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Commentary on A. W. Eaton's "A Sensible Antiporn Feminism"

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A. W. Eaton has done an admirable job in her paper on pornography, accomplishing exactly what a good philosophical analysis should do—contributing to the dialog on a problem by clarifying the issues, mapping the intellectual territory, clearing away rhetorical clutter, directing us toward what information we need in order to make judgments, and laying out a clean, accurate, practical framework for making further progress. Eaton has also done us a service by dispassionately making important distinctions that go a long way in remedying the descriptive excesses that typify much of the debate over pornography. Anyone who has taught a class covering ethical issues in pornography is familiar with students' reactions to the hyperbole and

imprecision sometimes characteristic of Andrea Dworkin's and Catharine MacKinnon's writings. When the term "pornography" is routinely used as a catch-all for violent, degrading, and sexist explicit material and the "standard" examples of pornography are of snuff, rape, and sadism, it is easy to dismiss the worry, the warnings, and the grief over pornography as overreactions to extreme and unrepresentative examples. By distinguishing "egalitarian" pornography from the eroticization of "inegalitarian" gender relationships, Eaton acknowledges important and relevant differences.

While there are several areas in Eaton's analysis that merit further discussion, what I want to do in this commentary is focus on what I see as the most important conceptual work Eaton's essay achieves. That is the shift toward an epidemiological view of and a public health model for dealing with pornography. Let me begin by saying that I think casting the debate about pornography in epidemiological terms is exactly the way to go. I have argued for this perspective in my own teaching and it is refreshing to see this model advocated so clearly and coherently in print. My goal then will not be to argue against such a shift, but to examine its veracity, utility, and implications. In doing so, I make three responses to Eaton. One, the move toward an epidemiological model is not merely a clarification of the concern over harm in feminist criticisms of pornography (as Eaton suggests) but is a more radical and more extensive change that stakes out a pragmatic position not entirely at ease with conservative, liberal, or feminist approaches. Two, the epidemiological model is a good way to think about pornography and Eaton underestimates the value and efficacy of her own argument here, even unnecessarily undercutting it. Three, while the public policy consequences of the epidemiological model are complicated, multifaceted, and dependent on what empirical research shows, use of such a model does move us into a "biopolitical" mode of

addressing issues which—contra the assumptions of some postmodern critics—we can knowingly enter into without naiveté or hopelessness.

One: Eaton writes that “the harm hypothesis lies at the center of the pornography debate” (Eaton 2007, 693). While this is likely true for feminist and liberal debates over public policy (though less so for conservative views which focus on the sexual immorality of pornography), framing the debate in terms of an epidemiological model does not merely clarify the structure of a debate that already exists (even if in somewhat murky form). Much of the debate between liberals and feminists has centered around the concept of speech and whether pornography counts simply as speech or whether it counts as action. Antiporn feminists such as MacKinnon and Joan Mason-Grant have treated pornography as action or embodied practice, saying “In their approach...pornography falls presumptively into the legal category ‘speech’ at the outset through being rendered in terms of ‘content’, ‘message’, ‘emotion’, what is ‘says’, its ‘viewpoint’, its ‘ideas’. Once the women abused in it and through it are elided this way, its artifact status as pictures and words gets it legal protection...” (MacKinnon 1993, 10-11) and “[T]he use of pornography is nothing like engaging in political speech. Rather, the use of pornographic materials is sexual activity...In place of the dominant speech paradigm, we need as alternative ‘practice paradigm’ that better captures and elaborates more complexly the embodied activity of using pornographic materials for sex” (Mason-Grant 2008, 411). In contrast, liberals, such as Ronald Dworkin, have treated pornography as speech, saying for example:

It is more important that MacKinnon thinks I ignored the real point of her book, which, she says, is that pornography is not ‘speech’ but ‘pornography is what it does, not what it says’. I did not ignore that claim. I did say that I could find no genuine argument in it—I

still can’t—but I tried. I reported her suggestion that a pornographic description of a rape is itself a kind of rape, which I said is silly, and her claim that pornography is ‘reality’ rather than speech because it produces erections and aids masturbation, which, as I said, seems an unsatisfactory basis on which to deny First Amendment protection” (MacKinnon and Dworkin 1994, 48).

In the case of speech, the standard contemporary liberal approach is to treat pornography as expression that is both a fundamental right and the kind of thing that can almost always be resisted by a rational, free mind. In the case of action or practice, the feminist approach has been to treat pornography as behavior that affects others—classically, the kind of thing that even liberal states may restrict. What the epidemiological model does, however, is somewhat different. It treats pornography neither as expression nor behavior but as a substance. Now, my term “substance” here is vague, but it is not being used merely metaphorically. Pornography, while not being a solid, liquid, or gas, is nonetheless something that is consumed and absorbed, something that enters the brain and has physical effects on the brain—as does any incoming information or environmental stimulus. Even if manifested as information, light, and sound, it is taken in and produces physiological and cognitive effects. This understanding of pornography has the consequence of shifting the tone of the debate from one framed by legal notions of rights, political notions of liberties, and even virtue notions of attitudes to one framed by public health notions of statistical impact, risk factors, safe and unsafe levels of exposure, contagion, transmission vectors, empirical data, and cost-benefit analyses. This public health perspective does not easily mesh with or ally itself with conservative, liberal, or feminist perspectives. Unlike conservatives, it does not concern itself with intrinsic rightness or wrongness but only observable effects; unlike liberals, it does not concern itself

with rights and the mental states of producers but only with the mental/neural states of those exposed; unlike feminists, it does not concern itself with content or message but only with behavioral and physiological/cognitive responses. Its methods are statistical and empirical. Its goals will be geared toward health impacts. Its policy recommendations will be dryly mechanical.

As an example of how a public health perspective might treat an issue in pornography, consider the distinction Eaton makes between depiction and endorsement. Correctly, she argues that some feminists have conflated the idea of representation with the idea of advocacy and writes that “a depiction of subordination or degradation is not by itself an endorsement of that subordination or degradation” (Eaton 2007, 682). While this is true, it is a point that refers mainly to the mental state or attitude of the producers of the depiction. Images of a violent rape can be intended to express horror at such a crime (perhaps made by a feminist filmmaker), or intended to eroticize sexual oppression (perhaps made by a sexist pornographer), or intended to record a historical event (perhaps filmed by an automated system). While such intentions may be relevant for some moral appraisals of the images, a public health perspective would have little or no interest in the attitudes of the producers of such images. It would only be interested in the effects (functionally harmful, beneficial, neutral) of exposure to the images. If harmful, there is a *prima facie* case (to be followed by cost-benefit analysis) for removing the pathogen from the environment—regardless of the intent of the source, sexist, feminist, or otherwise. It is the reaction to the substance that is of central interest.

Two: Although it certainly needs to be examined in more detail, in general, the public health view is a plausible and likely beneficial perspective to take on pornography (and perhaps many other things as well). In addressing and

possibly quantifying the degree to which pornography harms people, it acknowledges three important points—(i) that just because pornography can be understood as a form of expression does not mean that it cannot have powerful and potentially deleterious effects on the consumer or those the consumer comes in contact with, (ii) that pornography comes in a wide array of types and limited exposure to mainstream pornography does not instantly produce slaving rapists, and (iii) that the best justification we know of in a pluralistic society for restricting freedoms is to prevent harm to other people. This is not to say truly scientific studies of pornography’s alleged harm will simply and easily settle the issue—any more than studies have simply or easily settled regulations of tobacco use. As Eaton rightly points out, an epidemiological approach will put many factors into play—namely that doses, responses, and individual predispositions to sexual obsession or violent behavior will all covary to a degree. However, I think the public health approach is our best model. The strongest current issue relevant to regulating pornography is that of harm and epidemiology is our best science of estimating the harm that a population risks in exposure to environmental stimuli.

However, Eaton argues that the analogy to disease (what I am more broadly calling the public health model) eventually breaks down. It fails “because its asymmetrical cause-and-effect picture does not capture the complex reciprocal relationship between pornography and its purported harms. Whereas the causal association between smoking and cancer is unidirectional, a sensible harm hypothesis holds that pornography and many of its harms encourage and reinforce one another in the manner of a positive feedback loop” (Eaton 2007, 713). Eaton’s point here is that desire for pornography, pornography usage, and sexism can all causally contribute to each other and build on each other. I think, however, Eaton is giving up more than she needs to give up. While some disease vectors—as epidemiologists are well aware—are

unidirectional, there are others which display feedback loops. While lung cancer may not cause a desire to smoke *per se*, there are looping patterns of causes that develop with addictive drugs. Pleasure-seeking attitudes may influence drug usage which may influence physiological changes that increase the desire to seek pleasure and the desire to use drugs which further induce physiological changes and so on. Pornography may or may not work this way, but in either case can still be understood and quantified by biostatistical techniques. One partial difference between the disease analogy and pornography, however, is that smoking and using drugs directly harms the consumer while the alleged harms of pornography additionally result in that consumer's harm to others. But even this complication can still be addressed within the purview of public health, though the better analogy might be to a judgment-impairing or psychosis-inducing drug that results in the addict harming others rather than (or in addition to) themselves.

Three: Some may worry that using a public health perspective turns issues such as freedom of speech over to biotechnocrats and will result in some sort of state subjugation for citizens' own good. There are two things to note about this fear.

First, while public health studies do produce data that can be used in determining regulations, it does not have to be the case that public health authorities have complete power or that we make decisions with no other goals in mind than "increasing the numbers" regarding longevity. There are other goals in life besides longevity and part of a more general cost-benefit analysis will include those. Adopting, or at least centrally including, a public health model is not a proposal to reorder society according to the tenets of "biopower" – that Foucauldian concept where states achieve "the subjugation of bodies and the control of populations" (Foucault 1978, 140). It is a proposal to take seriously the

issue of harm and risk by letting the scientific specialists in harm and risk assessment make the best determinations they can and then use that data as we would any other data regarding the effects of environmental influences on health and behavior.

Second, if pornography is truly harmful and is genuinely analogous to pollution or addictive substances, there does in fact need to be a systematic approach to reducing its effects. Our prescientific distinctions between will and brain or substance and speech may not be serving us well in the current debate and we may need to recategorize our notions of culture/practice more in terms of environmental stimulus/cognitive processing/behavior. This does not automatically imply a blanket ban on pornography should pornography be discovered to be a highly significant risk factor for harming others, anymore than the harmful effects of alcohol or smoking necessitate a ban. Bans may not work, may be too costly in terms of other values we prize, or might even be counterproductive. It might instead lead to regulations, taxes, public education programs, funding for treatment, etc. The detail will necessarily include the best empirical data we can get and that is yet to be had.

The point is that too often liberals, in a fetishism of liberty, would ignore the possibility that pornography could lead to harm. Similarly, some feminists, in an obsessive desire to regard an expression of sexism as a causal vector for creating sexism, would ignore the possibility that pornography might be vicious while nonetheless being harmless. Both sides of the current debate are too invested in the politics of expression. For any hope of a workable and satisfying response, we need good data about actual harm and the public dissemination of that data. If pornography is a poisonous substance, we need to learn that. If pornography is a harmless stimulant, we need to learn that. Only then can our best decisions be made.

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