

ONE

Between Sexual Commodities and Sexual Subjects

The Feminist Pornography Debate Revisited

Since the late 1970s, North American feminists have been engaged in a prolonged and heated debate on pornography that has reverberated throughout Western feminism. This debate has been the center of what is known as “the feminist sex wars,” a series of disputes over the politics of sexuality concerned with a nexus of issues surrounding female sexuality, representation, and sexual expression. For about a decade, the issue of lesbian sadomasochism was also a prominent site of contention, quite interwoven with the question of pornography. However, while this remained more of an internal feminist controversy that eventually died out, the issue of pornography has achieved greater salience as a feminist question and continued to generate ardent debate, largely due to the fact that the efforts of the antipornography movement have been directed outward in an attempt to mobilize public opinion and introduce new legislation.

A Brief History of the Debate

The antiporn movement was launched with the founding of Women Against Violence in Pornography and the Media (WAVPM) in San Francisco in 1976, and Women Against Pornography (WAP) in New

York in 1979. Other early landmarks include the publication of Andrea Dworkin's *Pornography: Men Possessing Women*, also in 1979, and the anthology *Take Back the Night* in 1980.¹ The antiporn campaign evolved out of earlier campaigns against violence against women and in particular against rape. As Lesley Stern points out, the work on rape and sexual violence raised the question of how the social climate responsible for sexual violence against women is created, and the answers tended to focus increasingly on the media and particularly on pornography (43–46). Opposition to the antiporn stance was first voiced by pro-sex feminists outside the feminist press, in articles by Ellen Willis in the *Village Voice* (1979) and Pat Califia in the *Advocate* (1980). The lesbian s/m group Samois was the first feminist organization to oppose the antiporn campaign. The year 1981 saw the publication of the *Heresies* sex issue, and the critique of the antiporn stance began to crystallize at the 1982 Barnard College Conference on Women and Sexuality, which also provided the scene for the first major confrontation between the two camps. The critique of antiporn politics was formulated in two collections of essays, *Powers of Desire* published in 1983 and *Pleasure and Danger* published in 1984.

A major landmark in the pornography debate is the drafting of the Minneapolis and Indianapolis antiporn ordinances by author Andrea Dworkin and lawyer Catharine MacKinnon, who subsequently came to be regarded as the leaders of the antiporn movement. The ordinances were a unique attempt to introduce legislation that defines pornography in terms of its harm to women and that makes that harm actionable. The ordinances define pornography as a practice of sex discrimination, violating women's civil rights and opposed to gender equality. The ordinances allow women who allege harm by pornography, either individually or as members of a group, to sue civilly and obtain financial relief for the injury. The four activities the ordinances make actionable are: coercion into pornography, the forcing of pornography on a person, assault caused by pornography, and trafficking in pornography.

The ordinances, introduced in Minneapolis in 1983 and in Indianapolis in 1984, did not come into effect, as the Minneapolis ordinance was vetoed by the city mayor, and the Supreme Court eventually declared the Indianapolis ordinance unconstitutional. They did, however, manage both to make an impact on public opinion and galvanize feminist opposition, leading, for instance, to the formation of FACT (Feminist Anti-Censorship Taskforce), which joined the legal battle

against the Indianapolis ordinance and opposed attempts to introduce versions of it in other cities. Thus, in terms of the feminist movement, the ordinances resulted in an increased polarization over the issue of pornography. The ordinances and the antiporn movement in general also exercised an effect on government policy. The Meese Commission on Pornography, appointed by the Reagan administration in 1985, endorsed Dworkin and MacKinnon's ordinances in its report (published in 1986). Further, much of the rhetoric and strategies employed at the commission's hearings were derived from the feminist antiporn movement, including testimonies by victims of pornography (provided by WAP) and slide shows (Califia, "See No Evil" 130–131).²

While the political and juridical battles over the ordinances ended by 1986, the pornography debate did not subside but seems rather to have shifted location (maintaining, however, many of its original protagonists) to the academic arena, as feminist scholars were increasingly driven to address the theoretical-political challenge posed by Dworkin and MacKinnon's position on pornography. Much feminist art and media practice in the eighties and nineties was also influenced by the terms of the debate and constitutes both direct interventions in it and subject matter for further critical interventions.

While the first round of the feminist sex wars had largely run its course by the mid- or late 1990s, the debate has reignited in a somewhat different form in the first decade of the twenty-first century with the resurfacing of a feminist critique of pornography. This critique emerged in response to what has been termed the "pornification" of culture—the enhanced visibility, accessibility, and social acceptability of pornography—and "the seeping of pornographic practices, styles, and experiences into the mainstream" (Smith and Attwood, 42). The harbingers were journalist Pamela Paul with her book *Pornified* and journalist Ariel Levy with her book *Female Chauvinist Pigs*, both of which came out in 2005 and introduced the notion of a "pornified" culture (or "raunch culture" in Levy's term). These were joined by media scholar Gail Dines, who became the leading academic spokesperson of the new antiporn movement. In 2007 Dines launched the organization Stop Porn Culture, and her book *Pornland* appeared in 2010.³ These writings form part of a new wave of public concern over the sexualization of women's bodies, especially of girls, and over children's exposure to online pornography. This concern is reflected in numerous policy reports, for example, the American Psychological Association's report on the sexualization

of girls (2007), the report of the Australian Senate Committee on the sexualization of children, and the UK Home Office sexualization of young people review (2010), as well as legislative initiatives both in Australia and the United Kingdom to criminalize extreme pornography or introduce mandatory internet filtering.

On the other side of the feminist divide, there has been a notable increase in pornographic production by women since the beginning of the twenty-first century, as well as an accumulation of feminist scholarship on pornography from a pro-sex perspective: scholarship that focuses on feminist pornography and explores new venues for pornographic production by women (Jacobsen 2007; Sabo 2011; Taormino et al. 2013), studies women as porn consumers (Smith 2007), or examines the sexualization of culture from a perspective that does not necessarily see it as a problem but rather acknowledges both its oppressive and its emancipatory effects on women (Attwood 2009).

The present chapter does not aim to provide a historical overview of the feminist pornography debate.⁴ Rather, it offers a selective critical summary of the rival positions. This summary relates mostly to writings from the 1980s and 1990s, while the last section of this chapter will take a look at present-day antiporn feminist writings, compare them to their predecessors, and attempt to trace out the current lines of disagreement between the camps. Since both camps have consisted of numerous voices, any reconstruction of a single coherent antiporn or anti-antiporn position would of necessity be a misrepresentation. In order to avoid such false synthesis and yet not undertake a comprehensive survey of the range of positions within each camp, a survey that would be beyond the scope of this chapter, my strategy will be the following: In presenting the antiporn position, I will restrict myself mostly to the writings of Catharine MacKinnon. In this I follow an already established tendency in discussions of the antiporn position,⁵ which seems justified in as much as Dworkin and MacKinnon have set themselves up as the definitive spokeswomen of the antiporn movement.⁶ Further, while MacKinnon relies heavily on Andrea Dworkin's work, she seems to offer the most structured and theoretically sophisticated version of the antiporn argument.⁷ In addition, since a significant part of the anti-antiporn engagement has been with MacKinnon's work, reproducing this bias makes sense in terms of the exposition of the debate.

When it comes to representing the anti-antiporn position, exposition becomes more complicated, since the opposition to the antiporn

movement never coalesced into a movement with definite spokeswomen and can better be described as a set of critiques and oppositional discourses that sprang up at various sites. The different names that have been given to this opposition—anti-antiporn, anticensorship, pro-sex—are indicative of the different stresses laid by various responses to the antiporn challenge.⁸ Moreover, it is important to remember that the pornography debate is a nonsymmetrical one, in that the anti-antiporn position was formed in response to the challenge posed by the antiporn movement and had no prior autonomous existence. It is therefore reactive by nature and consists to a large extent of critiques of antiporn arguments and strategies rather than positive formulations concerning women's relation to pornography.⁹

It is interesting to note that while the anti-antiporn camp engages closely with antiporn arguments, the antiporn camp devotes very little attention to anti-antiporn critiques and positions itself primarily vis-à-vis the liberal view on pornography and freedom of speech. This is probably due to the fact that the efforts of the antiporn camp are directed toward the general public with the aim of changing public opinion on pornography as a ground for introducing restrictive legislation. This "outward" focus not only diverts attention from inside critiques but also makes it worthwhile to downplay the scope of internal opposition. Catharine MacKinnon consistently represents her position as *the* feminist stance on pornography, and, based on her writings, an uninformed reader could never realize that there exists a substantial feminist opposition to this position. Two rare allusions to this opposition are a short lecture entitled "On Collaboration," where she conducts a polemic against feminist lawyers who oppose her ordinance, and a two-paragraph discussion of the *Diary*¹⁰ of the Barnard conference in *Toward a Feminist Theory of the State* (135–136).¹¹ Her brief and reductive summary of her opponents' position stands in marked contrast to their elaborate engagements with hers.¹²

In view of these asymmetries of the debate, the exposition of the anti-antiporn position will be organized around lines of argument rather than around key figures, and an attempt will be made to distinguish between its negative and positive components, that is, between the critiques of the antiporn position and the arguments for the potential value of pornography for women. The former will be incorporated into my own analysis of the faults of the antiporn position, while the latter will be presented separately, as the anti-antiporn position strictly speaking

(and consequently, its exposition will be much shorter than that of the antiporn position). One can further distinguish between two major loci of opposition to the antiporn movement, one being feminist sex-radical activists and the other feminist academics, with a certain degree of overlap between the two. These two loci of opposition loosely correspond to two varieties of the “positive” argument—the libertarian strand and the discursive strand—which the discussion of the anti-antiporn position will distinguish and characterize.

The Antiporn Argument: MacKinnon’s Critique of Pornography

The revolutionary significance of the antiporn argument lies in its very claiming of pornography as a feminist issue, thus expropriating “the question of pornography” from its traditional frames of reference: the policing of sexual representations in the interest of public morality (pornography as that which “depraves and corrupts”) and the contested boundary between art and pornography. This claiming of pornography by feminism is based on the substitution of a new definition of pornography for existing ones—for MacKinnon, pornography is no longer a genre of sexual representations distinguished by their explicitness, their lack of redeeming social value, or their intention or capacity to arouse prurient interest; rather, it is defined as “the graphic sexually explicit subordination of women through pictures and/or words.”¹³ The strategic move performed by this definition is double: first, pornography is seen as not about sex but about women; second, pornography is defined not as a category of representations but as practice. The first move dislodges pornography from the realm of morality, in which obscenity law is grounded, and establishes it as a matter of gender politics. The second move attempts to bypass questions of free speech and the legal protection of pornography under the First Amendment by removing pornography from the realm of “speech” in the legal sense and conceiving it as practice, and more specifically, as a practice of gender inequality.

In defining pornography as concerned with women and not simply with sex, MacKinnon foregrounds the fact that pornographic representations are predominantly representations of women and calls attention to the tacit equation of women and sex underlying them, as well as to the broad cultural and legal acceptance of this equation implied by

the invisibility of this gender bias. But MacKinnon goes considerably further than that. For her, the equation of women and sex and the representation of women as subordinate and inferior are not simply givens of patriarchal culture inherited by pornography. MacKinnon sees pornography as a central discourse of male domination, which does not merely reflect gender hierarchy but has a pivotal role in its construction and reproduction.

Pornography defines women as inferior and subordinate and defines their subordination as sexual. The effectiveness of pornography as a political practice lies precisely in this sexualization, in the linking of female subordination to male sexual pleasure; and conversely, the erotic effect of pornography hinges upon its depiction of women as subordinate. Pornography is not erotic as a representation of sex and oppressive to women as a product of a patriarchal culture: its meaning and function are the eroticization of gender hierarchy, of female subordination, vulnerability, and accessibility. "The question for pornography," says MacKinnon, "is what eroticism is distinct from the subordination of women" (*Theory of the State* 211).

This understanding of pornography as not only an expression of dominant gender ideology but one of its major apparatuses is at odds, of course, with the traditional view of pornography as a marginal and subversive discourse, inherently opposed to institutional power and therefore in need of protection from government censorship. This seemingly subversive relation of pornography to dominant morality is regarded by MacKinnon as a ruse masking its actual function and increasing its appeal, and the battles over the definition and policing of pornography are at most "a fight among men over the terms of access to women" (*Theory of the State* 203).

Pornography as Harm

The central claim of the antipornography camp, and the claim on which relies MacKinnon's call for legal restrictions on pornography, is that pornography substantially and concretely harms women. There are several levels of harm that MacKinnon points to, though, significantly, she herself tends not to distinguish between them but rather to stress their interconnectedness. And the rhetorical force of her argument relies on

the accumulation of different forms and instances of harm that resonate and amplify one another, eventually creating an overwhelming sense of the scope and pervasiveness of the harm.

Production-Related Harm

The first level of harm, and probably the most concrete and ethically compelling one, is the harm to the women involved in the production of pornography. The claims of harm are founded on two sources: testimonies by the pornography models themselves¹⁴ and a “documentary” reading of the representations corroborated by such reports. Discussing mainly cinematic and photographic pornography, which constitutes the bulk of the porn industry, MacKinnon refuses to regard it as merely representations or images, or in the legal terminology “speech,” and treats these representations rather as the record of actual acts performed in the real world. She calls attention to the fact that everything, or nearly everything, we *see* in pornography has actually taken place—or in her words, has actually been *done to* real women—in order to create these representations:¹⁵ “In pornography, the penis is shown ramming up into the woman over and over; this is because it actually was rammed into the woman over and over” (*Only Words* 18). In the case of violent representations, this means that the represented violence corresponds to actual violence: “In mainstream media, violence is done through special effects; in pornography, women shown being beaten and tortured report being beaten and tortured” (*Only Words* 18–19).¹⁶ The paradigmatic case for this view of pornography as the documentation of real violence is that of snuff films, films documenting rape and murder. The existence of real snuff films, as opposed to films that pretend to such documentary status, is considered dubious by many writers on pornography (Williams, *Hard Core* 189–194, 227; Easton 19), but it is treated as fact by Dworkin and MacKinnon, who often allude to snuff as the extreme end of a continuum that reveals the nature of the genre as a whole.¹⁷

Even in the case of nonviolent pornography, there is a pervasive implication in MacKinnon’s writings that pornography models are victims,¹⁸ that for women, participation in pornography is by definition harming. This is conveyed grammatically by her persistent use of either the passive mode or the object position in the sentence when describing women’s participation in pornography (these two types of usage are

exemplified in the two previous quotations). In MacKinnon's depictions of pornography, sex is always inflicted on women, women are "violated," "possessed," "exposed," "used," done to.¹⁹ And this negation of grammatical agency appears to reflect a sense that for women participation in pornography in fact cannot be seen to express agency, that it is intrinsically opposed to agency. MacKinnon seems to assume that participation in pornography is, at the very least, degrading for women.²⁰ And while she opposes "the assumption of consent that follows women into pornography" (*Feminism Unmodified* 180), the opposite assumption is implicitly at work in her texts.

A major production-related harm highlighted in Dworkin and MacKinnon's work is coercion into pornography. MacKinnon cites testimonies by women who were forced through violence and threats to perform in pornography, the most well-known example being that of Linda Marchiano, known as "Linda Lovelace" from *Deep Throat*.²¹ Even when there is no physical coercion directly involved, MacKinnon points to the economic disadvantage of women as a group and to the particular vulnerability and lack of options that tend to characterize women who perform in pornography:

Empirically, all pornography is made under conditions of inequality based on sex, overwhelmingly by poor, desperate, homeless, pimped women who were sexually abused as children. These conditions . . . are what it takes to make women do what is in even the pornography that shows no overt violence. (*Only Words* 14)

The picture that emerges from MacKinnon's writings is one in which lack of resources and a history of sexual abuse converge to drive women into prostitution and pornography, a choice that therefore cannot be construed as a choice in any meaningful sense. The sense MacKinnon conveys is that of an overdetermined trajectory, a "cycle of abuse" in which incest, rape, prostitution, and pornography are interconnected, all converging to divest their victim of agency. Thus, while legally such women are still considered free agents, MacKinnon effectively claims that they, and in fact all women, deserve the same protection as minors:

Some of the same reasons children are granted some specific legal avenues for redress—relative lack of power, inability to

command respect for their consent and self-determination, in some cases less physical strength or lowered legitimacy in using it, specific credibility problems, and lack of access to resources for meaningful self-expression—also hold true for the social position of women compared to men. (*Feminism Unmodified* 181)

In the context of production-related harm, there is another level of harm to the women involved in pornography, harm done not in the process of production itself but rather resulting from the very existence, circulation, and mode of reception of the representations. One such harm identified by MacKinnon is the silencing of the women involved in pornography, their divestment of credibility (*Feminism Unmodified* 180–182; *Only Words* 3–5). MacKinnon describes the process whereby pornography models are disbelieved when they claim they are victims of coercion, because the representations are taken as evidence of their consent, enjoyment, or even desire; further, by providing evidence of what was done to them, the representations appear to reflect on their very *nature* as the sort of women to whom such things are done or who let such things be done to them. MacKinnon condenses this problem in a striking image: “Even if she can form words, who listens to a woman with a penis in her mouth?” (*Feminism Unmodified* 193). She also cites evidence for instances in which the pornographic pictures themselves function as a means of extortion to coerce the women and particularly the children in them into prostitution or prevent them from leaving it. Thus, claims MacKinnon, the pornography, legally regarded as the pornographer’s speech, functions to foreclose or discredit the speech of the women in it, since it provides an authoritative frame for construing their experience, a frame which discredits their own construal of it or even prevents them from forming it.

A related harm emerges when pornography is conceived not only as a record of acts but as an act in and of itself, an understanding suggested by MacKinnon when she defines pornography as “a technologically sophisticated traffic in women” (*Only Words* 7). For MacKinnon, it is not only the images of the women that are sold, bought, possessed, and used but also the women themselves. According to this view, the representation is not an object ontologically distinct from the woman in it but rather a medium of traffic: “It is a constitutional right to traffic in our flesh, so long as it is done through pictures and words” (*Feminism*

Unmodified 213). Correspondingly, the consumption of the representations is conceived as a reenactment of the events they record. Thus, discussing the harm suffered by Linda Marchiano, MacKinnon states: “No amount of saying anything remedies what is being *done* to her in theaters and on home videos all over the world, where she is repeatedly raped for public entertainment and public profit” (*Feminism Unmodified* 182). The equation of pornography and prostitution is justified by pointing out the lived connection between the two for many women who are involved in both and who arrive at one through the other. The equation also rests on the fact that the two involve the same acts, with the reproducibility and iterability of the photographic and filmic image seen as furthering the exploitation of the represented woman, who is sold over and over or abused over and over. (Accordingly, the pornographers are for MacKinnon either “perpetrators” or “pimps.”) And while in the case of women like Linda Marchiano who were coerced into making pornography, there is no doubt that the ongoing existence and consumption of the representation does aggravate the damage done to them, there seems to be a sense in which MacKinnon regards sexual representation itself as a form of violation: “Women are there to be violated and possessed, men to violate and possess us, either on screen or *by camera or pen* on behalf of the consumer” (*Feminism Unmodified* 172, emphasis mine).²²

Consumption-Related Harm

The second level of harm discussed by MacKinnon is the harm suffered by women through men’s consumption of pornography. Here one can distinguish between two types of claims: claims about localized and concrete harms, where one can trace some kind of causal relation between pornography and particular harms suffered by particular women, and a more general claim about pornography’s detrimental effect on the status of women as a social group.

To the former category belong the claims that pornography is forced on women in the workplace, the home, and the public sphere; that neighborhoods where pornography is concentrated through zoning policies are unsafe for women; that pornography is used to “season” women and children to prostitution; that pornography teaches men desires and acts that are violent or obnoxious to women and legitimates

them in demanding women to perform or take part in such acts; that pornography provides inspiration for acts of rape and abuse; and, based on some experimental data, that pornography makes men more prone to violence against women and to rape or, at the very least, induces attitudes of hostility toward women and tolerance to rape (*Feminism Unmodified* 183–189).

While all the foregoing are empirical claims, relying either on reports by women or on the largely contested and often pronounced inconclusive “effects” research,²³ MacKinnon’s more general claim relies not on empirical evidence but on cultural analysis. Of all the types of harm she discusses, this is the broadest, most pervasive harm, because it effects women in general, and therefore it is also the harm that provides the most substantial ground for her call for legal measures against pornography. The claim is that pornography not only reflects the social hierarchy between the sexes but constructs it, not only expresses men’s ideas of women but determines what women can be. In short, MacKinnon rejects a simplistic model of representation as an expression of consciousness or a reflection of social reality and suggests an understanding of pornography as a discourse that constructs subjectivities and shapes social reality. MacKinnon’s account of the way in which pornography affects women’s lives is summed up in the following quote: “Men treat women as whom they see women as being. Pornography constructs who that is. Men’s power over women means that the way men see women defines who women can be. Pornography is that way” (*Theory of the State* 196). In other words, pornography shapes men’s view of and attitudes toward women, and men’s domination of society means that “women live in the world pornography creates” (204).

On a closer look, one can see that throughout her writings, MacKinnon theorizes the effectivity or the harm of pornography according to a number of different—and partly incompatible—models, which she uses interchangeably. These are social construction, ideology, behavioral conditioning, and linguistic performativity.

Social Construction. MacKinnon often employs the language of social construction to describe pornography’s mode of effectivity.²⁴ However, she also departs from a social construction model, as exemplified for instance in Foucault’s *History of Sexuality*, in three significant ways: she does specify an identifiable agent “who does the constructing,” that is, she regards construction as the act of a subject or a group of subjects: men; she equates construction with determination in that she sees

pornography as exhaustively constitutive of gender and sexuality; and she assumes a fixed relation between discourse and power: pornography for her is inextricably bound to male domination and cannot in any way be severed from it or serve to undermine it.²⁵

Ideology. The view of pornography as inherently linked to male power suggests an understanding of it in terms of ideology. MacKinnon explicitly bases her analysis of gender oppression on the Marxist model, replacing the capital-labor relation with the male-female relation and positing sexuality in the feminist paradigm as the equivalent of work in the Marxist paradigm.²⁶ Thus, as the organization of labor defines the class system, the organization of sexuality defines the gender system. And, as Wendy Brown suggests, “Although MacKinnon never says so explicitly, pornography presumably is to male dominance as, for Marx, liberalism is to capitalism—something institutionally securing, discursively naturalizing, ideologically obscuring, and historically perpetrating the power of the dominant” (82). If, according to Althusser’s formulation, the function of ideology is to reproduce the relations of production, for MacKinnon, pornography functions to reproduce the relations of sexuality, that is, gender hierarchy. In other words, it naturalizes the subordination of women by constructing femininity in terms of sexual accessibility.

Unlike social construction theory, the Marxist theory of ideology, at least in its classic formulation, enables MacKinnon to define pornography as directly reflecting the material interests of men as the “ruling class” and sustaining the existing social order:

Speaking socially, the beliefs of the powerful become proof, in part because the world actually arranges itself to affirm what the powerful want to see. . . . Beneath this, though, the world is not entirely the way the powerful say it is or want to believe it is. If it appears to be it is because power constructs the appearance of reality. . . (MacKinnon, *Feminism Unmodified* 164)

However, MacKinnon veers away from the classic Marxist notion of ideology as a false or distorted representation of real material conditions when she claims that pornographic “ideology” in fact turns itself into reality: “Women live in the world pornography creates” (*Theory of the State* 204).²⁷ Thus, she in effect wavers between a materialist and a social construction analysis. Consider, for example, the following quotation:

“Under conditions of sexual dominance pornography hides and distorts the truth while at the same time enforcing itself, imprinting itself on the world, making itself real” (*Feminism Unmodified* 130).

Does pornography then construct reality or only its appearance? MacKinnon wavers between the two options because she wants to stress both the power of pornography, the reality and totality of its harm on the one hand, and its distorted representation of women’s sexuality and being on the other hand, that women, contrary to the way they are portrayed in pornography, do not enjoy being “taken and violated.” Similarly, she wants to claim both that pornography *expropriates* women’s sexuality (under the sexuality–work analogy), that is, women’s proper sexuality, and that it *constructs* women’s sexuality, that is, what is known as women’s sexuality.²⁸ Despite the tension between these two claims, MacKinnon cannot settle for either one alone, because the social construction paradigm does not allow her to claim harm on the basis of the alienation of an authentic self, whereas the classic Marxist theory of ideology lacks an elaborate and nuanced account of how ideology forms subjectivity. It should be noted, however, that both a strict constructivist perspective and a strict materialist perspective conflict with her implicit humanist notion of the female subject.

Behavioral Conditioning. While for social construction theory the power to construct reality is an attribute of all discourse, MacKinnon ascribes to pornography a unique efficacy, that of sexual conditioning. This argument, implicit in her earlier work and explicitly developed in *Only Words*, claims that pornography conditions male erection and ejaculation to female subordination. As in the claim of production-related harm that adduces the reality of the represented acts, here she adduces the reality of the consumers’ measurable physical arousal and pleasure as evidence of the conditioning process taking place: “The women are in two dimensions, but the men have sex with them in their own three-dimensional bodies, not in their mind alone. Men come doing this.” The consequences of this pattern of reinforcement that pairs orgasm to images of “women being exposed, humiliated, violated . . . tortured and killed” are allegedly that “sooner or later, in one way or another, the consumers want to live out the pornography in three dimensions” (*Only Words* 12, 13).

To corroborate this description, MacKinnon cites a convicted rapist and murderer, whom she graces with the title “an honest perpetrator,”

who attests to undergoing such a process of conditioning. However, as Mandy Merck points out, the major support of her argument is the erection's potent status as proof for the whole alleged causal chain ending in aggression, which the erection purportedly "supports" (*Only Words* 11; Merck, "MacKinnon's Dog"). While regarding the consumers' interaction with the representations as a form of sex is probably correct both phenomenologically (true to the consumers' experience) and analytically, in an age when the proliferation of modes of mediated sex is a significant cultural phenomenon MacKinnon's argument deduces one sexual behavior—rape and abuse—from another—arousal and masturbation. And though she may have a case in claiming that pornography conditions the latter, the causal link to the former remains unsubstantiated.

Further, applying the conditioning model to pornography presupposes the existence of some kind of prior autonomous sexual response to sexual imagery. This natural, unconditioned response, for example, male arousal to the image of a naked woman, could then be paired to more specific contents, such as subordination and violence. Without such an underlying sexual reflex there can be no conditioning, just as in Pavlov's famous experiment the pairing of salivation to the sound of the bell relied on the involuntary reflex of salivation to the taste of food. Yet MacKinnon makes no analytic effort to distinguish the unconditioned response—a "natural" sexual reflex—from the conditioned one—our learned, "pornographic" sexuality—and her persistent use of the language of social construction is at odds with such a distinction. A further objection to the conditioning model consists in the claim that it misconstrues the nature of sexual arousal. As Elizabeth Cowie points out, there is a prevalent assumption that pornography induces arousal as a reflex response to its visual content, while in fact the sexual image that arouses us is "already a highly coded entity" ("Pornography and Fantasy" 135). Therefore, arousal is the product of a complex signifying process and has more to do with connotation and implied narrative than with simple visual stimuli.

Linguistic Performativity. The conditioning argument serves to substantiate MacKinnon's definition of pornography as performative "speech" rather than a merely expressive one. At stake here is her attempt to remove pornography from the realm of legally protected expression by claiming that it should more properly be regarded as an act, like certain

other verbal behaviors legally considered to be acts, such as libel, blackmail, sexual harassment, discriminatory statements, or saying “kill” to a trained attack dog. To undermine the distinction between speech and act, MacKinnon mobilizes, beside the known legal exceptions, a model derived from linguistics: J. L. Austin’s speech act theory. According to Austin, there exists a special category of utterances—performatives—that do not describe a state of affairs but rather perform an action or, in saying something, do something (J. L. Austin, *How to Do Things with Words*).²⁹ MacKinnon claims such status for pornography, thus adopting its legal categorization as “speech” but defining it exactly as that kind of speech that subordinates the property valued and protected by the First Amendment—expression of ideas—to a mode of effectivity that is not conscious persuasion but a much more direct and involuntary transitivity, like unconscious conditioning and habituation.

Whereas the conditioning model treats the pornographic representation as a visual stimulus, speech act theory, as Mandy Merck points out, requires reading it as an utterance, and that utterance for MacKinnon is “‘get her,’ pointing at all women” (“MacKinnon’s Dog” 8; *Only Words* 15). This transcription of what pornography, all pornography, is saying involves of course considerable translation. Further, paraphrasing pornography’s message as a command assigns its mode of action in Austinian terms to the category of perlocution rather than that of illocution, the speech act proper (Merck, “MacKinnon’s Dog”; Butler, *Excitable Speech*). A perlocutionary act is defined by its consequences, which are separable from the act of enunciation itself, while an illocutionary act produces its effect in the very act of saying something. A ship is christened by the very pronouncement of the right formula in the right circumstances, while an utterance like “get her” depends for its effect on the compliance of its addressee. However, while transcribing the pornographic utterance as a command, MacKinnon in no way sees its efficacy as contingent. On the contrary, she attributes to pornography the capacity to turn itself into reality, to construct “the social reality of what a woman is” (*Only Words* 17). As an act of speech that possesses the power to change the state of things through enunciation itself, the efficaciousness of the pornographic utterance should be conceived not on the model of perlocution but on that of illocution. Thus, as Judith Butler points out, the pornographic utterance is figured as akin to the divine “let there be light,” the only imperative that holds such sovereign

illocutionary power: “The visual field [of pornography] operates as a subject with the power to bring into being what it names, to wield an efficacious power analogous to the divine performative” (*Excitable Speech* 66). The question remains, of course, what is the ground for attributing such sovereign power to pornography.

The Flaws of the Antiporn Position

This section will not offer a comprehensive critique of MacKinnon’s position on pornography but will attempt, based on the many existing critiques, to identify its major weaknesses, some of which have been hinted at in the previous section.

First, as has often been noted by her critics, MacKinnon offers an ahistorical and monolithic conception of pornography,³⁰ regarding it as inextricably to male power, irrespective of its specific material and cultural context. By positing the subordination of women as the defining core of this representational regime, MacKinnon erases its historicity as a phenomenon whose emergence in eighteenth-century Europe was linked to a whole array of social, economic, and technological developments, whose definitional boundaries have been continually contested, and which from its inception has been subjected to politically motivated legal regulation (Hunt; Kendrick). In thus sheering pornography of history, she banishes from sight any of its shaping forces and affinities that cannot be reduced to misogyny and occludes the continuity of her own project with the history of regulation of pornography. Moreover, as Gayle Rubin points out, it is this ahistorical notion of pornography that allows antiporn feminists to regard it as a prime cause of women’s oppression, an argument that fails to take account of the modernity of pornography (“Misguided” 270).³¹

MacKinnon’s definition of pornography is based on its late twentieth-century incarnation as a phenomenon of unprecedented cultural salience and a multibillion-dollar industry. More specifically, it is based on the mainstream of this industry, that is, commercial heterosexual pornography, with its distinctive conditions of production and specific generic conventions. Yet this definition is taken to describe pornography per se, thus eliding not only its historical mutability but also the variety of its contemporary manifestations, hence, its potential for further

change. Marginal representations are defined either as not pornographic or, more often, as identical in their meaning and function to mainstream ones.

The pornography produced on the margins of the industry—gay male pornography, lesbian pornography, and straight pornography produced by women for female consumption—is largely ignored by MacKinnon, and when it is discussed, as in the following quote, it is treated as a variant of mainstream porn, manifesting and upholding the same ideology of gender hierarchy:

Pornography's multiple variations on and departures from the male dominant/female submissive sexual/gender theme are not exceptions to these gender regularities. They affirm them. The capacity of gender reversals (dominatrices) and inversions (homosexuality) to stimulate sexual excitement is derived precisely from their mimicry or parody or negation or reversal of the standard arrangement. This affirms rather than undermines or qualifies the standard sexual arrangement . . . (*Theory of the State* 144)

Thus, even when single-gendered, pornography is still *about* female subordination, since sex is perceived to be hierarchical and hierarchy is perceived to be gendered. In a telling passage MacKinnon says: "It may also be that sexuality is so gender marked that it carries dominance and submission with it, whatever the gender of the participants" (*Theory of the State* 142). Dominance and submission are entirely conflated with male and female, this logic making it impossible to undermine gender hierarchy, since every inversion or subversion of it inevitably refers back to it, thus being deemed to uphold it. When men are penetrated or dominated, they are "used in the place of women,"³² and when women take the role of sadist, they are merely imitating male dominance, thus affirming it as the ruling paradigm.

We can see, then, that the problem lies in two planes. First, MacKinnon's version of social construction theory assumes a fixed relation between (pornographic) discourse and (male) power, or in other words, that every pornographic representation, regardless of its social context, target audience, and conditions of production, inevitably carries the same meaning and fulfills the same political function of upholding male dominance. Yet as Foucault has persuasively argued, the relation between discourse and power is always fluid, and the same discourse can function

both as an instrument of power and as a point of resistance.³³ Second, since the preceding quotes suggest that this fixity characterizes not only sexual representation but sexual practice as well, it appears that MacKinnon's conception of pornography as univocal and static goes hand in hand with a totalizing and static conception of male domination: "Our status as a group relative to men has almost never, if ever, been much changed from what it is" (*Feminism Unmodified* 167). The picture she paints is an ahistorical picture of timeless, changeless, oppression, yet paradoxically, this picture is at odds with her insistence on the centrality of pornography as an apparatus of male domination, if we bear in mind the distinct modernity of pornography. It is hard to imagine how such an immutable structure of domination could be affected by the abolition of such a recent phenomenon like pornography.

Another cluster of problems revolves around MacKinnon's theorization of sexuality. MacKinnon's critique of pornography is derived from the central role assigned to sexuality in her theory of gender. As noted earlier, MacKinnon defines gender as the social organization of sexuality under male dominance, in correspondence to the Marxist model that defines class as the social organization of labor under the domination of capital. Gender oppression consists in men's appropriation of female sexuality, all other manifestations of it being derivative, and pornography is both an instance of this appropriation and a major process constructing/organizing sexuality, hence, gender.

This theoretical account is problematic in several respects. As Wendy Brown points out, Marx "rooted his argument about labor as power in labor's generativity—its capacity to produce a surplus" (81n4). Sexuality, on the other hand, has no similar generativity that might account for its exploitation, unless one regards reproduction as that generativity, which MacKinnon does not. Neither does MacKinnon regard sexual pleasure itself to be the equivalent of surplus, since men's sexual exploitation of women does not necessarily entail that women are deprived of sexual pleasure; MacKinnon's claim is that women do get sexual pleasure but such that is learned, that is, not proper to them, and incompatible with their humanity. Therefore, as Brown suggests, in the absence of any kind of motivating profit, the *raison d'être* for the appropriation of women's sexuality "would seem to recur, darkly, to the intrinsic pleasures of male sexual dominance" (93).

These pleasures are for MacKinnon both learned and determinative. Thus, she alternately holds pornography accountable for constructing men's desires and men's view of women and quotes it as evidence of

what it is that men want sexually.³⁴ Yet the prime originator in her theory of gender appears, in the final account, to be innate male sexuality: “Masculinity precedes male as femininity precedes female, and male sexual desire defines both” (*Theory of the State* 131). Male sexuality is posited (if somewhat tentatively) as the determining factor of the entire system of gender hierarchy: “[P]erhaps the sexes are unequal so that men can be sexually aroused” (145). Thus, MacKinnon seems to entertain simultaneously a social constructionist view of sexuality in general and an implicitly essentialist view of male sexuality.³⁵ Yet, even if we neglect the theoretical incoherence of this position, an essentialist view of male sexuality would undermine her very project, which is ultimately that of reforming heterosexuality. If the problem lies in essential male sexuality, what hope can there be of changing heterosexual sexuality and the relations between the sexes in general?³⁶

To go back to the role of sexuality in MacKinnon’s theory of gender, this poses two further problems pointed out by Brown. First, by positing sexuality as the single mechanism of gender oppression, MacKinnon ignores the “construction and regulation of gender by a panoply of discourses, activities, and distinctions other than sexuality,” for example, the feminization of reproductive work, and the gendered division of labor, among others (Brown 86).³⁷ Second, sexuality itself is reduced by MacKinnon to a single social relation rather than “a complex non-schema of discourses and economies, which are constitutive not only of the semiotics of gender but of race and class formations” (Brown 83). In fact, as Brown observes, MacKinnon’s equation of gender with sexuality is symptomatic of the contemporary tendency “to read gender as almost wholly constituted by the (heterosexual) organization of desire” (86), a tendency that Brown attributes to the destabilization of those other sites of gender construction mentioned earlier. In addition, the central place of sexuality in MacKinnon’s theory of gender takes part in the constantly growing discursive deployment of sexuality characterized by Foucault, a feature it shares with the discourse of pornography itself, thus leading Brown to the assertion that MacKinnon’s theory “mirrors” pornography rather than decodes it (87).

As noted, MacKinnon’s critique of pornography in fact depends on a critique of heterosexuality itself. MacKinnon’s writings evince a conception of heterosexual intercourse, derived from Andrea Dworkin’s work,³⁸ as an inherently violent and violating act, a concrete