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Policy, politics and porn

Clarissa Smith

For Sexualities, 20th anniversary

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As the UK moves towards the implementation of age verification standards to limit access to pornographic websites, and MPs¹ push for further and more expansive regulation, it might be useful to reflect on the kinds of arguments and research currently having greatest purchase in policy arenas. This is not necessarily to critique those arguments in detail, there isn't space here to do that, but to draw attention to the fact that in the two decades that *Sexualities* has been publishing fascinating research, seemingly very little of that has translated into policy-directed activities. Despite the proliferation of researches which have emphasized the ways sexual representations and entertainments might challenge puritanical constructions of appropriate sexuality, the public narratives of pornography and other forms of mediated/monetized sex remain simplistically tied to notions of harm (particularly intensely regressive notions of harm) and effects. Policy research remains narrowly focused on presenting evidence that confirms the need for legislation and increasingly, and quite worryingly, some avowedly feminist academics, advocates and policy makers appear ever more wedded to the idea of turning to law as the main means of addressing sexual inequalities through curtailing access to images.

As UK regulation of pornography has been the subject of numerous articles, some in *Sexualities* (for example, Ashford, 2011; Attwood and Walters, 2013; Carline, 2011; Wilkinson 2017) there seems little point in rehearsing them here, but the bulwark of that regulation, the Obscene Publications Act, has, in the past five decades, been superseded by a course of legislating against specific kinds of sexual content (beginning with the banning of child porn in the Protection of Children Act 1978, expanded in the Criminal Justice Act 1988). In recent years, the government in England and Wales² has sought to widen the scope of legislation beyond offences relating to making and distributing images to include possession (i.e. focusing on consumers rather than producers), particularly in the extreme porn provisions of the Criminal Justice and Immigration Act (CJIA) 2008 (see Carline, 2011). Further legislation has outlawed possession of 'Rape Porn' and the distribution of 'Revenge Porn' (Sections 16 and 33 of the Criminal Justice and Courts Act 2015).³ An attempt to outlaw 'Upskirting' was thwarted recently when Conservative MP for Christchurch, Sir Christopher Chope, objected to the Private Members Bill. As I write, provisions in the Digital Economy Act 2017 will see Age Verification overseen by the British Board of Film Classification brought into operation towards the end of 2018, in a bid to prevent anyone under the age of 18 accessing pornography.

Reviewing the evidence

These most recent statutes (from 2008 onwards) have been underpinned by considerable support from feminist academics, campaign groups and organizations who have argued that the provisions are necessary to counteract the 'cultural harm' that pornography, of all kinds, poses to women (McGlynn and Rackley, 2009). These arguments borrow very heavily from

second wave feminism's attacks on pornographic production (Attwood and Smith, 2010; Smith and Attwood, 2013), reproducing the same intensely literal (Segal, 1998) and paranoid (Wilkinson, 2017) readings of sexual content which refused any more complex understandings of how porn might speak to subaltern or emerging sexual identities (see discussions by, amongst many others in this journal, Ciclitira, 2004; Paasonen, 2009; Ziv, 2014). The harm arguments have certainly had impact⁴ – for example, the Justice Directorate in Scotland referred directly to the letter received by the Minister of Justice from University of Durham Professors McGlynn and Rackley as having influenced the framing of the Scottish extreme porn statutes.⁵ Perhaps most persuasive and influential, for both politicians and public discourse, have been the government commissioned Rapid Evidence Assessments and Reviews focused on pornography's impacts on children and young people.

Such reviews have been numerous in the last decade – some produced as evidence in support of legislation (Itzin et al., 2007 for the CJIA 2008) or as the evidence base for designing policy (Bailey, 2011; Horvath et al., 2013; Nash et al, 2015; Papadopolous, 2010), and others as clarion calls (Martellozzo et al., 2016; NSPCC, 2015) to further action. Children's possible access to pornography has undoubtedly raised concerns but while the authors of these reviews tend to claim an interdisciplinary methodology, the evidence they cite is limited, constrained by particular kinds of approaches to sex and sexual representations, and delivered (with the notable exception of the Byron Review – Byron, 2008) exactly on message for government. It is instructive but depressing to see how these reports have seized so much public attention and how they have crowded out any of the research being undertaken in other spaces with various age groups, and which reach more complex conclusions about the significances of sexually explicit material in everyday life (cf. Albury, 2014; Angelides, 2013; Attwood et al, 2018; Curtis and Hunt, 2007; Gregory, 2018; Hillier and Harrison, 2007; McLelland, 2016; Mowlabocus et al., 2013; Mulholland, 2015; Paasonen et al., 2015; Smith et al., 2015).

In many ways, the reviews are persuasive because of their flaws. Written with a particular agenda and political expediency, they begin with identifying a 'problem' to be solved by policy actions. The necessity for action is established through recourse to ideas of 'normal', 'healthy', 'intimate' relationships, to ideas of 'good sex' and 'safety'. For example, the Bailey report produced for the coalition government suggested that 'A family friendly society would ... uphold healthy norms' (Bailey, 2011: 11) but offered no explanation of the contours of 'family-friendly' nor of 'healthy norms'. Other forms of loaded language, for example focusing on 'risky' behaviours or on children and young people being 'exposed' to pornography, emphasize the problems of sexually explicit materials but refuse to acknowledge that if, as in the NSPCC's latest report (Martellozzo et al., 2016), 47% of their respondents reported searching actively for pornography the notion of 'risk' may have complicated resonance for young people and may even be something they seek to be 'exposed to'.

The links between viewing materials and impacts on behaviour are not interrogated, the associations are assumed and obvious and can thus be 'demonstrated'. For example, in the NSPCC's (2017) response to the Age Verification consultation, the charity notes:

The ease with which young people are accidentally stumbling across online pornography, as well as actively searching for it once exposed, is of concern. This is particularly concerning in light of the findings from our research that the act of viewing online pornography appears to have a desensitising impact on young people, as well as increasing feelings of sexual stimulation over time.

Drawing out some of the key terms in these reviews we see the repeated use of words like 'aggression', 'demeaning', 'violent', 'degrading', 'addictive', 'problematic', and 'desensitizing' to describe contents and impacts, but pay little attention to evidence of more positive possible outcomes. In the NSPCC's complaint just quoted, note how 'increasing feelings of sexual stimulation' sits as a problem. I am not, of course, the first to note that these reports usually start from a negative view of sex, the media and young people. Nor am I the first to suggest that their authors either can't or won't acknowledge the positive experiences that young people might have with porn (e.g. expanding their sexual repertoires or gaining a less heteronormative perspective on sex). This is not simply because the authors are too focused on potential harms but that their standpoint would not see expanding sexual repertoires as positive (that is, they regard more permissive attitudes to sex as a negative or harmful outcome). Thus, many of these reports are predicated on maintaining a particularly static view of what constitutes good sex or healthy attitudes, often at odds to the authors' proclaimed intentions to progressive politics. Results are presented as straightforward, and by not unpacking or considering the complexity of terms or subjects, their conclusions appear 'common sense'.

In their address to often quite demarcated audiences – government and policy makers, concerned parents and media – the reviews play on the fears and dangers felt by a cautious/precautious/conservative mindset receptive to the notion that absence of evidence is not evidence of absence, so regulation and circumspection are necessary until we know more (while ruling out the possibility that there could be anything new or different to learn). The foundation of these concerns is not up for debate and any theoretical or conceptual framework which might undermine those foundations is simply ignored, thus it is rare to see any acknowledgement of the extensive theoretical and empirical literature on pornography as text, or on its audiences and their comprehension of meanings, that has emerged from culture and media, sociology, gender studies and has been regularly published in *Sexualities* and other journals. The reviews say little about, for example, how young people engage with, interact with, react to or avoid sexual media and imagery, and have an unwavering adherence to the assumption that children are 'exposed' to pornography, inevitably leading to 'negative effects'.

Thus it is rare to find any sustained acknowledgement that young people (or, often enough, adults) are sexual beings, with desires, and so young people are painted as solely receptive, with no ownership of their own desires. Indeed, adolescent sexuality and desire is often problematized through the suggestion that sexuality is for adults only (so long as we don't enquire too deeply into what sexuality might mean for different folks). This focus too often falls exclusively on girls, further contributing to the double standards of sexism leaving, as Clark and Duchinsky (2018) note, classed, racialized and gendered dynamics of 'sexualization' and the attempts to problematize it uninterrogated. This despite the myriad

publications which have attempted to complicate the picture of sexualization and/or the pornification of culture.

'Debating policy'

Such complications seem to be entirely invisible to policy debate. At a recent All Party Parliamentary Group (APPG) on links between pornography and sexual violence no speakers were programmed to offer any alternatives to a story which saw pornography as the roots/routes of sexism and violence against women. Presentations also insisted on the regulatory route as the best means/response to pornography: access was conflated with exposure, pornography outlined as an absence of consent and held responsible for a whole range of problems in relationships – from young women being unable to articulate their own desires, to young men believing that aggression is the norm in heterosexual relationships. As the 'evidence'⁶ accreted it became increasingly difficult to envisage any space for interjecting that each of these problems had been in existence way before the widespread availability of online pornography or that their remedies might lie in strategies of education and activism rather than the resort to criminalization.

The speakers at the APPG might protest that they had suggested 'comprehensive sex and relationships education' would be a strategy alongside legal instruments. But what form might this take in a context where pornography and other mediated forms of sexual expression are explicitly understood as always problematic? With the policy emphasis on prevention, protection and prosecution it seems unlikely that this comprehensive sex education would include creative approaches that recognize young people's interests in sex, in sexual pleasure, in the possibilities of sexuality and the achievement of 'good sex' as defined for themselves. Kath Albury recently reminded us that there is 'no universal consensus as to what porn teaches its consumers and how it works as an educator' (2014: 172). In the context of ever increasing legislation will good sex and relationships education tackle porn literacy as solely predicated on avoiding prosecution? Vickery suggests that 'our responsibility as a society [is] to help young people identify and assess risk' (2018: 81) but the anxieties experienced by adults in relation to young people and technology – access to porn, concern about their vulnerability to predators – while understandable, prevents the development of educational interventions that might productively enable young people to learn with and about digital media. Instead of helping young people learn how to manage risk policy seems intent on forcing them to avoid it. Yet preventing their access may merely move young people on into other spaces, some even less salubrious than those legislation initially seeks to protect them from.⁷

So where are the sociologists of sexualities in these policy discussions? Or the media studies scholars who have questioned the singular conception of media effects to move beyond reductive conceptions of harms. In fact, the most interesting elements of media research that takes seriously audiences' engagements with particular media, including pornography, is its explorations of the ways in which the 'effects' of the media are often the inverse of what the reviews I have cited in this article have claimed. In studies that examine how people talk about the sexually explicit media they spend time on, it becomes clear that the more someone engages with pornographic media, the more likely they are to understand what is being offered to them, to have criteria for judging that material, to understand the

formulas that underpin those representations and that their passion or commitments enable forms of engagement that cannot be reduced to 'rape myth acceptance' or bad attitudes towards women.⁸ It is these more complex understandings of the relations between porn consumption and attitudes that lie beneath the assertions that countries where pornography is freely available are less restrictive of women's freedoms, where sexual pleasure is not regarded as suspect; or where, on the individual level, pornography consumption is associated with more accepting attitudes towards women in the workplace, non-normative sexual orientations and other issues.

Unfortunately, public discourse still clusters around the judgements expounded by those who see absolutely nothing worthwhile in sexual representations, whose sensibilities roused by the 'offensiveness' of pornography put all other questions (of the classed, gendered, raced and taste constructions of porn as outraging public decency – whose public?) into abeyance. If, as Lynne Segal pointed out in the very first issue of this journal, campaigners were then guilty of 'rewriting ... feminist theory; [of having a] parasitic relation to the authoritative, phallogocentric discourses of gender and sexuality ... alliance with the most reductive, behaviouristic psychology ... [disavowing] fantasy and psychic life ... threat[ening] subversive expressions of women's sexual agency and repudiation of any possibilities for sexual resignifications' (Segal, 1998: 43), it would seem that little has changed.

In asking whose research gets taken up by governments and censorious policymakers and how they decide what is good for any of us, I want to question the claims of those researchers: What are their motivations? What do they really want to protect? But more than this, how do we ensure that other kinds of research have an impact on those agendas? It hardly needs repeating that governments and policy-makers work to particular agendas, often driven by advocacy and, in the arenas related to sex and sexuality, the loudest voices are perhaps the most invested in the status quo. If advocacy drives political will and, in turn, drives evidence, then academics need to respond, at speed, to those agendas and to challenge that evidence. They need not to be constrained by them, but to identify the important lines of enquiry too often ignored or sidelined in the rush to do something, and to challenge harmful/non-evidence based on ineffectual strategies. Most of all, good research (that is, research which interrogates the concepts of risks and harm, is questioning rather than judgemental, and that doesn't mute or ventriloquize the voices of those individuals and groups it is supposedly about) must be translated into the accessible and approachable format that speaks to policy.

Notes

1. These moves are currently headed up by Labour MP Sarah Champion, and Chair of the Women and Equalities Select Committee, Maria Miller (Conservative) to ban sex-worker adverts online and to extend restraints to various activities such as 'rape porn' and 'revenge porn'.

2. Scotland has its own statutory procedures against pornography.

3. A number of other statutes are also relevant here: Malicious Communications Act 1988; Protection from Harassment Act 1997; Theft Act 1968; Protection of Freedom Act 2012 and the Computer Misuse Act 1990.

4. Impact – demonstrating that research makes a contribution to society and/or the economy is an increasingly important metric in the funding of research in UK universities.

5. See the Durham University website: Influencing the Law on Pornography. Available at: <https://www.dur.ac.uk/research/showcase/ref/case-studies/pornography/> (accessed 2 July 2018).

6. Such meetings and the presentations offered are most often full of descriptions, not analysis - raising the possibilities of broad-ranging discussions but being more excited by the horror or fretting at the future than about what might be needed to equip the move forward into the digital age.

7. In any case, interventions such as the Age Verification provisions fail to recognize the ways in which young people may well be utilizing other digital spaces and constituting other forms of technological expertise.

8. Interestingly, research projects of this kind, for example Sexton et al. (2007) and Cumberbatch (2011), even when commissioned by the likes of the BBFC, OFCOM and the Children's Commissioner have had their publications delayed or so quietly announced that they received no media attention – we can only assume because their findings were not on message.

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