The Imaginary Domain
Abortion, Pornography & Sexual Harassment

Drucilla Cornell

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Pornography's Temptation

The pornography debate portrays its contestants within sex and gender stereotypes, its contending figures drawn in the broad outlines of a Harlequin romance. Rapacious men with libidos of mythological proportions heartlessly brutalize innocent women as the hopeless victims of their lust, while the anti-pornography feminist poses herself as the sacrificial victim, the barrier to a tide of male sexuality that threatens violence. Bold freedom fighters ride out, drawing their lances against the oppressive feminists, the purported enemy of these brave warriors.

Meanwhile, there thrives an eight to thirteen billion dollar a year industry, churning out hundreds of low-budget videos every month.¹ If pornography was once a powerful political tool, produced in secret places by revolutionary groups, it is now also big business.²

How can a feminist approach to pornography that challenges rather
than replicates gender stereotypes be developed? How can we both recognize the nitty-gritty reality of the industry and the suffering it can impose upon its workers at the same time that we affirm the need for women to freely explore their own sexuality? The first step in answering these questions is to insist on an important distinction. Feminists need to separate political action from legal action in the sphere of pornography. I advocate an alliance with two forms of representational politics currently being undertaken by women pornographers and porn workers that are challenging the terms of production in the mainstream heterosexual porn industry. Political action, not legal action, should be the main mode of intervention in the production of pornography. In accordance with this distinction between the political and the legal, a second distinction must be made, one which can help us clarify what kind of legal action should be taken—and at what point it should be taken—in the arena of pornography.

We need to separate legal action to be taken in the production of pornography from action addressed specifically to the distribution of pornography. I insist on these distinctions primarily to serve the feminist purpose of treating women, including porn workers, as selves individuated enough to have undertaken the project of becoming persons. To treat women in the industry as reducible to hapless victims unworthy of solidarity refuses them that basic respect.

The alternative to such solidarity has been an attempt to correct for the abuse in the production of pornography through indirect, primarily legal means that focus on curtailing the distribution of pornography. This approach treats the women in the industry as if they were incapable of asserting their own personhood and, in this way, assumes that others need to act on their behalf. The wealthy woman as moral rescuer has a long history in both the United States and England. The prostitute, in particular, has always been a favorite candidate for rescue. By remaining "other," the epitome of victimization, she stands in for the degradation of all women. Her life is then reduced to that figuration of her. Now, porn workers have become the ultimate figuration of the victim who needs to be rescued. But this is certainly not how most porn workers see themselves.
Indeed, women in the industry are "acting up." Ona Zee, porn star, producer and director, fought in 1990 and 1991 to unionize the mainstream heterosexual pornography industry. Her vigilance led her to be named the "Norma Rae" of the porn industry and, for some time, she was blackballed for her efforts. Yet, in spite of Ona Zee's difficulties in unionizing the industry, she remains convinced that unionization and self-representation must remain at the heart of the political program to change working conditions in the production of pornography. Unionization and self-determination both represent and respect the workers' own sense of their worth as persons.

Ona Zee's efforts are also not the only form of political action that has taken place in and around the pornography industry. Two of the women initially involved in the National Organization of Women Against Violence Against Women broke away from that organization over the issue of how to grapple with the reality of the industry and still affirm the exploration of new forms of sexually explicit material.

Those feminists who have primarily directed their work toward experimenting with new expressions of the feminine "sex" are engaging in a different kind of "representational politics" than the union efforts of Ona Zee. This is a phrase that accurately describes the effort in these materials to unleash the feminine imaginary into new representational forms that challenge the stereotypes of femininity governing the presentation of the female "sex" in the mainstream heterosexual porn industry.

The sets used in the production of these explicitly "fem" videos already incorporate some of the most basic demands of the movement for self-organization. Candida Royalle, for example, insists that condoms be mandatory for all sex acts performed on her sets. Here we have an example of how the formation of two kinds of representational politics has had a major impact on the industry's production of pornography. If academics have difficulty defining pornography, mainstream industry producers have had no such problem. If there is a "cumshot," then it's pornography. Thus, the simple demand for a condom will be seen as a threat to free expression in the production of pornography.

Clearly, mainstream industry pornographers will feel infringed
upon if all-condom sets are the norm. Compared with the risk of
death imposed upon the workers, however, this infringement seems
slight. Yet, from the point of view of industry pornographers, it is an
infringement. Thus, as I pointed out in the Introduction, we urgent-
ly need a new understanding of how we can both operate in the spir-
it of sexual freedom when it comes to the legal regulation of
sexuality and, at the same time, appeal to some standard by which we
can evaluate competing infringements. I have named that new stan-
dard or guideline “the degradation prohibition.”

The degradation prohibition is specifically tailored for legal regulation. But my
defense of an alliance with the representational political action of
women pornographers is inseparable from an understanding of the
person that can justify the prohibition.

Second, my affirmation of the representational politics of “femme”
pornographers such as Candida Royalle also expresses the emphasis
in my own feminism on unleashing the feminine imaginary, rather
than on constraining men. I place myself on the side of those femi-
nists who have stressed the importance of expanding the horizons of
feminine sexuality.

The split between feminists who have insisted on sexual exploration
and the redefinition of sex itself, and those feminists who have sought
to protect women from the imagined brutality of male sexuality, has
recurred frequently in Anglo-American history. The social move-
ments to close brothels and shut bars, which stand in sharp con-
trast to Victoria Woodhall’s zealous writings on the transformation of
our heterosexual congress on behalf of a feminist revolution for
women, exemplify this split. Emma Goldman made it clear that
she wanted no part of a revolution which foreclosed the explorations
of her sexuality and forbade her “to dance” differently. Our gener-
ation, then, is certainly not unique in this split. Although the pre-
vious movements always had at their base some kind of appeal to
state and organizational authority, the present situation is unusual
in its explicit focus on the role of law. Perhaps we should not be sur-
prised that this focus occurs within our generation, because it is only
within our generation that so many women have entered law schools
and have graduated to become lawyers, judges, and law professors.
By now, it should be clear that I do not believe law is our only mode of intervention into the field of significance laid out by pornography, particularly in the production of pornography.

My emphasis on the imaginary domain as crucial to the thriving of feminism demands a different analytical approach, not only to law, but to the problems of sexuality and representation inherent in pornography. The call for a new feminist approach to pornography, and for an analysis of what law can and cannot achieve in its intervention into the pornographic world is inspired by the recognition of this need. As I have already argued, I believe that feminism must struggle to clear the space for, rather than create new barriers to, women’s exploration of their sexuality.

I am suspicious of overreliance on law in the regulation of pornography for two specifically feminist reasons. The first is that we must not entrench stereotypes of femininity as the basis of discrimination law. We do not, in other words, want law to endorse the culturally encoded femininity that, in the work of Catharine MacKinnon, reduces woman to the “fuckee,” or the victim, and demands her protection as such. Thus, I reject MacKinnon and Andrea Dworkin’s civil rights ordinance as an appropriate legal means to regulate pornography.¹³

Second, law is, at least in part, a force for accommodation to current social norms, even if it also provides us with a critical edge in its normative concepts such as equality. But feminism expresses an aspiration to struggle beyond accommodation, beyond those symbolic forms that have been deeply inscribed in and by the structures of gender. Feminism, particularly in the complex area of sexuality, demands that we live with the paradox that we are trying to break the bonds of the meanings that have made us who we are as women.

Nevertheless, there should be some legal regulation of pornography. It sentimentalizes pornography to forget that it is anywhere from an eight to thirteen billion dollar industry and that in the mainstream of heterosexual pornography some women are both used and violated for profit on a daily basis. The cynicism of a First Amendment organization sponsored and promoted by the pornography industry is only too evident. In their more honest moments
they readily admit that what is at stake for them in the pornography debate is their profitability and not the value of freedom. Whatever the pornographers’ intention, however, the First Amendment and the value of free expression is unavoidably implicated in the debate. The protection of the imaginary domain as one of the minimum conditions of individuation can be understood as crucial to the constitutional guarantee of free expression protected by the First Amendment. Indeed, the idea of the imaginary domain can help us think more fruitfully about the relationship between freedom of expression and the establishment of minimum conditions necessary for the right to speech without undermining in any fundamental way free and rowdy debate.

My argument will proceed as follows. First, I will offer my own definition of pornography in the spirit of the degradation prohibition. Next, I will try to recast the debate over whether or not pornography is speech by analyzing exactly what the scene is that pornography signifies. I will argue that mainstream heterosexual pornography does not communicate an idea as much as it graphically portrays an unconscious scene of rigid gender identities played out in explicit sex acts. I will conclude that it is not politically desirable to argue that pornography is not speech. We need to explore the temptation of pornography; exactly how and what it communicates. Thus, my disagreement with the argument that pornography has direct behavioral implications is inseparable from my overall wariness of too great a reliance on the law to intervene in this field. It also informs my analysis of why pornography is speech. I will argue against Catharine MacKinnon’s notion that pornography can simply be reduced to a trigger for sexuality, understood in a mechanistic fashion. MacKinnon’s hope that law can and should function as a form of re-conditioning and re-education implies a kind of behavioristic analysis of the structures of desire. If pornography is not removed from the arena of speech altogether, does that mean that it is only representation, only fantasy; that it has no “real content?” The answer lies in viewing the real content of pornography via its power to lure us into a scene which clearly pervades some of our deepest unconscious fantasies about gender.
In accordance with my argument that pornography is speech, I will argue that one could reconstruct MacKinnon’s charge that pornography is per se discrimination to mean that it is a coercive speech act. Because MacKinnon does not ultimately address pornography as speech, she herself does not explicitly make this argument. But this is the most powerful defense of her position, and before rejecting her claim, we should give her argument its best possible interpretation. Some of the provisions of the Dworkin/MacKinnon ordinance, however, are not based on her advocacy that pornography is a two-dimensional sex act nor, under my interpretation of her position, that pornography is per se discrimination as a coercive speech act. This is because in its production, pornography occasionally involves coercion and violence against women.

Additionally, according to MacKinnon, pornography causes direct violence against women outside the industry by provoking men to rape. As we will see, I question the appropriateness of the causal model which traces rape as the direct effect of pornography. Thus, I do not simply reject MacKinnon’s causal analysis because social-scientific studies are inconclusive as to the relationship between pornography and rape. I question the very use of the cause-and-effect model. It is difficult to use such a model in the complex, symbolically ridden world of sexuality. The model, however, is crucial for the structure of the Dworkin/MacKinnon ordinance.

According to MacKinnon’s consequentialist argument, it is what pornography causes men to do that requires its regulation. It is only once the harms have happened to actual women in actual porn movies in actual settings that these women possess a claim under her proposed ordinance. It is only once a woman has been harassed on the street purportedly because of pornography and can show the connection that she can register her protest legally. As MacKinnon herself continuously reminds us, the ordinance is not censorship, at least in the traditional sense of prior restraint. It is only once abuses have actually occurred that women either inside or outside the industry can sue. But ultimately MacKinnon’s rhetoric is broader. For MacKinnon pornography will inevitably harm women. Her assault on pornography demands that we accept her designation of
pornography as per se discrimination. Only if, however, pornography were a coercive speech act, would we want to argue that equality rights demand that we legally designate such behavior as discrimination. This is exactly how we analyze cases of sexual harassment which involve the enforced viewing of pornography in the workplace. We allow women to argue that they have been harassed by pornography in the workplace, and we allow the prohibition of pornography from being displayed in a workplace because of its discriminatory nature. In conclusion, however, I will reject MacKinnon's position that pornography is per se discrimination even as I reconstruct her argument that pornography is a coercive speech act. My rejection of the argument that pornography is, in and of itself, a coercive speech act should not be collapsed into a position that would simply deny any harm to women issuing from pornography; I am thinking specifically of those in the porn industry and, more broadly, of those of us struggling against rigid gender identifications.

I continue to uphold the validity and importance of providing a civil rights action encoded in feminist language that would recognize the rights of women who have been harmed in the porn industry to have their status as legal persons recognized and to present their case in terms of my formulation of the right to equal protection of minimum conditions of individuation. This would protect these women from being conflated with their role in the films in which they make a living. This also means that I would allow someone like Linda Lovelace, if she could show that she was indeed raped in the production of a pornography film, to enjoin its circulation. A raped woman must have the right to re-imagine herself beyond the trauma of rape if she is to recover herself at all. The alleged wrong committed against Linda Lovelace is consistent with my own understanding of the body as involving a phantasmatic projection of oneself into the future. A woman raped on a pornography set and forced to have that image of herself projected beyond her control, is denied an imaginary domain in which she might re-narrate and come to terms with who she is and who she struggles to become. But such a statute must be understood as an ally in the struggle for unionization and self-determination and not as an ultimate end in itself.
A pornography statute could only address as individual wrongs those things that have been imposed on a woman who has actually suffered harm. I am not saying that my defense of such a statute is based on instrumental grounds rather than on principle; the alliance with self-organization is a key link to the principle. I defend such a statute on the basis of minimum conditions of individuation. But my argument is that since the main tenet of law rests in its redressing individual harm, we need to put it in its place in accordance with my argument that the heart of a reform program for the pornography industry must come from the workers themselves. Thus, although I defend a civil rights statute as it protects minimum conditions of individuation, I am also arguing that we should not lose our focus on the heart of the matter—which is the self-organization of porn workers—by averting attention only to the legal sphere. This is the only form of direct, legal regulation that I advocate for the production of pornography.

And what about the regulation of the distribution of pornography? We should use zoning to prevent enforced viewing of pornography. But let me be clear about the kind of zoning I advocate. I would limit zoning to display regulation, i.e., the outward appearance of video stores and what is displayed in their windows. I do not, however, premise my defense of zoning on the concept of public decency. Instead, it is the possible encroachment upon a woman’s imaginary that justifies the zoning. No woman should be forced to view her own body as it is fantasized as a dismembered, castrated other, found in bits and pieces. She should also not be forced to see her “sex” as it is stereotypically presented in hardcore porn through explicit depiction of sex acts. In hardcore porn, the woman is only there as her “sex.” She should not, in other words, be forced to see her “self,” her “sexed self” since a woman’s self is always sexed, as reducible to an object, and thus as inherently unworthy of personhood. The kind of imagery I am describing clearly violates the degradation prohibition if one is forced to confront it. Of course, not all women find exposure to these images an encroachment on their imaginary domain, or more precisely, on their ability to construct such a domain in the first place. For some women, exploration of hard-core pornography
is crucial to their sexual imaginary. My argument is only that no one should be an enforced viewer to the degree that these images do infringe on some women's imaginary domain.

MacKinnon argues that "pornography does not leap off the shelf and assault women. Women could, in theory, walk safely pass whole warehouses full of it, quietly resting in its jackets." It is what it takes to make pornography and what happens because of its uses that causes the harm to women. As I have already suggested, MacKinnon must rely on a controversial view of the causal relationship between male violence and pornography to make this argument. Unlike MacKinnon, I justify zoning not on the basis of what pornography does to its male viewers, but because of the wrong it can impose on women in its enforced viewing. Feminism must not focus solely on what men have done to women. Rather, feminism must continuously seek ways in which women can unleash their own imaginary from the constraints that have been imposed upon them through rigid definitions of femininity. The purpose of zoning is precisely to keep pornography safely resting in its jackets, out of the view of those who seek to inhabit or construct an imaginary domain independent of the one it offers. If we are to value the proliferation of imaginaries, we must protect the psychic space for their creation and expression. The symbolic encoding of one imaginary correlated with the heterosexual masculine imaginary as the "truth" of sex is what has turned the question of pornography into a public inquiry. We must analyze the validity of MacKinnon's argument that the state is implicated if it allows the pervasiveness and the imposition of one imaginary on others to go unquestioned. There are many other imaginaries and it is the very best of liberalism that would insist that they flourish. It is this conflation of the sexual and political imaginary as the "truth" of sex that can be legally challenged through zoning. MacKinnon argues that this conflation has been completed as truth, which is why other imaginaries, including that of the feminine, have been foreclosed. I profoundly disagree with her identification of the feminine within sexual difference with the femininity of the woman's "sex" as it is portrayed in mainstream heterosexual pornography. Thus, I disagree with MacKinnon that the feminine
imaginary has already been foreclosed.

The justification that a forced viewing of pornography can be an encroachment on psychic space and on bodily integrity also turns us back to my conception that law can protect the imaginary domain. Bodily integrity itself has an imaginary dimension, and protection of bodily integrity necessarily involves the protection of that dimension. Thus, if a woman’s imaginary is encroached upon by a forced viewing of pornography, and if this viewing assaults and invades her psychic space, it can violate the imaginary dimension of her projection as one whose bodily integrity is protected equally in society. The force behind my justification for zoning, which centers on this analysis of the importance of protecting an imaginary domain for feminism, is that it has implications for what can be accomplished in re-imagining and re-configuring widely divergent feminist scenes—scenes different from the pornographic one in which the subject of phallic agency confronts the castrated other reduced to a bleeding hole.

MacKinnon has argued that “social supremacy is made inside and between people, through making meanings. To unmake it, these meanings and their technologies have to be unmade.”25 My disagreement is with her idea that law can or should unmake these meanings by further entrenching the identity structures associated with femininity.26 It is only in and through ourselves, as we begin the long process of becoming “for ourselves” by affirming the feminine within sexual difference, that we can unmake these meanings and re-imagine the world. But this process of unleashing the imaginary, particularly the feminine imaginary, is itself open-ended. And we must insist on its open-endedness if we are to respect ethically the other woman who brings to bear her own elaborations of her sexual difference upon the sphere of struggle and contest between and among women. We can engage with one another so as to let the battle be raged within the parameters of respect. And it is precisely this engagement that allows us to elaborate a field of significance for sexual difference that we can now only dream about.

A crucial aspect of the struggle to “find the words to say it”27 should be carried out by women artists, although it is certainly not only artists who engage in this process of re-representation and re-sym-
bolization. We want to confirm that we take seriously the struggle to find new words as crucial to feminism. Yet we also want to refrain from imposing other constraints in the very name of trying to give women the right to speak. Paradoxically, a feminist program of legal reform must be aware of the limit imposed upon such reforms by the unlimitedness of feminist aspirations to search out a world beyond accommodation to current forms of gender confinement.

Pornography Redefined

I define pornography as the explicit presentation and depiction of sexual organs and sexual acts with the aim of arousing sexual feeling through either (a) the portrayal of violence and coercion against women as the basis of heterosexual desire or (b) the graphic description of woman's body as dismembered by her being reduced to her sex and stripped completely of her personhood as she is portrayed in involvement in explicit sex acts. I am only too well aware that this definition, indeed any definition of pornography, is not content neutral. Indeed, in order to designate which material is pornographic and which isn't, we are forced to be as explicit as possible about what content constitutes pornography. But my definition is consistent with my defense of the need for the degradation prohibition and, thus, the idea of freedom within the law that I defend throughout this book.

The first half of my definition addresses what is called "aggressive pornography." The second half addresses the way in which having sex in pornography, at least in one scene presented by mainstream heterosexual porn, is based on a view of "sex" antithetical to the view of the woman as worthy of personhood. "Explicit presentation and depiction" should be read to exclude the "indirect" expression and representation of written pornography. Thus, unlike MacKinnon, I would exclude written pornography from any definition. My definition is also limited to mainstream heterosexual pornography. I purposely exclude gay and lesbian pornography from this definition. In the ordinance advocated by MacKinnon and Dworkin, gay men and
transsexuals can sue if they are positioned as women for the purposes of the harms imposed by pornography. Although the ordinance is written in the language of subordination of women, MacKinnon and Dworkin hold out the possibility that gay men and transsexuals as they are portrayed as “fuckees” may be positioned as women for purposes of showing harm under the ordinance. But lesbians, gay men, bisexuals, and transsexuals have contested the idea that their sexuality, including as it is represented in their own porn and erotica, can be reduced to heterosexual definitions and fantasies of homosexuality. I am not arguing that these persons should not have civil rights if they are abused on a porn set. I am arguing that those civil rights statutes should be articulated within a program of full lesbian, gay, bi-sexual, and transsexual citizenship, and not within a legal program that reduces them to stereotypes of heterosexual women. We must take seriously the way in which heterosexuality has made us view homosexuality through a predetermined lens. It is this lens which should be challenged. We do not want to reinforce a specific viewpoint of lesbian, gay, bi-sexual, and transsexual sexuality by advocating an ordinance which would analyze the pornographic harms committed against them in a way which would assume they were always reducible to the position of “fuckee.” This does not mean that I would reject that a gay man could ever defend his civil rights from within an argument that he was “positioned as a woman for purposes of a porn film.” He might choose to do so, but then he would be choosing to sue under the provision allotted him under a heterosexual civil rights statute. This should not be his only choice, imposed upon him because of a predetermined view of his sexuality. It is also reductionist to address lesbian, gay, bi-sexual, and transsexual porn workers as if they were reducible to the position of “fuckees” for the purposes of this ordinance, unless they choose to make the argument that they are so. Other possibilities for the assertion of their own civil rights could be elaborated from within an understanding of the unique status of lesbian, gay, bi-sexual, and transsexual sexuality.

Since my definition attempts to reconfirm what is legitimate in MacKinnon’s move from an offense to a harm focus, it addresses the multi-billion dollar heterosexual porn industry. MacKinnon’s argument
is that pornography is wrong not because of what it says but what it does. What does it do? It violates women in its production by using them as “fuckees.” It also causes violence against women, according to MacKinnon, by provoking men to rape. Both of those causes of harm to women implicate the mainstream heterosexual porn industry. Under MacKinnon’s own terms, the harm to women would only make sense within the context of heterosexuality. In fact, MacKinnon is always returning us to the heterosexual scene when she speaks of what pornography does to the penis. If the penis is being aroused by pictures of women being degraded, and the fear is that men will act on that incitement, then those men are clearly portrayed as heterosexual. As MacKinnon herself states:

The message of these materials, and there is one, as there is to all conscious activity, is "get her," pointing at all women, to the perpetrators' benefit of ten billion dollars a year and counting. This message is addressed directly to the penis, delivered through an erection, and taken out on women in the real world.30

Since MacKinnon’s argument is that it is the sado-masochism which is practiced on the bodies of actual women in porn and which then influences men to enact it in their lives that is the basis for the harm to women, it is inconsistent with her own understanding of the harm principle to extend it outside the scene of mainstream heterosexual pornography.

MacKinnon’s writes that lesbian pornography31 and erotica is only an imitation, and a poor one at that, of heterosexual pornography. MacKinnon ignores the complexity of the elaborations and articulations made by lesbians about their own understanding of their relationship to the pornography that has been generated from within the lesbian community.32 Indeed, much lesbian pornography is produced independent of the pornography industry and under vastly different conditions. MacKinnon’s conclusion that all pornography is reducible to the heterosexual scene, and that it is produced for, and as an expression of, the straight, white, masculine consumer, summarily dismisses the voices and experiences within this community.

For the purposes of the legal definition that MacKinnon proposes, she should at least be true to her own argument about the harm to
women in that "reality." MacKinnon argues: "On the basis of its reality, Andrea Dworkin and I have proposed a law against pornography that defines it as graphic sexually explicit materials that subordinate women through pictures or words." I have already rejected her addition of "words" from my own definition of pornography. Under her own harm principle, she should also limit her ordinance explicitly to the mainstream heterosexual pornography industry.

My third corrective to MacKinnon is that her definition of pornography is dangerously over-broad. In the original ordinance, the words that are used are "the sexually explicit subordination of women graphically depicted." What follows are the ordinance's attempts to list what could be inclusive of the words "subordination of women graphically depicted":

(i) women are presented dehumanized as sexual objects, things, or commodities; or (ii) women are presented as sexual objects who enjoy pain or humiliation; or (iii) women are presented as sexual objects who experience sexual pleasure in being raped; or (iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or (v) women are presented in postures or positions of sexual submission, servility, or display; or (vi) women's body parts—including but not limited to, vaginas, breasts, or buttocks—are exhibited such that women are reduced to those parts; or (vii) women are presented as whores by nature; or (viii) women are presented being penetrated by objects or animals; or (ix) women are presented in scenarios of degradation, injury, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual.

I list all nine because of the explicit attempt to exemplify what the words "explicit subordination of women graphically depicted" would mean for purposes of the law. In 1992, I was asked to work with a director in a play called "Strip Tease." The play was written by Robin Moran-Miller, a feminist playwright, with the purpose of critically engaging with the reality of strip tease dancing in New York City. One goal of the play was to demonstrate the way in which strip tease operates through a complex structure of masculine fantasies that reduce women to those fantasies. I was asked: how explicit
should the strip tease dancers be? We discussed, for instance, how much nudity would be allowed. There was a decision to limit the nudity to one or two scenes in which breasts were revealed and nothing more. Even so, part of the critique of the play was to show that strip tease dancing involves women presented as sexual commodities and as sexual objects who enjoy pain or humiliation. The graphic depiction, meaning the direct, dramatic representation, involved demonstrating all the subtleties of strip tease. The play involved the dramatization of how each of the five women featured remained more in their characterizations of themselves than strip tease dancers—the objects of male fantasy.

Yet, the words "explicit subordination of women graphically depicted" are too vague to ensure that this play would not fall under the Dworkin/Mackinnon ordinance, particularly since "actual stripping" became part of the drama. Both MacKinnon and Dworkin recognize the problem of overbreadth and attempt to defend against the danger that a play such as "Strip Tease" will fall under the ordinance:

Under the Ordinance, pornography is what pornography does. What it does is subordinate women, usually through sexually explicit pictures and words. Of all pictures and words, only sexually explicit pictures and words enter into sexual experience to become part of sexual reality on the deep and formative level where rapes are subliminally fantasized, planned, and executed; where violence is made into a form of sex; where women are reduced to subhuman dimension to the point where they cannot be perceived as fully human. But not all sexually explicit pictures and words do this in the same way. For this reason, the Ordinance restricts its definition only to those sexually explicit pictures and words that actually can be proven to subordinate women in their making or use. Too many materials show women being subordinated, sometimes violently, including much mainstream media and feminist critique of violence against all women. Some of this is sexually explicit, some is not. Not even all sexually explicit material that shows women being subordinated is itself a vehicle for the subordination of women. Some of it, like the transcript of the Minneapolis hearings on pornography, expressly counters that subordination.
MacKinnon and Dworkin then proceed to define subordination as follows:

Subordination is an active practice of placing someone in an unequal position or in a position of loss of power. To be subordinate is the opposite of being an equal. Prisoner/guard, teacher/student, boss/worker define subordinate relations. \(^37\)

The problem with the use of subordination in a statute like this is that it is difficult to tell whose viewpoint is going to be used to determine whether those characters involved in a play like “Strip Tease” are being portrayed or presented as unequal. The problem is in the word “present” connected with “subordination.” “Strip Tease,” depending on the interpretation of “explicit subordination through sexually graphic material,” could fall under the ordinance if “presentation” was read to mean that the presentation of their objectification could be regarded as inseparable from their “presentation as subordination.” I can tell you that it was the intent of the playwright to demonstrate this objectification critically. But as with all forms of art, the intent of the playwright and what is actualized on stage cannot be separated from one another in the course of a complicated structure of presentation. Drama is a particularly complicated structure of presentation because it involves a number of other important participants aside from the playwright; these include directors, producers, and the actresses and actors themselves. Those of us involved in the production took seriously the problem that the presentation of women as strip tease dancers would itself trigger fantasies in the audience that we were trying to critique. There are, of course, all sorts of theatrical techniques that can help create that distance. But even the best techniques cannot “control” audience perspective.

I was asked to give a talk at the end of opening night and address the audience in terms of how they understood the play and how they now felt about strip tease dancing. One gentleman in the audience mentioned that he had seen the poster and had “gotten hot” seeing attractive women with great bodies engage in stripping. He mentioned that he had come to see the play because he had seen the “sexy poster” displayed in a local restaurant. The playwright, the director, the actors and actresses, and I were disturbed by his response. What if
that man, when he left the theater, engaged in harassing behavior because he interpreted “Strip Tease” as presenting women in a subordinate position and enjoying it? Should the women he harasses be able to sue under the ordinance? The language of the ordinance, particularly the use of the word “subordination” in conjunction with the word “presentation,” and the vagueness of the phrase, creates a serious difficulty concerning how art is perceived. This one gentleman saw the play as a turn-on, in spite of the best efforts of all those involved in the play to present a complex picture of the women who spend their lives as strip tease dancers and of the practice of strip tease itself.

Yet the very richness and complexity of the portrayal operates against any simple reading of this play as being about or not about the presentation of the subordination of women. Thus, one aspect of my redefinition is the correction of the dilemma of overbreadth which inheres in the conjunction of the words “subordination,” “presentation,” and “graphically explicit”. In order to clarify the phrase “graphically explicit” and to give more specific content to the meaning of “subordination” in images and representations, I have added “the explicit depiction of sexual organs and sexual acts.”

The problem with assessing the harm to women, or of giving meaning to the word “subordination” because of how it has prodded men to behave, is that women artists ironically become responsible for male behavior—behavior that they set out to critique. This is a form of internalizing the cost that can be particularly damaging under MacKinnon’s analysis. How can any woman artist be expected to control the unconscious fantasies of men that lead them to project onto a play like “Strip Tease” a profoundly biased misreading of the play?

**Changing the Scene of Pornography**

MacKinnon does not take seriously enough the charge that her ordi-

nance hinders feminist artists in their attempts to unleash the femi-
nine imaginary. Floyd Abrams makes a similar charge in his debate
with MacKinnon featured in the New York Times Magazine. Abrams does not speak to the specific problem of feminist artists, but he does question MacKinnon as to whether her ordinance would subject certain artistic material to an unbearable scrutiny vis-à-vis its effect on readers and viewers. In answer to questions raised by Abrams about the work of James Joyce and D. H. Lawrence, MacKinnon tries to show that those works would not fall under her ordinance. She makes the following argument:

Number one, those materials are not sexually explicit. The court was told exactly what sexually explicit means in law and in ordinary use and it should have known better. Number two, these materials have never yet been shown in any study to have produced any of the effects that pornography produces, so no one could prove that women are subordinated as a result of them.

“Strip Tease,” however, exemplifies the possibility that her ordinance can be used against feminist artists. It is not clear that “Strip Tease,” since it did involve representation of some forms of stripping, including nudity, would not be considered by some to be sexually explicit. Since MacKinnon does not include in her definition the exact parameters of “sexually explicit,” it is difficult to ascertain whether or not “Strip Tease” could be considered sexually explicit.

As to the second point that MacKinnon makes, my example illustrates that there was a man in the audience for whom “Strip Tease” was a turn on. There are also obviously no studies showing that “Strip Tease” caused effects that produced harm against women. The difficulty of trying to predict how men will react to a particular artistic performance places a severe burden on women artists. The more general difficulty exemplified by the “Strip Tease” problem is a result of MacKinnon’s focus on men’s reactions as opposed to women’s artistic endeavors to unleash the feminine imaginary. Because MacKinnon operates from her own conception of the masculine perspective alone, it is difficult for her to see, let alone adequately address, the burden of her definition of pornography on women artists.

MacKinnon could respond to my critique by pointing out that none of the alleged horrific forms of violation against women on
porn sets occurred in “Strip Tease.” The women did not have sex nor were they subjected to the graphic audience abuse that MacKinnon ascribes to actual strip tease dancers. There was no rape, no beating, no bondage. Therefore, the scene of “Strip Tease” is not the scene of pornography. I would agree with such a conclusion, although I am not sure that MacKinnon would.

Indeed, for MacKinnon the scene of pornography is absolutely unique because it takes the form of enforced prostitution, of sexual slavery. Women porn workers, including some who explicitly identify themselves as feminists, reject the proposition that the simple videotaping of sex acts involves sexual slavery. Such women would not necessarily reject that there is abuse in the mainstream heterosexual pornography industry. Their commitment, rather, has been to change that scene; in terms of its production, how the sex acts are performed, and correspondingly how the women who perform them are viewed. Thus, there is an important question that we must address as to whether or not the porn industry can be reformed from within as well as challenged by feminist producers and directors who have broken with the industry and choose to run their own sets differently. MacKinnon argues that the pornography industry is a scene of male-female force and coercion. MacKinnon writes:

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. The industry’s profits exploit, and are an incentive to maintain, these conditions. These conditions constrain choice rather than offering freedom. They are *what it takes* to make women do what is in even the pornography that shows no overt violence.

Whether or not such change on the scene of pornography can take place is crucial to MacKinnon’s own view of the role that pornography plays in society as a whole, and particularly in the male fantasy world. MacKinnon writes “that there is a connection between these conditions of production and the force that is often needed to make other women perform the sex that consumers come to want as a result of viewing it.” According to MacKinnon, the pornographic scene is important to examine if we are to think about the overall
effect that pornography has on our culture. Again to quote MacKinnon: “If a woman had to be coerced to make Deep Throat, doesn’t that suggest that Deep Throat is dangerous to all women anywhere near a man who wants to do what he saw in it?” If MacKinnon is right, then changing the way in which pornography workers are themselves seen, the way in which these sets are viewed, might also change the vision of the men who view pornography. This would clearly have a profound effect on the porn industry.

I do not accept MacKinnon’s causal premise that the pornographic message is “addressed directly to the penis, delivered through an erection, and taken out on women in the real world.” But I do agree with her that how pornography is viewed in the male imaginary plays out in the vision that these men will have of pornography. We should take seriously the way in which positive change on porn sets may impact on the culture in which pornography has been pervasive; we would benefit all women if there were changes in the lives of those women in pornography.

How can we best hope to change that scene and join in solidarity with the efforts of those women who are making porn movies? MacKinnon rejects the possibility that we should join in solidarity with porn workers who are not leaving the industry. The example of enforced use of condoms on a porn set so as to protect women from sexually transmitted diseases (STD’s), particularly HIV, is an example of the benefit of self-organization. The producers and directors of the explicitly feminist identified pornography company, Femme Distribution, Inc., have as an absolute rule that all male participants must use condoms. In mainstream heterosexual pornography, on the other hand, whether or not condoms are worn has remained a matter of “choice.” The cynicism that allows men to have sex with women without using a condom and without adequate testing is reprehensible. Porn workers who work with feminist directors, and many have chosen to work with feminist directors precisely because of the safe conditions that are provided, are protesting against exactly this cynicism and the threat to their lives. For the protest to be effective, i.e., protecting women from the danger of STD’s, it must take place on the set at the time the sex act is to be performed. It is not
much comfort to be able to sue for being infected with HIV, for example, when the length of your life already may have been severely limited by the infection itself. If one is concerned with the safety of women on porn sets, one must join with those efforts that are attempting to ensure safe conditions there.

Certainly, there is reason to be concerned about abuse on some porn sets. The testimonials in support of the Minneapolis ordinance are profoundly moving and demand action. Union-type self-organization is exactly what is called for to provide solidarity and support for any young woman who wishes to challenge and change her conditions of work or to escape from a porn set in which such abuse is taking place. The attempt of the women who are seeking to organize the industry is to provide an environment that is made safe from such abuses. They are seeking to regulate exactly what type of sex acts will be performed, and to contract only for those sex acts. They are attempting to bring into the light of day the seemingly night-time world of porn movies. Their job is to turn it into a labor market like any other and to return the respectability they believe these women have lost, not only by the way they are viewed in male fantasies (including, of course, their employers who share those fantasies), but also by the women feminists who seek to rescue them.

Who becomes a porn star and why does she do so? The first answer, according to porn star Ona Zee, is money. A top porn star can make $2500 a day. The money is an economic reality, but, in the case of porn workers who have endured abusive childhoods, money can also have a symbolic and psychoanalytic function. It can serve the purpose of paying the woman back for what was brutally taken from her for free. Her “sex” is no longer ripped off. The men must pay. Does a woman simply choose to be a porn star? Does the temptation of money give us a full explanation? Ona Zee recalls that in her own experience, all porn workers are products of dysfunctional families. As she states: “No little girl just wakes up one morning and decides she is going to have sex for money.” In psychoanalytic terms, the “choice” to become a porn star is inseparable, in many cases, from the temptation to return to the traumatic scene, to replay the trauma of some form of childhood abuse. As Ona Zee’s life demonstrates,
however, this replaying need not just be a repetition of the initial abuse. It can also be reparative.

A crucial aspect of being “paid back” is the struggle to have their conditions of work regulated in accordance with what porn workers believe are conditions appropriate for such work. Ona Zee strongly disagrees with MacKinnon and Dworkin’s picture of porn sets as inevitable sites of horrific abuse. For Ona Zee, the struggle to give voice and adequate protection to workers in the industry was at the heart of her own initial program of unionization. The objection that many porn activists have to a certain feminist mentality that insists that they are “victims” is that these feminists represent a class elitism that refuses to take them seriously. For these porn workers, the scene on a pornography set can best be changed by them. As in any effort at self-organization, the emphasis is on their own ability to fight back and not on those outside the porn industry coming to their rescue. This counters the established view that porn workers are helpless victims, imprisoned in a history of abuse from which they cannot escape.

The history of the rescuer within feminism, both within the Fabian feminism of England and the earlier, more conservative feminism in the United States, often positions the white, middle-class woman as the rescuer and the prostitute as the one who needs to be rescued. 51 But there is an implicit acceptance of a fantasy, which Lacan called the “psychical fantasy of woman,” in this view of sex workers and prostitutes as the ultimate victims. 52 Feminists in the porn debate have bought into this fantasy to the degree that they see all sex workers as one woman—a woman degraded simply by the reality that she chooses to be a sex worker. It is, unfortunately, the reality of sex work that has led to easy designations of who these women are and why they have taken on the work they have. But such easy designations fall away when one engages in conversation with women who are tackling the difficult problem of organizing their sister women workers and attempting to open their own production companies.

Pornography will be seen differently if the men and women who view it are aware of the protests that have taken place on one porn set or another: the women who organized and refused, as they did recently in Los Angeles, to have anal sex; the women who refuse cer-
tain poses as inherently degrading. Self-organization demystifies the very scene of porn work and the closet attitude given to the reality that “sex” is taking place on the set. It brings this reality into the light of day, and undermines the fantasy structure that promotes the view that what is occurring on the set is the fundamental degradation of women. Many porn activists believe that by effectively organizing women they will change the overall perception of what it means to be a porn worker and how the industry itself, and more particularly the workers within that industry, will be viewed. Whatever pornography will be, in light of the changed working conditions, it will not be the murky ground upon which the dominant heterosexual fantasy so easily rests and flourishes.

There are major difficulties confronting these efforts at self-organization. The first is that there is a high turn-over rate in the porn industry. Many porn stars burn out quickly and leave the industry entirely so organizational efforts are difficult to sustain. The second difficulty is that self-organization works against the fantasy of how women are viewed by the porn industry. Indeed, the vast majority of directors and producers in pornography are men. It is only in recent times that women have broken away from the traditional heterosexual porn industry and developed their own companies. Yet, recognizing the difficulties inherent in the rise of women producers and directors in the porn industry, difficulties not unlike those encountered by women in Hollywood, should not lead us to dismiss these efforts as being necessarily an accommodation to the horror of sexual slavery. The diversity of voices within the porn industry and the insistence of some porn workers that they have chosen a path of self-organization presents us with the challenge of whether or not we will offer solidarity to such efforts. I am arguing that we must offer solidarity: firstly because of the danger of class elitism and the reinscription of the psychical fantasy of Woman that lies in an instantaneous rejection of such efforts, and secondly, because such solidarity signals our respect for each woman’s project of becoming a person.

But is all porn work prostitution? Interestingly enough, a major difference between porn work and prostitution for the women
activists in the industry involves the conditions of work. For the organizers, it is much easier to regulate a porn set—where people come together, under the same working conditions, against which you can go on strike—than it is to try to organize prostitutes who have become largely dispersed. Prostitute organizers have testified to just such a difficulty in organizing the support and solidarity necessary to fight against pimps. Many more porn workers than prostitutes organize their own “outwork.” But because what uniquely characterizes pornography is that the sex acts are not “simulated” but “real,” the connection between prostitution and porn work is inevitable. Thus, many porn activists are also calling for the decriminalization of prostitution and the recognition that prostitutes too should have the right to organize. The difficulties of organization which stem from the dispersal of the job site, however, continues to be an important strategic difference between porn workers and prostitutes. The level of abuse in prostitution is more difficult to control. But it becomes even more difficult to control if the scene of prostitution and porn work continues to reside in the murkiness of semi- legality and, in the case of prostitution, outright criminality.

The Role and the Justification of Civil Rights Statutes for Porn Workers

An argument has been made that there already exists in criminal law actions for women who have been abused on porn sets, particularly if they have been raped or beaten or in any other way harmed within the sphere of what would be understood as actionable crimes. But, given the operation of the “psychical fantasy of Woman” and the way these women are viewed, it is important to realize the difficulties that they will have in making use of the criminal law. The problem that MacKinnon points to in terms of credibility for all women is made more difficult in the case of women whose engagement in sex-as-work renders them suspect in the public eye. A civil rights action worded with the specific intent to recognize the legal status of all women who work in the porn industry would be an important ally in the struggle
to change the public perception of porn workers. As in the case of rape and other crimes, granting women a civil rights claim recognizes the specific inequalities that are being enforced by a view of women as sexually available to men. Women who are employed as porn workers sign on for specific sex acts at specific times. They do not sign on for anything other than exactly the sex acts they are specified to do. Therefore, I reject any view that would attribute informed consent on the part of porn workers to any sexual act they did not explicitly consent to in contractual terms. The attribution of informed consent also implies that these women are somehow fundamentally degraded because of what they do. Let me make myself clear: porn workers should be regarded as worthy of personhood just like all other women. The civil rights statute I advocate explicitly recognizes their worth as persons. If we are to have a statute which would allow porn workers to sue, it is necessary to decriminalize the pornographic set.

Having mainly addressed the symbolic role of allowing women in the porn industry to sue for their civil rights if they are abused on a porn set, I now want to speak to the remedy provided in MacKinnon and Dworkin’s ordinance which would allow women who are abused on a porn set to seek to enjoin the film in which the abuse took place. I agree with MacKinnon and Dworkin that women who have been abused on sets should have the right to enjoin the continuing circulation of the film in question. In order to make sense of such a claim, we have to put it into the context of my analysis of the phantasmatic dimension of bodily integrity, and the need to protect psychic space for the recovery from a trauma such as rape. If a woman is raped on a porn set, she is abused at the time of the rape. If she is forced to have an image of herself not only as capable of being raped but as actually being raped continually circulated, she is unable to reclaim herself from that trauma. To recover her bodily integrity, a porn actress must be able to project an image of herself that is her own and that goes against that which has been imposed upon her in the film. She also needs the psychic space to distance herself from the woman that she was as an abused porn star. Linda Lovelace took back her own name as the first gesture in recapturing an identity that she felt had been shattered by what she was allegedly forced to become in order
to live her life as a porn star.\textsuperscript{56} If we understand the phantasmatic aspect of bodily integrity, as well as the need to protect the psychic space for recovery from trauma, we can provide a more powerful defense than the one MacKinnon offers on behalf of the view that, in certain circumstances where a crime has been committed on the set of a pornographic film, the woman should have some rights to either enjoin or control the circulation of the film. Without such rights, she continues to be the woman violated, because she is not able to create an imaginary domain which can resist the fantasy of her as a victim.

I am aware of the need to be as specific as possible about exactly what criminal acts are required to have taken place on the porn set to allow abused women to move against the circulation of a pornographic film in which the abuse, the crime, and the violation were enacted. Enjoining a film is an extreme measure and therefore must be narrowly tailored precisely because of the extremity of this remedy. This warning should be understood in the context of my reservations concerning law as an ally in feminist struggles.

The political end is the self-organization and self-determination of porn workers in their place of employment. The enormous difference between having an organization to support you and having to be a plaintiff, alone in your fight, is clear. Few lawyers can continue to take civil rights cases on a contingency fee basis.\textsuperscript{57} The result is that in order to begin a lawsuit, a substantial amount of money is needed to hire a lawyer. Where does an unemployed woman get that kind of money? She has to rely on organizations, borrow from friends, or find some other kind of support network. The time frame for fighting a lawsuit is also long and arduous. The individual strain on the plaintiff is great, particularly in circumstances where she has to bear the burden of society’s fantasies, not just about sex workers but about any woman who chooses to challenge her employer for firing on the basis of discrimination or for sexual harassment.

In discussing Anita Hill, MacKinnon writes:

\textit{We heard the spoken voice of a woman uttering the sounds of abuse, the moment in which silence breaks on the unspeakability of the experience, the echo of what had been unheard. Much of the response was}
disbelief, the reaffirmation of the silence "nothing happened," the attempt to push the uncomfortable reality back underground through pathologizing dismissal. 58

This pathologizing dismissal is a common reality of women who are plaintiffs in civil rights suits, particularly in Title VII suits. But what is the solution to psychologically crippling effects that often follow a woman's decision to become a plaintiff in a Title VII case? The answer is solidarity. Even in terms of undertaking a lawsuit, the support of a strong group of women can help prevent the pathologizing dismissal that MacKinnon describes. So, although I strongly support a civil rights statute for porn workers so that their worth as persons can be vindicated, I would insist that we remember that these civil rights statutes are themselves just one aspect of the battle. They are not the ultimate political end. In making this reminder I do not want to detract from the importance of MacKinnon and Dworkin's achievement in bringing feminist attention to the need to provide porn workers with a civil rights statute which will address the way they have been demeaned and denied their full legal status as persons.

How and What Does Pornography Communicate?

MacKinnon's own analysis of the harm pornography does to women goes far beyond her argument that its production—when it involves coercion—should be subject to legal review. For MacKinnon, the reality that sex is performed in pornography leads her to the conclusion that pornography is two-dimensional sex and therefore more act than speech. It is not a representation of sex in the traditional sense that it is about sex or that it represents an erotic scene which indicates sex. Due to the fact that sex is not simulated in a pornography scene, MacKinnon concludes that the sex portrayed there should be viewed as sex that has happened as an act on the woman's body and that the portrayal itself is also, in some way, sex itself. The temporal aspect of MacKinnon's ordinance is important for two reasons. First, that MacKinnon is not advocating prior restraint turns on the past happening of the abuse. A woman was raped on a porn
set and therefore she has been harmed and has the right to seek redress for the harm that has happened. Second, for MacKinnon the sex itself has happened in real time. What is being presented to a male viewer is real sex in real time. It took place on the set and occurs again and again in real time whenever the male viewer sexually responds to it. If there is violence in the sex as presented, the man continues to live out that violence in his sexual response in his own arousal at the violence. The “past sex” becomes present sex in this specific sense. The past and present become one as the man responds, gets an erection, and then proceeds to masturbate. As MacKinnon writes:

What is real here is not that the materials are pictures, but that they are part of a sex act. The women are in two dimensions, but the men have sex with them in their own three-dimensional bodies, not in their minds alone. Men come doing this. This, too, is a behavior, not a thought or an argument. It is not ideas they are ejaculating over. Try arguing with an orgasm sometime. You will find you are match for the sexual access and power the materials provide.59

MacKinnon then proceeds to make an argument of “addiction,” premised on her understanding of the viewing of pornography as two-dimensional sex. The man who has two-dimensional sex will want more. He will want to enact the scene on a real woman. A fantasy object will no longer be enough for him.

Sooner or later, in one way or another, the consumers want to live out the pornography further in three dimensions. Sooner or later, in one way or another, they do. It makes them want to. When they feel they can, when they feel they can get away with it; when they believe they can get away with it, they do. Depending upon their chosen sphere of operation, they may use whatever power they have to keep the world a pornographic place so they can continue to get hard from everyday life. As pornography consumers, teachers may become epistemically incapable of seeing their women students as their potential equals and unconsciously teach about rape from the viewpoint of the accused. Doctors may molest anesthetized women, enjoy watching and inflicting pain during childbirth, and use pornography to teach sex education in medical school. Some consumers write on bathroom walls. Some undoubtedly write judicial opinions.60
MacKinnon is arguing here that the presentation of the coercion in pornography and men’s response to it has a direct effect on men in terms of their actions; first, as they masturbate and second, as they move to violate actual women.

For MacKinnon, then, there is an inevitable causal connection between the consumption of pornography and the way in which men will be incited to act in the real world. Using First Amendment language, this is close to arguing that pornography is an unconscious incitement to attack women, and, even more importantly, that it will necessarily take effect. Thus, it presents “a clear and present danger.” In order to understand why I reject this position, it is necessary to analyze exactly what pornography communicates. Before I do so, however, I want to observe an irony inherent in MacKinnon’s own understanding of sexuality, particularly of masculine sexuality, as it informs her analysis that pornography is not speech.

For the purpose of clearly analyzing MacKinnon’s understanding of what pornography is and how it communicates, we need to separate out two of her arguments. The first argument is that pornography is two-dimensional sex. As MacKinnon again argues:

In the centuries before pornography was made into an “idea” worthy of First Amendment protection, men amused themselves and excused their sexual practices by observing that the penis is not an organ of thought. Aristotle said, “it is impossible to think about anything while absorbed in the pleasures of sex.” The Yiddish equivalent translates roughly as “a stiff prick turns the mind to shit.” The common point is that having sex is antithetical to thinking. It would not have occurred to them that having sex is thinking.

As MacKinnon writes: “Pornography is masturbation material. It is used as sex. It therefore is sex.” But not only is it not speech because it is sex, and therefore antithetical to thinking; it also causes actual violence to women because it addicts men to violence through sex. They will actually turn two-dimensional sex into three-dimensional sex, i.e., rape women. This is the argument that pornography incites men to violence, and that it must therefore be regulated under traditional First Amendment doctrine because it presents a clear and present danger. There is a specific conception of
masculine sexuality implicit in MacKinnon’s argument that pornography is not speech because it is two-dimensional sex. MacKinnon is not alone in this argument that pornography is not speech because its aim is not addressed to the “mind.” For example, Frederick Schauer has argued that “the basis of the exclusion of hardcore pornography from the coverage of the free speech principle is not that it has a physical effect but that it is nothing else.” These arguments, of course, rest upon profound behaviorist assumptions. Men’s bodies are determined by a conditioned response to pictures. The conditioned response, without any intervention by the “mind,” pushes men to act out against women. Pornography, in this sense, does not communicate with the mind of man. It is simply a trigger for his penis. As such, it cannot be protected as expression. I have a very different account of why pornography tempts men and women who are consumers; namely that it tempts them in the sense that it arouses them as fantasized participants in the scene being presented to them, and therefore effectuates sexual arousal.

Before returning to my own psychoanalytic account of why pornography tempts, and what lies at the basis of its power to tempt, consumers into its scene, I want to note here that MacKinnon’s view of men and masculine sexuality precisely mirrors the pornographic world which she critiques. Pornography usually involves an abstraction or a reduction of a human being into its elemental body parts. There is no self there, only the body reduced to the genitals in a pictorial language of lust. MacKinnon’s argument represents an exact, if gender-inverted, reinscription of Freudian insight that anatomy is destiny. A man becomes his penis. He cannot help it. The penis asserts itself against him. He is reduced to a prick.

In pornography, the prick is always presented as erect, as eternally lustful, as having the positive “attributes” of the one who at any moment can fuck and come. But this depends on an anatomical reductionism in which a man’s sexual difference has had extracted from it all evidence that he is a self, and leaves behind only a single aspect of his life—a being whose sexuality completely takes him over. This fantasy of the dick controlling the man is inseparable from the sexuality of the pornographic world. MacKinnon’s own view of mas-
culinity, which enables her to insist that pornography is in no way speech, mirrors the very pornographic world she abhors. I think that men can think and have an erection at the same time. And perhaps more importantly, that they can think themselves out of an erection. This is only the beginning of an analysis of the ways in which the complexity of desire involves the most profound recesses of the mind: unconscious fantasies, semi-conscious constructs, longings and hopes that are inadequately described if they are not rendered as having cognitive competence.

The power of pornography to tempt its consumer is extracted through sexual arousal. In order to give an account of how it tempts the consumer, I will discuss Jacques Lacan’s insight that at the very basis of Western culture lies the repressed, abjected figure of the ultimate object of desire, the phallic Mother. We need an analysis of how and why pornography has become so pervasive. MacKinnon’s contribution has been to force us to confront the pervasiveness of pornography and the way in which it has become completely enmeshed in our social reality. Some of MacKinnon’s critics have implicitly dismissed the extent to which pornography plays a role in our social, cultural, and emotional lives. For example, Ronald Dworkin argues that “most men find pornography offensive.” In her response to Dworkin, MacKinnon argues that he is denying the extent to which pornography pervades our lives and the extent to which there are harms to women inevitably caused by pornography. An effective answer to MacKinnon must provide us with an account of why pornography is pervasive and how that pervasiveness operates. We need to have an analysis of both of these aspects of pornography if we are to adequately account for an industry in which the market base is continually expanding. Thus, I set forth a psychoanalytic account so that we can adequately come to terms with pornography as a cultural phenomenon. Let me stress again that the analysis that follows is of the portrayal of sex by the mainstream heterosexual pornography industry. It does not address the sexually explicit materials produced by those tangentially related to the industry or outside of it altogether. The psychoanalytic account not only helps us understand the pervasiveness of pornography but serves as the basis
for determining the type of zoning measures we should take; it relies
on the work of Jacques Lacan because it is he who provides us with a
field of significance for gender and sexuality.

According to Lacan, the genesis of linguistic consciousness, and
obviously with it what has come to be called the rational-cognitive
aspect of human beings, occurs when the infant is forced to register
that the mother is separate from himself. She is not “just there” as
the guarantor of his identity. The registration of the mother’s desire
beyond the infant’s needs is inseparable from the recognition of his
separateness from her. And such registration is inevitable because
mothers are also women. There can be no desiring mommy in the
imaginary infant/mother dyad. Therefore, it is fated to be broken up
by the third, the one the mother desires. But does the third neces-
sarily have to be the father? Or, if not the actual father, whatever the
father symbolizes? According to Lacan’s rendering of the Freudian
Oedipal complex, the answer is in the affirmative. But to understand
why the third will inevitably be unconsciously identified as the imag-
inary father, we need to explore the effects of this primary narcissis-
tic wound. It is this wound that can explain the tempting of the
consumer/reader into the pornographic scene.

The primordial moment of separation from the mother is literally
life threatening because of the absolute dependence of the infant on
this Other. The terror of the threat that the mother presents in her
separateness initiates a struggle to overcome the dependence and the
need the infant has for her. The move from need to demand, to “give
me,” is in part the infant’s expression of the vulnerability of his need.
The resistance is against the mother because it is her desire that is
registered as robbing the infant of his security. Of course, this kind of
absolute security is a fantasy. The condition of this fantasy is that the
mother not “be sexed.” Thus, the fantasy is inevitably associated with
the pre-Oedipal stage, the time before the registration of the full cul-
tural significance of sexual difference, or its imagined graphic sim-
plicity that men have dicks and women have holes.

The fantasy of absolute security rests on the corresponding fantasy
that mother is whole in herself, a being unsathed by the rending of
desire. This fantasy figure on whom the infant is totally dependent
in its need is the phallic Mother. This fantasy figure is envisioned as “having it all,” thus Lacan names this figure the phallic Mother; the one with the phallus as well as the one with the female genitalia. Once the fantasized mother/child dyad is shattered, the phallic Mother remains in the imaginary as all powerful and threatening in her power to both bestow and take away life. One result of the Oedipal phase marked by the infant’s awakening to the mother’s desire is sheer terror of the fantasized otherness of this imaginary all-powerful mother. The terror of, and yet longing for return to, this figure accounts for the repression of this figure into the unconscious. This terror can also potentially explain the drive to enter into the symbolic realm so as to seek the fulfillment of desire that can no longer be guaranteed by the fantasy of the phallic Mother who is only “there for the infant.” Registered as separate from the infant, and therefore as incomplete, the mother as a woman comes to be abjected for her lack, which is inseparable in the unconscious from her failure to be the fantasy figure who can guarantee the fulfillment of the infant’s desire.

This primordial moment of separation is not only experienced through sheer terror and fear of loss; it is also the gaining of an identity separate from the mother. The attempt to negotiate the ambivalence of a loss that is also the gaining of identity is demonstrated in the fort-da game of Freud’s grandson, Ernst. The game enacts the fantasy that the child is separate, but nonetheless in control of the Mother/Other. But this negotiation, in turn, demands an unconscious identification with the one who is at least imagined as capable of bringing the other back, because he is the site of her desire. The narcissistically wounded infant thus turns toward the imaginary father, because the imaginary father is who mommy desires. But what is it that singles out the imaginary father? What makes him so special? What is it, in other words, that Daddy has that Mommy desires? The simple answer is the penis. For Lacan, however, it is not so simple. The identification with the imaginary father is inseparable from the projection of the power to control the mother, to literally give her a name, and in that sense guarantee that she, and correspondingly the infant, is spoken for. This Big Other that keeps the mother as his, in the
specific sense of stamping her with his name, is imagined as a guar-
antee that is established, but only precariously so, against the loss of
identity. This guarantee compensates for the loss of the fantasized
mother/child dyad. With the crumbling of the fantasy that the
mother is phallic, and the recognition of separateness, comes the
desire to turn to the third to guarantee the infant’s identity since he
can no longer count on the mother to secure his being through unity
with her.

It is the Name of the father and the symbolic register of his potency
that is the basis of the identification with him, not the simple fact
that he has a penis. The biological penis takes on the significance it
does only through its identification with the Big Other that secures
identity through the power to control the Mother/Other. But in
pornography, it is precisely that biological penis, the simplistic con-
flation of the penis with the phallus, that is portrayed in the ever-
erect prick that mimics “the great fucker in the sky” who can always
take the woman at any moment. The ever-erect prick we see in
pornography is the imagined prick of the father who can control the
terrifying figure of the Phallic Mother.

It is this fantasy that protects the man from ever having to face the
other possibility of unconscious dis-identification between the phallus
and the penis. In his anxiety that he too is lack, i.e., that the penis is
never the phallus and cannot be because the phallus does not exist
except as fantasy, he turns to pornography that portrays and posi-
tions him as the one imagined to be the all-powerful Father, the one
with the erect prick. It is this prick that keeps him safe from the
phallic Mother. It is this fantasized prick that he uses to dis-identify
with her. It is this prick that he uses to ultimately control her, bring
her back, and dismember her. That other body is acted out as the
phantasmatic Other, the bleeding hole, the lack in having, that lurks
in man’s consciousness as an unconscious fear of what he truly is.

The beatings and stabbings of erotic violence implemented by the
prick and its other symbols, as the ultimate weapons against this ter-
rrifying Other, protect the man from being overtaken by the uncon-
scious realization that this Other, the bleeding scar left by castration,
is a projected image of what he fears he might be. In an ultimate act
of dis-identification and abjection, he rips her apart. But precisely because she is a phantasmatic figure, and therefore always there in her absence, she returns to haunt him again. The pornographic scene has to be repeated because the Phallic Mother, pushed under, dismembered, ripped apart, will always return on the level of the unconscious. Here we see the connection between the pornographic scene and the abjection of the Phallic Mother, and the unconscious terror that the man himself is the lack-in-having that the woman represents. The pornographic scene is driven by the death drive in the explicit Freudian sense that it is frozen into a repetitive dance of dismemberment that can never achieve its end. And what is that end? That end is to have ascended once and for all into the position of the imaginary father who can absolutely control the Woman/Other. Real women are never successfully reduced in life to objects. A woman can, of course, be killed. But even in her absence, to the degree that she is identified with the Phallic Mother, she will continue to haunt the man.

In Psycho, Hitchcock portrayed a serial killer who endlessly had to kill the Phallic Mother. But she forever rises again in the very absence left after each killing. The wake he left behind of mutilated bodies is a terrifying testament to how dangerous and threatening is this unconscious scene. For Lacan, the dismembered pieces of the body of the mother take the form of the “object a.” We have breast men, leg men. We have women who are only their cunts. In the place of a rich and diversified account of the actual power of women as sexed beings, whose sexuality is defined and lived by them, we have a phantasmatic figure who threatens and lurks and who must be controlled. The excitement and the sexual arousal in pornography is inseparable from the fantasy of transcendence in which one has finally separated himself absolutely from that bodily other upon which one was once utterly dependent. Marquis de Sade understood this when he insisted that killing was the ultimate act of transcendence and control. Ironically, for Sade, all that one did when one “fucked” was think oneself beyond the body. As one “fucked,” one knew oneself to be the master of the Other. As a believer in the sexual ideology that was part of the rationalist materialism of his day, Sade’s ultimate concep-
tion of self-knowledge was “I am, because I fuck and I know that I do it to you.”

But of course Sade’s belief that the knowledge given to him was the knowledge that he had mastered the feared Woman is itself a fantasy, one that lies at the very basis of the pornographic scene. Without the fear, I am arguing, there wouldn’t be the arousal. Unless one had the fantasy that one has controlled the desired object, and yet also, at least unconsciously, had registered the knowledge that this is impossible, one would not experience the desire for repetition and the desire to return again and again to that woman, bound and chained. The separation of the Phallic Mother from the actual mother explains her profound association with figures of the “bad girl.” To explain: the Phallic Mother is the ultimate object of desire. She is remembered as a lost paradise. But she is also unconsciously identified as a threatening power, one who can potentially rob the man of his independence. The “bad girl,” the seductress, is the woman who tempts the man to pursue his desire only at risk to himself. The unconscious association of desireability with threatening power is what accounts for desireable women as becoming identified as “bad girls.” These “bad girls” stand in for the phallic Mother.

Given the way that race is played out on the level of fantasy, it is not at all surprising to find African-American women figured in pornography as these ultimate “bad girls,” and therefore as ultimately desirable. The raging African-American woman in chains represents exactly that terrifying Other who is controlled, but only barely so. The terror and the fantasy of control come together in the orgasm. Without the terror, without the unconscious fear of the woman fully remembered as herself, without the memory of the actual mother being erased into the unconscious identification with this figure, there would be no explanation of this temptation. Indeed, the whole scene of pornography as forbidden, as an entrance into another “adult” world, mimics the male child’s ascendance into the adult masculine symbolic in which he too becomes a man, proud of his prick, with its power to control women and bring the Other back.

In this reductionist scene there are not women and men, but pricks and holes. It is this reduction to exaggerated gender identities as
graphically depicted body parts that leads pornography to bolster and express what Louise Kaplan has called the “perverse strategy.” For Kaplan, the perverse strategy is an over-investment in rigid gender identities as they are imagined in early childhood to be associated with the Big Others who have power, and who we unconsciously identify as simply one set or the other. I want to remind the reader here that my own psychoanalytic account of pornography, as well as Kaplan’s, deals only with the heterosexual scene as it addresses a presumed masculine consumer. Since the focus here is the impossibility of an actual meeting of men and women as adults and full selves, it is politically crucial to render an analysis of mainstream heterosexual pornography that remains separable from any more in-depth analysis of either lesbian or gay pornography. Even what it would mean for a lesbian to mimic the position of phallic agency which clearly re-inscribes the most reductionist forms of pornography may have political implications that go beyond the scene it seems to mimic. But in the designation that pornography is not speech, MacKinnon needs an account of how pornography operates on actual men. Therefore, I have addressed her argument with a counter explanation of why pornography “tempts” men and will give a necessarily cursory account of how an “other” kind of sexual scene both interacts with and remains separable from mainstream heterosexual pornography. To do so, we first have to differentiate between the fantasy of the lesbian as it is played out both in the mainstream porn industry and in Hollywood, and the diverse sexuality portrayed in lesbian porn itself.

The temptation presented by the figure of the lesbian within this heterosexual phantasmatic structure is graphically expressed in the movie Basic Instinct. In this movie, a figure of the woman who “owns her sexuality” is represented as the one who has removed herself from man’s identification of her as an object of desire. Sharon Stone’s character exemplifies the figure of masculine fantasy who has appropriated the phallus and therefore engages in sex with men. Because her desire is ultimately for the other woman and not for the man, she is withdrawn from her object status and plays in the field of heterosexuality on her own terms. She “fucks men.” The good news for
men is that she is, because she has appropriated the phallus and is therefore the agent of sexuality, the “fuck of the century.” The bad news is that she “fucks” with an ice pick, and although the man comes as he does, dead he will be.

What it has meant for lesbians to engage in literature, in movies, and in their own fantasies with other figures of the lesbian cannot be reduced to the heterosexual scene as it is played out in Basic Instinct or, for that matter, in MacKinnon’s analysis. The complexity of the question of lesbian pornography would prevent me from analyzing it from within the context of the heterosexual scene that is played out in heterosexual pornography. As a heterosexual woman, MacKinnon should be careful of too easily identifying what lesbian porn “is.” Surely it should be obvious that it is many different things, depending on the producer, the director, and the writers involved in the production. MacKinnon does not allow for the possibility that lesbian porn might not re-inscribe her own purportedly materialist definition of femininity. For MacKinnon, lesbian porn can only be about the replication of the woman as the phallic complement to man because more generally that is all that woman can be. Thus, I want to be clear that I completely disagree with MacKinnon when she argues that “the defense of lesbian sado-masochism would sacrifice all women’s ability to walk down the street in safety for the freedom to torture a woman in the privacy of one’s basement.”74 Here we are confronted with MacKinnon’s own phantasmatic construction of the figure of the lesbian.

What, then, is the bottom line of my argument? First, pornography tempts because it enacts a powerful fantasy scene. In any sophisticated account of fantasy, we have to note that fantasy never simply consists of the object of desire, but also of the setting in which the subject participates. In fantasy no subject can be assigned a fixed position. The fantasy structure of pornography allows the subject to participate in each one of the established positions. This explains why it is possible for powerful men to fantasize about taking up the position of a dominated Other, and for women to imagine themselves in the position of phallic agency, as the one who “fucks” back. It explains the possibilities of reversal. But as I have also argued, the dominat-
ing pornographic scene is frozen. There are two positions: the prick, the imagined phallus in the position of agency and assertion; and the woman, the controlled dismembered body, reduced to the bleeding hole. The rigidity of the scene and its connection with the death drive explains why the reversal of positions cannot lead to the disruption of the setting itself, or achieve anything like a “true” heterosexuality in which men and women could meet in a sexual encounter.75

It is also the rigidity of the scene that makes someone like Louise Kaplan critical of any argument that would suggest that mainstream heterosexual pornography can be liberatory. Kaplan finds only reinvestment in the “perverse strategy.”76 I am inclined to agree with Kaplan that mainstream heterosexual pornography does not in and of itself present a liberatory, disruptive view of society because it relies on the presentation of rigid gender identities. While I agree that one can identify with cross-gender positions as they are presented in the pornographic scene, the positions themselves are established through rigid gender identities. The result is that male role reversal or cross-identification is not adequate to shift the meaning inherent in the presentation of the scene. For example, the figure of the woman dominatrix as the desired other of phallic agency does not in any way undermine the identification of the phallus as the figuration of sexual agency itself.

Is there a representation of the fantasy of the dominatrix that is more than an unconscious reaffirmation of the identification of the phallus with sexual agency? I believe that it can be found in the explicit presentation of the production of the fantasy of the dominatrix itself. The best example of any such presentation that I have seen is Ona Zee’s Learning the Ropes,77 a film which presents us with ritualized sadomasochism. In my analysis, pornographic fantasy has no straightforward connection with what would be presumed to be “real life,” even if the scene cannot be separated from profound unconscious fantasies of how sex and gender are produced. In ritualized sadomasochism, the stylized enactment is part of the performance which remains under the fantasizer’s control. In MacKinnon’s understanding of pornography, the pervasiveness of sado-masochism goes beyond its ritualized enactment as a specific form of sex. It becomes the
truth of heterosexual sex. On the other hand, in this movie the real couple is explicitly separated from the fantasy enactment of one form of sex.

In *Learning the Ropes*, the dominatrix is not presented as “real.” She is presented as a character who is produced in Ona Zee’s performance. Thus the fantasy of ritualized sado-masochism is separated from the “real” Ona. In the name of education, Ona and her husband Frank both move into their roles, into sado-masochistic rituals, and out of their roles again. One finds in the film an insistent separation of the pornographic fantasy and the “real” life of Ona and Frank. The separation of performance and real life is made in the presentation of a “how to” sado-masochistic performance. It is not simply the reversal of Ona Zee’s position of the phallic agency as the dominatrix that makes *Learning the Ropes* subversive of the realism associated with mainstream heterosexual hardcore porn. Rather, it is the presentation of the dominatrix as a performance that undermines the realism of the scene. Thus, the irony in *Learning the Ropes* is that it is in the presentation of a ritualistic sado-masochistic performance that we see what is being produced and the fantasy behind it. Paradoxically, in the presentation of the frozen scene, the scene itself becomes unfrozen as it is presented as ritual. This presentation unfreezes the scene in its encoding as reality. For “true” Lacanians, ironically, the “real” portrayal of graphic sexuality in pornography indicates the impossibility of the sexual relationship. Crucial to the temptation of pornography is this seeking that which is impossible to attain. But this psychoanalytic account of the impossibility of a true sexual encounter depends on Lacan’s own reinscription of a transcendental semantics which I have systematically rejected. The phallus takes up its privileged position through a reading that it is dependent on a chain of signifiers inseparable from the meaning of patriarchy, which in turn bolsters the fantasy that, by itself, the phallus generates and engenders the continuity of the symbolic order. What is read, however, can always be re-read. The slippage of meaning inherent in Lacan’s recognition that the masculine and feminine are only signifiers and can only be understood as such can potentially dismantle the coherence of the gender hierarchy he describes. Thus, even where the law of gender hierarchy
seems to operate in its most graphic form, in the pornographic scene, there exists a possibility of an opening up of that scene through the slippage of meaning and a dramatic confrontation with the production of the scene itself.

As I have already suggested in my example of Ona Zee’s *Learning the Ropes*, women pornographers do dramatize the production of the pornographic scene and thus create a challenge to its so-called reality. Two more examples come to mind. The first is Candida Royalle’s *True Story In the Life of Annie Sprinkle*. The second is *Sex Academy*, another film produced by and starring Ona Zee. In the first “porn film,” the Annie Sprinkle character begins to have sex with a man. A mainstream heterosexual porn movie is playing in the background during their sexual encounter. The man becomes increasingly distracted by the image of sexuality playing on the television set. He mimics the sex performed there. The mirroring of sexuality that is often performed outside the setting of pornography as the enactment of the truly masculine persona is mirrored again. Annie, in turn, grows distracted by her lover’s distraction. We, the viewers, see a woman watching a man watching a porn movie. We watch as Annie becomes increasingly dissatisfied that her lover is not having sex with “her,” and she eventually opts to throw him out. Annie’s ensuing monologue evokes her despair of ever finding a “true” heterosexual encounter. The monologue is interrupted when her own fantasy object, a genie, appears. The genie is far from the usual porn character. With hair down to his shoulders and the phantasmatic costume of the genie, he mimics a kind of androgynous appearance foreign to the pornographic scene. From there the film proceeds through the imagined lover’s continuing and deepening recognition of who Annie Sprinkle is.

Annie and the genie begin to have sex only after a period of dramatic, emphasized eye contact. The genie describes the difference between “looking” at someone and truly “seeing” them. For the genie, to truly see into the soul of the Other is the ultimate erotic act. Although the film moves into graphic, explicit sex acts, it does so with a cinematic blurring effect that makes it impossible to tell the difference between oral sex, kissing, and other forms of licking
and touching. Finally, there is the ultimate act that purportedly marks the film as pornographic: Annie and the genie have sexual intercourse. The cinematic portrayal of their sexual encounter makes it difficult for the viewer to enter the scene as if he were present as a voyeur. In other words, the cinema appears in its own cinematic role.

Does turning pornography back into a self-conscious presentation of cinematic positioning make the presence of fantasy itself the “truth” of sex? In this film, it does so on many levels. The first is the so-called challenge that takes place by making the cinematic presence obvious. The second is that the male lover is himself a fantasy object. The third level is the critical distance that the woman maintains from the counter-phantasmatic production of the porn movie her lover is watching. At the conclusion of the sexual act with the genie, and following the lesson of the experience that a “true” heterosexual encounter is possible, Annie’s original lover returns; this time without all the paraphernalia of a so-called hard core pornography scene. The scene is now set in terms of Annie’s fantasy.

In a different manner, Ona Zee’s Sex Academy also dramatizes the production of the pornographic scene. Sex Academy presents “lessons” on becoming a porn star. The instruction in what makes a woman a porn star is produced as part of the “pornography” itself. By registering the levels that constitute the phantasmatic scene that is presented as real in pornography, we have achieved distance and the illumination of the underpinnings of the fantasy construct involved in the mainstream heterosexual setting. Thus, women pornographers who have become their own producers and directors have shifted the significance of the scene of pornography in part, at least, by dramatizing the phantasmatic structures that are both present and yet are erased in delusions that sex can ever be simply reduced to a set of acts that are “just there.” In other words, producers like Candida Royalle and Ona Zee effectively subvert the scene of pornography from within, to the point that their films are no longer “pornographic” in any recognizable or familiar sense. In enunciating the possibility of subverting and shifting the parameters of the pornographic scene, they change what is seen as pornographic and perhaps even the meaning of pornography in our culture.
Ona Zee and Candida Royalle are, in this way, engaging in "representational politics." These politics do not just challenge mainstream pornography as the one possible form of sexually explicit material. They also, as is particularly the case with Candida Royalle, provide representational forms which enrich the imaginary and symbolic resources in which women's sexuality can be expressed. It is a mistake, then, to reject out of the hand the argument that "more speech" is one feminist weapon to take up against the pornographic industry. Candida Royalle's films should be understood as a form of feminist practice. Without new images and new words in which to express our sexuality, we will be unable to create a new world for women.

There is yet another reason to affirm the representational politics of women pornographers as a more potent threat to the pornography industry than, for instance, lawsuits. The psychoanalytic account of pornography argues that pornography speaks not to the penis but to the unconscious, and is an expression of the fantasy underpinnings of so-called heterosexuality. Thus, it is not easily reached by the law. Underlying the unconscious structure of pornography is the ultimate forbidden object of desire, the Phallic Mother. The lure of the forbidden object makes the temptation to pornography indissociable from its being a prohibited or shameful activity. The murkiness of the pornographic world is part of its deep attraction. Push it underground and it becomes even more desirable. Thus, the challenge from within by women pornographers may ultimately be more unsettling to the mainstream pornography industry than any outside legal challenge to it: just one more reason why we should focus pornography regulation not on constraining men and their fantasies, but on protecting the breathing space of the feminine imaginary.

Because pornography appeals to powerful unconscious fantasies, it cannot simply be disregarded as speech. If we accepted the behaviorist assumptions that MacKinnon makes about pornography and men's pricks, we not only would be more optimistic than I am about the success of direct legal regulation, we could also accept that pornography was a type of two-dimensional sex. On my analysis, on the other hand, pornography communicates an unconscious fantasy scene. This scene clearly speaks to us. We have to rethink, then,
how the analysis of pornography can lead us to justify modes of regulation that give women breathing space and yet, at the same time, accept that it is speech. Without such an analysis, we reinscribe the very kind of mind/body dualism that feminism has critiqued over the years. We need to have a much richer account of the way in which the human mind and body operate together in the complex activity we know as sex. What I have offered is an explanation of why the pornographic fantasy scene has come to be frozen through profoundly and deeply engendered structures.

To argue that pornography is speech does not dignify it, because speech need not be associated with any kind of high-minded activity. Judge Easterbrook’s recognition that pornography is speech because it has such power to communicate results from his taking into account the fact that there seems to be something there to which pornography speaks. It is as if Easterbrook recognizes that pornography is speech because of its power to appeal, if not to communicate. I am suggesting that as an appeal it is not an idea in any simple sense but an unconscious mirroring through imagistic signifiers of a repressed phantasmatic structure.

We should adopt my understanding of minimum conditions of individuation as a counterargument to MacKinnon’s insistence that pornography is discrimination. As I have already suggested, one problem with the move to curtail pornography is that it enacts and reinforces the very murkiness and night-world atmosphere that is associated with the desirability of pornography. But MacKinnon’s answer is that even if there were some “danger” that curtailing pornography would make it more attractive, such a danger could not outweigh the real harm to women. For MacKinnon, as we have seen, the wrong in pornography is inseparable from the causal link between pornography and rape and violence to women. We live in a world in which the reality of violence to women haunts us on a daily basis. As a woman who herself has endured an attempted rape, I know it is difficult to recover one’s sense of bodily integrity after such an attack. If we could show that there was a direct causal link between pornography and this kind of violence, then there certainly would be a powerful case for the argument that, no matter what other dan-
gers, we would have to do our best to curtail it. If bodily assault could be directly attributed to pornography, then it would clearly undermine the protection of minimum conditions of individuation because it would directly attack a woman’s bodily integrity.

The problem is that the studies are inconclusive. An added difficulty, as I have argued, is that the complex area of desire does not yield easily to cause and effect analogies. We need a different discourse. In a world structured by rigid gender identities, and an exaggerated phantasmatic masculinity haunted by its inability to realize its fantasy persona, it would not be surprising that one would have both a lucrative pornographic industry and a high rate of violence against women. The correlation could not be thought of in terms of causality but in terms of unconscious limitations imposed by the structures of gender in which we live our sexual lives. The cause and effect model turns on behaviorist assumptions in the field of desire that are indefensible. This does not mean that we should not take seriously the idea that pornography plays out in and through a complex scene and cultural life in which violence against women is too easily accepted. But we cannot rely on social-scientific studies that are inconclusive to prove a cause and effect relationship. A different analysis of the temptation of pornography, then, not only takes us away from cause and effect models, it also demands that we re-examine what the harm in pornography is. We need, in other words, to analyze MacKinnon’s assertion that pornography is discrimination, going beyond her behaviorist assumptions that the message speaks directly to the penis through the erection and then is delivered to women in the world.

**Is Porn A Coercive Speech Act?**

Shortly, I will provide my own legal reform program for the distribution of pornography, consistent with both my analysis of how pornography portrays a complex fantasy scene of desire and my argument that we must protect equal minimum conditions of individuation. Before doing so, however, I want to reconstruct MacKinnon’s
argument that pornography is per se discrimination. I will do so in a way that is consistent with my argument that pornography is speech. Thus, I will argue that we should reinterpret MacKinnon’s position as saying that pornography is a coercive speech act. We can dig up two meanings of “coercive speech act” for purposes of the law that MacKinnon implicitly relies on, even if she does not explicitly endorse them, define them, or indeed distinguish them from each other. For the sake of clarity, I will offer both legal definitions, even if they are clearly related, because they encourage an analysis of the power of the speaker. First: a coercive speech act is one that in its very expression is discrimination. Speech effectuates discrimination. For example, “No white men need apply” as a sign on an employer’s door directly effects discrimination. Second: it is a speech act which, because of the context of inequality in which it is expressed, encodes the inequality of certain relationships. Its message, thus, cannot be separated from the relationships in which it is enmeshed. The classic example in our law of the regulation of this kind of speech act is the prohibition of an employer’s anti-union speech immediately before a union drive election. Both forms of coercive speech act involve a relationship between the force of the words, the power of the speaker, and the ability of the meaning of the words to carry a message of enforced inequality. The enforced inequality cannot be separated from the power of the speaker.

Because pornography signifies for us the staging of a complex fantasy structure, it is difficult to apply coercive speech act theory in this context. Ultimately, then, I shall reject even this reconstruction of MacKinnon’s argument. But I believe that if we do reconstruct MacKinnon’s argument to be that pornography is a coercive speech act in one of the two senses I gave, then this can help us address the power of her central argument in Only Words. MacKinnon explicitly compares pornography to the first kind of discriminatory speech described above as directly effectuating discrimination in its very expression. As she argues:

Social inequality is substantially created and enforced—that is, done—through words and images. Social hierarchy cannot and does not exist without being embodied in meanings and expressed in communica-
tions. A sign saying "Whites Only" is only words, but it is not legally seen as expressing the viewpoint "we do not want Black people in this store," or as dissenting from the policy view that both Blacks and whites must be served, or even as hate speech, the restriction of which would need to be debated in First Amendment terms. It is seen as the act of segregation that it is, like "Juden nicht erwünscht!" Segregation cannot happen without someone saying "get out" or "you don't belong here" at some point. Elevation and denigration are all accomplished through meaningful symbols and communicative acts in which saying it is doing it.⁹⁰

But in the end, MacKinnon's argument that pornography is a coercive speech act turns us back to her behavioristic assumptions. In other words, pornography does not express experience, it "substitutes" for it. It is only if pornography is seen to replace reality that the message it portrays can be per se discrimination in the same way that the sign "Whites Only" is. MacKinnon explicitly makes this argument.

To make visual pornography, and to live up to its imperatives, the world, namely women, must do what the pornographers want to "say." Pornography brings its conditions of production to the consumer: sexual dominance. As Creel Froman puts it, subordination is "doing someone else's language." Pornography makes the world a pornographic place through its making and use, establishing what women are said to exist as, are seen as, are treated as, constructing the social reality of what a woman is and can be in terms of what can be done to her, and what a man is in terms of doing it.⁹¹

But does pornography in fact stand in for reality? I have argued that it enacts a complex fantasy scene in which the terror and fear of women is expressed in the denial of their power as much as it is in the encoding of their inferiority. MacKinnon argues that pornography permits men to have whatever they want sexually. It is their truth about sex. What I am suggesting is that pornography is not what men want, it is what some men need to feed their fantasy that there is compensation for a primary narcissistic wound. It is out of anxiety, and the inability of some men to successfully negotiate their anxiety, that they need to reassure themselves that they have taken
up the position of the one who controls the Mother/Other. It is the terror of women that makes the pornographic message arousing to some men because it assuages the fear that has also become the basis of their sexuality. I want to return now to whether or not we can accept MacKinnon's position that pornography can so directly effectuate discrimination.

Do we want to give pornography so much power that it literally defines what we can be in reality? Are we only this wound of femininity as it is portrayed in the pornographic scene, bound by its limits as surely as in any fantasy scenario? Of course not, any more than blacks are what white fantasies designate them to be. The sign saying “Whites Only” expresses a profound structure of unconscious fantasy which encodes and legitimates the history of racism in the United States. The difference is that pornography plays out the scene of discrimination in a more complex way than the effectuation of a “Whites Only” sign on a workplace door. That sign is a form of action in that there can be no possibility of employment of blacks in that workplace. Of course, who is doing the communicating through the sign is also crucial. An employer has the power to keep blacks out by refusing to even interview them, let alone hire them. Thus, we clearly need to separate a sign on the door of a place of employment from someone walking down the street screaming, “no whites need apply.” The fact that the “speaker” is an employer is inseparable from the coercive effect of the words. Coercive speech acts, then, not only imply the meaning given to the words, they also imply the force needed to make them an actuality. Given the history of exclusion, the sign clearly enacts the discrimination against which Title VII and the Constitution are meant to protect. But since pornography does not and cannot speak directly if it is to continue to be arousing, do we want to give it the kind of power that a “Whites Only” sign has to effectuate discrimination in its very expression when it is placed on the door of a place of employment? The answer has to be both a political and a legal one. Politically, we must not grant pornography the power to coerce women through its substitution for reality. To do so is to insert ourselves back into the pornographic world view in which men’s actions effectively curtail women in their expression and in
their search for new affirmations of the feminine within sexual difference beyond any current definitions. Simply put, we are not their fantasies. We do not want to have the law recognize their fantasies as the truth of our “being.” It gives pornography too much power to argue that it effectuates and enacts subordination through its very existence.

Yet, MacKinnon’s argument that pornography is a coercive speech act still serves as a powerful reminder of how we suffer from the dearth of symbolizations of the feminine within sexual difference. MacKinnon, quoting Creel Froman, writes, “domination is doing someone else’s language.” I agree with her that this is a crucial aspect of domination. This agreement is reflected in my account of how the heterosexual pornographic scene has profoundly erased the feminine imaginary in its traditional expression. The erasure of the countervailing feminine voice is part of the domination expressed in the pornographic scene. I have argued that the scene is inscribed in a mainstream masculine symbolic order more generally. The challenge of feminism is absolutely inseparable from the challenge to that symbolic order, which is why I have emphasized that feminism is inseparable from women’s struggle to find and build their own house of language adequate to their own description of “sex” that is beyond masculine fantasy. In MacKinnon’s account, however, nothing of women’s personhood is left over with which we could organize so as to begin the feminist process of becoming “for ourselves.” There is in MacKinnon’s account of silencing no space at all for the woman’s aspiration to become a person. We have been effectively shut off from ourselves by the imposed fantasies of others. I have argued that the social symbolic construction of the feminine as lack, as the castrated Other, as that which can find no grounding for itself in the masculine symbolic, can be politically and ethically reinterpreted to provide us with just that space—space in which we can organize ourselves and begin the long process of becoming “for ourselves.”

Ultimately, the argument that all pornography is a coercive speech act gives too much power to pornographic reality. My understanding of silencing, then, is not as literal as MacKinnon’s. Clearly, we speak up every day. But the struggle to find the “words to say it,” the struggle
to find the credibility for our own words beyond dismissive pathologizing, is a difficult struggle, and MacKinnon is right to recognize it as such. The problem, however, demands that we be ever careful to protect the psychic space in which women can begin to find their own language and build their own creative forms in which they can express the diversity and richness of their “sex.” As a result, there is the danger of curtailing women’s speech in the name of legally defending them against silencing. The very curtailment of, for example, our own exploration of sexually explicit material, may add to rather than facilitate our struggle to maintain the psychic space in which the “words to say it” might be found. It is precisely because the struggle is so difficult that I am bent on protecting that psychic space through the imaginary domain.

MacKinnon’s analysis of silencing and of pornography as a coercive speech act is crucial for her trafficking provision in the ordinance as it is now formulated, which states that the production, sale, exhibition, or distribution of pornography is discrimination against women. Given that I do not accept that analysis, I am suspicious of the trafficking provision because of its danger of being interpreted against the very women who are attempting to engage in that struggle to find the “words to say it.” In constitutional terms it is overbroad. In feminist political terms, it can be turned against our own efforts to find symbolic forms for the feminine imaginary. There will never be an end to the translation of the feminine imaginary into the symbolic forms. No one woman should be allowed to say that her symbolic translation is the only authentic one. We want contest and struggle, as well as joy and celebration, as we engage with one another to find our own language.

Let me return now to the second definition of a coercive speech act. MacKinnon frequently and explicitly argues that women are in the same kind of oppositional form of inequality to men as either children are to adults or employees are to bosses. For example, she argues:

The point here is that sex pictures are legally considered sex acts, based on what, in my terms, is abuse due to the fact of inequality between children and adults. For seeing the pictures as tantamount to
acts, how, other than that sexuality socially defines women, is inequality among adults different?96

I use MacKinnon’s example of the comparison between women and children to show the difficulty of arguing that women as a class are in the position of children. In the history of reform legislation, women have often been compared to children and therefore thought to be in need of special protection. This analogy was made in the 1907 labor protection legislation in the United States.97 The political danger of making this analogy is exactly the danger pointed to by Wendy Brown in her examination of this history in States of Injury: the figure of the woman as victim is reinforced by entrenching it in the law.98 The child as a figure for the woman has long been the basis for paternalistic attitudes towards women. The view that women are less than fully grown inheres in fantasies of female sexuality, and labels women as less than full adults.

This is exactly the kind of view of women that as feminists we must resist. Simply put: inequality amongst adults, and yes, between men and women, is inherently different from inequality between adults and children.

What of the possibility of regulating pornography as a coercive speech act in the second sense? The very fact of the diffuseness of pornography makes this hard. In the context of the workplace, we regulate the employer in specific ways and in specific time settings related to the heated environment of a union election. I am in favor of regulation in this case precisely on the basis of the problem of structural inequality deeply infusing any anti-union message. The problem constraining the debate that needs to take place before the election is what justifies this kind of regulation. In this context, the literalization of silencing is more logical than in pornography. Workers are generally too intimidated to speak up against the employer’s anti-union message in the immediate time period before the election. But it is a specifically tailored form of regulation that does not entrench an overall view of the worker as victim.99 As feminists, we must not allow a picture of woman as disenfranchised from full adulthood to be re-entrenched by the law.

Although I reject MacKinnon’s argument that pornography is dis-
crimination per se as a coercive speech act, I don’t believe that we should have no regulation of the distribution of pornography at all. Given my analysis of how pornography signifies through its staging of a complex fantasy structure, and my rejection of the analysis of it as coercive speech act, we need to move away from a focus on the power of men towards the establishment of conditions necessary for the facilitating and unleashing of the feminine imaginary.

I will defend a particular program of zoning that is justified as necessary for protecting the imaginary domain of each one of us. My argument will be that no one should be an enforced viewer of pornography. Zoning, as I define it, means that certain images cannot be displayed so that they are unavoidable if one happens to be on a particular street or in a particular part of town. More specifically, turning someone into an enforced viewer of pornography can be understood to violate the degradation prohibition, given the content of the images that are forced into view. But my justification is made in terms of the imaginary domain and not in the name of public decency. The defense of zoning, in other words, is itself part of the protection of sexual freedom and sexual expression as I understand them.

Display Regulation

Pornography is so much a part of New York City street life that it is almost impossible to escape it. Do I, then, have the choice to view pornography? Not if I choose to go out of my apartment and outside the West Village in New York City. I say outside the West Village because that area has already implemented the kind of zoning that I advocate. If I do leave the area—on the way to work or to run errands—I cannot escape images which devalue my “sex.” They exist everywhere, including the supermarket where I shop, the transportation I use, and wherever I may choose to buy my newspaper. In my own case, these images continuously assault my own self-conception and my own imaginary domain as I must continuously rework and live through the process of claiming my bodily integrity. They portray my “sex” as shameful, as something to be despised.
They challenge my self-respect as a woman, since I am portrayed in these images as unworthy of personhood.

It is important to note that it is a combination of the forced viewing and what one is forced to see that creates the harm. In other words, it is the pervasiveness of pornography, its public presentation, that inevitably renders me a forced viewer and in so doing denies me my imaginary domain. Earlier, I described this pervasiveness as a barrier to the proliferation of other imaginaries. The pervasiveness of this one imaginary makes it appear as the truth of “sex.” But this is just an appearance because it is this imaginary that has held sway in public spaces. In the case of violent pornography, the symbolism of the women in bits and pieces, as bodies which are not only violable but there to be violated, assaults me immediately. It assaults my projected image of myself as an individual worthy of inviolability and able to imagine and re-imagine my own bodily integrity. To strip someone forcibly of her self-image, particularly when that image is as basic as that of bodily integrity, is a violation. When a woman is forced to see her “sex” ripped apart, this interferes with her ability to construct an imaginary domain for herself. But I want to emphasize again that it is not just the confrontation with the images in and of themselves. It is the confrontation with the images in their inevitability, because they are allowed to pervade our public space so thoroughly, that itself constitutes the violation.¹⁰⁰ I cannot help but be an enforced viewer of this one pornographic scene. In other words, the images are those that have been encoded as the truth of our “sex” in a heterosexual masculine symbolic. I am arguing that it is the encoding of these images, through their domination of public space, that makes them seem as if they were the truth of sex and not just one particular imaginary.

Publicly displayed pornography is unavoidable and literally “in my face.” When I am forced to view aggressive pornography, I am violated in the specific sense that I am forced to confront the reality, symbolically represented, that my “sex” has been denied its inviolability. Inviolability, as Thomas Nagel has recognized, lies at the basis of a legal order in which an individual claims the right to remain alive and to be absolutely respected in her person. The body in this basic
sense is a legal construct from the outset. We are beings who can be assaulted or killed. All myths of the social contract start with the basic agreement that we join together for protection from murder. What I am forced to see, particularly in aggressive pornography, is myself as a being whose "sex" can be violated, who can, indeed, be abused or even killed. I am forced to see what I do not want to see. Here I agree with MacKinnon that the language of offense is completely inadequate. Yet the analysis I offer of the wrong of pornography being "in my face" is consistent with the traditional liberal distinction first made by John Stuart Mill and more recently argued by Nagel that we should distinguish between an offense that one can escape from and an offense that is forced on one. Nagel makes that distinction by arguing that there is a difference between an offense to someone who just can't bear the idea that homosexuals live in society and to a woman who must confront pornography which is "in her face."

Nagel does not address pornography, yet his analysis, based as it is on traditional liberal assumptions, can be used to defend my position. If the wrong in pornography occurs when I see myself presented as an object for violation and I wish to retreat from these images, then we are beyond the problematic model of cause and effect. Let me further elaborate the dimensions of this "violation" of the degradation prohibition. I have argued that there exists a violation in enforced confrontation with an image, which potentially assaults a woman's psychic projection of herself as inviolable, as worthy of personhood. We are returned to imagistic signifiers since the scene of porn is a profound unconscious fantasy about sexual difference. Thus, when a woman is confronted with a vision of herself, it can encroach on her bodily integrity as well as violate her projection of her own person as inviolable, and it does so by interfering with the construction of a woman's imaginary domain. If we are to have bodily integrity, as I argued in the previous chapter, we must be able to project our own images of our own bodies. That is, I project an image of who I shall have been for whom I might become. This projection process takes place in the future tense of the anterior since it can never be completed. When I have thrust upon me a fantasy of my body that com-
pletely undermines my own imaginary projection of bodily integrity, I am at that moment harmed because it undermines my ability to imagine myself as a person worthy of happiness, whose minimum conditions of individuation deserve to be protected equally. I am forced to view myself as a degraded “sex.” Since these images, or, more precisely, imagistic signifiers, speak to deep unconscious forces within all of us, they cannot be so easily ejected even if they can be consciously rejected, although I do not deny that my own reaction to aggressive pornography may be inseparable from my experience of sexual assault. Their full effect on undermining the feminine imaginary is hard to determine exactly because we have never been freed from the enforced viewing of these images. Thus, I disagree with MacKinnon when she says that “pornography does not jump off the shelf and harm us.” Note that she says that it is “pornography safely in its jackets” that does not jump off the shelf and harm us.

The form of zoning that I most readily accept keeps pornography safely in its jackets, out of the view of those who do not wish to see it, but readily accessible to those who wish to have access to it. Zoning involves measures such as keeping the public display of certain images from being forced on us simply because we happen to be walking by a particular video store or buying a newspaper from a local newsstand. Thus, an adult video store would have to be careful about the types of images displayed in the window or on the signs advertising its presence. This is the kind of zoning that exists in the West Village where there are a number of mainly gay adult video stores. Gay Pleasures, for instance, does not display graphic sexual material in the window which faces busy Hudson Street. Harmony, another gay video store, has blanked out its windows and painted hearts and other kinds of symbolism on the walls. These stores, known to Village residents, are part of a community and are situated close to its centers and schools. But a child could walk by either one of these stores and not be confronted with sexually graphic material and a woman could walk by them and not be confronted with a representation her body that reduces her either to someone else’s fantasized stereotype of her sex, or worse yet, as in the case of aggressive pornography, to her body reduced into bits and pieces. The location
of the stores is not crucial for the type of zoning I advocate. It is instead that graphic material is not forced upon any one who happens to pass by those stores. I mention that this is a particular kind of zoning because it does not involve a primary focus on how many stores there are in the neighborhood, nor the location of those stores, as separate from schools. Instead, it involves the zoning out of a direct confrontation with certain sexually explicit imagistic signifiers. The West Village has already found a kind of peace, with the recognition that the proliferation of imaginaries, particularly sexual ones, can be reconciled with the desire to keep only one imaginary from dominating the public space.

In New York City, there is current attempt at legislation which would try to prevent adult video stores from clustering. The argument has been based on recent state and federal court decisions that have upheld zoning as a legitimate mechanism for regulating such stores. The Chelsea Coalition, the community group sponsoring the plan, is concerned precisely with clustering, not with the presence of one or two stores. Within the legislation, however, there has been an explicit move to keep adult video stores away from particular locales such as schools, places of worship, community centers, etc. The secondary effects of clusters of stores alluded to in the study that the Chelsea Coalition relies upon are prostitution and increased crime. I do not deny that such effects can in some way be correlated with the presence of heterosexual mainstream video stores. I am aware that my example of the West Village must be distinguished on the basis that those kinds of effects have not been associated with the presence of gay adult video stores, at least not to the same extent as mainstream heterosexual video stores. But since my own understanding of the wrong in being a forced viewer turns not so much on the secondary effects but on the way in which one imaginary of the feminine “sex” is allowed to dominate public space, I am less concerned than the Chelsea Coalition with making sure that video stores do not cluster.

I am aware that there is a legitimate desire to prevent secondary effects. I would, however, argue that the dispersal of adult video stores or the complete banning of videos in certain parts of town is a less
desirable way to solve the problem than the one I have advocated. The danger is that it carries the message that sex should be kept away from schools and families. It may endorse a kind of righteous indignation that these stores are in and of themselves offensive. I am suggesting that if we rethink the rhetoric on which we justify zoning, and rethink the kind of zoning that we would want as our main focus, we can concentrate on the zoning-out of forced confrontation with sexually explicit images that degrade a woman's “sex” or present her as an object to be violated. We might, then, be better able to arrive at a mode of zoning that does not carry within it another view of whose imaginary should reign. Thus, I am sympathetic to Ronald Dworkin's concern that any regulation has an “effect” on the content of the material that it is regulating.¹⁰⁵ The advocacy of zoning based on the idea that pornographic material should be kept in the closet because it is “obscene” would have a major effect on how that material is viewed. This effect can potentially undermine what Dworkin calls “the right of moral independence,” and what I would call the right to one's own bodily integrity and the imaginary domain. If, however, we argue that we need zoning to protect the imaginary, then we can justify zoning in accordance with sexual tolerance and an emphasis on the desirability of the proliferation of sexual imaginaries. I use the example of the West Village because I believe that it is precisely this kind of zoning which is consistent with an emphasis on the need and desirability of the proliferation of imaginaries that makes this community a uniquely tolerant one for the endless reimagining of lived sexual difference.

The type of zoning that I advocate does protect the imaginary domain of each one of us, including those who wish to have easy access to pornographic materials. It is important to stress that the justification does not turn on the concept that these materials are offensive. I am more than sympathetic that these materials, even as they present the mainstream heterosexual scene, can be used by viewers in many different ways to explore aspects of their sexuality that go way beyond the scene as it is rigidly played out. When I advocate a certain form of zoning, I am not attempting to implicate this one imaginary as itself open only to one meaning.¹⁰⁶
I emphasize this point for another reason. There is evidence that societies and communities in which there is sexual tolerance, in which the proliferation of sexual imaginaries are encouraged, are safer places for women. MacKinnon vehemently wishes to deny that a society such as Sweden which permits pornography, or my example of the West Village which is open not only to many adult video stores but to many different kinds of lived sexual difference as they are paraded, enjoyed, and celebrated in the streets, can have an effect of lessening the amount of violence to women. The West Village, known for its sexual tolerance, is also known for the fact that in the last two years it has been the second safest neighborhood in New York City. More specifically, it is the neighborhood which has the lowest rate of violent crimes against women, such as rape. It is not just as a neighborhood in which women are not the main objects of desire, but as a neighborhood that has a deep tolerance for many kinds of sexuality and sexual difference which distinguishes the West Village as a community. This is borne out by the study done by Larry Baron which found that states with a predominance of followers of anti-pornography campaigns have the highest levels of inequality between men and women and higher levels of violence. The study did not conclude that there was a connection between tolerance of pornography and the lessening of violence and inequality against women, but instead that communities which allow the proliferation of sexual imaginaries are ones in which the environment itself, by encouraging tolerance, also helps to discourage violence. Thus, it is extremely important that the kind of zoning that I am recommending be consistent with that kind of sexual tolerance which has, at least in one study, been correlated with a lessening of attitudes of inequality towards women and a corresponding drop in explicit acts of violence against them.

Women need to have their imaginary domain protected, precisely so that they may continue the arduous journey of finding the “words to say it,” to develop richer descriptions of their “sex.” It may then be asked: why focus on porn? There are other, even more pervasive forms of sexist imagery that undermine a woman’s psychic space and her own projected imagination of her bodily integrity. The answer is twofold. First, law can only play a limited role in both the produc-
tion and distribution of pornography. The kind of zoning that I support does not have as its aim controlling others, or even imposing definitions about what is and what is not offensive, but instead opens up the space left out by the conflation of one sexual imaginary with a broader political imaginary. The protection of an imaginary domain for everyone can itself be read as a crucial value implicated by the First Amendment. Feminists clearly need a vital First Amendment because their speech has often been found to be offensive. But we also need to defend the First Amendment as crucial to protecting the space for our political, psychic, and artistic struggles. Thus, my analysis does not weigh equality rights against the First Amendment as providing a compelling state interest for the curtailment of speech as MacKinnon’s analysis does. Instead, equal protection of minimum conditions of individuation, and particularly the idea of the imaginary domain, should be read to keep us thinking more clearly about the value of equality as it is implicated in the First Amendment itself.109

Due to my suspicion of an overreliance on law, I am wary of relying on legal measures more generally to attempt to control the distribution of sexist imagery. In the case of aggressive pornography, there is a clear distinction between being confronted with a woman having her nipples ripped off and other kinds of sexist representation. Some sexist representations do not undermine women’s projected self-images so forcefully because they are not so fundamentally violative in the most basic sense of the equal protection of minimum conditions of individuation. For instance, I find the annual Sports Illustrated Swimsuit Issue a classic example of the woman’s body being reduced to stereotypically imagined, safe, and yet sexual presentation. On the other hand, I am consciously and unconsciously threatened by images of myself in bits and pieces. Such images also threaten my claim to inviolability. It is not the simple fact of our confrontation with images of ourself inconsistent with our own imaginary but a vision of ourselves as not worthy of the equivalent chance of personhood that is at issue. As Angela Carter reminds us:

The whippings, the beatings, the gougings, the stabblings of erotic violence reawaken the memory of the social fiction of the female
wound, the bleeding scar left by her castration, which is a psychic fiction as deeply at the heart of Western culture as the myth of Oedipus, to which it is related in the complex dialectic of imagination and reality that produces culture. Female castration is an imaginary fact that pervades the whole of men’s attitude towards women and our attitude to ourselves, that transforms women from human beings into creatures who were born to bleed.¹¹⁰

This presentation in pornography is unique in its reduction of what constitutes a woman and her sex.

I agree with Carter that it is in pornography that we are presented with the most stripped-down version of what a woman’s sex is, and therefore, that in the masculine imaginary she becomes a wounded creature who was born to bleed. I also agree with her that this stripped-down presentation itself can open us up to the possibility of debunking dominant myths of what a woman is. However, these fables of sexuality, which indicate the manner in which the richness of sexuality is reduced to schematic presentation and stereotype, should not dominate our public space just because of their debunking effect upon individual viewers. Thus I agree with Carter’s irony that pornography can be a “friend” to women because it presents the masculine imaginary in its most explicit form and the myth of woman as a creature born to bleed in its starkest version. Pornographic pictures, movies, and narratives do exactly what Carter says they do. They are pure forms of this sexual fiction, of the fiction that there is sex that is just there. It is precisely in their presentation that one is able to see a fundamental social truth—not about sex but about the operation of gender in the masculine imaginary. My view that the enforced viewing of this presentation of one scene of sex should be zoned out so that one does not have to confront it if one does not wish to is perfectly consistent with an acceptance of Carter’s position that through a confrontation with this scene an individual viewer can potentially learn a great deal about his/her sexuality, and society’s construction of sex and gender, precisely by having to confront it so directly.

I am aware that there is a continuum between sexually explicit material and material that simply degrades women by reducing them to sexual objects. Much of that material is not pornographic. As I just
argued, the first reason to single out pornography is that there is no other view of woman that is as graphic in her reduction to a sex object. The second reason, in the case of aggressive pornography, is that it is a unique form of undermining any claim to bodily integrity and inviolability because of the imaginary dimension of bodily integrity. But in the case of sexually explicit materials that portray women as degraded and not as a violated body in bits and pieces, we still have the reduction of a woman to her “sex,” with no lingering subjectivity remaining. It is because pornography portrays women in this graphic sense that it is uniquely forceful in its expression of who we are imagined to be. In terms of material that is simply sexually explicit, but not violent, there are also reasons to prevent it from being displayed in a way that violates certain basic community values. For example, young children should not have to be exposed to such material until their parents choose to expose them to it in the way that they feel is appropriate. Again, let me stress that it is because I accept that law can play only a limited role in the regulation of imagistic signifiers, and because of the importance of the protection of the imaginary domain, that I address only the zoning out, as a matter of law, of the pornographic encroachment on one’s own imaginary. We must allow and promote many different forms of contest other than law against the pervasiveness of images which fundamentally degrade women.

It is because our sense of self, our constitution as a self, turns on the construction and mirroring of others that we can be so severely violated by enforced confrontation with imagistic signifiers. MacKinnon argues that so-called postmodernists and deconstructionists deny both the performative aspect of language and, through theories of representation, the reality of the wrong inherent in certain speech acts. Although I have politically rejected the reconstruction of MacKinnon’s argument that pornography is in and of itself a coercive speech act, in either of the two senses outlined, this was not based on a theory of language. Ironically, given his recognition that the connotative-performative distinction in language cannot hold and that reality is always created through the performative power of speech and language, MacKinnon’s greatest ally may be Jacques Derrida.
I now turn to MacKinnon’s critique of those who argue that because it is representation, pornography cannot inflict harm. To quote MacKinnon:

The most elite denial of the harm is the one that holds that pornography is “representation,” when a representation is a nonreality. Actual rape arranges reality; ritual torture frames and presents it. Does that make them “representations,” and so not rape and torture? Is a rape a representation of a rape if someone is watching it? When is the rapist not watching it? Taking photographs is part of the ritual of some abusive sex, an act of taking, the possession involved. So is watching while doing it and watching the pictures later. The photos are trophies; looking at the photos is fetishism. Is nude dancing a “representation” of eroticism or is it eroticism, meaning a sex act? How is a live sex show different? In terms of what the men are doing sexually, an audience watching a gang rape in a movie is no different from an audience watching a gang rape that is reenacting a gang rape from a movie, or an audience watching any gang rape.  

There are dangers in MacKinnon’s analysis which I have already explained. The example I gave of “Strip Tease” illustrates the problem of relying on how men “react” to seeing nude dancing or some simulation of nude dancing re-enacted to ground a definition of pornography. Here again we are returned to the way in which MacKinnon’s feminism always expresses a male viewpoint.

MacKinnon not only misunderstands the so-called postmodern view of language which philosophically is on her side, but misunderstands the “elite argument” that pornography, because it is presented in imagistic signifiers, is not part of reality. The “elite argument” is not that pornography is representation as non-reality. Here, in any case, I argue that pornography signifies fantasy. Fantasies themselves are not separate from reality. My entire argument against one brand of linguistic philosophy has been that it does not adequately address the way in which social fantasies, particularly those about how one is gendered or sexed, are at the basis of our symbolic order and therefore our form of life. Any attempt then to analyze our language games or forms of life without analyzing social fantasy or unconscious motivation therein would therefore be inadequate, particu-
larly in the field of significance we call gender.\textsuperscript{114}

We can also be assaulted in our sense of self, in our reality, through images. Thus, far from making the argument that reality and imagination exist independently and separately, I believe that imagination is itself a crucial aspect of what constitutes reality. Women must have this imaginary domain protected. MacKinnon is the one who splits imagination from reality, who splits sexuality from the imagination. How one becomes sexed, how we each become either a man or a woman, how we attempt to challenge the rigid gender identities that have been imposed upon us, turns upon the imagination. If we are to "free ourselves," we must do so by liberating the imagination.

\textbf{Dreaming On}

My position is that the kind of zoning I advocate can provide the space in which the imagination can flourish. Thus, I clearly believe that we can have the potential to reimagine ourselves as sexed beings. Women, in turn, can unleash their own imaginaries and find new expressions for their sexuality. That is my reasonable faith. For Lacan, on the other hand, it is the impossibility of the heterosexual relationship that drives man to endlessly return to the pornographic scene in which he disavows and abjects woman as his symptom. In psychoanalysis, a symptom occurs when one finds a profound and feared truth about oneself, real or imaginary, projected onto the other, or, as with psychosomatic illnesses, onto the body as the other.\textsuperscript{115} Woman comes to represent potential loss, difference, the exterior, so that her mythic construction serves to secure the cohesion of masculine identity and a reference point in this otherness. The mythic construction of woman, however, also articulates a disturbance behind the apparent cohesion which enters by and through her very abjection. The abjection is graphically portrayed in pornography when woman is seen as the bleeding hole, the submissive other, the castrated, feared truth that man does not have the phallus in which he has so profoundly invested his identity. Ultimately, there can be no woman in the symbolic order because of the repression of the maternal body. For a
“true” Lacanian, fantasies fall into the hole left by her absence. Woman as the object of desire is the symptom of man’s yearning for full identity and secured coherence, as well as the projected image of the unconscious realization of the failure built into this undertaking. It is the failure that I return to now for its significance for how we think about sexuality and pornography.

MacKinnon argues for and invests in the reality of a cohesive symbolic order that has entirely foreclosed us from the feminine imaginary. The fact that woman cannot be reduced to any of her so-called designations in reality allows us to affirm the feminine imaginary as what is beyond the meaning imposed upon us by this other imaginary of the heterosexual white man. All heterosexual white men do not invest in this imaginary by taking up their identity through the fantasized reference of the phallus. It is because of Lacan’s insistence that the masculine and the feminine are signifiers and, as such, subject to slippage, and that the system of masculine identity will always fail in its cohesiveness because it depends on the fantasy object, woman, that his theory is so useful. Woman’s defamed and denigrated aspect, so vividly portrayed in pornography, articulates a split in man which poses an endless barrier to the truth of his own fantasy. Tragically, that barrier prevents the true caressing of the other which is desperately sought. Inevitably, the repressed returns by exposing the phantasmatic dimension of the “reality” that presents men, women, and sex as given.

Pornography is not what men want, but a substitute for the lack and the split that has been imposed upon those who invest themselves in this structure of masculine identity. It is not male power that is portrayed in pornography but their lack of security over who they are supposed to be. I disagree with feminists who argue that the sexuality we see portrayed in mainstream pornography is a sexuality which would allow us to explore the role of power in sexual relationships. Instead it exposes the powerlessness of man himself to solve his castration anxiety. This exposure is what Angela Carter described as the progressive aspect of pornography, which may debunk the more subtle myths of who and what woman is as seen through the eyes of such a man. While this debunking can take place
in the eyes of the individual viewer, it is not the only interpretation and does not justify its imposition on a woman who wishes to "zone it out."

MacKinnon argues that pornography is the truth of what men want. We see their power. We see their lust. No wonder MacKinnon's work inspires an unconscious identification on the part of many men. In her work, men see themselves portrayed as successfully striving to overcome a fatal split and lack that haunts their so-called cohesive identity. For MacKinnon, the social truth of men is the truth. This is why we are always returned to the male gaze, to how men respond and what they do, as the truth of feminism. Given the phenomenon of these outlaws, these "bad" boys, the best we can do is impose the law on them. Then they can be conditioned by being slapped on the hand, by being given some kind of conditioning through law to change their behavior. These are men as Pavlov's dogs, and it is only such men whose desire can be so easily conditioned away from a response. If we see the truth of pornography not as that of the lustful man but as that of a man haunted by his own castration anxiety, then this easy conditioning cannot provide us with the kind of meaningful change MacKinnon and Dworkin seek.

Why should feminism focus on men? We need to critically engage with how masculinity as a signifier has come to mean what it does. It is only one aspect of feminism, and a critical one at that. It is not its utopian promise. The failure of the system to foreclose itself because it rests on a fantasy which eludes the grasp of the system itself, i.e., which prevents its true self-referentiality and therefore the assurance of its meaning, also means that the feminine imaginary cannot be foreclosed. My analysis does not turn simply on social constructionism, but on a linguistically based symbolic order and a profound fantasy structure that can never secure its own ground.

I recognize the silencing of those of us who have been designated as women as we struggle to find the words to say how we might "be" differently. But the struggle is possible, the struggle is happening, the struggle has already begun as soon as any woman claims for herself the name "feminist." The lack of phenomenality of the female body, profoundly attested to in psychoanalytic literature, leads to the sense
that the feminine has been turned over to the gaze of the other. But this is not inevitable, given that the feminine imaginary cannot be foreclosed. When Annie Sprinkle steps out on stage, takes off her blouse, puts her breasts in ink, imprints them, hold them up and says, “these are not tits, they are other,” and then creates an array of names for what that other is, she is critically engaging with the symbolic order’s claim to capture her, and the possibility that her breasts are more than just “tits.” Meaning changes in the flow of words in Annie Sprinkle’s monologue, as she holds up the imprint, the seeming object. The distance between the reprint of her breasts, the representation, and correspondingly between the fantasy of them and their reality is brought home to the audience who would otherwise simply see that what is presented are “tits.”

Luce Irigaray has poetically evoked the vaginal lips in her reimagining and resymbolization of the female genitalia not as a thing, a “cunt,” but as a beautiful figure of the woman’s body as it engages a metonymic structure and evokes the “sex” which is not one. Irigaray is playing off the contrast of the fantasized phallus as “the one” and the female genitalia as she evokes the “sex” which is not one but a relationality, a touching, a caress. Critics of Irigaray who have reduced her evocation of the female sex to an actual description of biology have missed her complex use of metaphor, the female genitalia as like relationality, and the evocation of the “reality” of the female genitalia as a metonymic relation, the sex which is not one, which slides away from any cohesive reduction of it to a thing.

When Sula, in Toni Morrison’s novel of the same name, evokes the time and place when there will be a “little left for a woman with glory in her heart,” she too is evoking the feminine imaginary:

'O'h, they'll love me all right. It will take time, but they'll love me.'
The sound of her voice was as soft and distant as the look in her eyes.
'After all the old women have lain with the teen-agers; when all the young girls have slept with their old drunken uncles; after all the black men fuck all the white ones; when all the white women kiss all the black ones; when the guards have raped all the jailbirds and after all the whores make love to their grannies; after all the faggots get their mothers’ trim; when Lindbergh sleeps with Bessie Smith and
Norma Shearer makes it with Stepin Fetchit; after all the dogs have fucked all the cats and every weathervane on every barn flies off the roof to mount the hogs...then there'll be a little love left over for me. And I know just what it will feel like.\textsuperscript{117}

Is it just there, or can we know the imaginary as itself a call to displace all the primary unconscious connections we make between self and gender? The imaginary as a call evokes the beyond of another place and time. It does so by explicitly recognizing the power of metonymy and metaphor to unbind the structures of identification that have created us as sexed and gendered in the limited categories we think of as man and woman.

My critique of MacKinnon's evocation of the masculine imaginary as the imaginary turns on her explicit acceptance of the conflation of the masculine imaginary and any sexual imaginary. I reject that conflation and argue that philosophically it cannot take place. We are already in Sula's utopia as it eludes us when we try to find ourselves on the firm ground that tells us once and for all what reality is. A reality built in the house of language can always be rebuilt. Women writers and artists are not only engaged in the process of rebuilding the house of language but are also rebuilding the conception of what we think of as the dwelling in our being of our "sex." If the critique of social constructionism is understood to give us one reality, it is incompatible with the insight that gender itself has a phantasmatic dimension which prevents it from being turned into a stable reality that encompasses all that is. This is not to deny the oppression of those of us who have been designated as women, including the rigid way we have been designated as feminists. But it does deny that this is all we are. It denies that there can ever be any analysis of all that we are.

The foam women are billowy, rolling, tumbling, white and dirty white and yellowish and dun, scudding, heaving, flying, broken. They lie at the longest reach of the waves, rounded and curded, shaking and trembling, shivering hips and quivering buttocks, torn by the stiff, piercing wind, dispersed to nothing, gone. The long wave breaks again and they lie white and dirty white, yellowish and dun, billowing, trembling under the wind, flying, gone, till the long wave breaks again.
The rain women are very tall; their heads are in the clouds. Their gait is the pace of the storm-wind, swift and stately. They are tall presences of water and light walking the long sands against the darkness of the forest. They move northward, inland, upward to the hills. They enter the clefts of the hills unsusisting, unresisted, light into darkness, mist into forest, rain into earth.¹¹⁸

We are the foam women, the rain women and so much more. To deny the power to rewrite ourselves beyond the wound of femininity is to invest in the imposition of the masculine imaginary upon us as our truth. Feminism begins with that disinvestment.

When those outside the pornographic industry say that they know who Ona Zee is because they know that she is a porn star, they miss her, they misread her. This misreading is tragic for feminism because in its acceptance of the configuration of the masculine imaginary, it forces us once again to be erased in all our diversity and difference. On the contrary, ethical feminism begins with the recognition that one cannot know the other woman through the imposed imaginary structures that we have to live in as femininity. As we rewrite ourselves, we open up the psychic space to know ourselves differently and to know the other woman as different from ourselves. This respect for difference does not freeze difference into an idealized category. It recognizes that we are not all one as Woman, certainly not as the woman projected out into our culture as the phantasmatic figure of the bleeding hole. There is space for the woman with glory in her heart as long as we insist that we are already dwelling in it. We must write that dwelling into being as a space for us to “be” differently, to be beyond accommodation.