Pornography and Degradation

I have taken a Kantian approach to the issue of pornography and degradation. My thesis is that by perpetuating derogatory myths about womankind, for the sake of financial gain, the pornography industry treats the class of women as a means only, and not as composed of individuals who are ends in themselves. It thus degrades all women, as members of this class, imputing to them less than full human status.

The issue of pornography has often been approached from a Utilitarian point of view, with the discussion focusing on what the consequences of pornography might be. There is a great deal of literature concerning whether or not the availability of pornographic material is responsible for violence against women, or for promoting a depersonalized attitude toward sexual relationships. There is not a great deal of agreement on these empirical questions (Berger, 1977).

Recently, there have been several attempts to introduce city or county ordinances banning the sale of pornography, in Minneapolis, Indianapolis, Los Angeles, and Suffolk, New York. The proponents of these ordinances have argued that pornography violates the civil rights of women, apparently a non-Utilitarian argument. However, their argument turns on the premise that the effect of pornography is to deny equal opportunities to women. Thus far, the courts have rejected this line of reasoning, and the constitutionality of the proposed statutes, largely because they are not convinced that the consequences of pornography are such as to warrant restrictions of First Amendment rights.

I am interested in presenting an argument that does not appeal to the consequences of pornography, a strictly non-Utilitarian argument that rests on the hypothesis that pornography degrades women. I believe that pornography does degrade women. However, the concept of degradation is a slippery one, which, like other concepts of oppression, has not been examined as carefully as it must be if we are going to discuss oppression illuminatingly. In the first part of this article, therefore, I will offer an analysis of the concept of degradation. In the second part, I will show why and how pornography degrades women.
I propose that we begin with the assumption that degradation involves, literally, a de-grading. This proposition is, I realize, both vague and ambiguous. It is ambiguous because “de-grade” may suggest either (1) to \textit{down-grade}, to lower the worth of, to de-value, or (2) to \textit{assign} a lower grade to, to give a lower evaluation, to characterize as of lesser worth. In other words, de-gradation may be thought to entail either a real loss of worth, or an imputed loss of worth. In either case, the proposal is vague, because it gives no indication of the \textit{kind} of value that must be lost, or imputed to be lost, in order for degradation to take place.

The following examples suggest a direction we might take in firming up this proposal.

In William Styron’s novel, \textit{Sophie’s Choice}, Sophie mentions that although the Nazis routinely shaved the heads of all inmates at Auschwitz, those inmates who occupied positions of favor were permitted to wear headscarves in order to hide their “degrading baldness.”

In Emma Goldman’s autobiography, recounting a period of time spent in prison, she describes as “degrading” the prisoners being forced to march in lockstep while carrying buckets of excrement from their cells to the river.

In both these cases, the writers are describing environments in which severe physical abuse was a commonplace. The horrors of the Nazi death camps are well-known. The plight of working class women in prisons in the late nineteenth and early twentieth centuries was also appalling: forced labor under sweatshop conditions, with inadequate food, crowded living quarters, and no medical facilities. Given the context of physical abuse in both cases, it is significant that what Goldman and Styron’s Sophie focus on as degrading is not any physical abuse or deprivation at all, but on practices the importance of which (to both practitioner and victim) is largely symbolic. In both cases, it is a kind of public display of low status which is described as degrading.

Extrapolating from Styron and Goldman, I would suggest that the de-grading involved in degradation is a lowering of \textit{moral} status. A person is not degraded merely by losing status as president of the company or as most valuable player or as woman of the year. Degradation is not to be confused with decline or defeat. It is not a matter of losing power or prestige or privilege, but of losing something considerably more central to one’s personhood. To give this account a Kantian interpretation: degradation involves being treated as though one were a means only, as though one were not an end in herself, as though one were something less than a person.
However, degradation is not simply a matter of being treated as something less than a person. If this were true, then shaved heads and forced marches would be the least of the degradations inflicted upon Sophie and Goldman, for in much of the physical and mental abuse they suffered they were treated as less than persons. It is not a sufficient condition of degradation that a person be treated as something less than a person.

I am inclined to say that it is a necessary condition of degradation that a person be perceived—by herself or by others—as being treated as something less than a person. Degradation occurs with the creation of a public impression that a person is being treated as something less than a person. Thus, baldness was degrading within the context of Auschwitz because it marked one as a member of the class that was being treated as sub-human. Forced marches for prisoners doing housekeeping chores were degrading because their sole purpose was to exhibit—for the benefit of the prisoners and the guards, at least—the complete submissiveness and obedience of the prisoners and the complete control of the guards; forced marches served as a demonstration that the prisoners could be treated in whatever manner, however inhuman, that the guards desired.

In short, degradation is a public phenomenon. If there is no perception of a person being treated as though she were a means only, then she is not degraded, although she may be exploited or cheated or abused. For example, consider the difference between an employer who underpays employees while expressing contempt for them, and an employer who underpays employees while cultivating an image of benevolent concern. The former degrades her employees; the latter "merely" cheats them. Or, consider the difference between a man who publicly treats his wife as a servant, and a man who treats his wife as a means only while expressing love and affection for her. Again, the former degrades his wife; the latter "merely" takes advantage of her.

Although degradation requires a public perception of someone being treated as a means only, this perception need not be widely shared: it is often enough that the victim perceives it, i.e., that it be public in principle only. On the other hand, it may be true that the degradation is more severe if the perception is more widespread. To be actually observed in public being treated as less than a person is more degrading than being subjected to the same treatment in private.

This suggests, to return to a question raised above, that degradation involves a de-grading in the sense of imputing a lesser value to, rather than in the sense of lessening the value of. Covert treatment of a person as a means only—a matter of exploitation or abuse rather than of degradation, if my analysis is correct—implies no conviction on the
agent's part that his action is morally justifiable, that the other deserves
to be treated as a means only. Such actions do not, therefore, impute
a lesser moral worth to the victim. However, an agent who lets his vic-
tim know that he is intentionally treating her as a means only, exhibits
a certain contempt for her, demonstrates a certain conviction that his
action is justifiable, that she deserves to be treated as less than a per-
son. Finally, an agent who treats his victim as something less than a
person in public places, for the whole world to observe, demonstrates
a conviction that her worthlessness is so extreme that all the world can
be counted upon to regard him as justified in treating her accordingly.
In short, the more public the display of contempt, the stronger is the
imputation of moral worthlessness.

It may sometimes be thought that degradation degrades not only
in the sense of imputing lesser moral worth to a person, but also in
the sense of actively lessening the moral worth of a person. In particular,
I suspect that people who degrade others often vaguely think of this
as a kind of challenge or as a test. One meets the challenge, passes the
test, by insisting (presumably at whatever cost) on being treated with
respect. One fails the test by acquiescing; and the penalty for failure
is the loss of one's right to be treated with respect. Thus, degradation
carries with it its own justification: people who allow themselves to be
treated as less than persons deserve to be treated as less than persons.

This is a mistake. A person does not have to earn the right to be
treated as an end in herself, to be treated with fairness and considera-
tion; and a person does not forfeit these rights by failing to insist that
they be respected. These are rights a person has simply in virtue of be-
ing a person, in virtue of having the potential (in theory, at least) for
certain kinds of behavior. Consequently, degradation is always morally
wrong. It does not become less wrong because the degraded person
acquiesces.

On the other hand, Thomas Hill (1973) has argued, correctly I think,
that although one does not forfeit moral rights by acquiescing to
degradation, such acquiescence is not always morally neutral. Hill's
argument proceeds in terms of a moral duty of self respect. There are,
he allows, circumstances under which even a self-respecting person could
not reasonably be expected to object to degrading treatment—e.g., when
she does not understand that her rights are being violated, or that she
has a right to object, or when it might be dangerous or in some way
disastrous for her to object; and certainly no moral blame attaches to
a failure to insist on being treated with respect under such circumstances.
However, when a person is aware that her rights are being violated,
and the cost of objecting to such treatment would not be excessive, then
a person fails in her moral duty to herself if she fails to insist on her
rights.

Although I agree with the spirit of Hill’s argument, I would be more comfortable making the point in terms of moral courage than in terms of a duty of self-respect. Moral courage, like physical courage, is a trait one develops by exercising it. When a person acts in a cowardly manner, in a situation in which courage is called for, she takes a step in the formation of her own character. Obviously, no single act of moral cowardice will make one a moral coward. However, it becomes more and more difficult to insist on one’s rights each time one fails to do so. If a person habitually acquiesces to degrading treatment while understanding that she has a right to object, and under circumstances in which there is no reason to expect severe reprisals for objecting, she cultivates moral cowardice, a weak character.

Thus, degradation does not merely impute a lesser value to the degraded person. A person who acquiesces habitually and unnecessarily to degradation becomes a lesser person, in the sense that she will have a lesser capacity to act in a moral manner.

It does not by any means follow that such a person deserves to be treated as less than a person. As I have said, a person does not have to earn the right to be treated as an end in herself. It does follow that degradation should be taken very seriously. A person who tolerates degrading treatment because it would be embarrassing to object, or because it would result in some financial loss, is risking her moral character. To summarize: a person is degraded when she is publicly, or at least overtly, treated as a means only, as something less than a person. Degradation involves a de-grading at least in the sense that it entails a (false) imputation of a lower moral status than persons, as such, are ordinarily accorded; and sometimes also in the sense that it involves a diminution of the moral courage of the person degraded.

II

Now we may turn to the question of whether or not pornography degrades women.

Obviously, the answer to this question will depend in part on what we identify as pornography. The Indianapolis and Minneapolis city ordinances, which were framed primarily by Andrea Dworkin and Catherine MacKinnon, defined pornography as “the graphic sexually explicit subordination of women, whether in pictures or in words.” The proposed ordinances listed six conditions, at least one of which would have to be present in order to qualify a work as pornographic. Among these conditions were: (1) presenting women as sexual objects “who enjoy pain and humiliation”; (2) presenting women as “experiencing
pleasure in being raped’; (3) presenting women as objects for ‘domination, conquest, violation, exploitation, possession or use.’” (Shipp 1984)

It should be noted that Andrea Dworkin is of the opinion that, in fact, virtually all of what passes for “adult entertainment” falls into one or more of these categories. She points out that, etymologically, pornography is “the depiction of vile whores”; and that after extensive research on the content and nature of contemporary “adult entertainment,” she has concluded that it is still best described as the depiction of vile whores. “The fact that pornography is widely believed to be ‘sexual representation’ or ‘depictions of sex’ emphasizes only that the valuation of women as low whores is widespread and that the sexuality of women is perceived as low and whorish in itself” (Dworkin 1981, 201). In short, although Dworkin’s proposed ordinances do not mandate censorship of sexually explicit, or obscene, material, as such, it is probably fair to say that she expects them to have the effect of eliminating most of what is commonly regarded as pornography.

Perhaps for this reason, some critics of the Minneapolis and Indianapolis ordinances have drawn the conclusion that these ordinances threaten all sexually explicit material. Civil libertarian Nat Hentoff (1984), for example, decried the ordinances as endangering “such works as…Dr. Zhivago,…Lolita, and of course, bountiful sections of the Old Testament.” As I understand the proposed ordinances, they would not ban such works; and it is not my intention in this paper to object to such works as these. Therefore, in order to avoid this sort of misunderstanding, I will elaborate a bit on the Dworkin/MacKinnon definition of pornography, narrowing in on a genre I shall call Victim Pornography.

Victim pornography is the graphic depiction of situations in which women are degraded by sexual activity, viz., (a) situations in which a woman is treated by a man (or by another woman) as a means of obtaining sexual pleasure, while he shows no consideration for her pleasure or desires or well-being, and (b) situations in which a woman is not only subjected to such treatment, but suggests it to the man in the first place. Furthermore, Victim Pornography presents such activity as entertaining. There is no suggestion that women should not be treated as less than persons; and often there is no hint that a woman might dislike such treatment.¹

I believe that Victim Pornography does comprise at least a very large part of what passes today for adult entertainment. Dworkin is right in maintaining that much of what is commonly regarded as pornography is a celebration of violence and exploitation. However, I want to emphasize that the issue I am addressing is not the morality of what is commonly regarded as pornography: I am not concerned here with

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material that is sexually explicit, or obscene, as such. The focus of my
discussion is neither Lady Chatterly's Lover nor Playboy's "Ten Coeds
At Home," but Victim Pornography: depictions of women being
bound, beaten, raped, mutilated, and, as often as not, begging for more.
It will be my contention that Victim Pornography does degrade all
women.

The truth of this thesis is not immediately obvious. The fact that much
of pornography depicts women begin treated as means only, does not
entail that pornographic material itself treats women as means only.
Consequently, since it is degradation, and not depictions of degrada-
tion that we have found to be morally reprehensible, the fact that some
pornographic material depicts situations in which women are degraded
does not entail that this material is morally reprehensible, nor
therefore, that it ought to be censored or eliminated.

To repeat the conclusion drawn in Part I: In order for degradation
to take place, some person must be treated as a means only. It will not
suffice that a fictional person be treated as a means only. Therefore,
we should be looking for ways in which pornography might be respon-
sible for real people being treated as means only.

There is some initial plausibility to the claim that the women who
serve as models for Victim Pornography—women who act in porn-
ographic films or pose for pornographic magazines—are treated as
means only, by the producers and/or the consumers of pornographic
material. One can imagine that the experience of being bound, beaten,
and raped in front of camera crews or photographers must be
humiliating at best. Women are subjected to this humiliation so that
the producers of pornography can make a profit, and so that the patrons
of pornography can have a sexual thrill. In short, the producers of
pornography treat their models as instruments for making money; patrons
of pornography treat them as instruments for sexual pleasure.

However, before concluding that the women who are filmed and
photographed for Victim Pornography are necessarily treated as means
only, we should consider the distinction between (a) treating a person
(only) as a means, and (b) treating a person as a means only.

There are many people with whom one has quite limited relation-
ships, e.g., one's teachers, one's political representatives, the proprietors
of businesses one frequents. If one's relationship with such people has
not developed beyond the point where one avails oneself of the ser-
dices or goods provided by the other, it may be said that one treats
the other (only) as a means to one's own ends. This does not, of course,
preclude the possibility that the user treats the provider with respect,
politeness, cordiality. Clearly it is not relationships such as these that
Kant meant to proscribe. As with any human relationship, business rela-
tionships are subject to abuse; it does not follow that there is anything morally reprehensible about business relationships as such.

On the other hand, there may be people whom one treats as though their desires, feelings, interests, are unimportant, insignificant. One may have relationships in which one actively avoids dealing with any aspect of a person other than the service this person provides for one. In such cases, one treats a person as though she were not an end in herself, but a means only. This sort of relationship differs from that described above in that the first sort does not involve treating a person as though she were not an end in herself, but only not treating a person as though she were an end in herself, while the second sort of relationship involves both. It is only the second sort of relationship that violates Kant’s Imperative; and it is only the second sort of relationship, therefore, that can be degrading. In other words, we do not degrade people by treating them (only) as means to our ends, as limited business contacts. We degrade people by treating them as means only, as though they were not ends in themselves, as though they were less than persons.

With this distinction in mind, let us return to the treatment of women who are filmed or photographed for Victim Pornography.

One can imagine the producers of Victim Pornography treating their models as though they were means only: as though they were not persons deserving of respect and consideration, as though their pain and humiliation were amusing or boring. Indeed, it is probably true that most producers of Victim Pornography do treat their models in this way.

However, this is not a necessary feature of the production of pornography, even of Victim Pornography. Although it would be naive to suppose that the producers of pornography typically show respect and consideration for their models, we can at least imagine a producer of pornography taking time to ensure that the model’s job is no more painful than necessary; treating unpleasant aspects of her job as unpleasant aspects, rather than as opportunities for leering; treating the models as people doing a job for pay, rather than as so much meat. A producer of pornography who behaves in this way still treats the model as a means to making profits, and perhaps only as a means to making profits (and not as an artist, or as a friend, for example); but does not treat her as a means only, as though she were not an end in herself, as less than a person.

In other words, it is not a necessary feature of the production of Victim Pornography that the models be degraded. Certainly it may happen, and often does happen; and certainly it is morally reprehensible when it happens. But pornography, even Victim Pornography, can surely be produced without degradation to the models; and therefore the potential for degradation to models is not a reason to end the produc-
tion of pornography. After all, pornography is not the only industry in which there is potential for degradation. *Any* employer may degrade employees, treating them as though they were not deserving of consideration or respect. It is easiest to do this when the work is menial and the employee has no real alternatives—e.g., to waitresses and porters. But in *any* industry it is possible for a certain sort of person to abuse a position of authority by treating subordinates as means only. Even a superficial look around the working world will reveal junior executives and adjunct college faculty being treated as less than persons by supervisors who make themselves feel superior by the contrast. The point is that as long as the degradation of subordinates is not a necessary feature of an industry, but contingent upon a certain kind of person being in a position of authority, it is not a reason to abolish, nor even to deplore, the industry itself.

The hypothesis that the women who act in pornographic films and pose for pornographic magazines are necessarily treated as means only by the *patrons* of pornography, is even less plausible than the hypothesis that they are necessarily treated as means only by the producers of pornography.

It is doubtlessly the case that many people use pornography as a means of obtaining pleasure. The women who act in pornographic films and pose for pornographic magazines are, therefore, indirectly, instruments of pleasure for patrons of pornography. However, although it may follow that the patrons of pornography treat the models in pornographic material only as means to their own ends, it does *not* follow that they treat them as means only, as though they were not ends in themselves. The relationship between the patrons and the women who model for pornography is not, as such, sufficiently personal—they do not actually interact—to allow of this description.

In short, it is not true that women who serve as models for pornography are treated as means only, as less than persons, by consumers of pornography. On the other hand, although it may be true that these women are only treated as means, this is not in itself degrading to them.

It becomes apparent that any sort of degradation attaching to pornography will not occur on the personal level suggested by the hypotheses we have just considered. However, we have not yet considered the hypothesis that the pornography industry degrades women as a class rather than this or that individual woman.

The pornography industry regularly publishes material which, speaking conservatively, tends to contribute to the perpetuation of derogatory beliefs about womankind. Victim Pornography, in particular, depicts women not simply as ill treated, but as eager to be used and abused, totally lacking in human dignity: as more or less worthless for any pur-
pose other than casual sexual intercourse. Many pieces of pornography depict all female characters in such negative ways.

Of course pornography is fiction, and does not purport to be anything other than fiction. However, fiction is not supposed to be devoid of all factual truth; indeed, fiction should contain truths about human nature, about motivation, about power, and so on. Consequently, although pornographic material may make no claim to be describing actual states of affairs, we might say that it offers a perspective on the actual nature of womankind. The perspective offered by Victim Pornography is that, in general, women are narcissistic, masochistic, and not fully persons in the moral sense.

I would not suggest that it is the intention of pornographers to convey the message that all women may be, or should be, or like to be treated as less than persons. This is almost surely false. Most pornographers are not at all interested in influencing behavior, or in conveying universal truths; their intention is to titillate. Nevertheless, because pornography trades in stereotypes, shunning any careful or serious character development (by its very nature; this is what makes it bad literature), and because the stereotypes that titillate (at least, that titillate the patrons of Victim Pornography) are derogatory ones—the nymphomaniac, the masochist, the mindless playmate—much of Victim Pornography supports the idea that all women fall into one or another of these categories, whether or not this is its intention. The genre of Victim Pornography, taken as a whole, implies that most women are mindless, masochistic nymphomaniacs. That is to say, this would be the logical conclusion to draw on the basis of the characterization offered in Victim Pornography.3

The point I want to make here is not that Victim Pornography is responsible for negative attitudes and/or violent behavior toward women. If pornography were eliminated from the culture, there would probably be no discernible change in beliefs about, or attitudes towards women, unless many of its spiritual cognates were eliminated simultaneously. Conversely, if all aspects of the tradition of treating women as less than persons except pornography were eliminated, pornography would become more or less innocuous, would be difficult to take seriously. In other words, I am inclined to be quite conservative in estimating the degree of potential pornography has, in and of itself, to actually plant the seeds of derogatory beliefs about, and subsequent violent behavior toward, womankind. Pornography only contributes to the nurture of the plant.

Again, the point is not that Victim Pornography has negative consequences for women. The point is that Victim Pornography contains implications that defame womankind. The perspective on women of-
fered by Victim Pornography is not only derogatory, it is false. Most women are not mindless, masochistic nymphomaniacs. Most women do not enjoy being beaten and raped. Most women do not want, or expect, to be treated as less than persons by their sexual partners. (This may seem so obvious that it should not have to be said. Indeed, it should not have to be said. However, a look at what goes on at rape trials will show that it is not, unfortunately, obvious.)

Nevertheless, the pornography industry routinely publishes material that supports this view of womankind. The pornography industry does not care that this view is false. This is what sells, to the tune of $7 billion a year. In short, the pornography industry is quite willing to defame womankind for the sake of making a profit.

In so doing, the pornography industry degrades womankind. It treats the class of women as nothing more than a means to its own financial ends. It treats the class of women as though such a smearing of its reputation is unimportant, trivial. In other words, pornography degrades women because it treats them as members of a class which has no honor and is not entitled to respect. The pornography industry treats women as though the truth about their nature may be ignored or distorted with impunity. The point is not that pornography may incite men to rape women. The point is that the pornography industry blithely perpetuates derogatory myths, blithely lies, about the nature of women, for its own financial gain.

In publishing Victim Pornography, the pornography industry treats women, as a class, as less than persons. In my view, this is sufficient to support the claim that Victim Pornography is morally objectionable.

A word about the legal implications of this analysis:

The anti-pornography ordinances proposed in Indianapolis and Minneapolis suggest that the sale of pornography be viewed as a violation of women’s civil rights. I think this is more promising than the old approach of objecting to pornography on grounds of obscenity. The champions of free speech characterize all obscenity laws as attempts to curtail the free exchange of ideas simply because the most sensitive members of society are offended by them. However absurd it may be to characterize Victim Pornography as an exchange of ideas, the civil libertarians do not seem likely to relinquish this position any time soon. The approach taken by MacKinnon and Dworkin has the advantage of not lending itself to this interpretation. Even a cursory reading of their defense will show that they are not bluestockings imposing their personal subjective standards of decency on the rest of society.

Furthermore, treating pornography as a violation of civil rights rather than as an affront to people who are offended by obscenity, entails that it cannot be dealt with, as Joel Feinberg (1980, 89) suggests, by
noting that people do not have to read what offends them. In other words, if pornography were objectionable simply in the sense that it offends some people, it might be appropriate to conclude that censorship is not warranted. As Feinberg argues, if the material that offends one is easily avoided, as obscene books and movies are, the fact that they are offensive to some does not constitute reason to censor them. However, if pornography is not simply obscene, but a violation of civil rights, the suggestion that people who find it objectionable should simply avoid it, is hardly appropriate. Violations of civil rights are not corrected by ignoring them.

The MacKinnon/Dworkin appeal to the civil rights of women rests on equal rights statutes. Their hypothesis is that pornography is a discriminatory practice based on sex because its effect is to deny women equal opportunities in society. This approach has the disadvantage of having to appeal to highly controversial studies concerning the consequences of pornography: its success depends on the plausibility of the claim that when pornography is offered for sale, the result is a significant negative influence on people’s beliefs about women, and a subsequent negative influence on people’s behavior towards women. To date, this claim has been treated by the courts as not providing sufficient reason to curtail first amendment rights. Whatever negative consequences the sale of pornography might have—and these are minimized—they are not thought to be serious enough to warrant censorship.

My analysis of Victim Pornography as degrading suggests a different unpacking of the MacKinnon/Dworkin hypothesis that pornography violates the civil rights of women. On my account, Victim Pornography labels women as a class, in impugning the nature of women. This approach would not have to rely on controversial empirical studies concerning the consequences of pornography. Libel can be established without demonstrating actual damage to the plaintiff. Libel laws originated in a time when a person’s honor and reputation were valued for their own sake, and not simply because of their business value. Therefore, in proving libel, it is enough to show that a defamatory statement about the plaintiff is false.

Furthermore, this approach does not constitute a new challenge to free speech. Libel has never been protected by the First Amendment, and it is unlikely that even the most liberal of civil libertarians would be tempted to argue that it should be.

Would a case against Victim Pornography as libel stand up in court? There are precedents for treating defamatory statements concerning groups as libel. The rationale is that individuals can be harmed by defamatory statements about groups of which they are members as well
as by defamatory statements about them as individuals. For example, repeated statements to the effect that all lawyers are dishonest obviously cause harm to individual lawyers. Although a particular lawyer may be hurt more by statements to the effect that she, in particular, is dishonest, than by statements to the effect that all lawyers are dishonest, the latter as well as the former certainly has the capacity to damage her reputation and business. In order to protect individuals, the law must prevent unwarranted defamation of groups as well as of specific individuals.

Group libel suits have been brought successfully by: an individual who was defamed as a member of a jury; an individual who was defamed as a member of a board of County Commissioners; an individual who was defamed as a member of a staff of doctors at a hospital; an individual who was defamed as a member of a group of engineers employed by a construction company. Historically, there has been some reluctance on the part of the judicial system to extend the principle of group libel to large groups, e.g., to defamatory statements about “all Jews,” “all priests,” “all Blacks.” Obviously, this would present an obstacle to finding the pornography industry guilty of libel against the class of women. However, it is reasonable to assume that individuals may be unjustly defamed by derogatory statements concerning large groups of which they are members, no less than by derogatory statements about small groups of which they are members (Reisman 1942, 770-771). Consequently, I do not think this obstacle is insurmountable.

The major difficulty I foresee in establishing that pornography libels women as a class is the problem of establishing that Victim Pornography does indeed imply that women are generally masochistic nymphomaniacs. The pornography industry will insist that it is dealing in fiction, that the material it sells depicting the degradation of women has nothing to do with reality; that its object is to entertain, not to inform.

It is beyond the scope of this paper to construct the legal case against pornography. I will only repeat that the fact that films or reading material are presented as fiction does not entail that they are supposed to be, expected to be, devoid of truth. Furthermore, it is not necessary to prove intent to injure in establishing libel; the fact that the producers of Victim Pornography do not intend to influence anyone’s beliefs about the nature of women as a class (if it is a fact), is irrelevant. If the content of Victim Pornography carries the implication that, in general, women are masochistic, nymphomaniac, and not fully persons in the moral sense, the case for libel stands.

To conclude: The pornography industry makes a large share of its
profit by selling material that displays a total lack of regard for the truth about womankind on the part of the industry. Pornographic material that depicts all or most women characters as masochists or nymphomaniacs or as mindless demi-persons, carries with it the implication that this is the nature of womankind, and therefore of all individual women. Whether or not anyone believes that this is true of women, or acts accordingly, as a result of reading pornographic books or watching pornographic films, the implication itself is defamatory. In marketing such material, the pornography industry treats all women as nothing more than means to its own financial gain. This is not a matter of the pornography industry excusably treating women only as means in the course of a very limited business relationship (in the way in which an employer might excusably treat an employee only as a means). The propagation of false and derogatory statements about a class of people, for the sake of profit, inexcusably treats all members of that class as though they were means only, as though they were not ends in themselves.

Many women are embarrassed even to acknowledge the existence of pornography. Many fear that they would only invite ridicule by openly objecting to it. Some women believe that pornography has nothing to do with them, or that it is harmless, or that censorship is a greater evil than pornography. Primarily for these reasons, many women make no objection to pornography.

I hope to have shown that pornography does concern all women. Whether or not pornography ever incites men to rape, or promotes depersonalized sex, all women are defamed by material that implies that typically, women like to be treated as less than persons by their sexual partners; and all women are degraded by the pornography industry’s display of contempt for womankind in marketing such material.

Embarrassment and fear of ridicule are not good reasons to refrain from objecting to the sale of pornographic material that supports false and offensive beliefs about womankind. As we noted in Part I, degradation should be taken seriously not only because it involves treating people as though they were less than people, but also because it involves an erosion of moral courage on the part of the degraded person. We cannot afford to pretend that pornography does not concern us. Only by expressing outrage at being used, can we hope to maintain self-respect.
notes

1. I should acknowledge that men as well as women can be, and sometimes are, portrayed in pornographic material as being degraded. Nevertheless, we would do well to keep in mind a few significant differences between pornography that portrays men as degraded, and pornography that portrays women as degraded: (1) Material in which men are the victims of sexually aggressive women is the exception rather than the rule; (2) Very little else in the culture reinforces the idea of men being degraded by women; and (3) The victimized men and aggressive women in such material are usually depicted as homosexual, and therefore not “really” men and not “really” women, respectively, by the standards of the material itself; thus, it is still quasi-women who are victimized and pseudo-men who are victimizers.

2. I am not suggesting, of course, that women who participate in making Victim Pornography are less degraded than other women by the sale of pornography, but only that they are not necessarily degraded in their role as models.

3. A word about the importance of context. If we lived in a culture in which nothing supported the idea that women are less than full persons, I might be more reluctant to say that Victim Pornography has implications concerning the nature of womankind. If nothing in the culture supported the idea that women may be treated as though they were not ends in themselves, I might be willing to say that Victim Pornography is pure fantasy, no more to be taken seriously—no more to be generalized from—than a cartoon that portrays cats as indiscriminate eaters, or an advertisement that portrays auto mechanics as good natured and helpful, or a story that portrays men as enjoying abuse. But the fact is that there are many facets of our culture that tend to support the view that women like to be abused. Much of popular music romanticizes such relationships; advertisements tacitly give them a stamp of approval by describing abuse as the norm for the attractive upper-middle class family next door, or by giving it a slightly exotic flavor; some religious dogma openly prescribes treating women as less than persons. In light of this tradition, Victim Pornography cannot be easily dismissed as mere fantasy, with no implications concerning the nature of women. Victim Pornography contributes to the tradition of viewing women as less than full persons, whatever the intention of its authors.


5. Wofford v. Meeks, 129 Ala. 349, 30 So. 625 (1900); Palmerlee v. Notage, 119 Minn. 351, 138 N.W. 312 (1912); Prosser v. Callis, 117 Ind. 105, 19 N.E. 735 (1888).


references