

Online Obscenity and Myths of Freedom: Dangerous Images, Child Porn and Neo-liberalism

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The internet offers new forms of communication, data transmission and community building, and web 2.0 advocates attest to a new era of user-produced content and devolved, horizontal distribution that poses a significant challenge to the business model that has sustained certain sectors of commodity capital since the end of the World War II. Yet our ability to participate in online culture faces an uncertain future. Since 9/11 the security services have become increasingly powerful, offsetting the trend towards national government being a matter of administrative competence rather than political transformation. In this context, the vast archives of data collected and mined by search engines and online communities, as part of their business practice, become potentially valuable resources for making the search for terrorists more efficient and cost-effective. Meanwhile, media corporations are retrenching, and the expanding range of services over IP (internet protocol) have led infrastructure providers to seek to fundamentally challenge the neutrality of packet transmission, and curtail the peer-to-peer nature of the internet. Net neutrality has become an election issue in US politics.

Online, porn is diverse, accessible, unapologetic, abundant and often politically problematic: the mainstream porn industry, which until recently has always thought of itself as recession proof, is facing increasing challenges, not only in terms of its position in relation to the law (Max Hardcore, a prominent American porn producer has recently been convicted on obscenity charges, whilst in the US and the UK, a number of legal initiatives potentially threaten the industry) but also in terms of its economic and legal response to online file-sharing, as well as its response to public health

questions about condom use, HIV transmission and the treatment of performers on set.

In this chapter, I want to consider the question of freedom in relation to porn by looking at the mainstream porn industry. Porn users and advocates have become used, in recent years, to an increasing range and choice of porn (especially in countries such as the UK, where hard-core has only been legally available for a decade or so, and where it has been often difficult and expensive to obtain). In this context, there's a tendency to consider any legal or political curb on porn as a form of censorship, an attempt to reinstate so-called Victorian social values and a restriction of sexual freedom (see my discussion of the Backlash campaign below). But such a perspective tends to equate commodity choice with sexual emancipation in a way that needs more careful analysis in the context of neo-liberalism. For right-wing, largely evangelical, largely American, anti-porn activists, the notion of pornographic plenitude is similarly compelling. And whilst it would never be publicly acknowledged, state governments in advanced economies know that the economically vital expansion of IT infrastructure, and especially broadband, would not have happened as fast as it has done, without the demand for porn. And in all these contexts lurks the figure of the child pornographer, a totem that is virtually omnipresent in questions of internet security, online porn and legislative and state policy, apparently marking the limit of freedom. What do ideas of freedom and choice mean in the context of the porn industry now?

Myths of Porn

According to Roland Barthes, myth is a type of speech that "transforms history into nature" (1973: 140). "Myth does not deny things, on the contrary, its function is to talk about them... it gives them a natural and eternal justification, it gives them a clarity which is not that of an explanation but that of a statement of fact" (156). Crucially,

myth depoliticizes: "it abolishes the complexity of human acts, it gives them the simplicity of essences, it does away with all dialectics...it organizes a world which is without contradictions". (156) Myth acquires power through a range of devices which include the construction of proverbs, which are forms of commonsensical scripts, the use of tautology, where like is defined by like, and identification, in which we are offered a position of 'self' which is defined against and in opposition to an Other. The function of myths is to naturalize the cultural - in other words, to make dominant cultural and historical values, attitudes and beliefs seem entirely 'natural', 'normal', self-evident, timeless, obvious 'common-sense' - and thus objective and 'true' reflections of 'the way things are'.

Contemporary debates about pornography are shot through with this kind of speech. For example, in a statement by Concerned Women for America, a right-wing evangelical group in the US, porn is presented as an "epidemic" that "like a sexually transmitted cyber-disease...widely affects men, women and even children". This crisis is caused by "the instant availability of such obscenity and the lack of enforcement against it" which "entices viewers to consume more and more smut and to delve deeper and deeper into more graphic and obscene material" and which "destroys individuals, families and communities" (Barber, 2008). Here, porn takes on the mythic quality of a biblical plague: abundant, malevolent, mysterious; always ready to entrap the unwary, deadly in its spiral of addiction.

This image of pornographic abundance, mythically malevolent for Concerned Women for America, is mirrored in the notion of pornographic plenitude celebrated by many of porn's advocates. In a typically erudite extract from her book *Bound and Gagged* Laura Kipnis suggests that "the abundance of pornography – such an inherent aspect of the genre – simply resonates with a primary desire for plenitude, for pleasure without social limits. Pornography proposes an economy of pleasure in

which not only is there always enough, there's even more than you could possibly want." (1999). This view of abundance has widespread currency amongst many who seek to defend and promote porn use. For Matthew Scully, celebrating the 80th birthday of *Playboy's* founder in *The Wall Street Journal*, "we have Hugh Marston Hefner, more than anyone else, to thank for the great plenitude of porn we take for granted today. There was a dark and joyless time in America when one could actually go about daily life without ever encountering pornographic images." (Scully, 2006). This myth making, in which symmetrical concepts of abundance and plenitude stand in for freedoms of choice, underpins the "tired binary" of the sex wars (as Jane Juffer has described it), in which pleasure is set against danger, victims are set against free agents, and liberation is set against oppression.

The notion that porn represents pleasure, freedom and liberation is exemplified in a debate at the Oxford University Union in 1998. In this debate, Tuppy Owens, of the Sexual Freedom Coalition (a coalition of groups campaigning for sexual liberties), offered a number of reasons to support her claim that porn is beneficial to society. She suggested that porn acts as a safety valve; is useful in sex therapy; that it is educational; it spices up physical and fantasy sex-lives; and is available and enjoyable by all. Here porn isn't just a palliative for social ills ("people are less likely to commit sex crimes"), but actually improves the health of the heart, lungs and circulation, offers social catharsis, liberates people with disabilities and subverts attempts to "nanny" us (Owens, 1998). Owens depoliticizes sexuality in general and pornography in particular, in offering this sexual pastoral, an idyll where bodies frolic in carnivalesque abandon and "sex is beautiful". Here to be against porn is to be Other, joyless and repressed, immune to redemption.

The notions of sexuality and porn offered here are mythic in three ways. One level of myth concerns the sexual pastoral Owens unfolds, which is a "privation of history" in

Barthes's terms, in its naivety about the relationship between power and sexuality. A second level of myth lies in the instrumentalized relationship between the acquisition of pornographic goods and well-being. This relies on an appeal to individuals "to become 'experts of themselves', to adopt an educated and knowledgeable relation of self-care in respect of their bodies, their minds, their forms of conduct" (Rose, 1996: 59). This view of porn's relation to freedom, well-being and happiness constitutes a myth that is part of a wider process of self-regulation. Owens argues that, "Banning porn means society is not free to make our own choices" (1998), but as Nikolas Rose suggests, the individual's desire "to govern their own conduct freely", and to pursue a "version of their happiness and fulfilment that they take to be their own" actually "entails a relation to authority" even "as it pronounces itself the outcome of free choice" (1996: 59). The third level of mythic depoliticisation in Owens' account relates to the political economy of porn itself. Questions of porn production and distribution are ignored and the pornographic commodity and its consumption are fetishized. This myth-making is widespread and familiar, and demonstrates the extent to which myths of sexual plenitude and abundance effectively fetishize the pornographic commodity and effect an alienated consumption of it.

While the academic study of porn has developed dramatically since the 1990s, the neglect of questions of production is still apparent. For example, in *Striptease Culture* Brian McNair associates the "expanding pornosphere" with increasing sexual and political freedom for women and gays (McNair, 2002: 87, 205-207), and a pornographied "striptease culture" is presented as offering "sexual democratization" (207). According to McNair... "it has been cultural capitalism...which has propelled the...signifiers of what were once marginal, oppositional movements and sub-cultures into the mainstream" (206), a statement that should surely be the beginning, not the end of the analysis. Similarly, in her introduction to *Porn Studies*, Linda Williams states that, "... pornography is emphatically part of American culture" and goes on to

suggest that while “feminist debates about the propriety or danger of pornography marked the 1980s and 1990s, along with larger societal debates about censorship in general, the new millennium...has become increasingly used to, if never fully comfortable with, ‘speaking sex’.” (2004: 2)

Despite Williams' scepticism about sexual culture, and her critical erudition, there remains here an implicit recognition of the value of increasing sexual explicitness: note the elision between advancing towards the new millennium and advancing towards open speaking of sex, that strongly accords with Modernist notions of progress. Discussing the 1998 World Conference on Pornography, Williams notes with regret that the published proceedings omitted the “very illustration[s] that had made the conference so lively” and goes on to offer a new critical term, on/scenity, with which she aims to suggest “a more conflicted term...which...can mark the tension between the speakable and the unspeakable which animates so many of our contemporary discourses of sexuality.” (2004: 4) Here, a preoccupation with the shifting limits of what can and can't be seen displaces questions of porn production and the wider economic and political conditions in which that production takes place. For Williams, as for McNair, Owens and others, the fantasy of widening access to a pornographic plenitude comes to represent freedom of expression.

However, we need to consider the politics underlying these powerful calls upon the notions of free speech and liberty that are bound up with claims of sexual openness and democratization. Nowhere is this more urgent than in relation to the internet and questions of online obscenity, yet myths of porn are regularly mobilized here:

“Unlimited porn [is] just a click away” (Aitkenhead, 2003). At a time when the culture of the internet increasingly offers the lure of “ambient intimacy” (Thompson, 2008), there is increasing concern about questions of privacy and data retention, especially in the context of the counterterrorism imperative, but also in the context of the so-

called protection of children, as I shall discuss shortly. In 2006, John McCain (at the time of writing, Presidential nominee of the US Republican party) proposed legislation that would have required websites and blogs to report any child porn, or other forms of obscenity, to Federal authorities and retain all data for at least 6 months. Such proposals accord with a wider trend towards using the idea of the freedoms offered by the internet, with its apparently unfettered access to porn, as a means of extending the power of the state to intervene in the private affairs of its citizens, especially with regard to matters of sexuality (and here we should also note the familiar slippage from concern about child porn to concern about obscenity in general). In the US, the Supreme Court has consistently upheld legislation that requires all publicly funded institutions (such as libraries and schools) to filter sexually explicit material. Research has shown that the implementation of such legislation has had the effect of blocking access to information about women's health issues, gay and lesbian rights groups and sexual education for teenagers (The Citizen Lab, 2007).

In 2007, a proposed amendment to the UK Criminal Justice and Immigration Bill included a clause to criminalise the possession of "extreme pornographic images", which thus become known as The Dangerous Images Act. This sought to criminalize possession of representations of extreme sexual activity, defined as;

- (a) an act which threatens or appears to threaten a person's life
- (b) an act which results in or appears to result (or be likely to result) in serious injury to a person's anus, breasts or genitals
- (c) an act which involves or appears to involve sexual interference with a human corpse
- (d) a person performing or appearing to perform an act of intercourse or oral sex with an animal.

The act responded to a campaign following the murder of Jane Longhurst by Graham Coutts in Brighton, 2003, and to claims that Coutts was inspired by and

addicted to extreme online pornography, particularly that featuring asphyxiation and necrophilia. It drew on the established figure of a porn user as a "truly depraved adult male" (Kipnis, 1996: 26) and a more recent figure of a cyberporn addict in the grip of a "solipsistic collapse" (Patterson in Williams, 2004: 105). In August 2006 the Home Office published a report on the consultation process it had undertaken prior to the introduction of the Dangerous Images Act. This report offers an opportunity to assess the competing sets of interests identified as having a stake in the proposed legislation.

The report notes that many of those who wrote in support of the proposed legislation, which included charities such as Barnados, religious groups, and professional bodies such as the British Association of Social Workers:

cited the increased availability of all types of pornography as reasons for the need for stronger legislation. They asserted that even mainstream pornography had a detrimental effect on society...and that the government should not only legislate in relation to extreme pornography but should also take action against the increased prevalence of pornographic images not only on the internet, but also in top shelf magazines and in material broadcast on television and films (Home Office: 9).

Many of the church and religious groups, professional bodies and charities took advantage of this opportunity to express their desire to see stricter legislation, with a reach far beyond that currently proposed. As we can see, this conservative position draws upon a popular myth for its characterisation of porn as a corrupting flood: an unrestricted abundance in the face of which people, and most especially children, require protection. A key feature of the depoliticization effected by this myth is how it obscures the extent to which the state already controls access to porn, and child porn in particular, as well as the internet more broadly. For example, since 2004 the

UK government, through the Internet Watch Foundation, provides ISPs with a list of banned sites that they are required by law to prevent customers from accessing.

Backlash is a coalition of groups that campaigned against The Act.¹ It ran a lively and informative website, and successfully lobbied sexual minority groups, academics and activists. A cornerstone of their campaign rested on the legal advice of Rabinder Singh QC who suggested that “the legislation as proposed gives rise to real concerns as to its compatibility with an individual's rights under Articles 8 and 10 of the [European] Convention [on Human Rights].”² The website also displayed a quote from the ex-Prime Minister, Tony Blair, ostensibly to point up the hypocritical nature of New Labour in introducing The Dangerous Images Act, in which he says that: “there are areas in which the State...no longer has a role... It is not for the State to tell people that they cannot choose a different lifestyle, for example in issues to do with sexuality”³ But of course, here Blair wasn't making a commitment to protecting the freedom of perverts, but rather to ensuring the access of commodity culture to the economic exploitation of those perverts.

Backlash pointed out that the acts specified in the proposed law may seem “distasteful”, but argued that “it is worth remembering that a majority once took that view on homosexuality”⁴ and furthermore that “free societies do not criminalise people on grounds of taste”⁵ Its campaign articulated a familiar politics that rests on a presumed relationship between sexuality and freedom that is anchored in individual choice and set against harm and danger.

It is this very notion of freedom that I want to investigate here. Backlash's rhetoric tends to infer a notion of sexual repression that has been rendered increasingly irrelevant by greater access to porn, in the context of media proliferation and deregulation, and by the rise of ideologies of neo-liberalism. Whatever else it might

be, The Dangerous Images Act is hardly a major threat to sexual liberty. But the lack of critical and political engagement with the myth of freedom propagated by both the Act's supporters and its opponents degrades our understanding of the relationship between sexual freedom and power. To put it simply, does the expanding availability of porn, and state governments' ambiguous attitude to regulating it, mean that we are becoming more sexually free? It is not sexual repression that we need to consider critically, but the notions of freedom and plenitude bound up in current myths of porn. The Dangerous Images Act is not the vanguard of a new sexual conservatism, but of a continuing sexual liberalism – where that liberalism may offer choices and opportunities, but which also entails responsibilities and regulation. The shift from criminalizing producers and distributors to criminalizing consumers accords with the wider trend in neo-liberal governmentality: it is an intervention that continues to abdicate State responsibility for the regulation of obscenity. The cornerstone of UK porn legislation remains the 1959 Obscene Publications Act, a law so grey as to be practically unenforceable, but one that every government since its introduction has failed to substantially revise: The Dangerous Images Act does not clarify the status of obscenity, but rather continues to “functionally obfuscate” the legality of porn (Maddison, 2004). Where the new Act is distinctive is in its emphasis on the actions of individual consumers. As Graham Burchell has noted, whilst neo-liberalism entails rolling back the responsibility of the State, it also entails the imposition of disciplinary measures that determine the conditions of selfhood within approved forms (Burchell, 1996: 27). Thus, in the context of the UK government's ‘hands-off’ protection of online commerce (a trend we can also identify in government policy across Europe, Australia and the US), we can see The Dangerous Images Act as an attempt to instill specific forms of “responsibilization” in ‘free’ and ‘rational’ subjects.

The myth of sexual freedom obscures the operation of power. It is mythic because the freedom it proposes is a technique by which individuals are induced to constitute themselves in approved forms. It is a form of operating government at a distance, apparently dissociating formal political institutions from an enfranchised set of communities of interest, but actually specifying "the subjects of rule in a new way: as active individuals seeking to "enterprise themselves", to maximize their quality of life through acts of choice" (Rose, 1996: 57).

In a range of ways neo-liberalism offers us subjectivities and choices that propose new sexual freedoms, yet these foreclose sexuality to the sphere of economic enfranchisement. For example, post-feminist ideologies equate consumer choice with the emancipation of women. The power of this ideology can be seen in the extraordinary popularity of texts such as *Sex and the City*, and to a lesser extent *Bridget Jones's Diary*. Rather than emancipating women from homosocial femininity, *Sex and the City* offers the fantasy of sexual fulfillment as palliative for having to deal with heterosexual men, and offers aspiration to "bourgeois bohemia" (Attwood, 2007: 6), through the 'freedom' of shopping, as a rational lifestyle choice. Here, freedom entails fantasies divorced from material realities, only imaginable through the acquisition of new skills and responsibilities in both sexual techniques and fashion taste. Another example of an apparent expansion of freedom and choice is the legalization of civil partnership for gay and lesbian couples in the UK. Here, entitlement to equality with heterosexual couples is framed by the protection of lesbian and gay consumer power and by their exclusion from the full legal status of marriage. Civil partnerships enable the protection of financial assets, but in 2006 UK courts ruled that barring queers from marriage was justifiable discrimination in order to protect the notion of marriage "as a union between a man and a woman primarily with the aim of producing children". Here, access to the limited 'rights' of civil partnership depends upon understanding the limits of those rights as defining access

to pension and inheritance benefits. Similarly, the freedoms and possibilities offered by the new sexual pharmacology (ie a supposed rejuvenation of sexual activity) entail the production of new responsibilities that govern access to functional sexual subjectivity, and which often enshrine frighteningly pre-sexual liberation ideals of male phallicism and female passivity, and represent a corrupt industry's search for new products at the expense of treating life threatening epidemics in the developing world (Maddison, 2007; Marshall, 2006; Marshall, 2002). And of course, the myth of "unlimited" choice of porn offers not diverse and progressive ways of exploring sexuality and intimacy, but instead delivers porn as the 'killer app' for new technologies and distribution modes: smart phones, streaming media, HD DVD, and so on.

Debates about pornography remain mired in myths of freedom and liberation, of danger and threat. But the contexts for these myths, and the real politics they obscure, are rapidly changing: if we are to produce an adequate politics of porn and sexual expression, we must take account of them. Many activists and academics, in the context of fostering sexual plurality and the radicalization of intimacy, have, tended to adopt an optimistic view of porn. But porn is a business, and porn production and consumption can never be separated from questions of economic power.

Since the introduction of the domestic VHS, porn has been a substantial, and growing force in the media and entertainment sectors, quick to take advantage of new forms and modes of distribution, and integrated into the business plans and revenue streams of so-called mainstream corporations (Maddison, 2004). This economic ascendancy of porn's biggest corporations is currently being threatened by slow adaptation to the challenges of peer-to-peer networks and user-produced content, a trend that can be identified across the media and entertainment sectors. Porn

companies pioneered models of online commerce and for much of the 1990s were the only sectors of online media that were making money from charging for online content. In 1998 confidence in the profitability of porn was such that the editors of *The Economist* argued for locating "the greater part of the sex business where it ultimately belongs – as just another branch of the global entertainment industry" (14 February 1998; no author attributed). At this time, companies such as Xpics were investing significantly in R&D for security and payment software marketed to the rest of the industry, and it seemed that pornography was indeed "the handmaiden of new technology" (BBC News, 2003). Porn has been a significant factor in driving the expansion of broadband, which of course has had a considerable impact on the national economies of the US, Japan, South Korea and most European countries. But this very success has posed substantial challenges to the very companies who profitably transitioned from VHS and DVD retail and rental to online distribution. As bandwidth has become cheaper, and the tools for online publication have become easier to use and more accessible, so the nature of the industry has changed, and become less vertically integrated. New modes of distribution have spawned new forms of porn and new tastes, as well as enabling the emergence of new entrepreneurs. So-called amateur, and gonzo porn, cheaply produced and easily accessible, has become the staple of an ever increasing plurality of sites usually based on a subscription model, with a diverse culture of supporting discussion and fan sites catering for a range of specific, and apparently abundant, sexual tastes. Of course, in this commercial sector, these diverse and proliferating varieties of porn are in fact assiduously standardized, and limited to predictable sexual desires ("teen sluts", "painful anal", "Asian whores", "bareback twinks" etc.). As with the music industry, which has been equally complacent in its adaptation to new market conditions, major porn companies have taken an increasingly hawkish attitude to so-called piracy. Greg Piccionelli, a lawyer for porn producers, suggested in 2007 at a Piracy Conference for the Adult Industry, that the US Digital Millennium Copyright Act

(DMCA), designed to protect intellectual property, is problematic for the industry precisely because it attempts to protect freedom of expression, apparently in the name of fostering internet development. Piccionelli worries that the internet will be "filtered down to the lowest common denominator of scum and villainy" which would "totally eviscerate intellectual property rights on the Web" (Kernes, 2007). As Barthes suggests, the myth "immunizes...by means of a small inoculation of acknowledged evil; [and] thus protects it against the risk of a generalized subversion" (Barthes, 1973: 164). Here the myth of pornographic freedom is secured by an inoculation of acknowledged evil, the "scum and villainy": pirates and file-sharers. The generalized subversion at risk here is that of the subject failing to exercise individual "choice" as a consumer, where that "choice" is limited to appropriately commodified artifacts and is a function not of 'freedom' but of a market organized to maximize the interests of an economic bloc that seeks to overturn legislation that protects free speech.⁶

Thus far, we've considered myths of pornographic plenitude and abundance, and questioned these myths in the context of neo-liberalism. In the latter part of this chapter I want to consider what is probably the most powerful and pervasive myth of plenitude in relation to pornography, and that is the myth of child porn.

Myths of Child Porn

As we've seen in the calls for increased legislation against porn, by Concerned Women for America, and those supporters of the Dangerous Images Act, a conservative position draws upon a popular myth for its characterisation of porn as a corrupting flood: an unrestricted abundance in the face of which people, and most especially children, require protection. This myth obscures the extent to which the state already controls access to porn, and child porn in particular, as well as the internet more broadly, as we've seen. However, It also obscures a contradiction in the way that children and sexuality are represented. On the one hand, the

exploitation of 'tween' markets by commodity capital rests upon an intensification of the sexualisation of children. At the same time, discourses of childhood innocence work to configure the family as a "micro-moral domain" (Rose, 1996: 57) for the protection of children. Crucial to the functioning of this unstable and contradictory configuration is the internet child pornographer, who is the "figure for emergencies" (Barthes, 1973: 166), the abject-outsider. His predatory presence as Other legitimates the routine, 'normal' sexualisation of children, by naturalising it, and at the same time keeps them off the dangerous streets, at home in front of the TV or the games console, buying (or being bought) goods and services. However, home is, of course, where the sexual abuser is really to be found. As a report published in Australia suggests:

One of the more horrifying conclusions to have emerged from the sexual abuse field in the past 20 years is the fact that the least safe place for children is, in fact, their own home. (McCarthy, 'Managing the Risks to Children Posed by the Internet').

In the US, it is estimated that there are around 9 million incidents of child maltreatment per year, with evidence suggesting that most perpetrators are biological parents in two-parent households.⁷ Three quarters of all child abductions are committed by family members or acquaintances of the child.⁸ In terms of actual danger to children's welfare, the stranger paedophile is a myth.

Despite such clear evidence, Project Safe Childhood, a recent initiative of the US Department of Justice, suggests that the "danger of the production, distribution, and possession of child pornography is...dramatic and disturbing" and that the "response to these growing problems...must recognize the need for a broad, community-based effort to protect our children and to guarantee to future generations the opportunities of the American dream."⁹ This rhetoric is symptomatic of "depoliticized speech" and exemplifies what Barthes describes as "the dream of the contemporary

bourgeois world" (164). The child pornographer is the Other: exotic and scandalous. He is, in Barthes' words "a spectacle, a clown...relegated to the confines of humanity, [where] he no longer threatens the security of the home" (166). This is effected by a tautology (child pornography is dangerous *because* it is dramatic and disturbing) that doesn't deny reality (children are a bourgeois invention; children are routinely and continuously exploited by and sexualized by capital) but instead "gives [it] a clarity which is not that of an explanation but that of a statement of fact" (156). The spectre of child porn becomes a way of securing a state of crisis, against which the American dream must be protected.

The myth of child porn also threatens an already tenuous notion of online privacy, and remains an effective instrument for those who seek the legislative means by which state agencies can gain access to data held by sites and ISPs. In 2006 the EU passed the Data Retention Directive, to be implemented by all member states by August 2007. This stipulates that telecommunications companies and ISPs should keep records of all communications for 24 months, whilst not actually recording their contents. In September 2007 the US Attorney General proposed a Data Retention law for telecommunications providers and ISPs, in line with the EU, and in the interest of helping prosecute child pornographers. In December 2007 the US SAFE Act (Securing Adolescents from Exploitation-Online) was rushed through the House of Representatives. The Act stipulates that anyone offering an open wi-fi connection must report illegal images or face fines of up to \$300,000. The Act's supporters claim that child porn is a \$5 billion a year business and a "global epidemic" (McCullagh, 2007). Similar legislation is planned that would oblige Federally funded schools and libraries to prevent children from accessing social networking sites. According to House Representative Michael Fitzpatrick, MySpace and its like "have become a haven for online sexual predators who have made these corners of the Web their own virtual hunting ground" (McCullagh, 2006).

In Australia, we can see how myths of porn and child abuse can be used to achieve even wider forms of state repression. In 2007, a report entitled Little Children are Sacred addressed the problems of child poverty, deprivation and abuse in Aboriginal communities in the Northern Territories. It was followed by the announcement of an Emergency Response, apparently designed to address the problems highlighted in the report. Yet, the report's authors argue that this Response overlooks the systemic causes of indigenous poverty, instead highlighting child abuse, drug addiction, domestic violence and porn use, in order to justify measures which will enable the government to remove land rights from Aboriginal communities. At the same time, a \$189 million anti-pornography initiative was announced, based on ISP and PC based filtering, education campaigns and a consultancy designed to find ways of addressing "the use of social networking web sites by predators to contact and groom children via the internet" (Ryan, 2007).

Here, the myth of child porn, like that of terrorism, becomes a powerful lever to exploit the resources of the IT industry and appease socially conservative constituencies, as we can see in the EU's Data Retention Directive. As US ISPs were told by the Justice Department in 2005: "You're going to have to start thinking about data retention if you don't want people to think you're soft on child porn." (McCullagh, 2005).

The Myth of Freedom: A Politics of Porn?

The use of the myth of child porn demands a political response, yet current pro-porn, anti-censorship activism and rhetoric uniformly accedes to the force of the myth. Backlash answer justifications of legislation against extreme porn, on the grounds that children need protection, with the suggestion that there are lots of other things "children shouldn't see". In the context of lobbying against a law that doesn't directly tackle child porn, such a statement is designed to accede to the common sense of

child protection, where threats to children's welfare are mythically external and exotic (what are these "things" they shouldn't see?). The mainstream porn industry takes a similar stance: industry lawyer, Greg Piccionelli, blames child porn on "pirates" who can be defeated by copyright protection (Kernes, 2007). The Free Speech Coalition, the American porn industry's trade association and lobby group, argues that it's anti-porn "zealots" who expose children to porn through their extremist rhetoric, and that child porn is "a blight that must be vigorously combated by the public and private sectors working together" (Free Speech Coalition, 2007: 1, 13). These positions strategically negotiate the power of the myth of child porn by assimilating it, and rearticulating its meaning in their own terms.

While governments, and politicians have seized the myth of child porn as self-evident justification for increasing legislative control of the internet, sexual freedom organizations and anti-censorship groups focus on issues of consent and personal freedom, and a third set of interests represent commercial media and infrastructure providers and tend to focus on the difficulty of enforcing legislation. In the meantime, as Zygmunt Bauman has argued, depictions of the family home are increasingly haunted by a "spectre of sex" and children are represented as "always and everywhere sexual objects" (1998, 30). Child porn becomes a fetish which to use Zizek's term (1997:102) is "dissipated": it becomes more apparent and less material increasingly "spectral", and yet more powerful. There is a morbid fixation on the concept of child porn coupled with the absence of the object itself. Child porn pervades populist news discourse and political rhetoric, yet is literally dematerialized: marked by prurient pixellated images in news broadcasts, and by the hyperbole of politicians (a "\$5 billion epidemic"), but materially absent. As a fetish it achieves power through its oxymoronic status: to see it, to know its existence is to be guilty; one can only remain pure of its taint by remaining ignorant of its existence and vociferous in its denunciation. Only the Other knows it, and to see it is to become Other. And all

the while, the fetish masks institutional and systemic abuse of children by the nation state, the law, geopolitics and the economy in the form of structural adjustment policies, moral and religious conditions placed on development aid, genocide, ethnic cleansing, mass migration, pharmaceutical experimentation, and trafficking.

The myth of child porn is ethically and structurally distinct from a concern for the welfare of the child, in the same way that the UK government's concern with extreme internet porn has little to do with a concern for the welfare of women, or other alleged 'victims' of pornographic representation. Opposing censorship and anti-porn legislation on the basis of the individual's right to free choice not only misses the point, but depoliticizes 'freedom' and 'choice'. The myth of child porn works to settle complex tensions in the fabric of subjectification practiced by neo-liberal governmentality. Individuals are obliged to govern themselves, at a distance from political structures and to bear the responsibility of the contradictions between sexualization and paedophilia. We are encouraged to measure ourselves against myths of freedom rather than in networks of wider social obligation and responsibility. If we are to develop an effective politics of porn we need a better understanding of the myths that are constructed around it and of the materiality of online infrastructure and the struggles over its control. Myths of pornographic abundance make us subjects of neo-liberalism, seeking pleasure and desire in the plenitude, and yet subject to the demand for rigorous self-governance. The myth of child porn installs "an invisible, carefully blurred, always-already-crossed line" (Sedgwick, 1985: 89) between looking at the child (who is always, already sexualized) and being a paedophile, between purchasing porn featuring "bareback twinks" or "slutty teens" and being a paedophile, between upholding the virtue of the American dream of Homeland Security and being a paedophile. If we are to make significant progress in opposing the forces that diminish sociality and sexual plurality we must develop

keener critical awareness of the mythic nature of the freedoms and choices offered to us in the process of maintaining government at a distance.

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¹ The coalition comprises: Feminists Against Censorship, Unfettered (a BDSM advocacy group), Ofwatch (which represents viewers of adult entertainment), The Spanner Trust (an SM advocacy group set up in the aftermath of the arrests resulting from Operation Spanner in 1990), The Libertarian Alliance, The Campaign Against Censorship, The Sexual Freedom Coalition, The Society for Individual Freedom, SM Dykes Manchester, and the International Union of Sex Workers.

² <http://www.backlash-uk.org.uk/time.html>

³ (<http://www.backlash-uk.org.uk/news.html>)

⁴ (<http://www.backlash-uk.org.uk/brief609.pdf>)

⁵ (<http://www.backlash-uk.org.uk/summary0610.html>).

⁶ Amongst the plethora of industry commentary in the wake of Max Hardcore's conviction on obscenity charges in Florida in June 2008, was an article on *XBiz*, that

claimed that the conviction did not threaten the industry more widely. One lawyer quoted in the article suggested that the best way to avoid legal trouble was to "Run a good business. That way, no one will have a reason to bring you to court" (Preston, 2008).

⁷ (http://www.villageskids.org/ca_stats.php);

⁸ (<http://sexoffenderissues.blogspot.com/2008/03/stranger-danger-shocking-tv-test-flawed.html>).

⁹ (<http://www.projectsafefchildhood.gov/>)