



Harms of production: theorising pornography as a form of prostitution

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SYNOPSIS

Traditionally recognised forms of prostitution (such as brothel, street and escort prostitution) tend to be seen, in both popular culture and in law, as separate from pornography. The pornography industry is often represented as a less harmful and more glamorous part of the sex industry. These representations, coupled with academic debates that have typically focused on the consumption rather than the production of pornography, have resulted in some of the harms of pornography being obscured. It is argued here that commercial pornography should be understood as prostitution and, potentially, as a form of prostitution carrying specific and additional harms. This may offer useful ways forward for feminist analyses of the harms of pornography.

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Introduction

This article furthers the proposition that commercial pornography should be understood as a form of prostitution. While pornography and prostitution have most often been seen as separate entities, in a variety of legal and academic contexts, several analyses have aimed to conceptualise these two industries together. A mix of articles from legal scholars (Garb, 1994; Noldon, 2004; Streit, 2006; Waltman, 2012), testimonies from those within the industries (e.g. Almodovar, 2006; Lederer, 1980; Reed, 2006), and texts from feminist and pro-feminist theorists (e.g. Barry, 1979; Dines & Jensen, 2006; Jeffreys, 2009; Waltman, 2012; Whisnant, 2004), mention the overarching similarities between pornography and traditionally recognised forms of prostitution.¹ However, these similarities have not yet been the subject of more substantial inquiry and, with the exception of a few articles in law journals, are not the primary focus of the literature in which they appear. The need to conceive of pornography as a form of prostitution is often only mentioned in passing rather than being the subject of sustained analysis in and of itself. Furthermore, an argument for the importance of conceptualising pornography as a form of prostitution is still lacking in many of these texts.

This article begins by contextualising the feminist debates on pornography and harm, focusing in particular on the split between liberal and radical feminists. The article then aims to

bring together some of the limited literature, from legal and feminist perspectives as well as drawing on first person accounts of experience in the sex industry. It is argued that the fundamental similarities between pornography and prostitution cannot be overlooked. The existing literature on the harms of traditionally recognised forms of prostitution is then outlined and it is suggested that there may be specific and additional harms associated with the kinds of prostitution that pornography production requires. Finally, it is argued that conceiving of commercial pornography as a form of prostitution may shift academic and feminist discussions and enable previous research on the harms of prostitution to be included in wider debates about the harms of pornography.

Background and context: feminist debates on pornography and harm

Current academic debates about pornography and harm still embody aspects of the 'sex wars' (Duggan & Hunter, 2006) that ruptured the second wave feminist movement in the 1980s. While there had been significant activist organising and academic theorising based on feminist opposition to pornography in the 1970s and 1980s, this predominantly radical feminist critique became increasingly muted during the 1990s (Leidholdt, 1990). The split largely cemented disagreement

between radical feminists, on the one hand, and liberal and libertarian feminists, on the other. This section briefly considers the radical and liberal perspectives on pornography and harm to help contextualise the analysis that follows.

Generally speaking, radical feminists critiqued (and continue to critique) pornography on the basis of harm (Eaton, 2007). The focus on harm can be seen as part of a commitment to understanding pornography as action rather than only as representation, and also as viewing pornography as part of the broader sex industry, rather than as something separate (Tyler, 2011). The radical feminist approach to pornography and harm takes two basic forms: the first considers harm done to women in the actual production of pornography, and the second focuses on harm done to women's status, or women as a class, through the existence and consumption of pornography (Langton, 2008). However, it should be noted that most literature has emphasised the latter of these two types of harm. Radical feminist opposition to pornography is often cited as reaching its peak with the anti-pornography ordinances, launched in a number of states in the US, in the early to mid-1980s (Leidholdt, 1990). The civil rights ordinances, proposed by Andrea Dworkin and Catharine MacKinnon, were designed to allow women to hold pornographers legally accountable for harm done to them through the use and making of pornography (Dworkin & MacKinnon, 1997).

During the 1990s, however, a very different approach to pornography, promoted mostly by liberal feminists, emerged. Broadly speaking, liberal feminists rallied (and continue to rally) against censorship and defend the existence and production of pornography on the basis that it should be protected as a form of speech, free expression or even fantasy, thus separating it out from 'actions' such as prostitution (Spector, 2006a; see also as examples: Assiter, 1989; McElroy, 1995; Strossen, 1995). For example, in *XXX: A Woman's Right to Pornography*, Wendy McElroy (1995) writes that: 'Pornography is fantasy...Like dreams or metaphors, sexual fantasies cannot be taken at face value; they should not be taken literally' (p. 133). These approaches suggest that there is no direct or even conceptual link between pornography, inequality and sexual violence (Williams, 1999, p.22) and they therefore detach pornography from the kinds of harms emphasised by radical feminists. Moreover, some writers have claimed that pornography is empowering for individual women (e.g. Johnson, 2002) and can even contribute to the feminist fight for women's sexual liberation (e.g. McElroy, 1995). Similar arguments have been taken up more recently in texts such as *The Feminist Porn Book* (Taormino, Parrenas-Shimizu, Penley, and Miller-Young, 2013).

Informed by the liberal writing of the 'sex wars', a paradigm shift has taken place in academic studies of pornography in the last fifteen years (Attwood, 2010; McNair, 2013). Dominant understandings of pornography within the academy can now be seen to 'incorporate many of the theoretical perspectives and preoccupations which have become central within Cultural Studies' (Attwood, 2006, p. 93). Drawing on postmodernism, there has been a push to recognize pornography as primarily a 'filmic genre' (Baetens, 2005) and a focus on the polysemic nature of texts and the potential fluidity of readings (Attwood, 2006). Far from critical, much of this research is undertaken in what sociologist Brian McNair (2002) has called 'a spirit of excited inquiry' (p. 63). The central problem with this approach

is that it tends to concentrate only on the individual and potential readings of texts by consumers, obscuring dominant cultural understandings and questions about social power (Boyle, 2010). Work on pornography originating in cultural and film studies, therefore, tends not to engage with existing feminist debates about pornography and harm to women. In addition, the dominance of this position has shifted the debates about pornography to become almost entirely focused on issues of consumption. As is discussed further in the following sections, even feminists critical of pornography now largely debate harms by talking about the proliferation, consumption and normalisation of pornography itself, rather than the context of its production.

The current dominance of liberal and postmodern analyses is centred on consumers, the potential readings of pornographic texts, and a rejection of pornography as linked to harm. This has left a significant gap for a critical, radical feminist investigation of these issues. In particular, there is space for (re) considering the harms associated with the production of pornography. As I have argued elsewhere (Tyler, 2011) the pornography industry boomed financially in the 2000s and also became seen as relatively glamorous in popular culture. This occurred while the industry simultaneously required more extreme and violent sex acts to be performed in the production process. Given these circumstances, a return to a radical feminist analysis, focusing in particular on the material realities of what happens to women in the making of pornography, seems apt at this point in time. Understanding pornography as a form of prostitution may be a useful way to reintroduce, and further, existing feminist analyses of pornography and harm.

Repositioning commercial pornography as prostitution: legal approaches, insider perspectives and feminist analyses

In many legal systems, prostitution and pornography are treated very differently. Prostitution has typically been framed as problematic in terms of social harm (e.g. as a public nuisance, a threat to the social order or to public health) but pornography is more likely to be understood as problematic through the lens of obscenity (Garb, 1994; Spector, 2006b). This split is replicated in academic discourse, where debates about the harms of prostitution are generally concentrated on what actually happens to people, especially women, working within systems of prostitution (e.g. Coy (2012); Campbell and O'Neill (2006); Farley (2003); Weitzer, 2005, 2007), while debates about the harms of pornography primarily emphasise issues regarding the rights of, and effects upon, viewers (e.g. Dines, 2010; McKee, Albury, & Lumby, 2008; Paul, 2005; Williams (2004); c.f. Taormino et al. (2013)). Essentially, this means that arguments surrounding pornography tend to focus on the conditions of consumption, while debates about prostitution tend to focus on the conditions of production.

Legal approaches

Many legal systems accord different classifications and treatment to pornography and prostitution. In many instances, prostitution is either regulated or criminalised as an action, whereas pornography is regulated or criminalised as a product (Spector, 2006b). In Australia, for example, the legal statuses of pornography and prostitution have always been quite different

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