“Pornography, Obscenity and Censorship”

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Abstract

The article presents the author's view on any kind of censorship of art and entertainment. Liberal or intellectual people have always argued eloquently against such censorship. These arguments have been found to be persuasive by the courts and the legislatures of most Western countries. Censorship for all intents and purposes has now ceased to exist in the United States.

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Being frustrated is disagreeable, but the real disasters in life begin when you get what you want. For almost a century now, a great many intelligent, well-meaning, and articulate people — of a kind generally called liberal or intellectual or both — have argued eloquently against any kind of censorship of art and/or entertainment. And within the past ten years, the courts and the legislatures of most Western nations have found these arguments persuasive — so persuasive that hardly a man is now alive who clearly remembers what the answers to these arguments were. Today, in the United States and other democracies, censorship has for all intents and purposes ceased to exist.

Is there a sense of triumphant exhilaration in the land? Hardly. There is, on the contrary, a rapidly growing unease and disquiet. Somehow, things have not worked out as they were supposed to, and many notable civil libertarians have gone on record as saying this was not what they meant at all. They wanted a world in which Desire under the Elms could be produced, or Ulysses published, without interference by philistine busybodies holding public office. They have got that, of course; but they have also got a world in which homosexual rape takes place on the stage, in which the public flocks during lunch hours to witness varieties of professional fornication, in which Times Square has become little more than a hideous market for the sale and distribution of printed filth that panders to all known (and some fanciful) sexual perversions.

But disagreeable as this may be, does it really matter? Might not our unease and disquiet be merely a cultural hangover — a "hang up," as they say? What reason is there to think that anyone was ever corrupted by a book?

This last question, oddly enough, is asked by the very same people who seem convinced that advertisements in magazines or displays of violence on television do indeed have the power to corrupt. It also asked, incredibly enough and in all sincerity, by people — for example, university professors and schoolteachers — whose very lives provide all the answers one could want. After all, if you believe that no one was ever corrupted by a book, you also have to believe that; no one was ever improved by a book (or a play or a movie). You have to believe, in other words, that all art is morally trivial and that, consequently, all education is morally irrelevant. No one, not even a university professor, really believes that.

To be sure, it is extremely difficult, as social scientists tell us, to trace the effects of any single book (or play or movie) on an individual reader or any class of readers. But we all know, and social scientists know it too, that the ways in which we use our minds and imaginations do shape our characters and help define us as persons. That those who certainly know this are nevertheless moved to deny it merely indicates how dogmatic resistance to the idea of censorship can — like most dogmatism — result in a mindless insistence on the absurd.

I have used these harsh terms — "dogmatism" and "mindless" — advisedly. I might also have added "hypocritical." For the plain fact is that none of us is a complete civil libertarian. We all believe that there is some point at which the public authorities ought to step in to limit the "self-expression" of an individual or a group, even where this might be seriously intended as a form of artistic expression, and even where the artistic transaction is between consenting adults. A playwright or theatrical director might, in this crazy world of ours, find someone willing to commit suicide on the stage, as called for by the script. We would not allow that — any more than we would permit scenes of real physical torture on the stage, even if the victim were a willing masochist. And I know of no one, no matter how free in spirit, who argues that we ought to permit gladiatorial contests in Yankee Stadium, similar to those once performed in the Colosseum at Rome — even if only consenting adults were involved.

The basic point that emerges is one that Walter Berns has powerfully argued: No society can be utterly indifferent to the ways its citizens publicly entertain themselves. Bearbaiting and cockfighting are prohibited only in part out of compassion for the suffering animals; the main reason they were abolished was because it was felt that they debased and brutalized the citizenry who flocked to witness such spectacles. The question we face with regard to pornography and obscenity is whether, now that they have such strong legal protection from the Supreme Court, they can or will brutalize and debase our citizenry. We are, after all, not dealing with one passing incident — one book, or one play, or one movie; we are dealing with a general tendency that is suffusing our entire culture.

I say pornography and obscenity because, though they have different dictionary definitions and are frequently distinguishable as "artistic" genres, they are nevertheless in the end identical in effect. Pornography is not objectionable simply because it arouses sexual desire or lust or prurience in the mind of the reader or spectator; this is a silly Victorian notion. A great many non-pornographic works — including some parts of the Bible — excite sexual desire very successfully. What is distinctive about pornography is that, in the words of D. H. Lawrence, it attempts "to do dirt on [sex].… [It is an] insult to a vital human relationship."

In other words, pornography differs from erotic art in that its whole purpose is to treat human beings obscenely, to deprive human beings of their specifically human dimension. That is what obscenity is all about. It is light-years removed from any kind of carefree sensuality — there is no continuum between Fielding's Tom Jones and the Marquis de Sade's Justine. These works have quite opposite intentions. To quote Susan Sontag: "What pornographic literature does is precisely to drive a wedge between one's existence as a full human being and one's existence as a sexual being — while in ordinary life a healthy person is one who prevents such a gap from opening up." This definition occurs in an essay defending pornography — Miss Sontag is a candid as well as gifted critic — so the definition, which I accept, is neither tendentious nor censorious.

Along these same lines, one can point out — as C. S. Lewis pointed out some years back — that it is no accident that in the history of all literatures, obscene words, the so-called four-letter words, have always been the vocabulary of farce or vituperation. The reason is clear; they reduce men and women to some of their mere bodily functions — they reduce man to his animal component, and such a reduction is an essential purpose of farce or vituperation.

Similarly, Lewis also suggested that it is not an accident that we have no offhand, colloquial, neutral terms — not in any Western European language at any rate — for our most private parts. The words we do use are either (1) nursery terms, (2) archaisms, (3) scientific terms, or (4) a term from the gutter (i.e., a demeaning term). Here I think the genius of language is telling us something important about man. It is telling us that man is an animal with a difference: He has a unique sense of privacy, and a unique capacity for shame when this privacy is violated. Our "private parts" are indeed private, and not merely because convention prescribes it. This particular convention is indigenous to the human race. In practically all primitive tribes, men and women cover their private parts; and in practically all primitive tribes, men and women do not copulate in public.

It may well be that Western society, in the latter half of the twentieth century, is experiencing a drastic change in sexual mores and sexual relationships. We have had many such "sexual revolutions" in the past — the bourgeois family and bourgeois ideas of sexual propriety were themselves established in the course of a revolution against eighteenth-century "licentiousness" — and we shall doubtless have others in the future. It is, however, highly improbable (to put it mildly) that what we are witnessing is the Final Revolution which will make sexual relations utterly unproblematic, permit us to dispense with any kind of ordered relationships between the sexes, and allow us freely to redefine the human condition. And so long as humanity has not reached that Utopia, obscenity will remain a problem.

Imagine a man — a well-known man, much in the public eye — in a hospital ward, dying an agonizing death. He is not in control of his bodily functions, so that his bladder and his bowels empty themselves of their own accord. His consciousness is overwhelmed and extinguished by pain, so that he cannot communicate with us, nor we with him. Now, it would be, technically, the easiest thing in the world to put a television camera in his hospital room and let the whole world witness this spectacle. We do not do it — at least we do not do it as yet — because we regard this as an obscene invasion of privacy. And what would make the spectacle obscene is that we would be witnessing the extinguishing of humanity in a human animal.

Incidentally, in the past our humanitarian crusaders against capital punishment understood this point very well. The abolitionist literature goes into great physical detail about what happens to a man when he is hanged or electrocuted or gassed. Their argument was — and is — that what happens is shockingly obscene, and that no civilized society should be responsible for perpetrating such obscenities, particularly since in the nature of the case there must be spectators to ascertain this horror was indeed being perpetrated in fulfillment of the law.

Sex — like death — is an activity that is both animal and human. There are human sentiments and human ideals involved in this animal activity. But when sex is public, the viewer does not see — cannot see — the sentiments and the ideals. He can only see the animal coupling. And that is why, when men and women make love, as we say, they prefer to be alone — because it is only when you are alone that you can make love, distinct from merely copulating in an animal and casual way. And that, too, is why those who are voyeurs, if they are not irredeemably sick, also feel ashamed at what they are witnessing. When sex is a public spectacle, a human relationship has been debased into a mere animal connection.

It is also worth noting that this making of sex into an obscenity is not a mutual and equal transaction but rather an act of exploitation by one of the partners — the male partner. I do not wish to get into the complicated question as to what, if any, are the essential differences — as distinct from conventional and cultural differences — between male and female. I do not claim to know the answer to that. But I do know — and I take it as a sign that has meaning — that pornography is, and always has been, a man's work; that women rarely write pornography. There are of course, a few exceptions. L'Historie d'O, for example, was written by a woman. It is unquestionably the most melancholy work of pornography ever written. And its theme is precisely the dehumanization accomplished by obscenity.

My own guess, by way of explanation, is that a woman's sexual experience is ordinarily more suffused with human emotion than is a man's, that men are more easily satisfied with autoerotic activities, and that men can therefore more easily take a more "technocratic" view of sex and its pleasures. Perhaps this is not correct. But whatever the explanation, there can be no question that pornography is a form of sexism," as the women's liberation movement calls it, and that the instinct of women's liberation has been unerring in perceiving that when pornography is perpetrated, it is perpetrated against them, as part of a conspiracy to deprive them of their full humanity.

But even if all this is granted, it might be said — and doubtless will be said — that I really ought not to be unduly concerned. Free competition in the 'cultural marketplace — it is argued by people who have never otherwise had a kind word to say for laissez-faire — will automatically dispose of the problem. The present fad for pornography and obscenity, it will be asserted, is just that, a fad. It will spend itself in the course of time; people will get bored with it, will be able to take it or leave it alone in a casual way, in a "mature way" and, in sum, I am being unnecessarily distressed about the whole business.

I would like to be able to go along with this line of reasoning, but I cannot. I think it is false, and for two reasons, the first psychological, the second political.

The basic psychological fact about pornography and obscenity is that it appeals to and provokes a kind of sexual regression. The sexual pleasure one gets from pornography and obscenity is autoerotic and infantile; put bluntly, it is a masturbatory exercise of the imagination, when it is not masturbation pure and simple. Now, people who masturbate do not get bored with masturbation, just as sadists do not get bored with sadism, and voyeurs do not get bored with voyeurism.

In other words, infantile sexuality is not only a permanent temptation for the adolescent or even the adult — it can quite easily become a permanent, self-reinforcing neurosis. It is because of an awareness of this possibility of regression toward the infantile condition, a regression which is not always open to us, that all the codes of sexual conduct ever devised, by the human race take such a dim view of autocratic activities and try to discourage autoerotic fantasies. Masturbation is indeed a perfectly natural autoerotic activity, as so many sexologists blandly assure us today. And it is precisely because it is so perfectly natural that it can be so dangerous to the mature or maturing person, if it is not controlled or sublimated in some way. That is the true meaning of Portnoy's complaint. Portnoy, you will recall, grows up to be a man who is incapable of having an adult sexual relationship with a woman; his sexuality remains fixed in an infantile mode, the prisoner of his autoerotic fantasies. Inevitably, Portnoy come to think, in a perfectly infantile way, that it was all his mother's fault.

It is true that, in our time, some quite brilliant minds have come to the conclusion that a reversion to infantile sexuality is the ultimate mission and secret destiny of the human race. I am thinking in particular of Norman O. Brown, for whose writings I have the deepest respect. One of the reasons I respect them so deeply is that Mr. Brown is a serious thinker who is unafraid to face up to the radical consequences of his radical theories. Thus, Mr. Brown knows and says that for his kind of salvation to be achieved, humanity must annul the civilization it has created — not merely the civilization we have today, but all civilization — so as to be able to make the long descent backward into animal innocence.

And that is the point. What is at stake is civilization and humanity, nothing less. The idea that "everything is permitted," as Nietzsche put it, rests on the premise of nihilism and has nihilistic implications. I will not pretend that the case against nihilism and for civilization is an easy one to make. We are here confronting the most fundamental of philosophical questions, on the deepest levels. In short, the matter of pornography and obscenity is not a trivial one, and only superficial minds can take a bland and untroubled view of it.

In this connection, I must point out, those who are primarily against censorship on liberal grounds tell us not to take pornography or obscenity seriously, while those who are for pornography and obscenity on radical grounds take it very seriously indeed. I believe radicals — writers like Susan Sontag, Herbert Marcuse, Norman O. Brown, and even Jerry Rubin — are right, and the liberals are wrong. I also believe that those young radicals at Berkeley, some years ago, who provoked a major confrontation over the public use of obscene words, showed a brilliant political instinct. And once Mark Rudd could publicly ascribe to the president of Columbia a notoriously obscene relationship to his mother, without provoking any kind of reaction, the SDS (Students for a Democratic Society) had already won the day. The occupation of Columbia's buildings merely ratified their victory. Men who show themselves unwilling to defend against nihilism are not going to be either resolute or effective in defending the university against anything.

I am already touching upon a political aspect of pornography when I suggest that it is inherently and purposefully subversive of civilization and its institutions. But there is another and more specifically political aspect, which has to do with the relationship of pornography and/or obscenity to democracy, and especially to the quality of public life on which democratic government ultimately depends.

Though the phrase "the quality of life" trips easily from so many lips these days, it tend to be one of those cliches with many trivial meanings and no large, serious one. Sometimes it merely refers to such externals as the enjoyment of cleaner air, cleaner water, cleaner streets. At other times it refers to the merely private enjoyment of music, painting, or literature. Rarely does it have anything to do with the way the citizen in a democracy views himself — his obligations, his intentions, his ultimate self-definition.

Instead, what I would call the "managerial" conception of democracy is the predominant opinion among political scientists, sociologists, and economists, and has, through the untiring efforts of these scholars, become conventional journalistic opinion as well.

The root idea behind this managerial conception is that democracy is a "political system" (as they say) which can be adequately defined in terms of — can be fully reduced to — its mechanical arrangements. Democracy is then seen as a set of rules and procedures, and nothing but a set of rules and procedures, whereby majority rule and minority rights are reconciled into a state of equilibrium. If everyone follows these rules and procedures, then a democracy is in working order. I think this is a fair description of the democratic idea that currently prevails in academia. One can also fairly say that it is now the liberal idea of democracy par excellence.

I cannot help but feel that there is something ridiculous about being this kind of a democrat, and I must further confess to having a sneaking sympathy for those of our young radicals who also find it ridiculous. The absurdity is the absurdity of idolatry — of taking the symbolic for the real, the means for the end. The purpose of democracy cannot possibly be the endless functioning of its own political machinery. The purpose of any political regime is to achieve some version of the good life and the good society. It is not at all difficult to imagine a perfectly functioning democracy which answers all questions except one — namely, why should anyone of intelligence and spirit care a fig for it?

There is, however, an older idea of democracy — one which was fairly common until about the beginning of this century — for which the conception of the quality of public life is absolutely critical. This idea starts from the proposition that democracy is a form of self-government, and that if you want it to be a meritorious polity, you have to care about what kind of people govern it. Indeed, it puts the matter more strongly and declares that if you want self-government, you are only entitled to it if that "self is worthy of governing. There is no inherent right to self-government if it means that such government is vicious, mean, squalid, and debased. Only a dogmatist and a fanatic, an idolater of democracy machinery, could approve of self-government under such conditions.

And because of the desirability of self-government depends on the character of the people who govern, the older idea of democracy was very solicitous of the condition of this character. It was solicitous of the individual self, and felt an obligation to educate it into what used to be called "republican virtue." And it was solicitous of that collective self which we call public opinion and which, in a democracy, governs us collectively. Perhaps in some respects it was nervously oversolicitous — that would not be surprising. But the main thing is that it cared, cared not merely about the machinery of democracy but about the quality of life that this machinery might generate.

And because it cared, this older idea of democracy had no problem in principle with pornography and/or obscenity. It censored them — and it did so with a perfect clarity of mind and a perfectly clear conscience. It was not about to permit people capriciously to corrupt themselves. Or, to put it more precisely: In this version of democracy, the people took some care not to let themselves be governed by the more infantile and irrational parts of themselves.

I have, it may be noticed, uttered that dreadful word censorship. And I am not about to back away from it. If you think pornography and/or obscenity is a serious problem, you have to be for censorship. I will go even further and say that if you want to prevent pornography and/or obscenity from becoming a problem, you have to be for censorship. And lest there be any misunderstanding as to what I am saying, I will put it as bluntly as possible: If you care for the quality of life in our American democracy, then you have to be for censorship.

But can a liberal be for censorship? Unless one assumes that being liberal must mean being indifferent to the quality of American life, then the answer has to be yes, a liberal can be for censorship — but he ought to favor a liberal form of censorship.

Is that a contradiction in terms? I do not think so. We have no problem in contrasting repressive laws governing alcohol and drugs and tobacco with laws regulating (i.e., discouraging the sale of) alcohol and drugs and tobacco. Laws encouraging temperance are not the same thing as laws that have as their goal prohibition or abolition. We have not made the smoking of cigarettes a criminal offense. We have, however, and with good liberal conscience, prohibited cigarette advertising on television, and may yet, again, with good liberal conscience, prohibit it in newspapers and magazines. The idea of restricting individual freedom in a liberal way, is not all unfamiliar to us.

I therefore see no reason why we should not be able to distinguish repressive censorship from liberal censorship of the written and spoken word. In Britain, until a few years ago, you could perform almost any play you wished, but certain plays, judged to be obscene, had to be performed in private theatrical clubs, which were deemed to have a "serious" interest in theatre. In the United States, all of us who grew up using public libraries are familiar with the circumstances under which certain books could be circulated only to adults, while still other books had to be read in lithe library reading room, under the librarian's skeptical eye. In both cases, a small minority that was willing to make a serious effort to see an obscene play or read an obscene book could do so. But the impact of the obscenity was circumscribed and the quality of public life was only marginally affected.

It is fairly predictable that someone is going to object that this point of view is "elitist" — that, under a system of liberal censorship, the rich will have privileged access to pornography and obscenity. Yes of course, they will-just as, at present, the rich have privileged access to heroin if they want it. But one would have to be an egalitarian maniac to object to this state of affairs on the grounds of equality.

I am not saying it is easy in practice to sustain a distinction between liberal and repressive censorship, especially in the public realm of democracy, where popular opinion is so vulnerable to demagoguery. Moreover, an acceptable system of liberal censorship is likely to be exceedingly difficult to devise in the United States today, because our educated classes, upon whose judgment a liberal censorship must rest, are so convinced that there is no such thing as obscenity at all. But to counterbalance this, there is the further, fortunate truth that the tolerable margin for error is quite large, and single mistakes or single injustices are not all that important.

This possibility of error, of course, occasions much distress among artists and academics. It is a fact, one that cannot and should not be denied, that any system of censorship is bound, upon occasion, to treat unjustly a particular work of art — to find pornography where there is only gentle eroticism, to find obscenity where none really exists, or to find both where its existence ought to be tolerated because it serves a larger moral purpose. Though most works of art are not obscene, and though most obscenity has nothing to do with art, there are some few works of art that are, at least in part, pornographic and/or obscene. There are also some few works of art that are in a special category of the comic-ironic "bawdy" (Boccaccio, Rabelais). It is such works of art that are likely to suffer at the hands of the censor. That is the price one has to be prepared to pay for censorship — even liberal censorship.

But just how high is this price? If you believe, as so many artists seem to believe today, that art is the only sacrosanct activity in our profane and vulgar world — that any man who designates himself an artist thereby acquires a sacred office — then obviously censorship is an intolerable form of sacrilege. But for those of us who do not subscribe to this religion of art, the costs of censorship do not seem high at all.

If you look at the history of American or English literature, there is precious little damage you can point to as a consequence of the censorship that prevailed throughout most of that history. Very few works of literature — of real literary merit, I mean — ever were suppressed; and those that were, were not suppressed for long. Nor have I noticed, now that censorship of the written word has to all intents and purposes ceased in this country, that the hitherto suppressed or repressed masterpieces are flooding the market. Yes, we can now read Fanny Hill and the Marquis de Sade. Or, to be more exact, we can now openly purchase them, since many people were able to read them even though they were publicly banned, which is as it should be under a liberal censorship. So how much have literature and the arts gained from the fact that we can all now buy them over the counter, that, indeed we are all now encouraged to buy them over the counter? They have not gained much that I can see.

And one might also ask the question that is almost never raised: How much has literature lost from the fact that everything is now permitted? It has lost quite a bit, I should say. In a free market, Gresham's Law can work for books or theater as efficiently as it does for coinage — driving out the good, establishing the debased. The cultural market in the United States today is being preempted by dirty books, dirty movies, dirty theater. A pornographic novel has a far better chance of being published today than a non-pornographic one, and quite a few pretty good novels are not being published at all simply because they are not pornographic, and are therefore less likely to sell. Our cultural condition has not improved as a result of the new freedom. American cultural life was not much to brag about twenty years ago; today one feels ashamed for it.

Just one last point, which I dare not leave untouched. If we start censoring pornography and obscenity, shall we not inevitably end up censoring political opinion? A lot of people seem to think this would be the case — which only shows the power of doctrinaire thinking over reality. We had censorship of pornography and obscenity for 150 years, until almost yesterday, and I am not aware that freedom of opinion in this country was in any way diminished as a consequence of this fact. Fortunately for those of us who are liberal, freedom is not indivisible. If it were, the case for liberalism would be indistinguishable from the case for anarchy; and they are two very different things.

But I must repeat and emphasize: What kinds of laws we pass governing pornography and obscenity, what kind of censorship — or, since we are still a federal nation, what kinds of censorship — we institute in our various localities may indeed be difficult matters to cope with; nevertheless the real issue is one of principle. I myself subscribe to a liberal view of the enforcement problem: I think that pornography should be illegal and available to anyone who wants it so badly as to make a pretty strenuous effort to get it. We have lived with under-the-counter pornography for centuries now, in a fairly comfortable way. But the issue of principle, of whether it should be over or under the counter, has to be settled before we can reflect on the advantages and disadvantages of alternative modes of censorship. I think the settlement we are living under now, in which obscenity and democracy are regarded as equals, is wrong; I believe it is inherently unstable. I think it will in the long run, be incompatible with any authentic concern for the quality of life in our democracy.

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