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Literature, Sexuality and Obscenity Law

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Preface

The reader who picks up a book on the history of the policing of pornography has every right to demand of its authors a clear statement of their approach to the subject. After all, few subjects of historical and cultural enquiry are more contentious and leave less scope for detached observation and disinterested analysis. The development of research into pornography and its legal regulation obeys none of the comforting models for the evolution of scholarly fields. It is characterised neither by the patient accumulation of historical facts and progressive refinement of disciplinary frameworks, nor by the sudden and momentous theoretical breakthrough that grounds the object of enquiry in a revelation of its fundamental conditions. Knowledge of pornography is too deeply embedded in its auto-erotic use, in the medical and pedagogical categories of its legal regulation, and in campaigns for its aesthetic emancipation or moral eradication for the researcher to be able to approach it in a Kantian manner as the universal subject of reason. From D. H. Lawrence's attempt to distinguish erotic art and pornography to the feminist denunciation of Lawrence as a pornographer, from the specification and regulation of pornography as a social harm by jurists in the 1860s to the debunking of this claim by their liberal colleagues in the 1960s, from this debunking to the reinstatement of the social harmfulness of pornography as the instrument of sexism, knowledge of pornography has been inseparable from the competing agencies of its use and regulation, its discrediting and valorisation. For this reason all attempts to provide a general statement of the truth of pornography – whether to discover its origin in the puritanical repression of healthy sexuality, its essence in the patriarchal objectification of women, or its rightful place in the sphere of private morality or in that of literary emancipation – must be greeted with a degree of scepticism. Invariably and perhaps inevitably, such statements are driven by particular interests formed in the heterogeneous spheres of private erotics and public policy, cultural projects and governmental programmes. For the same reason, however, strict limits are imposed on the scope of sceptical enquiry. In acknowledging the interested character of various reasonings about pornography, we can neither claim to see through them in a purely disinterested manner to a new truth, nor indeed suspend all judgement and wait for the marching orders of history.

We have responded to this problem in a number of ways. In the first place we have not attempted to overcome the interested character of knowledge in the field but have treated it as establishing limits and parameters for our

own investigations. In this regard, the speed with which the liberal debunking of the Victorian conception of the harms of pornography has itself been debunked by the feminist reinscription of the older conception in a new form has proved salutary. These shifts are exemplary of the circumstantial character of pornography as an object of knowledge and a target of policy. For this reason we have not attempted to describe pornography in terms of a single origin, underlying essence or general function. Instead, we have concentrated our attentions on the shifting historical circumstances in which it has emerged as an eroticising instrument, a saleable commodity, a crime, an object of governmental concern and medical regulation, an ethical occasion or an aesthetic phenomenon.

This methodological strategy has in its turn alerted us to the dominant rhetorical forms through which books on pornography address their readers and their object. Whether in the name of 'man's' long-repressed erotic being, or in the name of a marginalised feminine desire, these books find their voices in a speaking for that which has been silenced, a discovery of that which has been hidden. This rhetoric disables analysis in several ways. First, it activates the 'fable' of repression, as it is termed in Michel Foucault's work on the history of sexuality. In the wake of this work, we must suspect that the so-called 'silence' surrounding sexuality exists only in order to be endlessly broken, our 'hidden' sexuality being in practice a stalking-horse for a remorseless engine of discovery and industry of publication. Repression undoubtedly occurs, but it is also a tactic within a confessional mechanism, a tactic for getting us to treat sexuality as the great secret of ourselves. Most books on pornography treat sexuality in just this way, relaying the mechanism of confession rather than describing it.

Second, in purporting to break the silence surrounding sexuality the authors of such books lay claim to what Foucault has called 'the speaker's benefit'. This is the claim to a certain moral authority flowing from the courage displayed in breaking taboos, transgressing prohibitions, and speaking up for the silenced. No doubt this helps explain the portentous and momentous aura surrounding much of the writing on pornography, as well as the immense reservoir of indignation that feeds into it. Unfortunately, it also suggests why so much of this writing is basically uninformative. When the 'silence' of sexuality is in fact a device in a ritual for getting people to break it, little is achieved by speaking up, except to draw attention to one's own claim to moral courage. The level of moral heroism in writing about pornography has thus tended to be inversely related to its informational content.

Third, the rhetoric of speaking out is typically accompanied by the textual strategy of copious quotation from erotic and pornographic works.

Indeed, there is a sense in which such books as the Kronhausens' *Pornography and the Law*, Stephen Marcus' *The Other Victorians* and Andrea Dworkin's *Pornography* are as much anthologies of pornographic writing as they are analyses of it. The rhetoric of taboo-breaking that dictates copious quotation simultaneously deprives these books of the intellectual capacity to subordinate the excitatory power of pornography to the explanatory power of its analysis. This is what makes their reading such an ambiguous experience.

Cognisance of these rhetorical problems goes some way towards explaining why our book takes the form that it does. We eschew the confessional mode and mechanism in order to constitute sexual confession itself as an object of historical description and cultural analysis. We have done our best not to be courageous or indignant in speaking of pornography so that we can speak of it in a more historical and descriptive manner. The reader will find very little direct quotation of pornographic writing here but a good deal of quotation from writings about it. While this no doubt makes for a less exciting book it also, we believe, makes for a more informative one.

Our central reorientation of existing scholarship, however, lies in the *positive* character of our descriptions of pornography and its regulation. 'Positive' does not mean 'approving'. It refers to our attempt to describe the object in its own terms, as the autonomous product of irreducible historical conditions. By contrast, pornography has to date been analysed in a largely negative manner, that is, as a by-product of history, a phenomenon possessed only of a half-existence and that due solely to the malfunctioning of more fundamental forces and mechanisms. Psychologists have treated it as a perversion of the primary drives, a failed sublimation brought about by a too-rigorous application of norms and laws. For cultural historians pornography originates in epochs of repression which, in refusing the social expression of desire, drive it underground where it assumes mutant forms. And for their part literary critics treat pornography as the product of the aesthetic failure to mediate fantasy and real experience, the sensuous and the moral – a failure manifest in the obsessive detail of pornographic description accompanied by skeletal plots and characters.

In departing from these well-worn accounts we shall investigate pornography as a historically specific practice, not as a distortion of 'man's' timeless erotic being. This practice did not originate from a predictable collision of the drives with society's norms and laws. Rather, it emerged unforeseen from the unplanned interactions of a series of historical forces. In the studies that follow, four factors in particular play preeminent roles. First, the technology of confession and ethical self-scrutiny which, it is argued, permitted an ever-increasing number of individuals to treat their

self in a new manner as the harbinger of a secret and hence endlessly discoverable sexual desire. Second, the communications technology of literacy and the printed book. It was this which allowed an otherwise esoteric and religiously-based interrogation of the 'flesh' a broader dissemination as a profane auto-erotics in book form. Third, the legal regulation of obscenity. This displaced the religious codification of confessional erotics when, at the beginning of the eighteenth century, the printed book permitted this erotics to find a new home – and a new use – in a literate and reading public. Finally, a series of later and less visible 'governmental' policings – medical, pedagogic, welfarist and aesthetic – that have constituted pornography as a social problem, their norms coming to inform the legal regulation of obscenity as a social harm.

Pornography thus does not have a single point of origin in the exemplary dialectic of body and mind inside the human subject. It appeared on a variety of surfaces – as an instrument of desire, an ethical failing, a crime, a medical problem, a pedagogic threat, an aesthetic challenge and occasion – when the contingent interaction of the factors just listed gave birth to a novel historical phenomenon: biblio-erotics or book sex. Book sex is not the negative symptom of an incomplete human subjectivity; it is the positive artefact of a complex cultural technology and as such marks the addition of a particular practice of life to the human repertoire.

This last point enables us to acknowledge that we have written this book not as amanuenses for the universal subject but as men. Today it might seem impossible for men to write about the regulation of pornography except in defiance of or in obeisance to feminist analysis. We adopt neither posture. We acknowledge the significance of our gender as writers not in a spirit of confession but in order to situate our studies in the context of an important historical fact: once we see that biblio-erotics is not an attribute of human subjectivity *per se* but the result of the historical formation and distribution of a specific erotic technology, then it is impossible not to see that this distribution has been overwhelmingly skewed towards men and, moreover, towards literate men. This is not to mark a deficiency in the masculine psyche; it is to observe that the repertoire of modern western masculinity has been decisively informed by the historical transmission of the auto-erotic techniques of book sex. It is the transmission of these techniques that forms the proper object of legal, ethical and social regulation; the male psyche is only a dependent reality.

Since the late nineteenth century feminism has been properly concerned with the consequences of this masculine auto-erotics for women. This concern – together with the legal, medical and pedagogical categorisations on which it has drawn – has been the single most important factor in the

modern problematisation of pornography. It is no detraction from this concern to conclude by noting that ours is not identical.

I. H., D. S., D. W.

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