

## **Pornography and Liberation: Understanding Cultures of Violence\***

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**Abstract:** *Drawing from select South Asian examples, this paper argues that pornography is an economically, socially and culturally significant phenomenon that must be understood as falling within the domains of representation and of commercialised sex. To ignore the understanding of it as purchased sex and as sex work, is to misread the phenomenon and to expose the already precarious and gendered labour to the risks of an unregulated workplace. It further argues that the rapid transnational spread of porn is a consequence of several factors that include the Internet boom, technological changes, convergence, capitalist entrepreneurship, and the ease with which the (sexual) labour of women is commodified and devalued. Finally, it argues that the neoliberal ethos, current economics and capitalist logic and cultures are deeply imbricated in emotional and intimate lives, and ascribe value to subject-bodies and the labour they perform. These subject-bodies also become the sites on which the tensions of intersecting identities of gender, race, class, nationality and ethnicity are staged, eroticised and sold. The understanding of porn as a liberatory phenomenon is thus, an incomplete one at best.*

**Keywords:** pornography, commodification, commercialised sex, Internet, digitisation, technology, India, neoliberal ethos

### **Framing the Discourse**

Pornography is one of the most controversial socio-economic global developments of our times. It is a substantial and widespread commercial enterprise whose annual turnover has been estimated as being anything between 20 billion dollars and 97 billion dollars despite a reported 'slowdown in sex entertainment trade' that followed the Internet boom.<sup>1</sup> Despite the huge variations in these estimates, the figures remain substantial, and constitute a legitimate if somewhat unstable index of the economic size and scale of the industry. We shall later see how the nebulousness, even confusion, that characterises this otherwise very visible industry, is significant when it comes to an estimation, understanding and analysis of the business. Immediately, there are several reasons for the relative paucity of information about the porn business, the most important of which is that it is a highly secretive industry that

is privately owned by individuals or by private companies. This generates the uncertainty around both *numbers* (how much money and how many people are involved) and *practices* (the nature of financial, labour and other kinds of transactions) in the industry. The industry's relations to violence, which I will outline shortly, must be understood in the context of these details.

The size and scale of the pornography business, even at the lower end of the spectrum, suggest that far from being the relatively modest business that it once was; porn has now mushroomed into a corporate scale business. The significant increase in both the size of the porn business and in the availability and use-consumption<sup>2</sup> of porn may be understood to be a direct consequence of two key developments: (i) the global Internet boom and (ii) the introduction of technological and economic convergence in the media.<sup>3</sup> Regarding the first: there has been a dramatic media shift in porn – away from print and the analogue – to the Web and the digital. The word 'porn' now mostly brings to mind hardcore 'imported' digital porn and not the locally made varieties. However, it must be remembered that this was enabled by the second development: changed technologies, business models and relations. Technological change has driven porn as much as porn has driven technological change. Paul Saffo director of the Institute for the Future has said that,

[t]he simple fact is porn is an early adopter of new media ... If you're trying to get something established ... you're going to privately and secretly hope and pray that the porn industry likes your medium (cited in Chmielewski and Hoffman 2006, n.p.).

In fact, as we will see, the relationship between porn and technology may be witnessed in the phenomena of 'free' and amateur porn. Digitisation led to a surge in (porn per se and) amateur porn in particular, with regular people uploading free pornographic narratives or even sexually explicit images or clips of themselves. This has impacted on the organised production of porn. However, the digitisation of porn is how and why 'free porn', apart from existing in the first instance, is not free. In fact, far from being free, 'free porn' is simply porn that is monetised via the Internet in ways that elude the average surfer (Johnson 2011). These developments were possible only because digitisation and convergence have together solved two of porn's biggest challenges: distribution and privacy. What one means by this is that, the classic convergence cluster of the worldwide web, the development of the mobile phone or PDA, and the multimedia personal computer, facilitate a somewhat seamless and discreet transfer of adult content anywhere and at anytime. In short, digitisation and convergence have rendered porn available anytime and anywhere that is connected, and on a personal single-use device at that.<sup>4</sup>

We then see that both the production and use-consumption of pornography is intimately related to the development of technology per se and, specifically, to communication technologies (Coopersmith 1998, 96). Further, both technological and economic convergence have delivered remarkable impetus to the transnational spread of digital porn. Consequently, although the

size and the dynamism of the web make accurate estimates of Internet porn difficult, a “2005 Wordtracker report found that the first six of the top ten, and ten of the top twenty search terms on a majority of web metacrawlers were pornographic in nature” (Nayar 2010, 128). Again, data from the website Pornhub reveals that India has the third largest porn traffic in the world (Pornhub 2016). While this may be a function of population size, there is no gainsaying that the Internet has indeed “created an unprecedented opportunity for individuals to have anonymous, cost-free, and unfettered access to an essentially unlimited range of sexually explicit texts, still and moving images, and audio materials” (Barak and Fisher 2001, 312).

However, it may be successfully argued that the spread of porn is not purely consumer driven; it is rather the result of substantial tie-ups between porn and other industries. The links between the larger corporate world and the porn business have been made amply clear a number of times. Illustratively, according to a report published by PBS-Frontline, “yahoo! actively entered into business arrangements with adult companies and directly profited from porn on the web” (PBS-Frontline, n.d.). Again, there is the instance of Francis Koenig’s 2005 porno-capitalism initiative that has promoted and mainstreamed investments in ‘sin stocks’, by matching big-money investors with adult entertainment companies. Koenig’s Vicex Fund, which had assets totalling almost \$211.17 million invested in 97 different holdings in 2013, was advertised as the ‘only pure sin stock mutual fund’<sup>5</sup>. These holdings include tobacco (Philip Morris, Lorillard, British American Tobacco), defence and weapons giants like Lockheed Martin and Raytheon, beer companies such as Carlsberg A/S and Molson Coors. Even while the investments in vice and sin funds are largely anonymised, they are increasingly being marketed aggressively and openly, as attractive, acceptable and recession proof (Gabriel 2017).

### **The Violences of Pornography**

Furthermore, there is a general increase in the occurrence and tolerance, if not acceptability of overtly sexual themes and images in the public domain. This has been referred to variously as the pornification of media, the mainstreaming of pornography, the pornographising of everyday life, the pornification of culture, or the ‘pornographication of mainstream capitalist culture’. These index the exponential increase and normalisation of sexual explicitness and sexual content that was, until recently, considered either obscene or pornographic. The pornographic idiom is even being seen as chic as in the case of pole dancing which is frequently recommended to women (only) as part of fitness cum gender-sexual grooming regimen. We see the pornographisation of everyday life in the Raj Shetye case as well. In this case, the fashion designer Shetye displayed startling photographs from his project “The Wrong Turn” on his online portfolio. These photographs pornified the 2012 fatal rape of the Jyoti Singh (Nirbhaya).<sup>6</sup> They showed a female model dressed in high-end

fashion, being held down on the floor and struggling with two men who grip her arms. In another photo, two men pin her down on the bus seats while she struggles. Although Shetye took these down following widespread protests, the photographs were carried by various other media outlets and got widely publicised. In another incident, shortly after the Nirbhaya rape case, three state ministers from Karnataka, one of whom held a portfolio for women and child development, had to resign after being caught watching porn in the local assembly, while it was in session. In response to the incident, Renuka Chowdhary, Congress Party member and a former minister for Women and Child Development observed that

We live in a country where there already is this social mindset that women are disposable commodities and are seen as transferable properties ... It really is troubling that the people who are in positions of power and have the responsibility to change things actually have the same mindset and are busy watching porn (The Telegraph 2012, n.p.).

In a similar vein, just days after the 2012 Nirbhaya rape case, rapper Honey Singh earned the well-deserved epithet, “King of Rape Rap” on the basis of his songs, some of which had violently misogynist lyrics. These lyrics glorified sexual assault and abuse, and became the basis of “a censorious e-campaign and [the rapper was] stuck with an FIR alleging obscenity and incitement to crimes against women” (Gabriel 2016, 207). His lawyer Pragyan Pradip Sharma, issued a denial notice on behalf of Singh, which carried little credibility. The lyrics themselves, like the Raj Shetye photo-project, demonstrated the extent to which the idiom of violent pornography has become mainstream even in India. The Al Jazeera report “A dark trade: Rape videos for sale in India” (Ashraf 2016) foregrounds the ways in which “rape videos” are cheaply and easily available. These videos, which are often stolen off phones at phone repair shops, are used to blackmail the women. In the atrocious rape of 5-year-old Gudiya<sup>7</sup>, the accused again stated on National TV that they watched porn films before raping the child. The issue here is not simply the mainstreaming of pornography, but the deeply problematic ways in which porn is being severely inflected by the logic of rape. Robert Jensen (2008) referring to much of the pornography that characterises digital pornography; and not specifically to “rape pronography”, notes that:

... the pornographers offer men sexual gymnastics and circus acts that are saturated with cruelty toward women; they sexualize the degradation of women. While most of us would agree those are negative emotions, they are powerful emotions. And in a patriarchal society in which men are conditioned to see themselves as dominant over women, such cruelty and degradation fit easily into men’s notions about sex and gender ... They tell me that that there’s no cruelty in a woman is being penetrated in an aggressive fashion by three men who call her a whore throughout the sex. They tell me that when five men thrust into a woman’s mouth to the point she gags, slap a woman in the face with their penises, and ejaculate into her mouth and demand that she swallow it all, there’s no degradation (Jensen 2008, n.p.).

Kamlesh Vaswani's 2012 problematic petition for a total ban on pornography, argued the explicit link between pornography and harm – specifically gender-based violence, rape and assault – and social, cultural and moral degradation. While the petition drew its argument from the alleged confession of Jyoti Singh's rapists, which stated that they watched porn before raping her, it also discounted the fact that rape as a form of patriarchal violence, pre-dates porn. However, the petition's argument that porn has become somewhat ubiquitous and normalised, bears scrutiny.

The mainstreaming, normalisation and glamorisation of pornography – which has been observed by scholars like Sheila Jeffreys, Gail Dines, Marjut Jyrkinen, Jeff Hearn and Brian McNair – has gone hand in hand with the contemporary popular mythology that pornography and the commercialisation of sex and sexualities are signs of liberation and indices of freedom and agency. There are at least four related causes to this development. The first is that sexuality and desire have been the target of capitalist entrepreneurship – the business of transforming desire and sexuality into commodities – for a while, both directly as sex toys, porn etc. and indirectly, as in advertising (see for instance McNair 2013, 5). Second, commercialised sex is being spoken of as revolutionary and liberatory. Ekman (2013, 8) notes that historian of ideas Susanne Dodillet speaks of commercialised sex as “an active choice on the part of a strong-willed woman”, those selling sex are “business-minded individuals” and “feminists who can show other women the way”. They are thus role models for today's women. Prostitution is therefore “an enterprise with revolutionizing potential”. In a similar vein, Australian scholars Chris Ryan and Michael C. Hall (2001, 22) completely bypass the materialities of practices and claim rather outrageously that the meeting between a Western man and a Thai woman in a Bangkok brothel is an encounter between two marginalised people, two outsiders, “two liminal peoples, peoples separated from the mainstream of society”. Scholars of a libertarian bent *have* typically tended to argue that the sale of sex is an agentic act and should not be regarded as a form of victimhood. Ekman (2013) has remarked on how this exemplifies a reparative reading of a situation where, what is actually the coercive commodification of the self is seen as a properly agentic and empowering act. This third cause, which possibilises the second and the fourth, is the dislocation of porn from the chain of commercial-sexual activities of which it is otherwise an integral part. This links to the fourth cause, which is the understanding of porn purely as a set of representational practices with no reference to the conditions of its production, more of which shortly.

It must be said here that the excesses of porn is a particularly difficult phenomenon to address, as porn falls within the fields of both representation and of commercialised sex. It has thus been successfully argued that since porn is constituted within the field of representation, it is to be covered by free speech laws and therefore enjoy all the consideration that expression enjoys,

including freedom from regulation and bans. This stand seeks to safeguard the individual's right to privacy and freedom from state surveillance and excesses. This argument is crucial and of particular importance in view of the fact that governments are growing increasingly conservative, and are eating away at these rights. Hence, while the right to privacy needs to be stringently defended, matters become complicated when it extends from the consumer's right to use-consume pornography to the pornographer's right to make, distribute and monetise pornography, especially when that pornography is violent, and when pornography understood to be part of a chain of commercialised sex. Often, as in the Indian case, access and use-consumption are separated from production and dissemination, and remains legal. The importance of the argument that mere access to and use-consumption of sexually explicit material cannot be criminalised is crucial. But in order for the democratic impulse inherent here to be fully asserted, pornography must also be recognised as a form of paid sex, and therefore in need of investigation and attention to the complex questions of power relations and the exercise of power, bodily integrity, consent, labour conditions, exploitation and violence. To ignore the understanding of it as purchased sex and sex work, is to misread the phenomenon and to expose the already precarious and gendered labour to the risks of an unregulated workplace. For example, the TAMPEP 2009 study on migration and sex work noted that the sex industry is linked to human trafficking, which is in turn associated with transnational organised crime (Seigel 2009; National Rapporteur 2013). TAMPEP also observed "a strong bi-directional link between pornography and prostitution" (2009, n.p.), which indicated that prostitution and pornography are interlinked and transnational businesses. It went on to note that approximately 70 per cent of the prostitutes in the EU are migrants – some of which may be undocumented migrants – who, riskily, "...might have to cross borders many times to provide sex services in different countries" (Shulze et al. 2014, 8).

TAMPEP's observation about the bidirectional links between pornography and prostitution reinforces the understanding that porn must be treated as commercialised sex and not just as representation alone; while the link between precarious persons and commercialised sex, advises us of the vulnerability of the constituencies involved in high risk occupations like the sale of sex. Already-risky occupations are further compromised by the commercial investment in these (as we have seen with Vicex), the global neoliberal ethos, policies and practices that have promoted high degrees of precarity, inequality and violence. This has a degree of state participation as Agathangelou (2004) argued while showing how peripheral States, such as Sri Lanka, Myanmar, Rumania, Russia, and Belarus, facilitate the migration of female domestics and sex workers to more affluent and economically dominant countries, thereby marking the complicity of states in such practices. Agathangelou goes on to remark on the ways in which the reproductive labour of women – where reproductive labour includes both the labour power and the actual

(commodified) self of the worker – is exploited and commodified by income-rich states within the International Political Economy.

Here there is then, as is immediately evident, a gendering and racialising of power, control and influence in the transnationally transacted sexual and reproductive labour of women (children and men). The gendered and racialised citizen-consumer of this domestic or sexual service besides being mainly male, is also a classed entity, who can and does in fact, buy such services. We see therefore that the neoliberal ethos, current economics and capitalist logic and cultures are imbricated in emotional and intimate lives, ascribe value to subject-bodies and the labour they perform. These subject-bodies also become the sites on which the tensions of intersecting identities of gender, race, class, nationality and ethnicity are staged, eroticised and sold. Nicola Smith remarks on the ways in which both globalisation and capitalism “impact directly and often violently on the bodies of actual people” (Pettman 2000, 52). These processes are inscribed on and reproduced by bodies (Penttinen 2008). Thus while commercial sex may be viewed by some as being outside the heteronorm (which it is not), it also reproduces gendered, sexualised, racialised, national and classed power equations.

Furthermore, there is the matter of actual conditions of work/performance. Notwithstanding claims of porn stars like Tristan Taormino that pornographers are ethical, that there is a feminist component to all pornography, and that “everyone is just fine” on mainstream sets, many porn stars comment on their need for drugs and alcohol to sustain them while they do porn to combat the fatigue or the pain or the experience itself. They have gone on to draw attention to the fact that in gonzo porn, for instance, there are no condoms and that it tends to be more violent, extreme, risky and episodic. According to these porn actors, about 68 per cent of the actors do not wear condoms during shoots; one in four porn stars have STIs like chlamydia and gonorrhoea (ABC News 2010). Again, porn performers are required to be tested for upward of 20 STIs every week.

Gail Dines (2011) remarks the overtly hateful remarks about women in porn films and the “fascination with body punishing sex” (Dines and Humez 2011, 276), while Sharon Mitchel, an ex-porn S&M pornstar, in an interview to Channel IV (UK) spoke about serious occupational hazards like anal prolapse, infections and internal injuries from objects (e.g. chopsticks) inserted anally and vaginally. Recognizing the nature of these risks the California state’s Division of Occupational Safety and Health Standards (OSHA) in 2015 recommended that adult film actors wear eye goggles (in addition to using condoms) to prevent exposure to a range of blood-borne pathogens and/or sexually transmitted pathogens and diseases (including AIDS) which women in particular are exposed to during the ‘money shot’ and other sexual acts. The recommendations (including the mandatory use of a condom) have been ignored in the main, with porn companies and actors labelling the proposal

ridiculous on the grounds that it will intervene in the viewer's pleasure: "if condoms and dental dams dampen the fantasy of adult films, then wearing goggles will drown it once and for all" (Miller 2015, n.p.). What will eventually happen remains to be seen, but the response to the 2012 law mandating the use of condoms on porn sets in Los Angeles County resulted in a 90 per cent dip in production in the county to avoid the regulation.

Unlike the situation in economically affluent and strongly democratic societies, in India, where the production and distribution of pornography is banned and therefore illegal and criminalised, and its use-consumption highly stigmatised, and the shame of discovery too damaging for victims, there is no regulation and little remedy. Consequently, exploitative financial, health and labour practices continue in a business that is underground and very grey. Protections and remedies are very difficult given the extreme stigma around both sex and pornography, and this prevents victims from filing complaints under the Criminal Procedure Code (CrPC). Indeed, one would have expected the extreme stigmatisation in itself to function as a deterrent, to the production and use-consumption of pornography. However, rather paradoxically, this stigmatisation has instead resulted in the fact that a very large proportion of purportedly 'Indian' porn on the Internet is in the form of videos made either (a) secretly, with hidden cameras, and without the knowledge (let alone consent) of those being filmed; or (b) with the full knowledge of the participants, but under duress – i.e., filmed rape, molestation, sexual harassment – and uploaded and circulated as pornography. According to the activist Sunitha Krishnan, rape videos, which until recently, were just recorded to blackmail victims, have become a huge commercial industry in the past year or so. Rape videos are being marketed as porn, and India has emerged as one of the supply centres to meet a "global demand". The victims, women so far, typically tend to be from the poor and marginalised segments (Sudhir 2016, n.p.). The precarity of the populations who are targeted to supply sex services and the methods adopted to ensure this, must be factored into an assessment of pornography as a phenomenon. Such exploitative and violent practices and the representations of them, only serve to exacerbate the cultures of sexual violence, as they become the most pervasive kind of sexual representation available to the user-consumers (especially frequent ones) of 'Indian' pornography.

The argument advanced in this piece is not that all porn is violent or that porn necessarily encourages violence. It is rather that – notwithstanding arguments that pornography and the commercialisation of sex and sexualities are signs of liberation and indices of freedom – gender and sexual violence are inherent to the commodification of women's bodies and that capitalistic political economic regimes tend to be gendered and encourage both commodification and gender based violence. It is therefore imperative to locate pornography within the political economy of its transactions and to think about

it as a link in the chain of commercialised sex and not as a disconnected and purely representational phenomenon.

### Acknowledgement

\* The article is the outcome of research conducted by the writer on a Marie Curie International Incoming Fellowship (IIF), funded by the European Union.

### Notes

- <sup>1</sup> Paul Fishbein of the Adult Video News Media Network (cited in Johnston 2007). Note also that even though the child-pornography industry in the US, being illegal, doesn't report its annual sales to the Securities and Exchange Commission, US government analysts in 2006 said that child porn business makes about \$20 billion a year (Bialik 2006).
- <sup>2</sup> Throughout this article – and in this investigator's work in general – the term 'user-consumer' is used to indicate the subject as dual receiver of porn, undertaking two related but distinct actions, viz., the physiological act of using the physical object of porn (film, book, photograph, picture) and the ideological act of consuming its representations.
- <sup>3</sup> "Convergence refers to a range of phenomena and a series of changes that characterise the communications industry in particular. It refers broadly to the processes of (a) technological convergence ... the merger of delivery platforms and the corresponding application and protocol convergence that this involves ... (b) institutional convergence which includes changed business models and the convergence of industries (computing, communications and entertaining) [Gabriel 2013, pp. 201-202]. For a discussion of convergence see Jenkins (2006), Budki (2008) and Gabriel (2013).
- <sup>4</sup> The case of three Indian Members of Parliament from the ruling party, the BJP, having to resign from Parliament in 2012 because they were caught watching porn in Parliament, illustrates this point. See the report in *The Telegraph* on 8 February 2012.
- <sup>5</sup> 'Sin' and 'vice' stocks are stocks that profit from investing in industries that are considered to be either unethical or undesirable such as alcohol, tobacco, gambling, gaming, weapons, adult entertainment. Some examples of these are the Ladenburg Thalmann Gaming and Casino fund, Fidelity Select Leisure and Seven Deadly Sins Portfolio. See Salon (2007) and Elmeraji (2012).
- <sup>6</sup> On 16 December 2012, a 23 year physiotherapy intern, Jyoti Singh was fatally assaulted, tortured and gang raped in a moving bus by six men. She died 13 days later. The incident caused widespread national and international protests and condemnation. It led to several state and central governmental initiatives to ensure the safety of women. It also resulted in the formation of a judicial committee by the Central government which was headed by Justice J S Verma. The Committee was required to submit a report within 30 days to suggest amendments to criminal law that would, among other things, ensure that sexual assault cases are dealt with sternly.
- <sup>7</sup> In a similarly atrocious incident, a five-year-old girl was gangraped in East Delhi after the accused watched porn clips. According to police, both the accused drank and watched porn films on Manoj's mobile phone at Pradeep's house and then left for Manoj's house in Gandhinagar around 6 pm. They drank again on their way to Manoj's house and reportedly, made up their mind to have sex (see India Today 2013).

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