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# Concepts of Pornography: Aesthetics, Feminism, and Methodology

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## Concepts of Pornography: Aesthetics, Feminism, and Methodology

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There are two broadly philosophical literatures on pornography. By far the largest is concerned with moral issues raised by pornography. This literature falls into two phases.<sup>1</sup> The first phase comprises the debate between moral conservatives, who objected to pornography on the grounds of its explicit sexual nature, and liberals, who defended pornography on grounds of something like freedom of speech or expression. Though this debate is not stone cold, the liberals seem to have won it. However, it has been largely replaced by a different one between feminists who object to pornography on the basis that it contributes to the oppression of women and those who reject these feminist arguments.<sup>2</sup> There is also a much smaller literature concerned with aesthetic or artistic issues concerning pornography. For the most part, this literature has been concerned with examining the distinction commonly made between pornography and art (particularly 'erotic art').

One task facing parties to these debates is that of making explicit what exactly pornography is – offering something like a definition or analysis of the term or concept 'pornography'. In keeping with the goals of this volume, I aim to do two things in this essay.

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<sup>1</sup> For an excellent summary of these phases, on which I draw in what follows, see West 2004.

<sup>2</sup> Those who reject such arguments are a heterogeneous group, including many who identify themselves as feminists.

First, I will discuss a recent notable attempt to sharply distinguish pornography from erotic art, and argue that the attempt fails. Then I will turn to methodological questions about how we ought to go about defining ‘pornography’, questions which lead quickly to others about why we want such a definition. I believe that philosophers of art can make important contributions to this definitional project, but only if their contributions are informed by recent work in feminism, philosophical analysis, and art history.

### **1. Levinson’s distinction between pornography and erotic art**

In a fairly recent paper, Jerrold Levinson (2005) argues for a clear distinction between the concepts of pornography and erotic art. The distinction is *clear* in the sense that the concepts are clearly different, not in the sense that the border is sharp. It is a *distinction* in the sense that the two categories are disjoint, according to Levinson – pornography is not a species of erotic art, nor do the two kinds overlap. The reason for this, in short, is that pornography cannot be art, according to Levinson. Levinson’s arguments are partly an extension of those he offered in a paper seven years earlier (1998), but he also replies to the arguments of Matthew Kieran (2001), who had in the meantime published a paper arguing that erotic art and pornography are not distinct, but overlap. While Kieran does not say whether all erotica or pornography must be art, he does say that pornography may be, and some actually is, erotic art.

Levinson first rejects defining pornography in terms of the sexual explicitness or the moral status of the representation.<sup>3</sup> It is clear, he thinks, and almost everyone agrees, that there can be sexually explicit, yet non-pornographic representations, such as those in a biology textbook. And even if, as some allege, all pornography were immoral, it would not follow that

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<sup>3</sup> Levinson officially restricts himself to still images, but he discusses literary works, and it seems his account could easily be extended to all pornographic representations.

the immorality is part of the *concept* of pornography; it seems more plausible that the immorality would follow from some other feature essential to the pornographic.<sup>4</sup> Instead, Levinson argues that ‘[w]hat makes the difference [between erotic art and pornography] is what they are for, what response they are designed to evoke, what they are meant to do to us, or we with them’ (261).<sup>5</sup>

What erotic art and pornography have *in common* is an intention on the part of their creators to sexually *stimulate* us, that is, to induce ‘sexual thoughts, feelings, imaginings, or desires that would generally be regarded as pleasant in themselves’ (260). That they are similar in this way is what makes distinguishing them a worthwhile project. Each goes beyond this commonality in different ways, however. Creators of pornography aim not only to stimulate us sexually, but to sexually *arouse* us, that is, to induce ‘the physiological state that is prelude and prerequisite to sexual release’ (260). Though he does not say so explicitly, Levinson seems to mean that pornography is intended by its creators to be used as a sexual or masturbational aid.<sup>6</sup> On the other hand, erotic art is perhaps not intended to induce physiological arousal,<sup>7</sup> but either way it is certainly not intended to be used as a masturbational aid. Erotic art *is*, however, intended ‘to reward artistic interest’ (*passim*), by which Levinson means ‘roughly ... [interest in] the way the medium has been employed to convey the content’ of the representation (262). It is these two different purposes of pornography and erotic art that make them mutually exclusive, according to Levinson. For sexual arousal, what one wants is maximum transparency – all content and no form. As Levinson memorably puts it, pornographic representations ‘should

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<sup>4</sup> I will return to moral definitions of ‘pornography’ in section 5.

<sup>5</sup> All page references are to Levinson 2005 unless otherwise indicated.

<sup>6</sup> Levinson suggests that pornography is ‘intended to arouse sexually in the interests of sexual release’ (260-1), but it is not obvious that the goal of the use of pornography is always orgasm (i.e. ‘sexual release’), nor, hence, that pornography must be intended for this. I take the intention that a representation be used as a sexual *or* masturbational aid to be a charitable amendment of Levinson’s account.

<sup>7</sup> Levinson is not entirely consistent on this point. See, for example, his discussion of Nicholson Baker’s novella *Vox*, which Levinson classifies as erotic art, but which he says ‘is ... sexually stimulating, even arousing ... [although] its paramount aim is not that of producing sexual arousal and release’ (264). I return to this example below.

present the object for sexual fantasy vividly, and then, as it were, get out of the way' (264). This precludes taking artistic interest in the representation in question.

## **2. Criticisms of Levinson's theory<sup>8</sup>**

There are a number of problems with Levinson's argument. One is that there is some slippage between the intentions of the creator of the representation and what is done by a receiver of the representation.<sup>9</sup> In a helpful summary of his argument at the end of his essay, Levinson begins with the idea that erotic art and pornography are each 'centrally aimed at a certain sort of reception' (270), as outlined above. The remaining premises claim that one cannot adopt both these modes of reception at once. The conclusion is that nothing can be both erotic art and pornography. But the claim that two modes of reception cannot be adopted simultaneously in response to a single representation has no implications for whether both can be *intended* by the representation's creator. Thus, even if Levinson's premises are all true, his conclusion does not directly follow from it.

This might be considered an uncharitable interpretation of Levinson's argument, for while the idea that nothing can be both erotic art and pornography is the first, and strongest, conclusion Levinson draws, he immediately goes on to offer two weaker alternatives: '[i] nothing can be both erotic art and pornography; or at least, [ii] nothing can be coherently projected as both erotic art and pornography; or at the very least, [iii] nothing can succeed as erotic art and pornography at the same time' (271). I consider the weaker conclusions in the course of my discussion below. In terms of charity, however, it is worth noticing that if Levinson

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<sup>8</sup> Many of the criticisms I make in this section are similar to those made by Kieran (2001), Hans Maes (2009), and David Davies (this volume).

<sup>9</sup> I use the term 'receiver' in attempt to stay neutral between 'appreciators' or 'audiences' of erotic art and 'users' or 'consumers' of pornography.

is forced to retreat to a weaker conclusion to save his argument, it will be at the expense of the conclusion he seems most interested in defending throughout his essay.

One way of resolving the problematic shift within Levinson's argument from what creators of erotic art and pornography *intend* to what receivers of such things *do* would be to move from an account of the distinction between erotic art and pornography in terms of creators' intentions to one in terms of receivers' modes of reception. But I suspect Levinson would, rightly, reject this kind of move. For this would relativize the categories to which representations belong to particular occasions of use. No representation would count simply as pornography or erotic art; a representation would rather count as pornography for this person on this occasion, because of the way the person approaches it, but not for others on other occasions, or even for the same person on a different occasion, due to how it is approached on each occasion.<sup>10</sup> It seems more plausible to describe these kinds of shifts as people treating certain things *as pornography* or *as erotic art*, just as you may hear the sound of the train you ride in *as music*, when it is in fact no such thing.

A second possible resolution would be to retreat to the second disjunct in the conclusion of Levinson's summary argument quoted above: Since these modes of reception are incompatible, no rational creator could intend any representation for both. A first response to this reply would be to question the likely rationality of creators of representations. There's nothing like reading artistic manifestos to get a philosopher worried about the rationality of creators.<sup>11</sup> But I will leave this strategy aside; even if the claims it relies on are true (and the discussion below suggests that they are not), it will not achieve what Levinson aims to, namely to show that nothing can be both pornography and erotic art. For to show that would require an additional,

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<sup>10</sup> Jennifer Saul (2006a) comes uncomfortably close to implying that pornography is subjective in this sense.

<sup>11</sup> To be fair, most artists, perhaps not without reason, express similar fears for the sanity of philosophers on reading works of aesthetics.

implausible assumption that artists (or pornographers, or both) must have coherent intentions with regard to their creations.

The most promising strategy available to Levinson, then, is to retreat to something like the third disjunct in the conclusion quoted above: A successful pornographic artwork would have to elicit two incompatible responses (an artistic response and sexual arousal), and this is impossible. What I aim to show in the remainder of this section and in the next is that such responses are not incompatible in any sense that would establish the impossibility of successful pornographic art.

First, let us grant that on any given occasion the two modes of reception – (i) aiming at one's sexual arousal and (ii) considering the way in which the representation's content is conveyed in its medium – are incompatible; they cannot both be adopted simultaneously. The relevance of this claim is called into question when we consider that creators need not create representations for only a single occasion of reception. Whether we focus on uncontentious artworks, uncontentious pornography, or cases in the disputed middle ground, it seems likely that almost all such representations are intended for multiple occasions of reception by multiple people. What is to stop the creator, then, from creating a representation with the intention that it be taken in any number of incompatible ways, on different occasions, by different people – or the same people, for that matter? Nothing, it would seem. In fact, if we consider just artworks for a moment, it seems plausible that *rewarding multiple different modes of reception for which it was intended* is one important mark of artistic value. For a simple illustration, consider musical counterpoint. For most people it is impossible to hear a four-voice fugue simultaneously horizontally (paying attention to the separate voices) and vertically (paying attention to the chords momentarily made up of the notes constituting each voice's melody). But we praise,

rather than condemn, composers capable of producing such works. This is bad news for Levinson's account, since it seems a *prima facie* reason to allow for a category of pornographic art – art that rewards, among other modes of reception, a pornographic approach, as it were.<sup>12</sup> One question this response raises is what Levinson means when he says that nothing can succeed as art and pornography *at the same time*. If anything succeeds as harmony and counterpoint at the same time, it is Bach's fugues. If it turned out that no one can in fact appreciate both these aspects simultaneously, even if it turned out this were a *necessary truth*, we would surely hold this irrelevant to whether Bach's fugues succeed harmonically, say. What this shows is that the relevant sense in which artworks can succeed at two things 'at the same time' is not the sense according to which a single receiver could experience both things simultaneously.

But, second, we need not grant that the modes of reception essential to pornography and erotic art are incompatible – even on a single occasion of reception. Consider, by analogy, religious art.<sup>13</sup> At least some of it seems aimed centrally at turning the mind away from things of this world, towards contemplation of God alone. How does such art, when successful, work? Not by offering as transparent a picture of God as possible, and then getting out of the way (whatever that would mean). Religious artists use all the same artistic techniques to achieve their intended effects as other artists do. Now, when one is treating such a devotional work as intended, one is surely not explicitly, consciously having thoughts such as 'What a great use of chiaroscuro!' or 'Lambs are so meek and mild; what an appropriate image for Christ'.<sup>14</sup> But, equally surely, such thoughts are playing an essential role somewhere in one's experience of the work. (I assume here

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<sup>12</sup> Levinson might reply that there is an important difference between *aesthetic* responses, such as attention to harmony or melody, and *non-aesthetic* responses such as sexual arousal. But such a distinction causes problems for any theory of art, as we shall shortly see, and particular problems for Levinson's own definition of art, as we shall see in section 4.

<sup>13</sup> See David Davies's essay in this volume for another comparison of religious and pornographic art.

<sup>14</sup> If it is the case that one could have such conscious thoughts and *still* have the kind of religious experience intended by the work's creator, then this might be enough to make the point I wish to here. (Thanks to Hans Maes for pointing this out.)



that much of one's experience of artworks, including appropriate and rewarding experience, is not consciously accessed, and much of it probably *inaccessible* to consciousness.) Spelling out the ways in which our awareness of the artistic techniques and aesthetic effects of an artwork affect our experience of it is a major task, one I cannot begin to engage in here. But we don't need to know the details in order to see the point for Levinson's theory. The point is that the criterion he sets for a representation's being art is either so demanding as to implausibly exclude many uncontentious artworks from the realm of art or too weak to exclude most of what he wants to exclude as unartistic pornography.

Let's take each horn of the dilemma in turn. One is that didactic novels, religious paintings, urns adorned with narrative friezes, and so on, will not count as art, since Levinson's argument against the possibility of artistic pornography will work just as effectively against all of these. In order to be art, something must be aimed at a kind of aesthetic reception, but such reception will exclude the item's being treated primarily as a teaching tool, an object for meditation, or something to stick flowers in. My guess is that Levinson will find this horn of the dilemma less appealing than the alternative. To remove himself from it, he must allow that artworks may admit of multiple different modes of reception, whether simultaneously or not. But this lands him firmly on the other horn: he now cannot exclude the pornography he wanted to exclude in the first place from the realm of art on the grounds that it is intended for a non-aesthetic mode of reception.

### **3. Some examples**

There is a recent genre of voyeuristic pornographic moving image – or so my students tell me – that employs the style of a security camera. This is professional, staged pornography, not actual

security tape footage, but it is produced so as to give the appearance of being actual security tape footage, just as big-budget movies such as *The Blair Witch Project* (Daniel Myrick and Eduardo Sánchez, 1999) or *Cloverfield* (Matt Reeves, 2008) give the appearance of being shot by amateurs. These moving images are pornography if anything is. They have no artistic pretensions, and would be unlikely to earn the evaluative epithet of ‘erotic’ from many people’s lips. Yet, clearly, if successful, these moving images achieve their pornographic effect by drawing attention to the way in which their representational content is conveyed. If a viewer did not realize this particular visual style was that of a security camera, with the imaginative implication that what they are seeing happened between two people, say, who thought they were unobserved, the viewer would miss a large part of the point and effect of the images.

It might be argued that there is a difference between the global way in which the ‘verité’ style of this kind of pornography contributes to its effect and the specific ways in which particular formal features of works of art contribute to their effects.<sup>15</sup> This is doubtless true, but it ignores uncontentious artworks the vérité style of which contributes to their effects in a similarly global way. Consider *Cloverfield* and *The Blair Witch Project* once more. These may not be great artworks, but it would be difficult to argue that they are not artworks at all, and more difficult still to argue that no artwork sharing their style could be art. Examples of *good* artworks in a similarly transparent style include *United 93* (Paul Greengrass, 2006) and, arguably, many cinematic works of Italian neorealism.

My point here is not to argue that security-camera-style pornography is art.<sup>16</sup> Rather, the point is to reject the idea that the way in which the medium is used to convey the content of pornography must be concealed by its creators or ignored or repressed by its receivers. And once

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<sup>15</sup> Thanks to the editors for suggesting this response.

<sup>16</sup> It is difficult, though, to see how Levinson could exclude them from that realm, given his work explicitly devoted to the definition of ‘art’, a point I shall return to below.

we see this for security-camera-style pornography, we can, by comparison, see that it applies to all pornography. Levinson's claim that pornographic media simply present the action, and then get out of the way, brings to my mind the claims of generations of marketers of sound equipment. As Lee Brown has pointed out, each new technological development brought along with it the claim that it was the ultimate in sound reproduction technology, finally getting rid of the sonic middle-man, and delivering the sound of the performance directly to your living room (2005: 212-13). Just as experienced listeners can tell a 1960s LP from a first-generation CD, experienced viewers can tell the grainy footage of a dusky lit boudoir in a 1970s pornographic film from the sharp digital images of brightly lit Southern California poolsides in 1990s pornography. (Or so various generations of my colleagues tell me their students tell them.) And these differences are relevant to the content being conveyed.

The most plausible response I can imagine Levinson giving to these examples is that although all pornography *has* a style that we might take an interest in, we are not intended to *notice or pay attention to* this style. But even if we ignore security-camera style pornography, which is not amenable to this response, this just returns us to the dilemma; the response is too strong. If we followed this argument to its logical conclusion, we would end up allowing only broadly modernist works into the fold of art. There are simply too many artworks, even *kinds* of artworks, that are not intended for Brechtian attention to their medium. I have given particular cinematic examples above. But think also of romance, crime, and science-fiction novels, the decorative arts, pop songs, and so on. Finally, note that it is hardly contentious that one central goal of the visual arts in the West for several centuries was to provide a seemingly veridical, transparent visual experience, as if the viewer were in direct perceptual contact with the world of the work. Such works seem to be attempts, at least in part, to present whatever they represent

‘vividly, and then, as it were, get out of the way’ (264). But, then, if Levinson’s argument succeeds, they should be excluded from the realm of art.

This raises a deep question for the philosophy of art: the question of what constrains legitimate modes of reception for, approaches to, or interpretations of, artworks. The points just considered suggest that the context of creation does not constrain such things as tightly as much recent contextualist work has suggested, whether that context is construed narrowly, in terms of the artist’s actual intentions, or broadly, in terms of how it would be reasonable to expect an idealized contemporary audience for the work to approach it. Consider, again, a work which was intended by its creator to provide a certain religious experience. Suppose the artist intended her use of the medium to be ignored, following the tradition in which she was working. When we pay attention to her use of the medium, are we treating her work inappropriately? Are we treating a non-artwork as if it were art? Unfortunately there is not space enough here to investigate these issues further. The assumption I work with in what follows is that such modes of reception *are* appropriate. I work with this assumption in part because I believe it is correct, in part because it is a conclusion Levinson would surely embrace (and thus does not beg any questions against him).

I now to turn to uncontentious examples of erotic art. Matthew Kieran gives the examples of Nicholson Baker’s novella *Vox*, some of Anaïs Nin’s short stories, and the erotic drawings of Rodin and Klimt. He agrees with Levinson that these are erotic artworks, but argues that they are also pornographic according to Levinson’s own criteria. In short, they are clearly aimed at sexual uses. Levinson gives a number of responses to this general argument. About *Vox*, he says that ‘it *mimics* pornography ... it is ... sexually stimulating, even arousing .... But the point is that that is not *all* it is, nor all it is *intended* to be, nor what it is *ultimately* aimed at ...’ (264). He says that

Klimt's drawings 'are not pornography, but rather art, albeit art that might be *mistaken* for pornography by inattentive viewers, or that might be *used* as pornography by viewers happy to lose sight of its artful fashioning and just enjoy the erotic upshot thereof' (265).

Levinson's basic response here seems to be that these examples are not pornography, because not intended for sexual uses. As a claim about these particular works, this strikes me as implausible, and a consideration of other examples from global art history only strengthens the case against Levinson. But even if he is correct about these particular cases, surely we can imagine some Danto-esque indiscernible counterparts of these works that *were* intended for sexual uses. The only place for Levinson to turn in the face of this argument is where the above quotations show him turning: he allows the pornographic intent of erotic art, but attempts to show that it is a subsidiary concern of the artist. There are now two ways forward. Levinson could claim that to count as pornography a representation must be solely or exclusively intended for sexual use. He suggests this criterion at times, yet it is clearly not going to do the work he wants it to. It's a bad joke that pornographers of the 1970s wanted to make their productions more artistic, but the cliché holds some truth. An account of pornography according to which pornographic intent must be the creator's *sole* aim in creating a representation will be far too narrow. The other option is to say, as Levinson does at various points, that the pornographic intent of the representation's creator must be ultimate, or central. But this option makes it difficult to exclude the possibility of pornographic art. For a central concern with arousing your audience does not preclude a substantial subsidiary concern with artful and attention-worthy use of your chosen medium, as we have already seen.

There are two last responses Levinson might give that I have not yet dealt with head-on. One is that although we have seen that a central concern with providing a religious experience,

or teaching a lesson, or creating a functional object does not preclude a substantial subsidiary concern with artful and attention-worthy use of a medium, it does not immediately follow that a central concern with *sexually arousing* one's audience is compatible with such use. Perhaps there is something special about the goal of arousal that precludes artistic use of one's chosen medium. The second (weaker) response is that even if pornographic art is possible, *good* pornographic art is not possible, or (weaker still) at least very difficult, for this reason.

It seems to me that the last, weakest response would be a concession of defeat. It's difficult to make aesthetically valuable didactic novels, religious paintings, and functional vases. But if that shows anything, it's that these are worthwhile artistic pursuits. The other responses must rely on the claim that there is something peculiar to sexual arousal in particular as an artistic goal that precludes the artful use of the medium (or successful such use). It seems implausible that having your audience's arousal as a *goal* could preclude the aesthetic use of your chosen medium unless you subscribed to some sort of naïve expression-theory of art. That is, the idea would have to be that one would get so hot and bothered during production of the work, because undergoing the arousal one was intending to elicit from one's audience, that one would be incapable of concentrating on the other task at hand. Though this might certainly happen in individual cases, it doesn't seem plausible as a universal claim. The intermediate, weaker claim is more plausible. If one succeeds in getting one's audience hot and bothered, won't they be unable to concentrate on your artful use of the medium? Perhaps, but this just returns us to the issues discussed above. Sobbing your heart out during a tragedy prevents you from paying maximal attention to the scansion of the poetry; that doesn't prevent Shakespeare from intending you to respond in both ways, or his plays from being successful at both arousing emotions and being prosodically beautiful.

#### 4. Some other possible views

It should be surprising to anyone acquainted with the literature on the definition of 'art' that Levinson, in particular, should find himself in this position. For it is a position closely akin to that in which defenders of simple functional definitions of art find themselves. What is the most obvious problem with aesthetic, or expression, or mimetic definitions of 'art'? Simply that each theory is too narrow, capturing an important, but far from complete, class of artworks. When it comes to the definition of art, Levinson is well known for his intentional-historical definition: (roughly) in order to be art something must be intended for regard in some way past artworks are or were correctly regarded (Levinson 1979, 1989, 1993, 2002). Part of the point of this definition is to take into account the lesson of the failure of simple functional definitions, to allow for a multiplicity of legitimate ways in which art can be intended to be taken. But in his work on pornography and erotic art, Levinson seems precisely to be promoting an aesthetic conception of art: in order to be art, something must be centrally intended to be regarded in one particular way, to wit, with respect to the way in which its medium conveys its content. So not only is Levinson's theory of the distinction between erotic art and pornography inadequate on its own terms, it seems to be in tension with his work explicitly devoted to the definition of 'art' (Maes 2009).<sup>17</sup>

I have been arguing against Levinson's view that no art can be pornographic. In positive terms, I have been trying to show that there can be (and that there is in fact) some pornographic art. This is the same conclusion Matthew Kieran defends. But Levinson might reasonably ask for more than this. If we reject his theory, is the result that all pornography is art? If not, how can we

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<sup>17</sup> There is a similar tension between Levinson's definitions of 'art' and 'music' (the latter given in Levinson 1990a). See Kania 2011.

distinguish the two without appealing to Levinson's criteria? I will outline three possibilities here.<sup>18</sup>

One option would be to argue that while art can be *pornographic*, there is still a distinct kind of representation, which we might call simply *pornography*, which has no artistic intention. This is the option that seems closest to Levinson's views; where he is inconsistent (e.g., with respect to whether art can be aimed at sexual arousal), this is a reasonable interpretation of the view that conflicts with his main view.<sup>19</sup>

Another option would be to argue that all pornography is art, since all pornography is intended to be regarded in ways in which existing art is or was correctly regarded.<sup>20</sup> This seems to be the result of combining what we've learned from the problems with Levinson's view of erotic art and pornography with his definition of 'art'. If some art is correctly regarded with a view to one's sexual arousal, then pornography created with just that intention seems to count as art. To really turn the screw, we might say that given the overlap between the regards intended for erotic art and pornography, Levinson is automatically committed to pornography's being art. This is *prima facie* plausible because the two intended modes of reception plainly overlap in Levinson's view: erotic art is intended to be regarded with an eye to sexual stimulation, while pornography is intended to be regarded with an eye to sexual stimulation as a prerequisite to sexual arousal and release. The intention to approach both kinds of thing with an eye to sexual stimulation provides us with the necessary overlap.

Levinson might respond that the preservation of this single intention across the two cases does not provide substantial enough overlap for pornography to count as art. But this raises the

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<sup>18</sup> This is not the place to decide this issue, since it would require a theory of art, which I don't have to hand.

<sup>19</sup> Whether such a view could be squared with Levinson's definition of art is another question, as becomes evident in the following paragraph.

<sup>20</sup> Peter Lehman (2006: 6-10) argues for this conclusion, though not by way of Levinson's definition of art. Thanks to Hans Maes for bringing this text to my attention.



question – one that has been raised in generality against Levinson’s definition – of whether the amount of overlap can be characterized in such a way that the extension of ‘art’ comes out neither too narrow nor too broad. (See the discussion of this point, and related references, in Levinson 1989 and 1993.)

A third option would be to argue that the definition of ‘art’ is a misguided enterprise. Instead, it might be argued, things are more or less artistic, and pornographic representations fall all along the spectrum, as do all sorts of other things (images, pots, buildings, texts, and so on). The security-camera pornography that I discussed above is as unartistic as just about any fictional moving image could be. Nonetheless, you might think that because of the way we are intended to pay attention to its use of its medium, it is a little artistic. If this is right, then one thing it shows is that such an aesthetic intention is far from the central mark of ‘artiness’.

## **5. Kinds of conceptual projects**

How did Levinson arrive at this uncomfortable position? The answer is pretty clearly stated at the opening of his essay. There he lists five intuitions he aims at preserving while clarifying and sharpening the distinction between erotic art and pornography. The intuitions are (i) that items in both categories are ‘concerned with sexual stimulation or arousal’, (ii) that ‘erotic’ is a ‘neutral or even approving [term, while] “pornographic” is pejorative or disapproving’, (iii) that, unlike the term ‘erotic art’, the term ‘pornographic art’ ‘seems an almost oxymoronic one’, (iv) that ‘pornography has a paramount aim, namely, the sexual satisfaction of the viewer, [whereas] erotic art ... includes other aims of significance’, and (v) that ‘our interactions with erotic art and pornography are fundamentally different in character, as reflected in the verbs’ commonly used

to describe those interactions: we ‘appreciate (or relish) erotic art, [but] consume (or use) pornography’ (259-60).

Some of these intuitions (i, iv, the first half of v) are clearly substantive issues that feature explicitly in the account Levinson goes on to give. They are presumably theoretically revisable in light of further consideration, though Levinson, of course, thinks they do not in fact need to be revised. But others (ii, iii, the second half of v) are fairly explicit attempts to preserve something like ‘common usage’: the evaluative difference between the terms ‘erotic art’ and ‘pornography’, the oxymoronic sound of the phrase ‘pornographic art’, and the use of verbs such as ‘consume’ and ‘appreciate’ in relation to pornography and erotic art, respectively.

Sally Haslanger (2000, 2006) has provided a rough taxonomy of the various kinds projects philosophers engage in when attempting something like a conceptual analysis or definition. What she calls a *conceptual* project is aimed at elucidating some particular *concept*, a shared psychological unit, primarily by attempting reflective equilibrium through largely *a priori* reflection on one’s intuitions about general claims and particular cases. A *descriptive* project, on the other hand, seeks to bring our concepts into line with the world, using more empirical methods to discover the objective phenomena our concept seems to be attempting to track. For example, when engaging in a *conceptual* project we may conclude that our concept of FISH is that of a relatively small aquatic animal with scales and fins. However, if we are engaged in a *descriptive* project, we will defer to the ways in which biologists carve up the world; as a result, we may discover that some fish do not have scales, for instance.<sup>21</sup> We might add to these a *common-usage project*, an empirical examination of what people pre-reflectively use a term to refer to. This would differ from a conceptual or descriptive project in that it would attempt to

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<sup>21</sup> One might think of these first two kinds of project as aimed at discovering nominal and real definitions, respectively, but I leave their motivations, methods, and even individuation largely unexamined.

achieve no (or as little as possible) reflective equilibrium between this concept and other factors (e.g., the coherence of our overall conceptual scheme). Such a project might reveal that FISH is a prototype concept and that people generally classify dolphins as fish.

There is a further kind of project, however, which Haslanger calls *analytical*. This is really a meta-level project, which takes a critical attitude towards the three kinds of projects limned above. An analytical project has two parts. In the first, one steps back from the concept in question and asks why we have it, what work we want it to do for us. In the second part, one generates the best concept for the job identified in the first part. When applied to the concept FISH, we may find that the biological concept is the central one, but that no harm comes from using our intuitive concept in some contexts (for instance, when in a pet shop).<sup>22</sup>

Engaging in an analytical project with respect to the concept FISH may not sound very interesting. Rather, the details of descriptivist project are likely to strike us as more interesting: What are fish, really? But there has been much interesting philosophical work on the sort of concept that FISH is – so-called natural-kind concepts – and how the reference of such concepts is determined. Such work can be fruitfully viewed as part of an analytical project, in Haslanger's terms. (If the point of the concept FISH is to contribute to our carving nature at the joints, then we ought to take biologists' pronouncements about what fish are more seriously than fishmongers'.) When we turn to more ethically or politically freighted concepts such as those of race or gender, analytical projects become even more interesting and urgent, because of arguments that such concepts (or the things they pick out) are 'socially constructed'. What this means is, roughly, that in order to explain why something or someone falls under a given concept, one must make reference to social factors, such as the way it is generally accepted that such things or persons

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<sup>22</sup> In her 2006, Haslanger suggests alternative terms for the three kinds of projects she considers: internal (for conceptual), external (for descriptive), and ameliorative (for analytical). I stick with the original terminology for simplicity.

should be treated (Haslanger 2003). This much is a descriptive project motivated by the idea that the concept in question picks out an objective, albeit perhaps social, kind of thing or person: We look at the world, including the social world, and see what criteria must be met by something in order to fall under a given concept. In many cases, the fact that a concept is socially constructed in this sense will be uninteresting. (For instance, no one will be surprised to hear that *being a friend* is in large part a matter of how one treats, and is treated by, others.) The interesting cases are those in which the social construction of the concept is not obvious, in particular, concepts that at first glance seem purely objective or natural-kind concepts, but turn out in fact to be socially constructed. Uncovering the socially constructed nature of a such a concept is what Haslanger calls a ‘debunking project’ (2003). Debunking projects may be urgent because the concept in question may be contributing to the oppression of a group of people; its apparently objective or natural status may give the illusion that that oppression is natural; and its debunking may help to end that oppression. This part is the analytical project: We ask why we have a certain conceptual scheme when others are available, how this affects us, and what we ought to do about it.

For instance, we usually think of WOMAN and MAN as biological, natural-kind concepts. But Haslanger argues that, in fact, these concepts operate for the most part as ‘thick’, socially constructed concepts. She argues (roughly) that a *woman* is someone who is perceived to be biologically female, is marked as socially subordinate as a result, and is thereby in fact subordinated (Haslanger 2000). Making this conceptual content explicit has some odd results. For instance, it may be that the Queen of England, or a biologically female person who successfully ‘passes’ as a man, is not in fact a woman. But Haslanger believes that making this

content explicit will help end the oppression of women by making us uncomfortable with many of the ways in which we treat people on the basis of their perceived biology.

Looking at it in light of Haslanger's work, I think we can see Levinson's account of the distinction between erotic art and pornography as a *descriptive* project.<sup>23</sup> He seeks not just to limn these two concepts *a priori*, but to take into account the social reality of the way in which things are divided into these two categories. People do, in fact, distinguish pornography from erotic art, and the items so distinguished are treated differently. The former term is, in fact, pejorative, the latter not.<sup>24</sup> These concepts are socially constructed in the sense outlined above. My critical discussion of this project has so far been largely 'internal' in the sense that I have not questioned the point of engaging in the descriptive project. Rather, I have criticized Levinson's theory of the distinction between pornography and erotic art on descriptive grounds. But these results naturally prompt us to engage in an *analytical* project, asking the 'external' questions of why we have the distinct concepts of erotic art and pornography, and whether those reasons are ones we should, on reflection, endorse.

## **6. The analytical project: (What) is pornography? (What) do we want it to be?<sup>25</sup>**

As I noted at the outset, though there is a small literature on its aesthetics, most philosophical discussion of pornography has been concerned with its moral and legal standing, and has recently revolved around feminist arguments. The central questions have been: (1) What is pornography? (2) How much pornography, if any, is morally bad, and why? (3) How bad is it?

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<sup>23</sup> Michael Rea (2001), by contrast, might be seen as having arrived at his definition of 'pornography' via a conceptual project.

<sup>24</sup> Of course, not *everyone* distinguishes pornography from erotic art, or uses the former term disapprovingly. But I think these are reasonable generalizations about, say, turn-of-the-millennium U.S. attitudes. In any case, I grant this to Levinson for the sake of argument. Some of the dissenting voices are discussed in the next section.

<sup>25</sup> I have adapted this heading from the title of Haslanger 2000.

and, consequently, (4) How ought it to be regulated, if at all? I will ignore the final, policy question, focusing on the moral issues instead. But it is worth saying something about feminist answers to the first question, since they have traditionally been very different from those offered by metaphysicians and aestheticians. Many feminists have defined pornography in terms of what might be called its moral content: Pornography is representations that are, or contribute to, or reinforce, the subordination or oppression of women. (See, for example, the essays in part one of Dwyer 1995.) Most of these theorists have been well aware that there can be sexually arousing representations that do not contribute to the oppression of women – Levinson’s reason for rejecting such definitions – but they define ‘pornography’ stipulatively, reserving a term such as ‘erotica’ for non-oppressive materials (e.g., Steinem 1978, MacKinnon 1987, Brison 2007). Many critics argue this is an unhelpful starting point, since these feminists essentially acknowledge (albeit largely implicitly) that there can be pornography, in the ordinary (i.e. common-usage) sense of the term that is morally acceptable. But if we reconceive what these feminists are doing in analytical terms, it is easier to understand why they offer this stipulative definition. They might argue that the point of a concept of pornography (for theorists, at least) is, or should be, to combat the oppression of women (and perhaps other groups, such as people with sexualities different from the heterosexuality dominant in our culture).

Nonetheless, there has recently been a move to use the terms ‘inegalitarian pornography’ and ‘egalitarian pornography’ to name these two classes of material. This is, in part, ‘just’ a verbal issue, but the motivation seems to be the pragmatic political one of ridding feminism, particular anti-pornography feminism, of its public image (at least in the US) as censorious and anti-sex (Eaton 2007: 674-7). It can thus also be seen as part of a different answer to the

questions raised by an analytical project about ‘pornography’.<sup>26</sup> I support this recent trend, but I emphasize that it is more a break with earlier feminist rhetoric about, rather than attitudes towards, pornography.

How is inegalitarian pornography supposed to contribute to the subordination of women? In short, by eroticizing it. How exactly eroticization contributes to subordination is a complex matter, which I will not address.<sup>27</sup> But there is a prior question which has interesting consequences for the issues I have been discussing, namely: How does inegalitarian pornography eroticize women’s subordination? There is, again, much to be said here, but one relevant point is that it is not just a matter of a certain kind of content. Even acts that seem the best candidates for anti-feminist content, such as rape, can be represented in uncontentiously feminist art. How so? A work as a whole can convey an *attitude towards* its representational content, in virtue of the way in which that content is represented, and the context in which the work is presented.<sup>28</sup> What is morally reprehensible about inegalitarian pornography, then, is not its sexually explicit content, but the attitude expressed towards that content (see, for example, Steinem 1978; Gracyk 1987; Eaton 2007: 676). This is what allows for the possibility of *egalitarian* pornography – representations aimed at the sexual arousal of their recipients that do *not* eroticize the subordination of women. In fact, Eaton has suggested that in light of the problems, both ethical and pragmatic, with state regulation of pornography, promoting egalitarian pornography may be one promising route for ‘sensible antiporn feminists’ to pursue (Eaton 2008: 9-10).

Looking at Levinson’s account of the distinction between pornography and erotic art in light of these ideas presents a new kind of problem for his account. If what distinguishes

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<sup>26</sup> Jennifer Saul (2006b) gives an analogous argument against Haslanger’s proposed analyses of gender and race concepts.

<sup>27</sup> See Eaton 2007 for an excellent introduction to this topic, and also the references therein.

<sup>28</sup> How it does this is another complex topic I must pass over, but see Gracyk 1987 and David Davies, this volume.

egalitarian from inegalitarian pornography is in part the attitude it takes towards its representational content, and that attitude is or can be expressed in part by the way in which the content is conveyed, then producers of egalitarian pornography must intend recipients to take notice of that way, and recipients must do so. Looked at in one way, this is just another internal objection to Levinson's account, further evidence that people do approach pornography in a way he labels 'artistic', and in fact *must* do so if they are to experience it appropriately. But looked at another way, from the point of view of an analytical project, it constitutes a different objection. If we want to use the concept of pornography for feminist purposes, and if Eaton *et al.* are correct, then Levinson's account of the distinction between pornography and erotic art cannot stand, since it does not allow for the possibility of egalitarian pornography. Levinson might respond that this argument mistakes a largely verbal dispute for a substantive philosophical one. After all, most feminist theorists have used the term 'pornography' in a similar sense, a sense in which 'egalitarian pornography' would be an oxymoron. But it is important to note that this consequence arises for the two theories for very different reasons. This becomes clear when we turn our attention from 'pornography' to 'erotic art'.

As Levinson points out, the former term is commonly used pejoratively, while the latter is neutral, perhaps even commendatory. But some of what we commonly label 'erotic art', what Kieran and I, among others, would call 'pornographic art', can eroticize the subordination of women just as easily as what is commonly called pornography. This is a commonplace in art history (e.g., Berger 1972, Duncan 1977, Nead 1992).<sup>29</sup> In discussions of the morality of pornography, however, erotic or pornographic art is commonly overlooked, the focus being on what is *commonly called* pornography – primarily mass-market photographic images, both still

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<sup>29</sup> For an excellent summary of the history of this discourse, and a reformulation and defense of the central claim, see Anne Eaton, this volume.



and moving. This is a mistake since, if it continues, a significant source of subordinating material may go unnoticed. To the extent that Levinson's account encourages or maintains the overlooking of this kind of representation, it can be criticized from an analytical point of view, as conflating common-usage and descriptive projects.<sup>30</sup> It seems plausible that the reason Levinson's account fails, in descriptive terms, is that hidden ideologies are shaping the way we commonly divide representations into pornography and erotic art.

It is noteworthy that many feminist discussions of pornography can be criticized on the same score. In part, feminists have focused on what is commonly called pornography because it forms a massive socio-economic system, compared to which the contributions of erotic or pornographic art to the oppression of women can seem insignificant. But one should not forget that the honorific nature of the term 'art' is closely connected to a history of gender- and class-based injustice. It is difficult to explain the line between 'art' and 'craft', for instance, without making reference to the fact that crafts are what women and working-class people have traditionally produced (Berger 1972; Mattick 1993; Korsmeyer 2008: part 1).<sup>31</sup> One upshot of this nexus of ideologies is that the cultural status of a particular image – a high-art nude, for instance – may contribute to the oppression of women in a far more powerful way than a representationally similar mass-produced item – a single photograph in a pornographic magazine, say (Eaton, this volume). The hidden nature of such ideology means that the contribution pornographic high art makes to the oppression of women might yet be significant, compared to that of mass-market pornography, and even more difficult to see.<sup>32</sup>

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<sup>30</sup> Of course, this is not to say that *Levinson* encourages such overlooking. Compare what I say about feminist theorists below.

<sup>31</sup> I do not mean to suggest that this is anything like a complete theory of the distinction between art and craft; on the other hand, I doubt any such theory would be complete without some reference to these factors.

<sup>32</sup> For helpful discussion of the issues in this essay, I thank Anne Eaton, Jerrold Levinson, Hans Maes, Christy Mag Uidhir, Alex Neill, and Aaron Smuts. For the opportunity to have some of those discussions, I thank the organizers

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