

not writing about the diamond necklace in 1897 [134].) Though I have some reservations, as explained above, *Libertine Enlightenment* makes a real contribution to eighteenth-century social history and should be in every research library.

Rather than killing off the concept of Enlightenment or reproducing its smugness, these essays bring Enlightenment to life as a complicated phenomenon, contradictory, even slovenly, but still vital. I find this timely. Critics of Enlightenment should spend some time in a culture that rejects it and enjoy a few honor killings of sexual dissidents, adulterers, and abortion doctors.

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Gay Male Pornography: An Issue of Sex Discrimination. By CHRISTOPHER N. KENDALL. Vancouver: University of British Columbia Press, 2004. Pp. 270. \$85.00 (cloth).

The characterization of pornography as sex discrimination has come to the fore of academic and policy debate due largely to the writings and activism of Andrea Dworkin and Catherine MacKinnon. Yet for many gay and lesbian activists who support the suppression of heterosexual pornography, the differences between heterosexual and homosexual sex justify viewing gay and lesbian pornography as not only harmless but equality affirming and, indeed, necessary to gay and lesbian freedom. In *Gay Male Pornography: An Issue of Sex Discrimination* Christopher Kendall, dean of law at Murdoch University in Perth, Western Australia, argues forcefully against that view. To Dean Kendall, gay and lesbian pornography (to be distinguished from nonharmful erotica) presents, as his title implies, an issue of sex discrimination every bit as serious as that presented by the heterosexual variety. Based on that conclusion, Dean Kendall argues for legal restrictions on gay and lesbian pornography (again, as implied by his title, focusing his attention on gay male pornography) not only as harmful sex discrimination but as inimical to the very goal of gay equality.

The main thrust of Kendall's argument begins by confronting the most obvious argument in defense of gay male pornography, namely, that it does not present an issue of sex discrimination because it portrays only men. He rejects this argument as resting on a biological essentialism that conflates anatomical maleness with socially constructed ideas of masculinity. To Kendall, the fact that only men appear in gay male pornography misses the point that it, just like its heterosexual counterpart, portrays socially constructed maleness as dominant and the only valuable quality and socially constructed femaleness (in gay pornography the recipient in insertive intercourse and in

scenes of sadism, humiliation, and degradation) as worthless, shameful, and subordinate. Thus, Kendall critiques gay male pornography for replicating society's sexist message that to be female is to be inferior, even if the female role is played by men. Beyond this message-based harm, Kendall also argues, in a parallel fashion to Dworkin's and MacKinnon's claims, that gay male pornography directly inflicts serious harms on the performers (69–86) and causes even broader harms by encouraging readers/viewers to idealize and mimic the violence and degradation portrayed in the material, often by imposing it on unwilling partners (87–104).

Gay Male Pornography makes a powerful argument that gay pornography is problematic both in the immediate harm it causes performers and those victimized by its consumers as well as in the direction it sends gay equality advocates, whom Kendall views as mistakenly defending gay pornography as a vehicle of liberation rather than of unwitting self-oppression (not to mention oppression of women). But Kendall overstates his case. In particular, he undervalues, in my view, the role gay pornography can play in subverting ideas of male dominance and of socially constructed maleness in general. Kendall considers this claim but rejects it. In his view this alleged subversion simply allows men to take turns playing out the male-dominant and female-submissive roles without questioning the underlying idea that maleness, hypermasculinity, or “topness” should be seen as worthwhile—indeed, as the *only* worthwhile quality. Kendall thus sees the role-reversal potential of gay pornography as offering to gay men, when they “play the top,” the chance merely to act out a socially constructed maleness that perpetuates gender hierarchy. To quote Kendall, “what this focus on role play and role reversal as a means of undermining gender hierarchies overlooks is that the pleasure found remains the pleasure derived from dominance and submission. Although these roles can be reversed, they are still clearly defined roles. . . . Hierarchy—inequality—thus remains central to the sex act” (112).

In my view the picture is more complex. Undoubtedly much gay pornography reflects and eroticizes power relationships. But in placing men in both roles, gay pornography decouples the biological male from the masculine role in that relationship. This decoupling is a powerful force; indeed, it has been argued that it is precisely this willing abdication of the dominant role that makes gay men particularly despised by heterosexual men. But beyond the bare fact of decoupling, which Kendall acknowledges and rejects as a real difference between gay and straight pornography, the more important point is how that message of decoupling is sent by gay pornography and received by gay men. One can discern in at least some gay pornography a detached, ironic approach to sex that makes gay pornography potentially more subversive than Kendall is willing to admit. For example, the titles to a large number of gay films (recent releases have included *Dawson's Crack*, *I Know Who You Blew Last Summer*, and *Shaving Ryan's Privates*) reflect a camp sensibility that renders their gender message at least ambivalent.

More generally, a strand of discourse and conduct in the gay community reflects a self-conscious awareness of the gender subversion implicit in gay men's performance of both male and female roles. Consider the epithet gay men throw (if usually only figuratively) at straight men: "I'm more of a man than you'll ever be and more of a woman than you'll ever have." Less explicit but just as telling is the manner adopted by many gay men engaging in traditionally male pursuits such as sports, in which their stereotypically masculine conduct on the field is matched by their stereotypically effeminate conduct on the sideline. In the case of sexual conduct itself, the biological sameness of both parties in gay sex requires at least an ostensible commitment to equality among the participants, even when one party is acting out a submissive role: consider, for example, the leather community's mantra that S&M sex be "safe, sane, and consensual." These phenomena suggest that for many gay men the relationship between biology, masculinity, and inequality is complex and nuanced. There's no reason to think that the message sent by—or, more important, received from—gay male pornography is necessarily different, even when that material ostensibly reflects hierarchy. Rather, these phenomena support Judith Butler's claim (quoted by Kendall, to his credit) that for many gay men gender is drag (111).

To be sure, none of these phenomena is completely innocent; any use of gender-dominance symbolism runs the risk of conveying approval of rather than undermining that idea. But given the complexity of human psychology Kendall surely overstates the case when he assumes that all consumers of gay pornography fully embrace and then seek to act out the male privilege it ostensibly portrays. Indeed, Kendall is unable to cite hard evidence that gay pornography actually causes or exacerbates the partner abuse he describes and is forced to analogize to studies of heterosexual pornography (87–94, 100–103), which are themselves highly controversial. No doubt, many consumers of gay pornography do so desperately desire the mantle of maleness that they view this material as idealizing the rough, hypermasculine top subordinating the feminized bottom, just as many gay athletes use sports solely to buttress their own gender insecurity. But, depending on the consumer, pornography, like sports, can also contain a more useful, creative message.

Of course, if such material is, as I agree, at least partially problematic, then an argument could still be made for its suppression, unless countervailing considerations call for a different result. Here, Kendall's argument is weaker. Gay pornography plays an important role in making it clear to teenagers (and adults) struggling with their sexual orientation that they are not alone. Kendall, again to his credit, acknowledges this fact but pleads for better (i.e., more equality-affirming) materials and, more generally, for a gay community that is more truly welcoming and affirming to new members (159–61). That plea is hard to argue with; presumably, everyone would agree that it would be good if pornography was not the first point of contact between the gay community and males coming to acknowledge

their homosexuality. But in the world we live in, where information is largely created and distributed in response to market demand, this may be too much to hope for in the near term, even if it should remain a goal.

Moreover, as I suggest above, to the extent that gay pornography can be used positively to destabilize gender hierarchy generally or to open up individual gay men to the opportunities for growth when such hierarchies are destabilized, it can play a positive role and become more than merely the least-bad way for gay men to encounter the world. Even if not a tool for positive growth, psychological literature suggests that gay pornography may still play an important role in reflecting the psychic fault lines along which many gay men were traumatized as children. This is not to suggest that pornography is therapeutic when it holds up a mirror to gay men's childhood traumas. However, it merits wondering whether denial of that mirror might cause such traumas to metastasize. Perhaps surprisingly for a discussion of the relationship between pornography and the harm gay men suffer, Kendall barely acknowledges this possibility.

Most fundamentally, though, Kendall's argument raises troubling questions about the usefulness of an equality rationale for governmental control of gay pornography. Kendall was heavily involved in the Canadian litigation that led to the determinations that pornography in general could be suppressed in order to further equality rights (the *Butler* case) and that gay pornography could be banned on the same theory (the *Little Sisters Book and Art Emporium* case). He supports these results, and *Gay Male Pornography* is both an attack on gay pornography as destructive to the gay community and its equality agenda and a defense of legal restrictions on that material.

My concern is that legal enforcement of a rule against gay pornography, even one based on an equality principle, would never be fairly implemented but, rather, would lead to homophobia-driven abuses or, at best, suppression based on honest mistakes. Either of these results would lead to the suppression of gay cultural material, to the great detriment of the gay community. Part of the problem, clearly, is that bureaucrats and judges, to the extent they were homophobic, would find materials to be injurious to the gay community based on their personal hostility to same-sex sexual expression. Thus, Kendall criticizes the judge's analysis in the *Glad Day Bookshop* case as being based on the judge's homophobic moralism, which he finds completely inappropriate in light of the equality-based reasoning underlying *Butler* and *Little Sisters* (165–68). But to read some of the judge's evaluation of the materials, one is hard pressed truly to understand why his reasoning could not pass for the equality-based reasoning Kendall supports. Thus, the judge in *Glad Day* described the sex portrayed in the seized books and videos as, among other things, “casual, random, excessive, lewd and disgusting and without real human or relational dimension” (167). The judge further stated that oral and anal sex—the activities depicted in the materials—were “degrading and void of ‘any meaningful human

relationship” (167). Yet many of these descriptions—indeed, possibly all of them except for “lewd” and “disgusting”—would presumably support an equality-based rationale for suppression. Kendall’s argument against gay pornography includes claims that it dehumanizes, subordinates, and objectifies the participants, especially the recipient/victim; those concerns certainly seem captured by the judge’s descriptions of “casual,” “excessive,” and “degrading” sex void of “any meaningful human relationship.”

This observation suggests that some of Kendall’s equality-based criteria for judging material as pornographic—whether it dehumanizes, degrades, or otherwise subordinates—are susceptible to extraordinarily broad interpretations that may not be easily contained, especially when the relevant decision makers are predisposed to find same-sex conduct disagreeable. Kendall himself unwittingly suggests this potential when, criticizing the judge’s evaluation of a picture from *Playguy* of three men kneeling on a floor performing oral sex on three men sitting on a sofa, he notes that the judge failed to consider, among other things, how such a picture is degrading and dehumanizing (168). Kendall thus implies—albeit indirectly—that he himself might well consider such a picture pornographic and thus subject to seizure. If *Butler*’s definition of pornography is so broad as to include a photograph of several kneeling men performing oral sex on several other men, apparently without other indicia of degradation or humiliation, then surely the way is open for homophobes to suppress a large percentage of same-sex sexual depictions within the confines of that definition.

Good-faith regulatory mistakes are also highly likely. Kendall’s discussion of the process by which Canadian customs officers seized material in the *Little Sisters* litigation suggests the extreme difficulty inherent even in good-faith enforcement of *Butler*’s principles. While Kendall supports the extension of those principles to gay pornography, in *Gay Male Pornography* he criticizes the procedures used by Canadian customs as arbitrary and confusing and as denying importers an effective appeal right (170–79). While purely procedural flaws have nothing to do with the underlying issue and can be corrected relatively easily, the inherent vagueness of the distinction between allowable erotica and illegal pornography will inevitably cause many arbitrary confiscations of erotica. Concepts such as degradation do not admit of easy, objective interpretation, and an expansive understanding of such concepts would subject to seizure a large percentage of gay erotica. If, as suggested by the *Playguy* example above, depictions of seemingly mainstream gay sex are proscribable under *Butler*, then Customs officials, even when properly educated on the law, can be expected to make mistakes, notwithstanding Kendall’s assurance to the contrary (177). These mistakes risk severely impairing the ability of Canadian gays and lesbians to access expressive material important to their lives.

None of the foregoing detracts from the fact that Kendall has raised troubling questions about gay pornography. To the extent that gay erotica reflects and glorifies male-based power, even at the expense of other males

who take on a feminized role, such material might be seen as an encouragement of gender hierarchy even though a more sensitive reading might view it as a critique. No doubt many consumers take from this material the message Kendall finds in it. When one adds in Kendall's descriptions of some of the erotica he reviewed (52–68) and the lives of some of the performers (69–86), it is fair at least to question why gay men have fought so hard for the right to possess this material. Still, one can accept all of this and nevertheless understand why gay men would strongly oppose government regulation. Throughout *Gay Male Pornography* Kendall takes pornography defenders to task by comparing their liberationist and community-building rhetoric about erotica with ugly details about much of that material (e.g., 50, 143). Yet one may fairly ask whether a fundamentally homophobic government apparatus can be trusted to stand in the shoes of the gay community and determine what material promotes that community's equality (and equality more generally) and what material impedes it.

Kendall's description, analysis, and critique of gay pornography makes *Gay Male Pornography* an important addition to the literature, useful for anyone interested in gay studies, gender studies, or the study of sexuality and sexual expression. As a call for legal regulation, readers may find the book less convincing, especially if they either view the material more ambivalently than does Kendall, are skeptical about the fundamental beneficence of government intrusion into gay social space, or simply are philosophically committed to individual expression unless that expression presents a direct risk of immediate harm. But Kendall presents the case for regulation as well as I have seen; thus, readers without such precommitments may well find the argument more persuasive. Skeptical readers would also benefit from the force with which Kendall makes his claims. For these reasons, *Gay Male Pornography* would also be worthwhile reading for anyone interested in free speech law. It would be especially appropriate for American readers as a counterpoint to mainstream American legal doctrine that privileges speech over equality in almost all cases.

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Slumming: Sexual and Social Politics in Victorian London. By SETH KOVEN. Princeton, N.J.: Princeton University Press, 2004. Pp. 399. \$29.95 (cloth).

Seth Koven has written a very “queer” book. It is an engaging study of philanthropy in late-nineteenth- and early-twentieth-century London. By philanthropy, he means the activities of journalists, such as James Greenwood and Elizabeth Banks, who exposed the conditions of the poor in