an opportunity to both respect women and leave room for erotic pleasure.

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