

# ***THE KISS: THE OBSCENE OFF THE SCENE***

 **MIGUEL DE**

Universidade Católica Portuguesa,  
School of Arts  
miguel@miguelde.com

## **ABSTRACT**

Using William Heise's *The Kiss*, from 1896, as a starting point, I created an experimental essay film, also called *The Kiss*, to expose and question our conception of obscenity. Comparing both films and the resulting reception of their audiences, and the history of obscenity, I strive to provoke a reflection on how our conception of morality affects artistic creation in today's internet culture.

Keywords: Obscenity; Pornography; Audiovisual essay.















## AUTHOR'S STATEMENT

In 1896, William Heise, working for Thomas Edison, released a small film called *The Kiss*, showing a timid kiss on the lips between two known theatre actors. Comic and sweet for today standards, the eighteen second film was scandalous when it was released for daring to show such a salacious and lascivious kiss in super-human size for anyone to see. Linda Williams, in *Screening Sex*, argues that, in a way, this was the first porn film. Why this film was considered so obscene then and now it is nothing but a passing remark delves to the root of the difficulty of defining obscenity, even though many attempts have been made to control and limit the production of materials which would shock the masses. What is obscenity, then? And what is obscene today?

Kevin Saunders offers a theory for the evolution of the meaning of obscenity over time, explaining that sexual images place the human being between the divine and the animal. Whenever any image or description pushes the human being towards the animal, moving away from the divine ideal, it tends to be obscene, reprehensible, objectionable. However, the divine ideal is not always the same, neither between ages nor between civilizations. In Greco-Roman mythology, gods are sexual beings, sharing characteristics with men. Sexual activity is something sacred and vital and, therefore, the subject of much of the art created. When these characteristics are present in the divine, their representations do not separate human beings from this ideal and, therefore, there is no reason to be seen or hidden. Yet, concurrent with their role in society, women do not have the same sexual freedom as men. The same can be said of the same-sex representations of this time: although a citizen man could have sexual encounters with other men, he would always have to be in an active position, that is, who penetrates. A citizen being penetrated was a reason to have his rights as a citizen revoked. Thus, these meetings were held with non-citizens, as slaves or prostitutes, underlining an idea of submission attributed to women and passive men, to those who are penetrated, as inferior beings, not considered in the aspiration to the divine ideal. With the advent of Christianity, the gods become just one, an asexual entity, free from earthly pleasures. Thus, the requirements for divine aspiration also change and sex becomes something that pushes human beings towards their animal side. If we can say that there was no sexually obscene material in Greek and Roman cultures, from now on, this is no longer true. The spirit and the soul are divine and the body corrupts them:

Man is a corrupted version of God, this corruption consisting (...) also in the possession of a body subject not only to decay but also to a whole series of shame and indignity. The body (...) should be dressed, ideally always; because it is a shameful thing, something to be hidden. (Posner, 1994, p. 46)

It is in the modern era that the regulation of the obscene becomes the

subject of civil courts, instead of ecclesiastical law: Christian morality had finally indoctrinated civil society. It was with the rampant presence of obscenity cases in the courts that the need to legally define this concept arose. If a moral or the understanding of a moral can be subjective, a legal definition crystallizes one of these understandings as the one chosen to decide all cases. Until then, the judges' decisions were based on their conception of obscene, understanding that an obscene object was intended to corrupt the most susceptible minds and constituted a depravity of morals, with the courts being the school of morals. It was only in 1957, in the famous *Roth v. United States*, that a first definition appeared, having been revised in two other cases, the last of which, *Miller v. California*, in 1973, being responsible for the definition still practiced today in the United States. In general, it is obscene the material that the common person thinks appeals to the lascivious, that describes or represents patently offensive sexual conduct and that, as a whole, has no literary, artistic, political or scientific value. There are great similarities between legal definitions and Christian morals. This legal crystallization mirrors the widespread mentality of the digital and global society that appears with the widespread of the internet and social networks. These morals and values are not only linked to the exposure of the body or its sexual acts: it is equally essential to understand *what* body is displayed, *what* sexual act is represented, in order to quickly realize that the conversation about obscenity and offense contains political and ideological concerns in itself. I mentioned earlier that in Greek antiquity, penetrated women and men were considered inferior beings, non-citizens, only utilitarian objects for work, procreation and pleasure. It is not exclusive to them and today we are increasingly aware of inequalities, of endemic bias, whether against women, gays and lesbians, transgender people, Black people, sex workers, or an apparent endless number of others. These groups of historically oppressed people, demoted to a level of subhuman shame, would be positioned more to the right on the divine-animal axis, so all the material that represents some of these groups sexually, and especially if in relation to the dominant group (white male / heterosexual act), tend to be more offensive than the same representation only with the dominant group.

This is where my own *The Kiss* enters the scene. In order to challenge and subvert the morality of the obscene and explicit sex, the film gathers several hardcore pornographic films, using only kisses, in reference to William Heise's film. Williams analyses the insistence of the sexual act in cinema and its relationship with pornography and puts at the forefront the relationship between the showing and concealment of the sexual act in films. From that analysis, I question whether this game between seeing and not seeing, what is off the scene (ob-scene) and what appears in the frame, this idea that it is preferable to leave something to the imagination instead of showing everything, is it not a product of inherited morality, combined with the clandestine excitement for the forbidden fruit? As Foucault thinks, the paradox between the immense production of discourse about sex and its concealment as a secret, the possible paradoxical link between the attempt of hiding

representations of sex and the consequent burning curiosity in unravelling them is also interesting. It is therefore curious how in cinema the trend is to normalize representations of the sexual act and on the internet merely suggestive content is deleted. As Henry Miller quotes Schroeder, it seems that “obscenity exists only in the minds that discover it and charge others with it” (Miller, 1963, p.579). Since sex, sexuality and the body are increasingly objects of study for artists in various areas, it seems problematic that the major online platforms are unable to deal with their work. Most of the artists who take the body as an expression belong to social minorities or historically oppressed communities, whether they are women, black or queer, who were successively thrown into the animal side of their existence, forbidden to attain the divine ideal, their reason for life based on the use of their bodies at the service of others. By art, they claim the body for themselves, simultaneously insisting on a dignified place in society and the expulsion of shame of the body and sex. To eliminate their work from the biggest online platforms is to perpetuate their erasure and the representation of the real variety of bodies, sexualities, identities and passions.

In *The Kiss*, the sexual act is reduced to its eponym: a long kiss multiplied on several faces, several lips and tongues, saliva, moans, the sound as an assault on the senses. The paradox of the pure act, the kiss, in an impure, pornographic film, reveals that the “problem” is not the kiss as a concept, but its application in various forms. The “socially accepted” form of the kiss is not any of these and the insistence on showing them, listening to them, culminates in a saturation that bothers. The fact that the fragments belong to porn films (an evidence for their formal characteristics), throws the film into the territory of discomfort, depending on the context where it is presented and whether that context is a social experience (cinema) or individual (computer at home), institutional (museum) or casual (social networks). If, again, the trend of cinema is to show more and more, defending itself in the simulation of the act, and therefore safeguarding the viewer from the staging of what he sees, such as when we see someone shooting another person in a film, with *The Kiss* I propose to show as little as possible, but of an object in which the act, although we do not see it in this context, is not simulated, making us complicit in moral illegality. We don’t see sex, but we know that it exists and happened, just as seeing an image from any beheading video made by Daesh is disturbing, even if we don’t see the act itself. The comparison may seem absurd, but let’s think about the terms and conditions of social networks that combine violence, hatred and illegality with sex in the same article of prohibitions. The shame of the body, an obstacle to divine aspiration, a fallible, earthly, impure vessel. Would this film be accepted on a social network? Is it more or less obscene than the porn films that compose it?

## REFERENCES

- Foucault, M. (1976). *The History of Sexuality – Volume 1: The Will to Knowledge*. Random House.
- Gardiner, H. (1955). Moral Principles Towards a Definition of the Obscene. *Law and Contemporary Problems*, 20(4), 560-571.  
<https://doi.org/10.2307/1190286>
- Miller, H. (1963). Obscenity and the Law of Reflection. *Kentucky Law Journal*, 51(4), 577.  
<https://uknowledge.uky.edu/klj/vol51/iss4/1>
- Posner, R. A. (1994). *Sex and Reason*. Harvard University Press
- Saunders, K. W. (2011). *Degradation: What the History of Obscenity Tells Us About Hate Speech*. New York University Press.
- Shimm, M. G. (1955). Foreword. *Law and Contemporary Problems*, 20(4), 531.  
<http://www.jstor.org/stable/1190283>
- Williams, L. (2008). *Screening Sex*. Duke University Press.
- Williams, L. (2004). *Porn Studies*. Duke University Press.
- Ziolkowski, J. M. (1998). *Obscenity: Social Control and Artistic Creation in the Euro-pean Middle Ages*. Koninklijke Brill.
- Audiovisual essay received on 29/03/2021 and accepted on 22/07/2021.

[Creative Commons Attribution License](#) | This is an open-access article distributed under the terms of the Creative Commons Attribution License (CC BY). The use, distribution or reproduction in other forums is permitted, provided the original author(s) and the copyright owner(s) are credited and that the original publication in this journal is cited, in accordance with accepted academic practice. No use, distribution or reproduction is permitted which does not comply with these terms.