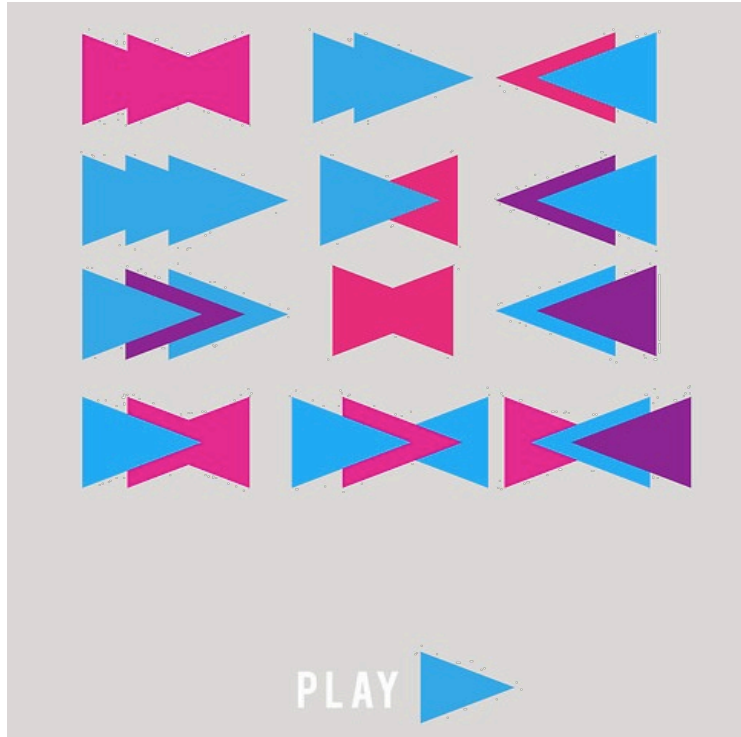


Domination and Subordination



Rethinking the Anti-Pornography Paradigm

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Abstract: Within feminist theory, battles over pornography have been going on for thirty years now. In this thesis the anti-pornography paradigm will be rethought to investigate how relevant it still is. To this end, two philosophical beliefs on sexuality, gender, and pornography will be confronted with one other. According to anti-pornography feminists, because of pornography and the eroticization of dominance and subordination, women are denied the status of full partners in social interaction. The view from anti-pornography feminists will be confronted with a queer theoretical account. While anti-pornography feminists re-impose the social laws that they analyze, queer theorists try to destabilize the heterosexual hegemonic discourse, by refusing to derive gender from sexuality, and by denying the authenticity of privileged gender norms. Additionally, because of modern technology the meaning of pornography as a cultural object is changing rapidly, which makes it harder and harder to characterize pornography as essentially misogynistic.

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CHAPTER 1

INTRODUCTION AND PROBLEM OUTLINE

Unless British people choose to have access to it, most households in the United Kingdom will have online pornography blocked by their Internet providers by the end of 2014. In July 2013 the British Prime Minister David Cameron called for action and instigated several measures to put an end to pornography's prevalence in society. During a speech on the matter, Mr. Cameron emphasized the dangerous and harmful aspects of pornography, and declared that he wanted to put an end to the "corroding influence" of online pornography on childhood. To achieve this goal, the Prime Minister wants the possession of "extreme pornography" – such as pornography depicting rape – to be prohibited. Other measures must ensure that clips and movies that are streamed online will be subjected to the same restrictions as movies that are sold in shops. Additionally, Internet providers must take measures to prevent results from popping up when one types in "horrific" terms related to pornography on popular search engines such as Google (Arthur and Watts, 2013).

Three years earlier, in 2010, the British coalition government – consisting of the Conservative Party and the Liberal Democrats – already began introducing 'default on' or 'opt-in' systems that had to ensure that harmful online content is blocked by Internet Service Providers before consumers enter into a contract with an Internet broadband company (HM Government, 2010; Department of Education and Home Office, 2012). In order to tackle the "commercialization and sexualization of childhood", in 2010 a voluntary code for Internet providers was drafted. New consumers were encouraged by most of their providers to put filters on their computers to block online pornographic content. After David Cameron's 2013 speech on pornography all of the four major United Kingdom's Internet Service Providers began using the default Internet filters (Prynne, 2013). Although the filtering arrangements are still not mandatory, Cameron declared in his speech that legislation would eventually be introduced to enforce the filters.

One thing that became clear last year is that Prime Minister Cameron is far from alone in his condemnation of pornography. The plans by the British Government seem to reflect a renewed – and greater – fear of pornography. While some have criticized this renewed fear, many have hailed the restrictions. Apart from conservatives like David Cameron, and other Britons who seem to have their reservations about pornography, many feminists on the left also take in an anti-pornography position and have supported the measures that are taken in the United Kingdom. While watching pornography seems to a great extent to be silently accepted, as with many other sexual matters, this acceptance seems to be an ambiguous one. Pornography no longer seems to be a taboo, but not many will support pornography publicly. Pornography continues to evoke resistance and when sexually explicit images pop up in places where this may not be expected or where they do not really belong, many will react appalled. Pornography remains the central topic in debates on sexuality and continues to be a

controversial topic; characterizing different, but overlapping debates, and sitting at crossroads between multiple notions as sexual freedom, emancipation, sexism, patriarchy, and capitalism.

Since the late 1970s pornography has been a hot and divisive topic within the feminist movement. It has been a topic that led to many heated debates and on which many feminists still find disagreement today. While conservatives characterize pornography as either filthy and/or obscene and worry about the effects on children and the nuclear family unit, feminists, on the other hand, have their concerns about the sexist character of pornography and worry about what effect pornography has on sex inequality. To these “anti-pornography feminists”, pornography, therefore, is a political issue and not just an ethical one. Because pornography first and foremost is a harmful practice, which lies at the root of women’s sexual objectification, it is a political issue. Pornography, allegedly, hijacks our sexuality and effectuates distorted views on sex and relationships of the men who watch it. Pornography desensitizes the brain of its consumers to ‘normally’ sexually arousing experiences. That is to say the users of pornography will want to re-enact the misogynist and humiliating sex that is – according to anti-pornography feminists – depicted in pornography.

What is especially worrisome, subsequently, is that through the prevalence of online pornography the world is saturated with pornography now more than ever. Because of the prevalence of online pornography consumption, it is more “dangerous” than in the past. Moreover, anti-pornography feminists assert that pornography not only became increasingly visible over the years, but also became more degrading toward women and overtly racist over the last decades. While pornography once was naked women posing in Playboy, today violent and misogynistic hardcore movies, allegedly, dominate the mainstream market.

Although the feminist debates on pornography took off in the 1970s, the topic remains controversial until today. Just recently the first edition of a new peer-reviewed journal on pornography appeared. *Porn Studies*, published by Routledge, is the first academic journal dedicated exclusively to pornographies and their cultural, social, and legal context. The journal aims to “critically explore those cultural products and services designated as pornographic (...). It focuses on developing knowledge of pornographies past and present, in all their variations and around the world” (Taylor & Francis, 2014). Even though the editors expressed their wish to *critically* explore pornographic products, the publishers met with very strong opposition from anti-pornography feminists. Prior to its first release, prominent anti-pornography activist Gail Dines, for example, already claimed that the editors of the magazine are “akin to climate change deniers: They are taking a bit of junk science and leaping to all sorts of unfounded conclusions” (Molloy, 2014). Since the introduction of the magazine, Dines and other anti-pornography feminists have tried to frame the magazine, and its editors, “pro-pornography”. According to Dines et al., a less subjective journal would take an anti-pornography approach from the start.

Although these modern anti-pornography feminists still release and publish many books and articles today, they are standing largely on the shoulders of giants. The arguments of Gail Dines, Julie

Bindel, Robert Jensen, and of organizations like Stop Porn Culture, and Object are all based on the work that has been written by, notably, Andrea Dworkin and Catherine MacKinnon. With their analyses on gender, sexuality, and pornography, it was Dworkin and MacKinnon who for a great extent established the *anti-pornography paradigm*. Out of these two women again, it has especially been MacKinnon who made the greatest theoretical effort to fit pornography in a broader analysis of sexuality and feminism.

1.1 Problem Outline

1.1.1 The Anti-Pornography Paradigm

This anti-pornography paradigm, and especially the theory that Catherine MacKinnon put forward, will be rethought and criticized in this thesis. Even though I will focus primarily on pornography, and on pornography's place under the paradigm, it is not *just* pornography that is of importance under this paradigm. Pornography is just one (albeit one of the most important ones) of those male dominated institutions that cast women as inferior. According to MacKinnon et al., it is the broader organization of sexuality and sexual desire that lies at the root of women's oppression in patriarchal society.

From the 1980s onwards it has been especially MacKinnon who wrote extensively on the relationship between sexuality and gender, and who is considered an exponent of anti-pornography feminism. To MacKinnon, it is misleading to argue that the so-called sex differences between men and women are strictly biological, and that the differences we attribute to men and women do not have a social basis primarily. In and of itself the biological characteristics of men and women are for a great extent meaningless. We are all born with bodies with many biological differences. Society, however, chooses to impose different social norms upon the biological sex differences, as opposed to other biological characteristics, which are subsequently considered as highly significant. These social norms, i.e. the norms that produce the *gender* difference, are so dogged that gender is, according to many feminists, the most important social cleavage through which society is divided.

To MacKinnon, the gender difference is the result of inequality. Configurations of power and political processes have divided society into two classes: men and women. The difference between these two classes, the gender difference, is, as explained in the previous paragraph, socially constructed. According to MacKinnon, this gender difference is the result of gender hierarchy. Dominance and inequality come first, and difference comes after (MacKinnon, 1991: 219). That is to say that the gender difference only exists because in patriarchal societies men are the ones who are in power and they were able to construct and determine the meaning we attribute to the categories of "men" and "women". What, subsequently, underlies the anti-pornography paradigm is the assumption that the gender difference is the consequence of a form of power that has a very sexual character. According to MacKinnon it is the organization and institutionalization of sexual desire that lies at the root of women's oppression.

How our sexuality is created, organized, experienced, and expressed, is – like gender – also fundamentally a social construct. According to anti-pornography feminists, it is the eroticization of dominance and submission that creates the gender difference in patriarchal societies. Because men held and hold power over women, it has been the content of what men find sexually attractive about women that established the meaning of masculinity and femininity in all of its aspects in social life. Because of male sexual desire, dominance is connected to men and masculinity, and submission is connected to women, femininity, and female attractiveness. Hence, passiveness and meekness are characteristics we categorize as “feminine” in society, because those are characteristics that make it easier for men to have sex with women and to dominate them. The eroticization of dominance and submission is what underpins patriarchy, and makes women unable to interact in society on par, as peers, with men. By looking at how people have sex, what sex means in social life, why men so often sexually violate women, and what characteristics are attributed to each gender, MacKinnon concludes that the sexual expropriation and exploitation of women for the use of men defines the female gender, and actively effects subordination (MacKinnon, 1982: 516). In society women are not human beings with full dignity but are mere “objects” meant to satisfy men’s sexual desires.

Since sexuality defines gender, and sexuality and sexual desire are socially constructed, MacKinnon attributes an important role to pornography in constructing the gender difference. In pornography men are portrayed as dominant, predatory, and aggressive beings. Women, on the other hand, are portrayed as gentle and submissive. In pornography women are always available to men, and virtually anything can and is done to them. Pornography, therefore, is one of those institutions of male power that propagates the dynamic of male domination and female subordination. The representation and use of women in pornography goes against every liberal and Kantian notion that has at its basis that nobody should be treated as not being fully human and no one should be used as a mere instrument or a tool for the use or ends of others. Through pornography, however, it is that men are taught to be aroused by exactly this idea of turning women into mere instruments and things, and through which women are taught to find arousal in them being used as objects (Dworkin, 1997). Sexual violence, consequently, is a logical consequence of the way men are socialized through pornography. Aggression and activeness are what society and pornography says is male, and ‘available’ is what women are in the pornographic world. This socialization, and this sexual objectification, is then so pervasive that pornography is one of the most tenacious institutions that constitutes women as unworthy of respect and esteem.

The theme of pornography will naturally be central in a *political* theoretical thesis because the organization of sexuality is anything but a private affair. Because politics deals with power and justice, pornography becomes an important, if not central, issue. Pornography is understood as one of the most important factors in shaping the discourse on sexuality and the subordination of women. Since sexuality is a form of power, through which gender identities are produced, and oppression is

allegedly effectuated, pornography is a public and political affair. Pornography is one of those male dominated institutions that negatively affects the lives of all women.

Using terms that are more familiar in the world of social justice and political theory, MacKinnon seems to believe that through pornography and the eroticization of dominance, women are denied the status of full partners in social interaction and are prevented from participating as peers in social life. This view fits in the framework of social justice that Nancy Fraser set up over the years. In this framework recognition is treated as a question of social status (Fraser, 2013: 168). Sexist misrecognition and status subordination in this framework mean exactly what MacKinnon wants to make clear, namely, that “institutionalized patterns of cultural value constitute women as inferior, excluded, wholly other, or simply invisible, hence as less than full partners in social interaction” (Fraser, 2013: 168). Because pornography, allegedly, does institutionalize exactly these patterns, viewed in terms of status, this (sexist) misrecognition is a violation of social justice.

1.1.2. Rethinking the Anti-Pornography Paradigm

In addition to the theory MacKinnon put forward, this thesis will offer an alternative analysis of gender, sexuality, and pornography. Although anti-pornography feminists have every right not to like pornography, and may rightfully be offended by what is depicted in pornography, it is not undisputed and clear that pornography negatively affects social justice. From a sex-positive feminist and queer theoretical point of view, I will argue in this thesis that the anti-pornography view is based upon two erroneous beliefs, and that these two beliefs are based upon the same essentialist deterministic rationale.

The first is that MacKinnon sets up a deterministic reductive causal link between sexuality and gender. As I already shortly explained, according to MacKinnon, the social meaning of being a “man” is constituted through sexual acts of male dominance, and the meaning of “woman” is constituted as the result of coerced sexual subordination. Gender differences, however, are not constructed in rigid, polarized dualistic terms, making of men heterosexual aggressive abusers, and of women heterosexual passive victims. As I will explain later more thoroughly; not only are, in this account, all heterosexual relations falsely reduced to relations of sexual dominance and coercion, but all sexual relations are only to be examined through the bleak framework of dominance and submission. Moreover, according to MacKinnon there are no gendered people outside of this framework, just as non-heterosexual relations do not seem to exist. Instead of analyzing the restrictive binary logic that underlies the cultural assumption that ties masculinity to activeness and femininity to passiveness, MacKinnon actually re-imposes the restrictive cultural laws she is trying to analyze. Queer theory, on the contrary aims to transform the discursive regimes in which sex, gender, and sexuality are strictly connected.

The second erroneous belief underlying the anti-pornography paradigm, which causes its supporters to believe that through pornography women cannot participate as peers in society with men, is that pornography socializes men to see and treat women as mere objects. Anti-pornography

feminists offer too literal a reading of pornographic products. According to these feminists, what is depicted in pornography is degrading toward women, and will inspire men to want to re-enact the humiliating sexual acts. Moreover, because women are portrayed as sexual objects in pornography, men will adopt misogynistic attitudes. Pornography, however, cannot be understood without taking into account the larger social and political context in which it operates. By and in itself pornography is for a great extent meaningless. Only when pornography is consumed in a particular context, by certain consumers in a certain social context will pornography have an impact. Subsequently, in many societies with a liberal regulatory regime in sexual matters, and with an advanced state of women's rights, pornography is used by a vast majority of men without harming others.

Additionally, the pornographic experience is democratizing. If one takes into account how online pornography is developing itself, it becomes hard to maintain that there is something essentially male, heterosexual or misogynistic about pornography. Men might have historically dominated pornography, but just as with other means of representations that were dominated by men (prose, poetry, movies), this does not mean that pornography, as a genre, should be dismissed. Pornography first and foremost is a market driven phenomenon. Mainstream producers adapt themselves to the social groups that can form powerful consumers groups, which makes women more and more an important group for whom pornography is made. Moreover, and more importantly, the characteristics that are specific for online pornography seem to have democratized pornography even more the last years. Interactive forms of pornography; webcam sites; amateur pornography; queer pornography, and alternative types of pornography all seem to find substantial platforms and audiences online. The influence of mainstream pornography producers is decreasing, and the meaning of pornography as a cultural object is changing rapidly.

1.1.3. Goal and Central Question

The aim of this thesis will be to investigate how relevant the anti-pornography paradigm is thirty years after MacKinnon and the likes established it. Although anti-pornography feminist perspectives can still count on much support today, the nature of pornography did change significantly over the years, as did theories on power, sexuality, and gender. In this thesis an analysis of sexuality, gender, social justice, and pornography will be set forth to see how those concepts relate to one another. The goal of this thesis is to investigate what meaning pornography could have today. If one takes into account Foucauldian insights, insights out of queer theory, and modern research on pornography, it prompts one to rethink the anti-pornography paradigm. In order to rethink this paradigm and to put forward an alternative analysis on gender, sexuality, and pornography, the central question of this thesis will be:

Can MacKinnon's interpretation of pornography, sexuality and gender still survive if one takes into account modern technology and insights out of queer theory?

1.2. Relevance

The scientific relevance of this thesis lies therein that there exist considerable disagreement on how pornography relates to sexuality, gender, and sex inequality. In this thesis two philosophical beliefs on sexuality, gender, and pornography will be confronted with one other. In the first belief hierarchical heterosexuality is seen as the main producer of gender. Only in heterosexual relations in which domination becomes his pleasure and subordination becomes her pleasure are genders produced. In the second belief it is argued that gender is internally unstable, that it is a pluralized concept, and that there is no reductive causal relation between sexuality and gender. Queer theorists do not support the essentialist and deterministic nature of the first view. While these theorists accept that the former belief works as a power ideology in society, they wish to render gender ambiguous and point out that the oppression of women is part of a broader social practice through which gendered bodies and gender norms are produced. The lives of transgender individuals, masculine women, feminine men, and other queer individuals, prove that there is little that there is fixed about gender identities. It is subsequently the heterosexual frame through which gender and sexuality are connected that queer theorists wish to deconstruct. There is thus a theory-theory problem on the underlying assumptions that cause anti-pornography feminists to take in an anti-pornographic stance. Even if pornography, subsequently, depicts only active and dominate men and passive and submissive women, this is only a reflection or exaggeration of gender *norms* that find their origin in a discourse that is produced elsewhere. Additionally, while anti-pornography feminists read pornography is a literal way, their opponents take into account the broader social and political context to give meaning to it.

The societal relevance of this paper lies therein pornography is a much debated topic in public life. There is still much confusion about what pornography's effects are and whether pornography really is a harmful phenomenon. Both conservatives and progressives make plans to limit the access to pornography, and even want to censor online pornographic content. Because the arguments that are often made by those who want to censor pornography are in many cases based on guesswork or "common sense" this thesis can function to determine whether pornography really is harmful or that the hysteria surrounding pornography can be dismissed as moral panic. While many believe that pornography is shaping male and female sexuality and male and female identities, others find pornography a topic that is to the side of what really matters. Even before pornography existed there was inequality and there was sexual violation. Critics of anti-pornography individuals worry subsequently that the anti-pornography feminists are sucking all of the oxygen out of the room by not focusing on what actually causes inequality.

1.3. Content

In addition to this chapter, this thesis will consist of four other chapters. The chapter hereafter contains a further introduction into the topic of pornography. To clarify why there seems to be a lot of confusion in defining pornography, a conceptualization of pornography will be set forth. The links

between pornography, power, and democratization will take a central role in the second chapter. Because pornography is not a clear “thing”, but the concept rather masks a struggle over power of access to pornographic materials, the concept is notoriously hard to define. The goal of this chapter is to trace what we are talking about when we discuss pornography.

In the third chapter I will explore the underlying assumptions that are made by anti-pornography feminists. The broader anti-pornography paradigm will be discussed in this chapter. To this end, two analyses of gender and sexuality will be set forth. Firstly, MacKinnon’s theory on the sexualization of dominance and subordination will be explained, whereafter an alternative, queer, understanding of gender and sexuality will be offered. While the former claims that sexualized gender hierarchy produces the gender difference, and causes women’s oppression, the latter claims that male privilege, male dominance, and heterosexual hegemonic societies are the result of a broader heteronormative social practice through which our bodies are gendered. The latter, subsequently, refuse to derive gender from sex or from sexuality.

After having discussed the assumptions and premises of the larger anti-pornography paradigm, in the fourth chapter pornography itself will be revisited to assess how pornography fits in the paradigm. After I will have explained the anti-pornography arguments, the views of the feminists that put these arguments forwards will be critiqued. In this chapter it will be argued that, firstly, anti-pornography feminists neglect to take into account the broader social and political factors that comprise the reception environment in which pornography is being watched. Secondly, anti-pornography feminists offer too literal a reading of pornography, thereby ignoring the transgressive/fantastic element of pornography. Thirdly, by looking at the content of pornography today and how online pornography is developing itself, it will be argued that anti-pornography feminists falsely reduce pornography to an essentially male, heterosexual, and misogynistic domain.

In the final chapter a reflection of the arguments in this thesis will be set forth to examine how pornography relates to social justice. For the last time, the anti-pornography paradigm will be examined to see how relevant this paradigm, and especially the theory of MacKinnon, is today.

CHAPTER 2

PORNOGRAPHY: A CONCEPTUALIZATION

Prior to exploring the meaning pornography could have today and critiquing the anti-pornography paradigm, the concept of pornography needs to be clarified. The goal of this chapter is to clarify the reasons for ambiguity and confusion in defining pornography when comparing different works on the topic. This chapter will therefore offer a conceptualization of pornography. To this end, a general definition of pornography will be introduced; whereafter a genealogy of the concept will be offered and the development of pornography over the years will be examined. Finally, the manner in which scholars have engaged with the subject over the past decades will be addressed.

Because the meaning of pornography has changed over time and there exists a diverse range of pornographic products and texts¹, the concept has always been notoriously difficult to define. When a more general account of pornography is given, it is often distinguished from the concepts of obscenity and erotica. As these three concepts are often intertwined and used interchangeably, some clarification is needed. Firstly, *obscenity* is a moralized concept and refers to material with a negative effect on individuals (Chambers, 2012: 251). When something is obscene, it transgresses the prevalent morality of a given time and is therefore, in many instances, subjected to state regulation. *Pornography*, on the other hand, refers to content and function and can be defined as any media with a representation of sexuality that has (sexual) arousal as its main goal (Chambers, 2012: 251). Pornographers accomplish this by referring to the “reader’s” sexual fantasies in the form of scenarios that are reproduced through different representational modes (McNair, 2002: 40). Consequently, there is some overlap between the obscene and the pornographic. Pornographic texts *can* be viewed as obscene if they offend the prevalent morality standard, but they are not necessarily viewed as such. The concept of pornography is thus less moralized than obscenity. Finally, the concept of *erotica* is less clear-cut and seems to be used when describing pleasing pornographic images. Erotica seems to have a less unpleasant connotation than pornography. Many feminists use the term to signify sexually explicit material that empowers women and does not depict inequality and humiliation. In this case, pornography relates to domination and violence, while erotica relates to respect and reciprocity, just as love compares to rape and coercion.

2.1 Power and Access

Society has not always assessed pornography in the same manner. Examining the history of pornography and the emergence and development of the concept, it appears that pornography is deeply connected with the concepts of power and democratization. Processes of power shaped the debate on pornography from the beginning, and pornography became a ground for multiple competing

¹ In this thesis, the word “text” is used in accordance with the Media Studies definition; i.e. “text” refers to all media

definitions and defenses from which one's ethical and social values would become clear. Although the prevalence of online pornography in today's society seems to have caused new concerns, it was a fear of representation that gave rise to the concept of pornography, and the same fear that still continues to shape today's debate on the matter.

Whereas the word "pornography" was originally derived from the Greek word *pornographos*, meaning 'the writing of prostitutes', the concept has changed significantly through the ages and rarely concerns writing about prostitutions and their profession today (Kendrick, 1987). Between the 16th and the 19th centuries, the term "pornography" was used to designate texts that applied the shocking element of sex to criticize religious and political authorities (Hunt, 1993: 10). From the 19th century onward, however, through the rise of literacy and the advancement of print culture, "pornography" came to be known as a genre linked exclusively to eroticism.

Additionally, pornography became related to filth, through which the concept became equated with the similar yet moralized concept of obscenity. After the term "pornography" was initially used by elites and experts in the 18th century to distinguish it from material with real artistic, scientific, or literary value, shifting power relations ensured that pornography got the familiar, eroticized, meaning it has today.

2.1.1. Power and Fear

Whatever its guise, the pornographic urge remains unchanged - immune to argument, invincibly self-righteous, engorged with indignant passion. If the twisted history of "pornography" shows nothing else, it shows that forgetfulness of history is the chief weapon in the armory of those who would forbid us to see and know. (Kendrick, 1987: 239).

Thus concludes Professor Walter Kendrick in his book *The Secret Museum*, in which he explores the history of the concept of pornography. Through this conclusion, Kendrick explains how pornography refers to an *argument*, rather than to a clearly definable *concept*. While over the years many have struggled with a definition of pornography by trying to derive it from the content of pornographic material, Kendrick argues that the definition of pornography first and foremost masks a struggle of "power, of access to the world around us, (and) of control over our own bodies and minds." (Kendrick, 1987: 236). Resulting from a fear of representation, the processes of definition and characterization, rather than (historical) depictions in pornographic art, pictures or movies, have determined what pornography came to be. Thus, what pornography means was determined by the anxieties of those in power, and by the effects "obscene" images allegedly had.

Subsequently, in a controlling effort to prevent exposure to obscene, i.e. pornographic, material, some texts in the 18th and 19th century were marked as "pornographic". Beside this characterization, however, several other measures were also taken to prevent access to "inappropriate" texts and artifacts. Once the first obscene artifact from Pompeii was discovered, for example, writers

of obscene material and museum curators made efforts to grant access to the “right” individuals only (Kendrick, 1987: 11). “Secret Museums” were established and guards were hired to ensure that only rich men could enter the rooms with pornographic material, because only they were considered worthy to deal with the obscene nature of the artifacts. Also, writers of obscene material wrote in Greek and Latin to ensure that the illiterate, the poorly educated, the poor and the working class were not exposed to their texts. Additionally, when original “pornographic” paintings were printed or duplicated, genitals were made smaller to reduce the obscene nature of the art and to render the prints less dangerous.

These examples show the need of the powerful to censor, and to this end characterize some objects and texts as “pornography” to regulate the behavior of those believed to threaten the status quo. For centuries it was primarily women and the lower class who had to be protected from pornographic material. They were considered unable to control their behavior, and their moral standards were doubted. In the 1970s, however, a change occurred. The pornographic “urge” had not disappeared, but this “urge” no longer focused on the *obscenity* of pornographic material. The “urge” had become *political*, and women were now worrying about pornography’s effects on men.

Whereas originally mostly upper and middle class white men were anxious about the effects of sexual representation on women, children and the poor, and therefore equated pornography with obscenity; from the 1970s onwards, radical feminists became anxious about the effects of pornography on the men who consumed it. For them, however, pornography was not an issue of morality, but a clear political matter. According to Kendrick, this was the first time that pornography had *explicitly* become a political – rather than an ethical – issue pertaining to power relations (Kendrick, 1987: 232). Pornography was framed as “political” as it was no longer seen as “bad” or “wrong”, but rather as a discriminatory and exclusionary phenomenon. Pornography’s harms and sexist nature were emphasized more than ever before. Kendrick goes on to note that, paradoxically, by that point, the fear of sexual representation was not connected with the most powerless groups in society anymore – women and children – but with the group that was reputedly in power, and that supposedly used pornography to preserve an unequal oppressive social system (Kendrick, 1987: 232). Compared to the groups that had not been exposed to pornography, the danger deriving from this “new” group was much greater, because men actually threatened to inflict physical harm onto others (Kendrick, 1987: 227).

In contrast to Kendrick’s analysis, it could, however, be asserted that women and children are still portrayed as victims of pornography today. Women are still the ones to whom an inherent victimhood is linked and whom others must protect. Before, they were protected because they presented a risk to the social order; now, women are claimed to be the victims of men’s licentiousness, and of men’s inability to deal with pornography

2.1.2 Democratization

The change in the “pornographic urge” coincided with significant shifts in access to pornographic texts, and went hand in hand with the democratization of the pornographic experience. Whereas only a relatively small elite could gain access to pornography in the 18th and 19th centuries, today it has become a mass cultural phenomenon, making it potentially more dangerous than ever before and more difficult to control and regulate. Because of technology and the related increasing demand, pornography has become a significant part of the cultural industry, exceeding the popular and mainstream music and movie market (McNair, 2002: 38). New technologies have democratized the pornographic experience and ensured that it is possible for almost all demographics to gain access to sexually explicit materials. Since the invention of photography, many of the regulation mechanisms that were imposed by “decent” middle class white men have been removed and the modern concept of pornography has begun to arise. It was not until cheap photographic printing was invented, however, that a mass “pornosphere” began to emerge (McNair, 2002: 38). From the 1950s onwards, it became easier and cheaper for the masses to access pornographic material, and hardcore pornography became widespread for the first time.

With the emergence of cheap magazines in the 1950s; video players and widely accessible satellite TV in the 1980s; and the Internet in the 1990s, pornography became a mass phenomenon (McNair, 2002: 39). The different technological innovations had great impact on the consumers, form and mode of production of pornography. Above all, it was the Internet that changed pornography’s nature significantly through ensuring that people could gain access to it in their private spaces with relative ease, thereby removing prior psychological barriers that existed when people had to venture outside to acquire pornographic material. The emergence of the Internet, and previously that of the VCR, showed not only that new technologies were always used for sexual purposes, but also that sex and pornography played an important role in advancing these new technologies (McNair, 2002: 39). Each successive technological innovation made it easier to distribute, manufacture, and consume sexually explicit material. Instead of multi-thousand dollar feature-length films and productions, cheap pornographic movies or user-generated pornography can be produced today with handheld cameras and webcams.

The increase in popularity of pornography driven by technological innovations not only ensured more ease in watching pornographic movies and clips, but subsequently caused the *pornographication* of mainstream media and culture. In his book *Striptease Culture* (2002), Brian McNair signified this trend as “porn chic”; “the representation of porn in non-pornographic art and culture; the pastiche and parody of, the homage to and investigation of porn; the postmodern transformation of porn into mainstream cultural artifact for a variety of purposes (...) as (...) advertising, art, comedy or education.” (McNair, 2002: 61). The cinematic releases of *Deep Throat* (1972) and the more soft-core *Emmanuelle* (1974) in the 1970s marked the beginning of this pornographication of mainstream culture (McNair, 2002: 39). Upon release, these movies were met

with strong opposition. The misogynistic character of the pornographic industry was criticized, and there seemed to be a general fear surrounding pornography.

Whereas these movies that were released in the 1970s were “real” pornographic films; later, especially in the 1990s, primarily pornographic codes and references to pornography became absorbed in mainstream culture. Although they are two different concepts, the relatively new terms and phenomena “sexualization” and “pornographication” suggest that sexual images were less visible and accessible twenty years ago than they are today. These concepts stem from the 1990s, from times when a genuine fear of pornographication in the United States seemed for a great extent to have had evaporated. Pornographic representations were no longer seen as problematic by a large section of the masses. The fame of porn star Jenna Jameson, Madonna’s *Erotica* album (1992), her *Sex* book (1992), many of her video clips, and movies such as *Boogie Nights* (1997) and *the People vs. Larry Flint* (1996) are only some of the examples that point to a wave of “porn chic” in the 1990s and the evaporation of a real fear of pornography in that decade (McNair, 2009).

This wave of “porn chic” in the 1990s suggested a greater interest in pornography and its embracement with modern capitalism. Sex and pornography were commercialized, which further ensured the commodification of sex and sexuality. Since the 2000s, however – especially in the United States since the increase of religious right-wing influence – negativity toward the sexualization and pornographication of mainstream culture and media has increased (McNair, 2009: 67). Although there has always been opposition to pornography and pornographication, moral conservatives held powerful positions in the Congress and the White House in the 2000s, and the voices of the “moral majority” were louder than a decade before.

2.2. Pornography and the Feminist Sex Wars

While pornography and pornographication may have been faced with strong opposition, the popularity of pornography has only increased over the years. Frequently depending on the stance of an author’s article on the industry, estimates on the revenues of the pornographic industry vary from 2 to 10 billion dollars. The biggest distributor of pornography, MindGeek, owns 38 pornographic websites – among them popular YouTube-like streaming sites such as YouPorn and Pornhub – and generates over 100 million dollars per annum (Flade & Nagel, 2012).

Although many remain skeptic, scholars such as Linda Williams stress the continuous changes in pornographic productions and refuse to define pornography as homogeneous, exclusively oppressive and heterosexual. According to many, the character of pornography is not static and has changed significantly over the past decades. There exists a wide range of pornographic texts, and a diverse range of people with varied sexual desires is being catered to. When considering the phenomenon through the anti-pornography feminist lens, however – as will occur extensively in the following chapters – it can be seen that pornography is not always regarded as a fantasy; it is claimed to work as a harmful imperative instead; what individuals are doing in pornographic products will

inspire men and will happen in “real life”. “Pornography is the theory, rape is the practice”, wrote radical feminist Robin Morgan in the 1980s, thereby articulating the type of reasoning that left a great impact on feminist discussions of pornography in subsequent decades. This suggests that the anxieties mentioned by Kendrick that had shaped the pornographic debate in the 18th and 19th centuries and had given rise to the concept of pornography still shape the debate today.

Today, moral and religious conservatives and anti-pornography feminists most often frame pornography as harmful and want to protect others from it. These two groups thus still have the “urge” to characterize some cultural objects as pornographic to forbid others from seeing them and knowing about them. Aside from considering its effects on children, conservatives understand pornography to be a disruptive social source of some important ethical and moral values. Pornography is asserted to result in the erosion of Christian family values and of the nuclear family unit (McNair, 2014: 161). A major concern for many conservatives is thus the consequences of pornography having become almost uncensorable and accessible to the masses through the Internet.

For the anti-pornography feminists, pornography is not seen primarily as unethical, but as a means to subordinate women; which makes it a clear political matter. It is their fear of pornography that caused Catherine MacKinnon and Andrea Dworkin to define it in several of their works as:

Pornography is a form of discrimination on the basis of sex. (1) Pornography is the sexually explicit subordination of women, graphically depicted, whether in pictures or in words, that also includes one or more of the following: (i) women are presented dehumanized as sexual objects, things or commodities; or (ii) women are presented as sexual objects who enjoy pain or humiliation; or (iii) women are presented as sexual objects who experience sexual pleasure in being raped; or (iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or (v) women are presented in postures of sexual submission; or (vi) women's body parts—including but not limited to vaginas, breasts, and buttocks—are exhibited, such that women are reduced to those parts; or (vii) women are presented as whores by nature; or (viii) women are presented being penetrated by objects or animals; or (ix) women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual. (2) The use of men, children, or transsexuals in the place of women in (1) (i-ix) above is pornography. (Dworkin & MacKinnon, 1997: 428).

This is not only the longest definition of pornography I have yet to find, but its violent effects and its political character now explicitly define the concept. Nowhere in this definition of pornography is there any mention of “fantasy” or “representation”. It is seemingly insignificant that the women in pornography might have consented to their depictions, their actions, and the actions done unto them. What matters and offends is the objectification and portrayal of women as inferior beings in pornography. Subsequently, it becomes important to mention that although some wish to point out the changes in pornographic productions, they are still predominantly produced by men and they still employ mostly women as objects of male desire.

According to MacKinnon, Dworkin, and other popular anti-pornography activists, viewing hardcore pornography, and especially rape pornography, is the main cause of the desensitization of men to violence against women. Pornography, moreover, ensures that men need more and more violence to become sexually aroused. Oppressive, hardcore pornography, subsequently, is not understood as a small subgenre, but as the genre that defines and characterizes the entire phenomenon. Pornography, in anti-pornography feminists' eyes, is essentially male, heterosexual, and oppressive. Women are solely used for humiliation, and portrayed as things to be acted upon by men.

In the 1980s and 1990s, the views on sexuality and pornography of Andrea Dworkin, Catherine MacKinnon, and likeminded feminists formed an important part of the Feminist Sex Wars. These wars divided the feminist movement and ended many professional partnerships. Feminists began to publicly disagree over a number of issues related to gender, desire, sex, and sexuality. Pornography was an important issue during these wars, as were prostitution, sadomasochism, heterosexual intercourse, lesbianism, and trans-sexuality. Although almost every strain of feminist thought recognized the organization of sexuality as an important source of women's oppression, the right analyses and solutions, however, were subjects of heated debate.

The so-called "anti-pornography feminists" occupied the position represented by Dworkin and MacKinnon. Their opponents, on the other hand, were referred to as "sex-positive feminists". According to the anti-pornographic stance, men and their sexual desire were at the basis of women's oppression in society. Due to the central role of sexuality in women's oppression, pornography became one of the most, if not the most important feminist issue of these wars. MacKinnon, Dworkin et al. were often attacked for the absence of complexity in their theories, the re-writing of feminist theory and their collaborations with poor behavioral psychologists and the religious conservative right. Men were seen as a group that held power over women, and masculinity and male sexual desire were claimed to cause women's oppression. Sexuality and gender were linked, and male and female sexuality were separated and polarized. Pornography, therefore, became a political matter as it turned "sexist" and "subordinate" instead of only "obscene".

After Andrea Dworkin paved the way with her views on feminism, gender, and sexuality, Catherine MacKinnon became especially popular and was considered the spokesperson for feminism in the 1980s – remarkable in a decade that was characterized by misgivings and anxiousness about leftist and radical politics. Pornography seemed to have given a common purpose to a large part of the feminist movement at a time when the direction of feminist politics was unclear and caused internal quarrels. MacKinnon and Dworkin became especially well-known after their Minneapolis city ordinance in which they defined pornography as mentioned on page 17, and through which they wished to make sure that victims of sexual violence could seek damages from producers of pornographic movies and magazines. Not only Minneapolis, but also Indiana and Canada saw MacKinnon and Dworkin fight to make pornography a civil issue by framing it as sex discrimination. Because of Dworkin and MacKinnon's ordinances, legal efforts and written works, pornography

became the cause, meaning, and effect of women's oppression for many radical feminists. Although the ordinances in the United States were eventually assessed as unconstitutional, they left a large imprint on the feminist wars. MacKinnon and Dworkin were, however, promptly criticized; not only by sex-positivists, but also by other feminists who heckled the two for reaching out to legal institutions that had not attached any importance to women's sexual freedoms in the past.

Although the issues of the Feminist Sex Wars were mainly debated in the 1980s and 1990s, the disputes over sexuality in general and pornography in particular have persisted to this day. Now that pornography, especially extreme pornographic imagery, is only one mouse-click away, the feminist battles over pornography seemingly continue. Pornography is still viewed through a hypodermic needle theory: many seem to think that media – in this case pornographic texts – have a direct and powerful effect on its audience. Due to this powerful effect of media, and the importance of sexuality in constructing male and female identity the anti-pornography feminist arguments have become so powerful over the years.

With the sexualization of contemporary media culture and the commodification of women's bodies, the same arguments that MacKinnon and Dworkin employed in the 1980s are still surfacing today. In her popular non-academic book *Female Chauvinist Pigs; Women and the Rise of Raunch Culture* (2005), Ariel Levy claims that the highly sexualized culture in which women strive to be "sexy" and "hot" and are encouraged to objectify themselves and other girls, is a consequence of the unresolved Feminist Sex Wars of the previous few decades. According to Levy (2005), women do not find empowerment in behaving sexually and dressing sexily, as is often claimed; they are actively contributing toward constituting themselves as mere objects and have internalized the male gaze. The popularity of pornography is an important contributing factor to this. These "female chauvinist pigs" are, without them even noticing it, victims of a sexualized culture that they themselves maintain.

Additionally, in *Are Women Human?* (2006), Catherine MacKinnon describes women as "things" – as opposed to human beings – in society. In her book MacKinnon brands the idea that there is social equality in Western societies as a farce. MacKinnon herself thus also herself repeats the arguments about sexuality and pornography that she put forward in the 1980s.

2.3. Contextualizing

Until the mid-1990s, the vast majority of academic writing on pornography seemed to result from the anxiety about pornography that had shaped the debate. Academic texts thus were mainly used to clarify to others pornography's dangerous nature. Until that time, most work on pornography investigated its "effects", or was written from a particular anti-pornographic feminist point of view and defended that side of the Feminist Sex Wars (Attwood, 2011: 13). Among other works, Walter Kendrick's text marked the beginning of a paradigm shift in research on pornography (Attwood, 2011). From that point onward, scholars disagreed on the harmfulness of pornography and doubted whether pornography was necessarily bad. Before the paradigm shift, most writers on the subject were

behavioral social scientists who, according to Attwood, made no use of more refined theoretical approaches to media representation, production, and consumption and were not dedicated to contextualization when doing research (Attwood, 2011: 14). The writers saw pornography as a political, i.e. harmful thing, and conducted their research with an anti-pornography bias. In contrast, research after the paradigm shift has been marked by an effort to contextualize pornography “in relation to other media genres, aesthetics and hierarchies of cultural value, in relation to a variety of consumer groups and in relation to the broader frameworks of cultural regulation and the lives of their producers and consumers.” (Attwood, 2011: 14).

According to more sex-positivist scholars, defining pornography as heterosexual and male does not do justice to the meaning it may have to different groups and marginalized sexualities. Moreover, researchers tend to neglect that most men and women watch pornography without harming others. Theories about pornography must take into account the complex nature of the phenomenon and must not lose sight of the broader social, cultural, and political contexts in which pornography operates. Pornography and pornographic texts must not only be viewed as *stimuli* that have *effects* on its *audiences*; more refined methods and theories are needed in order to grasp the complex nature of the phenomenon. The simple notion that media has a direct effect on its audience is revoked by many media scholars today. While watching, viewers actively engage with media texts and give different meanings to sexually explicit media. The responses of pornography consumers are often contradictory and diverse. People primarily consider pornography to be a form of entertainment and sexual arousal, but they can also be confused or disgusted by what is being depicted in pornography. People’s reactions or beliefs after watching pornography, however, are dependent on many circumstances that will be addressed in Chapter 4 of this thesis.

The meaning of pornography as a cultural object seems to be changing rapidly. This thesis, therefore, aims to explore the shifting meaning of pornography and to examine the meaning one ought to assign to pornography today. Concerns about pornography have existed for a long time, although now that pornography has become more prevalent than ever, these concerns have become more widespread. Researches and philosophers who have written on the topic of pornography after the “paradigm shift” stress the importance of staying dedicated to contextualization. Pornography has to be examined carefully and different aspects and factors of different types of pornography have to be taken into account when giving meaning to the concept. Although the majority of pornography from the past decades had a heterosexually male nature and was aimed at heterosexual males, this must not paralyze the meaning assigned to the phenomenon, or lead one to lose sight of its potentials.

Is it indeed a “fear” of pornography that leads feminists and conservatives to unsubstantiated conclusions, or are their views based on solid and rational arguments? In other words, is pornography really harmful, and does it stand in the way of reaching social justice, or are the arguments that anti-pornography feminists put forward part of the “pornographic urge”; an urge that “remains unchanged,

immune to argument, invincibly self-righteous, and engorged with indignant passion?" (Kendrick, 1987: 239).

CHAPTER 3

GENDER AND SEXUALITY

What is now called the nature of women is an eminently artificial thing — the result of forced repression in some directions, unnatural stimulation in others. It may be asserted without scruple, that no other class of dependents have had their character so entirely distorted from its natural proportions by their relation with their masters. (J.S. Mill, 2008: 39).

Before examining pornography's alleged role in the subordination of women more carefully, it is important to investigate how to subsume sexuality under feminist thought, as Dworkin, MacKinnon, and others have pointed to the role of sexuality in defining women. In the larger anti-pornography paradigm, gender identities are causally connected with sexualized positions of dominance and submission. This eroticization of dominance and submission is understood as the main cause of social injustice and women's oppression, because it is hierarchy that is being sexualized and that, allegedly, produces our gender identities. In this chapter the anti-pornography paradigm will be explained in full detail. In order to do so, it will be MacKinnon's theory that will be central.

Compared to other anti-pornography feminists, Catherine MacKinnon has made the most extensive and theoretical effort to theorize sexuality under feminist thought. Her ideas will therefore take a central role in this chapter. As a lawyer, scholar, and political activist, Catherine MacKinnon has built a legacy for herself over the years. Most notably in the 1980s and 1990s, though still highly influential today, Catherine MacKinnon was one of feminism's most significant individuals and is considered the world's leading feminist legal theorist. Having contributed to developing the legal definitions of sexual harassment in the United States and Canada, and having joined Andrea Dworkin in her crusade against pornography, MacKinnon rapidly rose to fame and convinced many feminists of her views along the way.

MacKinnon's type of feminism, which opposed the sexual libertarianism that characterized the feminist movement a decade earlier, became highly influential. With many praising her for her intelligence, charisma, and the brilliance of her arguments, she came to be known as the spokesperson for radical feminism in the late 1980s and early 1990s. This not only harvested support but also caused many to plainly hate her and characterize her as "anti-sex" or as a typical "victim feminist". MacKinnon, however, fought and fights against the notion of female sexual liberation and sexual fulfillment as reflecting women's autonomy and rights. This view has brought MacKinnon many adversaries, many of them sex-positivist feminists who wanted to free women and their sexual feelings and behavior from guilt and condemnation. This attempt to "liberate" women has been harshly attacked by MacKinnon, who believes that the liberal notion of sexual liberation "frees male sexual aggression in the feminist sense. What looks like love and romance in the liberal view looks a lot like hatred and torture in the feminist view." (MacKinnon, 1987: 49).

In this chapter I will explore Catherine MacKinnon's arguments and the logical structure of her feminist theory. Her feminist theory is particularly interesting for the causal relationship she set up between sexuality and gender that came to stand for an important strain within feminism. After clarifying MacKinnon's arguments, in the second half of this chapter some important concerns about her work and assertions will be voiced. Although some parts out of MacKinnon's theory will later appear to be problematic, the first part of this chapter will be entirely devoted to MacKinnon's "side of the story". Only in the second half of this chapter I will critically evaluate MacKinnon's theory and put forward my criticisms on important parts I will have mentioned by then. This critique will mainly be based upon a queer-theoretical point of view, and the arguments will be derived from queer theory and from academic writing by sex positivists. These arguments are based on important insights from different social movements – consisting mainly of transgender people, intersex individuals, and homosexuals – that show a broader understanding of gender discrimination than MacKinnon.

With the concepts of "man" and "woman" fixed in their positions; characterized by inequality and caused by male desire, MacKinnon's theory is reminiscent of conservative, ahistorical, universalizing, biology-is-destiny, and transcultural arguments. By equating and interchangeably using the concepts of sex and gender, and by claiming that to have a gender is to engage in particular (heterosexual) sexual practices, MacKinnon's arguments will be shown as neither radical nor feminist. Also, the "feminist" position that takes the structural patriarchal oppression of women as the basis of all issues concerning gender is fundamentally flawed because of an inadequate understanding of the workings of power and the multiple ways in which gender reveals itself as a political and social issue. Gender discrimination in general, and the subordination of women in particular, does not depend upon a single social relation but has multiple sources of origin.

Although at times MacKinnon's arguments may appear too strong or offensive, such as: "it is beginning to seem that the sexuality of pornography is the fascism of contemporary America, exported worldwide, and we are in the last days of Weimar," (MacKinnon, 2006: 90), her, at first glance, persuasive arguments about women's descriptive realities ought to be read carefully. By and large, however, her theory does more harm than good and offers some problematic regulations.

3.1. MacKinnon: Patriarchy, Sexuality and Gender

3.1.1. The Parallel between MacKinnon and Marxism

In developing her feminist theory MacKinnon drew an analogy with Marxist theory and used most of Marx' vocabulary. MacKinnon's feminist theory, however, not only intends to parallel Marx' theory but also aims to substitute it. Before I will explore MacKinnon's main concepts and main arguments a bit closer, I would like to set forth how MacKinnon's makes this analogy with Marxist theory and how her theory compares to Marxist theory, so that we can see how MacKinnon's theory is structured. After I analyzed the Marxist structure of MacKinnon's theory, I will closely examine what she means with some central notions out of her theory.

In her theory on gender and sexuality, MacKinnon draws a comparison to the capital-labor relation in Marx' class-hierarchical societies. In these societies, one's position is determined by one's role in the production process. Work, in capitalist societies, is the most important aspect of personal individuality. Through work and the mode of production, people partake in social processes by which they come to understand who they are. In Marxist theory one's relation to the means of production determines which class you are in. The capital-labor relation in Marxist theory is what constitutes class hierarchical societies and is the material what class is made off. Society is consequently divided into two classes; the bourgeoisie and the working class. The relationship between these classes is anything but equal; it is a relationship characterized by dominance and submission. It is the capitalists who control the means of production, who employ workers, and use the worker's labor in order to gain profit – they thus use human labor as a commodity. Money is constantly being accumulated through the exploitation of the people who are at the lowest ranks in the production system. While capitalists modernize, workers receive less and less money, and are thereby subjected to extreme poverty

To MacKinnon, it is not work, but the organization of sexuality that determines the most fundamental aspect of personal individuality. The economic class one belongs to is not the most important factor in determining where one stands in society, but rather, it is one's *sexuality*, socially constructed and defined as “the process which creates, organizes, expresses and directs desire;” which makes up gender, and through which one's social position is determined in patriarchal societies (MacKinnon, 1982: 516). It is not the organization of production that molds society into two different and opposing *economic* classes; instead, the organization of sexuality divides society into two *sexes*: men and women, a division that subsequently “underlies the totality of all social relations.” (MacKinnon, 1982: 516) Heterosexuality, subsequently, is the dominant structure, and gender is the social process that divides society into these two classes.

To Marx, the exploitation and alienation by capitalists of work done by laborers in order to gain profit defines the class of the latter. To paraphrase MacKinnon; what is the workers' most “own” is most taken away. To MacKinnon, the expropriation and exploitation of the sexuality of women for the use of men defines the sex of the former (MacKinnon, 1987: 48). Therefore, male sexual desire is to MacKinnon what profit is to Marx. Sexuality then becomes the cause and meaning of gender in general and of femininity in particular. Sexuality thus is a form of power held by men, a form of power that has the force to create and mold gender and to define the female sex. In feminism then, being deprived of one's sexuality characterizes the absence of women's power in society in general. This is the case because men sexualize hierarchy and gender inequality. Accordingly, sexuality is a social construct of male power (MacKinnon, 1989: 316): “Defined by men, forced on women, and constitutive in the meaning of gender.” (Ibid.).

In making her comparison with Marxist theory, MacKinnon seems to duplicate the “science” of Marxist theory in order to emancipate women from their false consciousness. As a unified group, women seem to be largely unaware of the oppressed status that characterizes them as a group and

determines how they lead their lives. Their social position determines and distorts their consciousness. So, parallel to Marxist theory, there is a group – women – that suffers from false consciousness. Ideological, social, and institutional processes in patriarchal society seem to mislead women. Women serve the interests of men by acting meek and submissive, and by actively internalizing feminine characteristics. Although she never explicitly says so, MacKinnon seemingly wants to grant women a sense of self-respect and make them aware of the injustice that is being done to them. She seemingly wishes to make women aware of the ideology that oppresses them. Women now actively contribute to their own sexual objectification and misunderstand that sexuality for women is a site for pleasure and negotiation, when it ought to be seen as a site for oppression and violation instead. Women seem to have adopted the norms that are set out by men in patriarchal culture. To be socialized as a woman is to be socialized in a sexist way, by which women become *objects* for the desires of men.

3.1.2. *The Sexuality of Dominance and Submission*

Catherine MacKinnon has not been the first to point out that gender and sexuality are socially constructed concepts; many social scientists hold this view. What is not agreed upon, however, is the way in which sexuality and gender are produced and institutionalized; as well as the meaning of “socially constructed”. In general, socially constructed sexuality implies that it is not some pre-cultural, pre-social, or pre-discursive phenomenon. There is no inner biological sexual drive that explains how sexuality is institutionalized and recognized in social life. Consequently, most scientific work on sexuality of the past three decades has been marked by scholarship that has given sexuality a history in which it is seen through a constructivist perspective. An alternative to sexual essentialism – the view that was put forward chiefly by biologists who explained sexuality in purely biological terms and who approached the matter in a non-political way – has thus been given over the years

Often inspired by Michel Foucault, it is now regularly assumed that the way in which sex is understood in society and institutionalized, and the way in which social life is shaped, is not due to biology but to changing social norms and different discourses on sexuality – in Gayle Rubin’s words: “The belly’s hunger gives no clues as to the complexities of cuisines. The body, the brain, the genitalia, and the capacity for language are necessary for human sexuality. But they do not determine its content, experiences, or its institutional forms.” (Rubin, 1993: 149). Culture and language thus actively give meaning to our bodies and to our sexuality.

Sexuality as a product of culture and human behavior is considered an uncontroversial claim today, especially in the fields of sociology and cultural studies. MacKinnon’s arguments, however, are often perceived as though lacking in comprehension of sexuality and its social construction. As briefly explained above: according to MacKinnon, the axes that determine sexuality and sexual desire are also crucial in explaining the gender difference. The social construction of gender – which relies on a distinction between biological sex and cultural gender – is the result of male sexual desire. Subsequently, male desire constructs female sexuality and femininity.

The hierarchal structure of heterosexuality thus constructs gender in MacKinnon's theory. This happens through a sexualized dynamic of dominance and submission by which the lives of women and men are shaped. This central argument of MacKinnon's theory will be fully examined below.

In order to present an idea of what MacKinnon's theory entails and what its most important concepts are, it is useful to consider some statistics: a recent study by the European Union Agency for Fundamental Rights (FRA) on sexual assault shows that 45% of Dutch women have been a victim of physical or sexual assault at one point since the age of 15 (NRC). Throughout Europe, the average figure is 33% (ibid.) In the United States, a survey conducted by the government shows that one in five women confessed to having been raped or experiencing an attempted rape (Rabin, 2011). Although, according to MacKinnon, only 7,8% of American women are *not* sexually assaulted or harassed at least once in their lifetimes, and the figures from the FRA/US Government and MacKinnon thus differ significantly, all numbers remain consequential and difficult to ignore (MacKinnon, 1989: 315). As the violation of women is evidently sexual in character, to MacKinnon this means that sexuality can no longer be ignored or stay excluded from feminist thought. Sexual assault is not only a form of violence that coincidentally happens to burden the female sex, it is a crucial representative symbol in uncovering the mechanism of gender production. "The male sexual role (...) centers on aggressive intrusion on those with less power. Such acts of dominance are experienced as sexually arousing as sex itself. They therefore are." (MacKinnon, 1989: 316). MacKinnon claims that rape and other acts of sexual assault are not exceptional, but consequences of how we understand sex in society and of the manner in which men and women are culturally conditioned.

Since women have often, and on a large scale, been sexually assaulted by men, MacKinnon and many others needed a theory that tied together gender and sexuality. This means that due to the statistics on sexual violence, trafficking and prostitution, and the prevalence of pornography, many came to believe in a reductive causal link between sexuality and gender, as all these phenomena show that women are solely sexual objects to men, and that women tend to internalize the characteristics that make them into these objects. When men see women, they see sexually available *objects* to be used for their own sexual satisfaction. Pornography shows that men like to see women in this way, and the figures on rape and sexual assault prove that they actually behave according to the belief that women are mere objects. Although not every individual man may rape or sexually assault a women, it is "the collective him" that seems to view women as objects.

In our antagonistic societies men behave dominantly and women behave submissively – they are mainly acted upon. In these societies where men and women are two classes standing opposite one another, dominance is tied to masculinity, and men belong to the group that identifies itself with masculine norms. Submission, on the other hand, is feminine, characterizing the female sex. This

dynamic, the continuously reinforced “difference” between men and women, is what causes women’s oppression in patriarchal societies. How is this dynamic effectuated?

Gender – the social and cultural interpretation of the female and male sex– may not be biologically established, but it is a characteristic that becomes naturalized with culture. The social meaning of “woman”– that which makes up femininity – is marked by passiveness and restraint, characteristics that apply to women because men have set the terms. Because heterosexuality is the predominant structure and women want to be sexually attractive for men, women internalize certain characteristics that lead them to deny their own subjectivity. Heterosexuality leads women to use their bodies as instruments. Women’s sexual subordination in the heterosexual act of sex becomes their pleasure and produces their gender identity.

According to MacKinnon, there are no natural characteristics that make women this way and men sexually aggressive (MacKinnon, 1987: 49). These differences are socially constructed and find their basis in unequal power relations between men and women. The one relevant difference between men and women in society is that men hold power over women (ibid.). The fact that men are socially more powerful is what constructs the sex difference. Dominance and power come before the difference (MacKinnon, 1987: 50; MacKinnon, 2006). Differences are not subsequently put into a hierarchy, but the notion of sex difference itself is an ideology that is propagated by men in order to hold power over women and to remain sexually satisfied (MacKinnon, 1987: 49). Men have the power to mold the ones by whom they are sexually aroused into something they like. Socialization, then, is a form of power that actively constructs a difference between the two sexes for the sexual purposes of men. In this socialization process that takes the form of gender, women are always linked to submissiveness. Gender, therefore, is a sexualized process that oppresses women and holds men in power. Sexuality is thus gendered as gender is sexualized (MacKinnon, 1987: 49), which means that sexuality and gender cannot be theorized separately, and that sexuality has to be theorized from the framework of gender difference. “Femaleness means femininity, which means attractiveness to men, which means sexual attractiveness, which means sexual availability on male terms.” (MacKinnon, 1982: 531). In social life, women can become “objects” that can be used for sex.

Similar to Marx’ societies, domination and submission mark the relationship between the “class” of men and the “class” of women. When translating this dynamic from class-hierarchical into patriarchal societies, and explaining the motor behind this dynamic, only references to sexuality seem to fit. Sexuality is that which is eroticized in social life, considered sexy and arouses sexually. Under the conditions of male dominance referred to in the previous paragraph, women do not have the power to determine the content of the erotic. Sexual relations of dominance produce genders and establish the meaning that is assigned to the concepts of “man” and “woman”. What women are, what female sexuality is, and how they are constructed is the result of the male gaze according to which women are merely objects for male pleasure.

According to MacKinnon, this would mean that feminism has a universal basis. Sexuality as defined by MacKinnon, characterized by dominance and submission, supersedes other social divisions such as race and class (MacKinnon, 1989: 318). Sexuality is a form of power through which all women are equally oppressed. Therefore, the cultural oppression of women takes a singular, all-encompassing form. MacKinnon puts aside other factors that might make women experience their bodies differently, such as race or sexual orientation. This would mean, for instance, that black or homosexual women do not possess a “self” that is significantly different from white upper-class women. Due to studies on intersectionality, many now believe that the “self” of gay and black women is neither female nor black or gay, but somewhere in between, but also different (both-and). These “selves” become hard to compare; the experience and potential oppression of being a black woman cannot be easily understood in terms of being female. MacKinnon, however, does recognize some experiences and characteristics that all women share. A structural system of male dominance and male power exists cross-culturally. Consequently, women only experience their oppression and the attributes that make them women in varying degrees. These experiences are not incommensurable or incomparable.

3.1.3. Male Sexual Desire: Intercourse and Humiliation

In this patriarchal system where that which defines gender inequality is equal to the “content of the erotic”, the erotic becomes a highly public and political affair (MacKinnon, 1989: 318). Therefore, in order to explain and analyze the production of gender “not only a political theory of the sexual that defines gender but also a sexual theory of the political to which gender is fundamental” is needed (MacKinnon, 1989: 318). The appearance of the sexual act in society will be examined, as it is important to MacKinnon’s point of view. What qualifies as sex and what are the essential characteristics of the sexual act in modern life? How did MacKinnon arrive at the highly deterministic relations between sexuality and gender?

The idea that women are objectified and only used for the sexual purposes of men has already been addressed. Considering society and empirical data, MacKinnon analyzes that, indeed, men become aroused from women’s sexual humiliation in social life. By referring to questionable² laboratory experiments involving men and pornography, MacKinnon points out that male sexuality is activated by violence toward women and that nearly all men become sexually aroused by the violation of women’s bodies. This is understood as evidence of the inequality of the sexes, as men would need

² MacKinnon referred to an experiment in a laboratory setting that hypothesized that ‘normal’ men would become more aroused by watching rape pornography than non-violent pornography (MacKinnon, 1989: 333). The longer the men watched rape pornography, the less agitated they were by the treatment of women on-screen (ibid.). Although MacKinnon usually does not refer to academic research when making such strong claims about the effect of pornography, other research on the relationship between pornography viewing and men’s attitudes toward women has anything but an unequivocal outcome (Attwood, 2005, Ferguson & Hartley 2009). In referring to this particular research, MacKinnon seems to be cherry picking. Research on the topic is inconsistent at best, often carried out by behavioural scientists of questionable credibility (Attwood, 2011). In different overviews on pornography research, it is almost always concluded that results of much laboratory research are often “negligible, temporary and difficult to generalize to the real world.” (Ferguson & Hartley 2009: 326). “Studies such as these are fraught with many limitations.” (ibid.).

gender hierarchy and inequality to become sexually aroused (MacKinnon 1989: 335). “Part of the male interest in keeping women down lies in the fact that it gets men up.” (Ibid.). The idea that sex and domination are so closely linked also means that men who assault women physically or sexually are not “abnormal” and do not suffer from a mental disorder; they are merely socialized to see women as objects and become aroused from precisely this inequality. Sexual harassment and sexual assault thus become paradigmatic events that reveal the mechanism of gender production. Whereas rape is often claimed to be an act of violence, separated from sex and viewed as “abnormal”; MacKinnon views it as “normal” since it fits into the paradigm of dominance and submission. “Rape becomes something a rapist does, as if he is a separate species, but no personality disorder distinguishes most rapists from normal men.” (MacKinnon 1989: 336). Rather than psychopaths, it is “normal” men who rape. According to MacKinnon, this view is supported by claims often made by rapists: rapists describe rape as sexually arousing and as an affirmative act in appropriating their masculinity (MacKinnon, 1989: 335). Additionally, rape victims often know the rapists personally, which proves rape’s “normalcy”.

Thus, sexual violence becomes central to gender equality. As a legal theorist, MacKinnon calls for an understanding of sexual violence as an act of sex discrimination instead of a criminal act of violence. MacKinnon argues that rape has an immanently sexual, rather than an immanently violent character. Rape happens with such permissibility and on such a large scale because men consider dominant behavior “normal”. Although such acts are legally forbidden, they seem to happen continuously in social life, at the expense of many women. The statistics on sexual assault, especially the – questionable – statistics put forward by MacKinnon, prove that the systematic sexual assault by the “class” of men is condoned and even “basically allowed” in society (MacKinnon, 1989: 332). Because these acts are viewed as sexually arousing, and the men who commit them view them as sex, and because the acts fit into the paradigm of the sexualized and gendered dynamic of subordination, it becomes difficult for (often male) legislators to distinguish between cases of rape and sex.

Consequently, MacKinnon asserts that rape, prostitution, sexual harassment, and pornography are interconnected phenomena that show the power of men over women in social life (MacKinnon 1987: 5). Domination and violation of the powerless is seemingly “sexy” in society. Violation therefore becomes central in the meaning that is attributed to the male and female sex (MacKinnon 1987: 5). The manner in which sexuality is experienced and recognized depends on male heterosexual desire. Consequently, the definition of sex and its meaning in social life – its norm – is determined by the paradigm of dominance and submission. Considering gender anew, it could not have been a coincidence to MacKinnon that all the characteristics applied to women are also the requirements for male sexual arousal. Hence, femininity is tied to male sexual desire.

Above all, women are taught to be gentle, passive, and submissive – exactly the kinds of characteristics that render women sexually attractive to men. Accordingly, aggression and domination are sexually arousing to men. Consequently, female subordination is sexualized. Submissive behavior

is the source of a woman's sexual pleasure and the constitution of her gender identity. Male power in society causes the interests of male sexuality to dictate the definition of sexuality in social life.

"Sexuality appears as the interactive dynamic of gender as inequality. Stopped as an attribute of a person, sex inequality takes the form of gender; moving as a relation between people, it takes the form of sexuality. Gender emerges as the congealed form of the sexualization of inequality between men and women. (MacKinnon 1987: 6).

The ideas that women are merely used as "objects" and that female sexuality is repressed from Western cultures are proven by the emphasis that is still put on sexual intercourse; the insertion of a male's penis into a female's vagina (MacKinnon, 1989: 321). Because men have the power to set the terms of what constitutes sex, sex seems to be linked to penetration. MacKinnon sees female sexuality as repressed in the sense that the actions that constitute sex are not defined from a female point of view. When people state that they have had sex, they nearly always mean sexual intercourse that resulted in a man's orgasm. Oral sex, stroking, hand jobs, and other forms of intimacy are often not seen as "real" sex; as in, they are not seen as touching upon the essence of sex in society. Penile intercourse seems to be this essence. According to this proposition, women could only be sexually liberated in the sense that they would long for intercourse and have a desire to be objectified. Subsequently, intercourse cannot be a source of "real" pleasure for women; it is understood by MacKinnon – and Dworkin – as an act of possession (MacKinnon, 1989: 328). Sex in society has come to signify the actions a man can accomplish with his penis.

"Fucking is an act of possession – simultaneously an act of ownership, taking, force; it is conquering; it expresses in intimacy power over and against, body to body, person to thing. 'The sex act' means penile intromission followed by penile thrusting, or fucking. The woman is acted on, the man acts and through action expresses sexual power, the power of masculinity. Fucking requires that the male act on who has less power and this valuation is so deep, (...) that the one who is fucked is stigmatized as feminine during the act even when not anatomically female." (Dworkin, 1981: 23).

MacKinnon, consequently, does not see a significant difference between rape and intercourse. Because rape victims' reports on their rape are alike to, and in many cases the same as, women's reports on sex in "normal" circumstances, MacKinnon comes to the conclusion that the only distinction between intercourse and rape is that intercourse happens so frequently that one does not see what is wrong with it anymore (MacKinnon, 1989: 337). Sex and sexuality thus seem to revolve around a reproductive act – intercourse – but not for reproductive purposes. MacKinnon asserts that if sex were linked with intercourse because it was understood to be a reproductive act, people would not have as much of it as they do today (MacKinnon, 1989: 321). Hence, the link between intercourse and sex does not exist because it is considered a reproductive act, but because of its ties to penetration and domination – the way men like to have sex.

Although women may *appear* to consent with sexual intercourse and its manner of execution, they are actually forced. This coercion will sometimes “appear in a form recognized as violence but will more often appear in more systematic, institutionalized, and internalized forms. Inequality as a form of force may not look like violence is thought to look” (MacKinnon, 2006: 94). This type of coercion may be compared to the authority of a teacher over his students, or the authority of parents over their children. In the male system, submission is equal to being the “fuckee”, and dominance is equal to being the “fucker”. Fulfilling the role of the “fuckee”, together with the characteristics one needs for this, constitute the gender of the woman. MacKinnon sees those who are penetrated as the ones who are being forcefully used, and are thereby defined as feminine. To MacKinnon, this “violation”, “force”, or “use” may determine the meaning of sex in the first place. Violation is the end and the essence, intercourse is its means: “Perhaps the reproductive act is seen as sexual because it is an act of forcible violation and defilement of the female as such, not because it “is” sex *a priori*.” (MacKinnon, 1989: 329). Being sexually objectified and deriving one’s meaning from one’s objectivity is thus what characterizes all women; the mechanism is force. Forceful male desire dictates the meaning that is given to women’s bodies.

3.1.4 Sexual Objectification

MacKinnon’s view on sexuality is reminiscent of arguments that were put forward in John Stuart Mill’s *The Subjection of Women* in 1869. Mill was one of the first male philosophers to enthusiastically support women’s emancipation and advocate the recognition of women’s legal, social, and political rights. As John Stuart Mill explained in the 19th century, men succeeded in conditioning women and teaching them “meekness, submissiveness and resignation of all individual will into the hand of a man, as an essential part of sexual attractiveness.” (Mill, 2008: 29). It is therefore not women’s nature or women’s immanent desire that caused female sexuality to be linked to submissiveness, but rather men’s interest in shaping femininity and female sexuality. As early as the mid-19th century, Mill argued that women were not naturally the weaker of the sexes, and that many of the differences between men and women were artificial. Therefore, he placed an emphasis on educating women so that they could express their true nature, and not only that which they were taught and socialized to be (Mill, 2008: 120).

To this day, women need to be made aware of this “false consciousness” in order to express their true nature. Like Mill, MacKinnon asserted that men succeeded in socializing women as submissive beings. As shown in this chapter, MacKinnon based this socialization on male heterosexual desire. Women today do not control their own bodies or sexuality. This control is contested and women need to secure it for themselves. This, however, becomes nearly impossible as, according to MacKinnon, all women essentially “live in sexual objectification like fish live in water.” (MacKinnon, 1989: 340). Thus, women are not only seen as mere objects, but they owe their entire existence and understanding as women to sexual objectification. This quote makes clear that there is

nothing that would allow women to understand themselves as women without being sexually objectified. MacKinnon therefore takes Mill's arguments much further by suggesting that there is nothing else through which a "woman" is constituted except for her sexual objectification. This means, for example, that the essential difference between men and women, which also constitutes their social identities, is not socially constructed through a biological ideology with women's reproductive organs at its core. The potential to bear children, and the consequent belief that women must take care of their children, husbands, and household, does therefore not constitute femininity or define women. MacKinnon sees sexual objectification as women's "water".

Women do not choose to have their identity determined by sexuality; their gender identity and sexuality are determined for them by that which arouses men. Because men view women as mere sex objects, women do not enjoy equal dignity and do not count as "fully human" in social life. Therefore, pornography becomes such an important issue; it is one of the main institutions whereby women are actively subordinated.

Pornography is seen, first and foremost, as a political issue because many feminists still link sexuality to gender, alike to MacKinnon. It is therefore important to further scrutinize the link between the two phenomena and to examine the nature of gender and sexual desire more closely. Dworkin, MacKinnon, and many other anti-pornography feminists offer a simplistic worldview, leaving little room for any complexity. Gender is treated as an ahistorical, universal category, without an origin in various modes of production or mediated by other factors, but as a category stemming from a universal, sexualized, oppressive structure. With her focus on sexuality and her ahistorical approach, MacKinnon rejects every economic analysis on gender. This narrow outlook becomes problematic, as will be argued in the second part of this chapter.

3.2. Queering the Categories

As presented in the first part of this chapter, MacKinnon sets up a highly deterministic relationship between sexuality and gender. In MacKinnon's theory, sexuality, and nearly all sexual relations, are structured by a (gendered) dynamic of domination and subordination. It is sexual dominance that produces the meaning of being a "man" in social life, and sexual submission through which the meaning of "woman" is produced. Thus, MacKinnon sees gender as a function of sexuality, understood as heterosexuality. Gender identities are constituted through one's place in the gendered dynamic of sexual domination and subordination.

In the second part of this chapter, this deterministic account on gender and sexuality will be criticized. Inspired by more modern feminist and queer-theoretical accounts, it will be asserted that MacKinnon re-imposes the social laws that she is trying to analyze. MacKinnon reinforces a conservative ideology of "sex is gender is sexual role", and by doing so, does not touch upon the root of masculine and heterosexist power in society. MacKinnon's theory is flawed for two reasons specifically, which shall be elaborated upon in the second part of the chapter. Firstly, employing a

Foucauldian framework of power, discourse, and identity, it will be demonstrated that MacKinnon's views on power are obsolete. Secondly, applying Judith Butler's ideas on gender performativity and heterosexual hegemony, it will be explained how MacKinnon sets up the same heterosexual restrictions on identity formation that already work powerfully in society.

Although gender and sexuality cannot be analyzed entirely independently of each other, considering the arguments of Judith Butler and Gayle Rubin, it can be argued that gender and sexuality cannot be analyzed as though they were the same phenomenon either. Sexuality cannot be understood by only employing a gendered dynamic of subordination and dominance. Not only are all heterosexual relations then falsely reduced to oppressive sexual relations, but, more importantly, sexuality has its own dynamics of sexual oppression and regulation that cannot be understood by merely reducing it to women's oppression. Although gender policing regulates sexuality, and gender and sexuality are non-causally connected, gender is not only the result of the social organization and institutionalization of sexuality, and a theory of gender thus does not constitute a theory of sexuality. Putting forward a view that sets up a reductive relation between sexuality and gender, and asserting that to have a sex is to desire another sex, renders a theory homophobic and sexist. Lesbians, for instance, would then not count as women because they defy the regulatory mechanism by which their gender is produced. Subsequently, the aim of this chapter is to deconstruct the regime that ties together sex, gender, and sexuality.

Firstly, however, an explanation will be given as to why MacKinnon's comparison to Marx is flawed. A concept corresponding to "surplus value" is missing from MacKinnon's theory, rendering it circular and showing that the analogy with Marxist theory does not hold. The rest of the critique, shortly outlined above, will build upon MacKinnon's Marxist account of gender. The notions of power as held by men, and sexuality as directing society into two opposing, unified sexes will be critiqued.

3.2.1. The Parallel Between MacKinnon and Marxism: Revisited

At the beginning of this chapter, it has already been asserted that MacKinnon's comparison to Marx is deficient. Although MacKinnon's theory intended to parallel and substitute Marxist theory, an important factor in constituting two opposing classes within Marxist theory is lacking from MacKinnon's theory, rendering it circular and tautological.

Whereas in Marxist theory, labor's generative property of turning work into profit works as an incentive to exploit laborers and labor power, MacKinnon's theory does not include anything akin to profit or "surplus value". Men seem to have an inherent sadistic sexual desire to violate women, which leads to women's oppression in society. In MacKinnon's analysis there seems to be no room for women's sexual liberation and emancipation; moreover, women's entire consciousness is distorted. "Women" constitute a class, a category that can only be inferred from the dominant class: "if women are socially defined such that female sexuality cannot be live or spoken or felt or even somatically sensed apart from its enforced definition, then there is no such thing as a woman as such; there are

only embodiments of men's projected needs." (MacKinnon, 1991: 119). Considering that MacKinnon is often explicitly negative about women's sexual emancipation of themselves, her only solution to women's oppression and their sexual objectification seems to be the portrayal of women as victims, as human beings without the possibility of sexual agency, only to be protected from male dominance³.

As Wendy Brown points out in *States of Injury*, MacKinnon's resemblance to Marxist Theory then soon falls short. Whereas Marx' theory aimed to raise the consciousness of the proletariat to the contradictions between the situation in which they found themselves and the situation they ought to be in, while hoping for a revolution once the working class came to these realizations, MacKinnon takes away such a distinction. Male dominance does not only mean that a class is organized for the use of men, but that a class whose entire subjectivity and consciousness is determined by its social position is created; a class that is entirely dependent on male sexuality for its existence. An entire different class that can only be grasped as objects is constituted. MacKinnon's theory therefore becomes a totalitarian one; it is a Marxist theory without history, struggle, contingency or a desire or plan for change (Brown, 1995: 93-94). According to Brown consequently, MacKinnon's theory is similar to the 'Communist Manifesto' that would not only change "in tone from exhilarating to depressing, but [that] would become an argument for the condition it describes as being in the nature of things; capitalist domination would appear rooted in a will to dominate combined with the intrinsic power to dominate." (Brown, 1995: 93-94).

Leaving little hope for emancipation, and proving that her approach is indeed ahistorical, MacKinnon claims that "our status as a group relative to men has almost never, if ever, been changed from what it is." (MacKinnon, 1992: 456). Women are only victims, only the sum of their damages, and owe their existence only to men's sadistic sexual desires. Women who enjoy sex and intercourse and women for whom sexual domination can be a source of pleasure seem to collectively suffer from Stockholm Syndrome for enjoying sex under patriarchy and loving the ones who "forcefully violate" them.

Considering MacKinnon's work, it seems as though she has watched a certain type of misogynistic, violent pornography, checked the prevalence of sexual assault and derived her entire theory on gender and identity from this. To MacKinnon, that which is depicted in pornography is anything but an exaggeration of unattainable and phantasmatic gender roles. Instead, pornography is claimed to reveal the essence of men and that which women can become. Women's oppression, subsequently, is reduced to male sexuality. Male power becomes a power "which originates in the penis." (Dworkin, 1981: 24).

³ MacKinnon mentions several times, and in different texts, that she finds women's sexual emancipation problematic. For example, the case in which women try to escape the cultural stereotype of being passive and disinterested in sex and want a more assertive role in expressing their sexuality, is problematic to MacKinnon because "first, and most obviously, voluntary sex would be available to more men, thus reducing the 'need' for rape. Second, and probably more important, it would help to reduce the confounding of sex and aggression." (MacKinnon, 1989: 320).

3.2.2. *Identity as an Effect*

MacKinnon's view, in which men actively oppress women, and in which the organization of sexuality molds society into two opposing sexes, is problematic. Before further problematizing MacKinnon's reductive causal link between sexuality and gender, and her notion of "women" as a unified group, it is important to set out a different theory of power, from which another understanding of gender and sexuality can subsequently be derived. Male power is not an all-encompassing, repressive type of power that is necessarily subordinate. Following Foucault's view, the notion of a universal, oppressive patriarchy in which men *hold* power over is often deemed inadequate in explaining how power actually works.

At odds with MacKinnon's claims, oppression and patriarchy are now widely believed not to be universal in character. Instead, oppression has a particular character, and differs from context to context and from time to time. The view that women are a unified group characterized by sexual objectification in a universal patriarchal structure seems to be held especially by those women who have not experienced any other oppressions. Even during the heights of the Feminist Sex Wars and Dworkin's and MacKinnon's careers – which coincided with the Reagan era – it seemed to be almost exclusively middle-class white women who worried about pornography and advanced such theories as outlined in this chapter. The ones who suffered most under Reagan's politics – black women, working class women and women from other ethnic and cultural minorities – were not the ones worrying most about pornography and its effects. This is not to say that pornography, therefore, cannot be an important issue, but it seems that oppression does not take a singular form, and that patriarchy does not necessarily mean that male power has a homogenous effect in shaping women's identities. Because of the regulatory and exclusionary consequences that can arise from such a definition, many have contested the manner in which MacKinnon, and others, wish to define women equivocally.

It seems as though the claims that there is a universal patriarchy in which men hold power over women, and that men's authority has a uniform effect on shaping women's identity, do no longer hold. This view has been considered outdated for some time now; not only because there are plenty of individual relationships and interactions in which women are in power, but especially because power is not necessarily held by one group over another. According to Foucault, power is not possessed ("hold or "held" by a group or a single person, but rather is something that is exercised. Power circulates through all interactions. "Power is everywhere; not because it embraces everything, but because it comes from everywhere ... it is not a structure, neither a certain strength we are endowed with." (Foucault, 1998: 91). Power, then, is not held by a specific group (neither by men, nor the bourgeoisie), but it is always active and presents itself everywhere. This does not entail that everybody exercises power equally since there do indeed still exist "states of domination" where power relations are so enshrined that they come across as unchangeable, but it does entail that power is not necessarily repressive (Gauntlett, 2008).

It is language that becomes of central importance, and *discourses* through which power circulates. Discourses being systems of thought in which certain beliefs, norms, and ideas construct the subjects and the world that they address. Power is subsequently established through socially accepted norms, and through that which is accepted as knowledge in social life. Within a culture, discursive regimes determine what is desirable and legitimate, and for a great extent dictate how identities are shaped. Multiple discourses decide how one's body can be described and experienced. One's body is fundamentally acculturated, and it is the key site of disciplinary practices that prescribe how one's life ought to be lead. Taking gender into account, hegemonic discursive regimes dictate what possibilities of sex, gender, and sexuality are considered legitimate or natural in social life. Social (gendered) identities are therefore an *effect* of powerful disciplinary regimes that construct certain categories and subjects, which subsequently come to determine how people will be identified. It is the "juridical systems of power that produce the subjects they subsequently come to represent." (Butler, 1999: 2). In patriarchy, the category of "women" is thus also produced and constrained by the same static institutions and structures of power through which emancipation is often sought (Butler, 1999: 2). The process of defining a body as that of a "woman" and attributing some essential characteristics to that body, dictates what a "woman" is. This constructed notion of "women" is the basis of a disciplinary form of power to which "women" subject themselves, and which makes their identity "real".

This power, however, is not primarily repressive but also productive, and gives one a sense of self. Power brings things into being, whether as the intended result of an original action, or because of the effects of resistance to the original action. Although one's body is indeed fundamentally acculturated, and becoming a subject ("man" or "woman") also entails being subjected to certain power dynamics, one's identity is neither static nor fixed. Because power is established through discursive regimes, Butler – as will be explained shortly – calls for men and women to act subversively in order to render the gender norms that govern the production of gender identities ambiguous. This is more difficult than it seems, because power does not only entail subordination, but also gives one a sense of self. To become a "woman" in social life is thus to "suffer" from the double effect of normalization. This means that to become "oneself" in society is to submit to socio-cultural gendered norms that promote one to take on an identity in a gender-hierarchical, misogynistic and patriarchal society. Following the views of Foucault and Butler, however, if power is understood as forming a subject as well "as providing the very condition of its existence and the trajectory of its desire, then power is not simply what we oppose but also, in a strong sense, what we depend on for our existence and what we harbor and preserve in the beings that we are." (Butler, 1999: 2). Power therefore is not only repressive, but also gives one a sense of self.

3.2.3. *Heterosexual Hegemony*

If one takes on this view of discursive power, and grasps how certain discursive regimes shape one's

understandings of sex, gender, and desire, one comes to see that MacKinnon offers some problematic regulations. Initially, it seems as though MacKinnon also makes a “Foucauldian” analysis of sexuality and gender by explicitly claiming to offer a social constructionist account. MacKinnon’s theory, however, mirrors a cultural hegemonic discourse, i.e. a normative sexual “script” that results from a restrictive heterosexual discourse on sex and gender.

In this script, “men” are linked to sexually dominating positions and “women” are defined by sexual subordination. Sexuality, here, cannot be theorized in any other way than by the rigid framework of gender difference in which gender identification and desire are always mutually exclusive. MacKinnon offers a logic in which sex, gender, and sexuality are tied to one another, and in which there is something necessarily hetero or oppositional about gender and sexual desire. Although MacKinnon wishes to explain a powerful ideology by pointing to the social links between gender and sexuality, she actually re-imposes the social relations described. A restrictive binary logic on sex and gender trapped MacKinnon’s theory, whereas feminists like MacKinnon ought to counter precisely those views that derive gender from sex or sexuality. By refusing to do so, MacKinnon sets up some exclusionary regulations, and subsequently reinforces heterosexual hegemony.

To further explain what this heterosexual hegemony/heterosexual matrix is, what our “restrictive” thinking on gender and sex entails, and why is it important to refuse to derive gender from sexuality and sex, Judith Butler will be discussed. Through her theory on gender, sex, and heterosexual normativity, it will become clear what elements of MacKinnon’s theory are problematic. Although MacKinnon takes on a social constructionist position, she neglects to deconstruct the hegemonic cultural discourse in which sex, gender, and sexuality are linked to one another. MacKinnon attributes some essential characteristics to men and women that result from the organization of heterosexuality. In MacKinnon’s view, gender identities, subsequently, become fixed and seem to mirror those normative gender expectations that are dictated by a hegemonic cultural discourse. However, precisely these dominant ideas about heterosexuality that gave meaning to the concepts of sex and gender and that connected the two to sexual desire must be deconstructed.

Although MacKinnon’s views on power and a universal patriarchy are not considered as legitimate as they once were, her notion of a unifying shared conception of “women” remains persistent. This essentialism in feminist politics and in MacKinnon’s work has been criticized by Judith Butler. Over the years, Butler has offered a radical critique of all unified categories of identity. Since her book *Gender Trouble* was published in 1990, Butler has been known as the leading and most influential thinker on queer theory. Many queer theorists hold the view that gender is not produced coherently and consistently, and perceive that it intersects with race, class, ethnicity and sexuality (Butler, 1999: 5). Butler therefore “counters those views that made presumptions about the limits and propriety of gender and restricted the meaning of gender to received notions of masculinity and femininity.” (Butler, 1999: vii). Consequently, she finds that “any feminist theory that restricts the

meaning of gender in the presuppositions of its own practice sets up exclusionary gender norms within feminism, often with homophobic consequences.” (Butler, 1999: vii).

Following Foucault’s view, Butler offers a “genealogical analysis” of gender (Foucault 1977: 142). Such an analysis explores how historically changing concepts such as sexuality or gender shape social life, and examines how shifting power relations cause these concepts to change. It aims to show how a given scheme of thought or a system of knowledge is the result of contingent turns of history, rather than an outcome of the rationally inevitable (Gutting, G: 2013). A genealogical analysis “investigates the political stakes in designating as an origin and cause those identity categories that are in fact the *effects* of institutions, practices and discourses with *multiple* and *diffuse* points of origin.” (Butler 1999: x). With his genealogical analysis of sexuality, Foucault notably made this type of analysis widely known. To investigate the history of sexuality, Foucault derived the term “genealogy” from Nietzsche, because he was concerned with the functioning of sexuality as a discursive concept throughout history, and because he wanted to explain how systems of thought on sexuality were connected with structures of power.

By setting forth a genealogical analysis on gender, Butler examined how a set of ideas was historically grouped around the notion of femininity, and explored how this concept changed over time. Women only *become* women in social life by taking up the ideas that surround the notion of femininity, and by adopting their own interpretations of womanhood. Gender is not fixed once it is installed by culture, nor do external coercive cultural forces passively mold and create women. Gender is a relation that expresses itself differently in particular and specifiable contexts. There is no unitary, single conception of femininity. Many women identify with femininity, but they will experience their femininity and womanhood in a diverse range of ways. Gender is mediated and interfered with by other factors and social divisions. Each interpretation of femininity, however, results in small changes in its meaning, because the notions of femininity or womanhood are always interpreted in different contexts and by several individuals during a shift in power relations. “To choose a gender is to interpret received gender norms in a way that reproduces and organizes them anew.” (Butler, 1986: 507). Gender identities, therefore, are not produced coherently but vary according to different cultural and historical contexts.

Following Foucault’s view, Butler emphasizes the importance of language and discourse in understanding one’s body and oneself. One of the most important goals in Butler’s works is showing how most of feminist thought has been constricted by a restrictive binary logic on gender, sex, and sexuality. Having a sex often implies having a specific gender and desiring another gender. If gender, however, is defined as a cultural concept and sex is defined as a biological concept – as most social scientists agree upon – then these concepts stem from entirely different sources. Hence, gender does not have to be derived from sex: “Taken to its logical limit then, the sex/gender distinction suggests a radical discontinuity between sexed bodies and culturally constructed genders.” (Butler, 1999: 6). The reasons for calling someone a “man” and “masculine” do not have to reflect a “male” body; they can

reflect characteristics embodied by an individual who is biologically female as well. Additionally, if gender is generated by culture, there is no reason to constrain possible gender identities to only two.

Moreover, our understanding of the “biological” and “natural” concepts of sex is also constricted by a restrictive binary logic. The binary structure of the sexes is often seen as natural – it is seen as a biologically true fact that the sexes are dualistic. According to Butler, however, people’s views on gender led them to think of sex as a binary category in which bodies are classified as either “man” or “woman” (Butler, 1999: 6). The concept of sex has a history; it was not without contestation and historical struggle that the discourse with a focus on a binary logic of sex came to be accepted. Bodies take all shapes and sizes; they are not constituted physically as if there were only two kinds of bodies, each with the same organs, hormonal regulation, anatomy, and brains. Sex, then, can also be understood as a gendered concept: gender does not stem from sex, but the other way around. This means that even the concept of sex does not need to be grounded in nature, since culture plays an important role in shaping the understanding of the phenomenon.

In contrast to MacKinnon’s view; “when the constructed status of gender is theorized as radically independent of sex, gender itself becomes a free-floating artifice” (Butler, 1999: 6). Gender must, therefore, not be understood as a singular concept, but rather as a pluralized one. Individuals can embody many different “femininities” and “masculinities”, and do, in some cases, already embody a type of masculinity or femininity that does not befit their “natural” sex. These individuals disrupt the current social order by living outside of a strictly integrated sex/gender system, and are often stigmatized for it. If, however, one takes into account the diverse range of ways in which people are already embodied, and if one assumes that gender does not need to proceed from sex, it prompts one to think more carefully about sex, gender, and sexuality and to wonder why one has maintained such a strict sex/gender system.

According to Butler, the maintenance of this sex/gender system is the result of a discourse, of a “highly rigid regulatory frame”, in which sex and gendered identities are seen as “natural” and essential. Inspired by Simone de Beauvoir’s account on how to “become a woman”, Butler asserts that gender is *performative*. Through the repetition of “performative” acts one “becomes” a woman in social life. A “woman” is not something one *is*, then, but rather something one *does*. Regarding (her own) sexuality as well, and by highlighting that sexuality is also performative, Butler states: “Since I was sixteen, *being* a lesbian is what *I’ve been*.” (Butler, 1993a: 310). Gender identities are simply the result of “a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being.” (Butler, 1999: 45). This frame, and the norms that regulate one’s actions, are, however, caused and strengthened by a discourse that has a heterosexual logic at its core. Genders are divided, internalized, and arranged in a hierarchy under certain social constraints, under which the subject comes into intelligibility (Butler, 1993a: 180). In this discourse, the sex/gender system comes across as a “natural” framework, and it consequently becomes difficult to consider another framework or to function outside of this integrated framework. This,

however, does not mean that therefore “women” have certain essential culturally determined characteristics.

This heterosexual logic stems from a discourse with a heterosexual matrix at its core. It is a framework that has succeeded in dictating thoughts about the relations between gender, sex, and sexuality. It is, however, a restrictive framework, not taking into account all the different ways in which individuals can be embodied; and one that produces hetero-patriarchal societies.

Gender can denote a unity of experience, of sex, gender, and desire, only when sex can be understood in some sense to necessitate gender—where gender is a psychic and/or cultural designation of the self—and desire—where desire is heterosexual and therefore differentiates itself through an oppositional relation to that other gender it desires. The internal coherence or unity of either gender, man or woman, thereby requires both stable and oppositional heterosexuality. That institutional heterosexuality both requires and produces the univocity of each of the gendered terms that constitute the limit of gendered possibilities within an oppositional, binary gender system (Butler, 1999: 30)

In this section Butler explains the logic by which both society and MacKinnon’s views are constricted. MacKinnon, along with many other feminists, reinforces this discourse, while it ought to be contested because it lies at the basis of masculine power and heterosexism. In social life, it is assumed that sex and gender can be separated into binary yet complementary pairs, and that heterosexuality subsequently proceeds naturally from this sex/gender system. “If gender involves a stable antithesis, and desire requires the reciprocity of each sex, then the apparent coherence of heterosexuality can prove overwhelming.” (Bristow, 1997: 213).

As this discourse has a normalizing effect, and this heterosexual framework is the regulatory mechanism that to a great extent effectuates how individuals perform their gender identities, this framework needs to be deconstructed, for sexuality and gender are the result of performances that are based upon a restrictive, rather than a “natural”, logic. If and when gendered identities are to be understood as performative and they are simply understood as contingent acts that construct the appearance of some “natural” or “essential” gender identity, feminists ought to challenge the regulatory norms underlying these gender identities by exposing them, not by re-imposing them.

Because MacKinnon’s anti-pornographic account is based on a logic in which a heterosexual dynamic of domination and subordination is seen as the key scene of sexuality and gender, and because this rationale serves as the basis to legally portray pornography and sexual harassment as sex discrimination, MacKinnon reproduces the restrictive gender norms that find their core in a cultural hegemonic heterosexual discourse. When one, however, takes into account the cultural variability of people’s embodiment, and if one contemplates the ways in which homosexuals, lesbians, and transgender people lead their lives, it becomes difficult to maintain that gender is reducible to hierarchical heterosexuality. Sexual objectification is thus not to women what water is to fish. One

ought to understand gender as a pluralized concept, try to remove its links to heterosexuality and render the term ambiguous.

In contrast, MacKinnon offers a totalizing view in which some essential characteristics are attributed to men and women. Male-dominated power structures are so pervasive that they seem to marginalize all women and shape their submissive identities homogenously. This essentialism in MacKinnon's theory and politics is problematic, because in her efforts to categorize men and women equivocally, many individuals are excluded or rendered insignificant. The root of sexism and patriarchy subsequently remains untouched if one does not fully define gender as a social construct, recognize other forms of gender and life, and refuse to tie sexuality to gender.

Although in many cases men do subordinate women, and women are more sexually vulnerable than men, it is problematic to characterize discrimination and sexism only as that which is done by "the class of men" onto "the class of women", and to claim that the identities of "women" and "men" are constituted through this sexism. While the assault and harassment of women by men must in no way be trivialized and it must be emphasized that there are indeed strong links between a hegemonic form of masculinity and women's subordination, having a gender does not equate to being in a heterosexual relationship characterized by domination. MacKinnon takes the inequalities between the sexes as a fact on which she subsequently builds her theory. Heterosexuality subsequently ensures how genders are produced. In this theory, there exist no heterosexual relations that are not subordinating; most sex initiated by men reproduces subordinate gender norms; and non-heterosexual relations seemingly do not exist.

MacKinnon's theory is part of a larger social practice through which gendered bodies are created – as in feminine women and masculine men – and in which the "binaries" of the sexes are taken for granted and reinforced. From insights into psychoanalytic and post-structural analyses on gender and desire from the 1990s and 2000s, however, it can be concluded that there is no real demarcation line constructing the binary between "male" and "female" behavior, and that there is nothing genuinely and intrinsically oppositional about the "sex act". MacKinnon's theory thus becomes problematic because in it, the hegemonic logic that is already seen by many as "overwhelmingly coherent" in society is copied. It is assumed that to have a sex, one must have sex in a certain way. However, "where and when a feminist analysis accepts this cultural presumption, feminism actively recapitulates heterosexist hegemony." (Butler, 1994: 9). MacKinnon stabilizes and naturalizes the gender norms through which heterosexuality operates, which effectuates restrictive thinking on sex, gender, and sexual desire.

MacKinnon describes a powerful ideology without actually deconstructing it. Although she claims that men are not "naturally" aggressive, she does seem to ratify the notions that male (sexual) aggressiveness is an intrinsic male gender position that causes women's oppression, and that women can barely escape from their position. By claiming that gender hierarchy creates "women" through the eroticization of inequality, MacKinnon supports the gendered meanings that are maintained through

heterosexual oppressive discourses. The framework in which masculinity is equated with aggression and dominance, and femininity, on the other hand, with passiveness, is never challenged or brought into question by MacKinnon, whereas it is precisely the “rigidity of the gendered symbolism of the “sex” act which remains central to the cultural and psychic factors which rob women of a sense of sexual agency.” (Segal, 1994: xv).

If heterosexist societies and oppressive hierarchal cultures of gender and sexuality are ever to undergo change, the existing definition of heterosexuality, in which activeness is tied to masculinity and passiveness to femininity, must be altered. If one acknowledges that these are rigid, normative, gendered expectations, not representative of the functioning of heterosexual relations in society, and if one tries to “queer” these gendered meanings, there can be a liberation from the ideology through which women are subordinated. There is nothing strictly “oppositional” about sexual activities or the sex act, and there are many sexualities and *heterosexualities* to be found in social life. The heterosexual matrix is an imaginary logic that continuously proves to be unmanageable (Butler, 1993b: 183). Not gender hierarchy, but heterosexism and a compulsory form of heterosexuality lie at the root of women’s subordination. If the ambiguities of “men’s” and “women’s” bodies and their sexual desires are highlighted, cultural idealizations of masculine power can be disrupted. In contrast, MacKinnon and Dworkin’s assumption that power originates in the penis, and that this penis is motivated by women’s subordination, only affirms what it wants to eliminate. MacKinnon loses sight of the underlying ideology that makes sexism so powerful. The heteronormative needs to be destabilized by denying the authenticity, or the “originality”, of privileged gender norms.

CHAPTER 4

EFFECTS, CONTEXTS, AND FANTASY

Now that the assumptions and premises of the larger anti-pornography paradigm have been discussed, pornography itself will be revisited to assess how it fits into the paradigm and to investigate why it remains such a divisive topic among feminists. To this end, the accusations pornography is faced with will firstly be addressed. MacKinnon, Dworkin and Dines' political account of pornography will be elaborated on, and their opinions as to why pornography is such a harmful and sexist phenomenon forming a large impediment to social justice will be explained. Before the anti-pornography feminist view is criticized, the assumptions of the anti-pornography feminists and their manner of understanding pornography will be put forward. The explanation of their position in the first part of this chapter is thus not an endorsement of this position. It will be clarified what assumptions are made about pornography when concluding, as anti-pornography feminists do, that exposure to pornographic texts results in misogynistic and even violent behavior and attitudes toward women, through which patriarchal structures are reinforced.

After discussing MacKinnon and Dworkin's view on pornography, and explaining their model of pornography's effects, this "effects model" on which the anti-pornography feminist view is based will be problematized. Anti-pornography feminists refuse to take into account other and larger social and cultural contextual factors that cause pornographic texts to have an impact on individuals in society. In social life, there are numerous circumstances – political and social factors, for example – that make up the context through which pornography could (or could not) have an effect on people's behavior or beliefs. By and of itself, pornography is like any other cultural artifact: "an empty vessel of signs, devoid of meaning and consequence until the point of consumption by real human beings (...). Only when given meaning by that combination of contextual factors that make up the reception environment can a pornographic text go on to have impact, be it positive or negative." (McNair, 2014: 168). In this chapter, it will be argued that anti-pornography feminists read pornographic texts in too literal a fashion, as a result of which they are unable to take into account the transgressive-fantastic characteristic of pornography; and which blinds them to other social circumstances.

It seems as though pornography is not necessarily harmful, and that it is not pornography that poses the greatest threat to the maintenance of an alleged "rape culture" in Western countries, but that it is, rather, the inability to openly discuss sex and sexuality in the United States and the United Kingdom that lies at the root of many of the problems that many anti-pornography feminists contribute to pornography. Although these countries do have advanced states of sexual politics, many anti-pornography feminists analyze those countries in coming to their conclusions. Openly discussing rape, sexual assault and consent is difficult in a society where these topics are categorized as "sex" and where many consider any discussion on sex inappropriate. Increased transparency and openness about

the sexual and sexuality could enable women to recognize and resist coercive sex. In addition, it could produce the effect that LGBTQI's⁴ stop being defined by their sexuality only, which may result in less prejudice toward them. Currently, there exists a tendency – especially in the United States and the United Kingdom – to condemn or reject from society those who engage explicitly with their sexuality and talk openly about sex.

4.1. Pornography as Sexism: A Political Matter

Pornography makes the world a pornographic place establishing what women are said to exist as, are seen as, are treated as, constructing the social reality of what a woman is and can be in terms of what can be done to her, and what a man is in terms of doing it (MacKinnon, 1993: 25).

Since the 1980s, anti-pornography feminists have offered a very literal reading of pornography. Dworkin, notably, wrote extensively and in detail about what happens in pornographic texts. According to her, pornography does not “have any other meaning” than the “graphic depiction of the lowest whores”; “whores” being the women who exist only to serve their male counterparts and who operate in a framework of male sexual domination (Dworkin, 1981: 2000). This depiction of “vile whores” characterizes the entire phenomenon of pornography (Dworkin, 1981: 2000). Pornography is a male institution that depicts men's sexual desires and that permits them to sexually attain anything they want. Contemplating pornography then, what men seem to want is to see women raped, humiliated, oppressed and even killed (MacKinnon, 1989: 327). Through pornography, objectification is connected with objectivity (ibid.) Pornography shows us men's “truth about sex”, within which women are always degraded, or at least always available to men (MacKinnon, 1989: 327).

For anti-pornography feminists, pornography – or, at least, mainstream heterosexual pornography, which seems to define all pornography – is always degrading toward women and has a considerably homogenous character. The most common acts in pornography are all “humiliating” toward women and cause anti-pornography feminists to conclude that the pornographic industry is so morally bankrupt that the genre needs to be stopped. According to Gail Dines, who is considered the leading anti-pornography activist of the past decades, these “most common acts” include practices in which men's penises are thrust so far into women's throats that they gag, and in some cases vomit, and in which three or more men penetrate women vaginally, anally, and orally at the same time, during which they sometimes hit or spit on the women (Dines, 2009). Central to pornography is the dehumanization and objectification of women. Physical aggression, verbal abuse and testing women to the limits of their physical capabilities while they appear to enjoy their denigration are commonplace in pornography. The more women are dehumanized, the “sexier” the pornographic texts seem to become. Violent types of pornography sell best, and the genre thrives on hardcore misogynistic pornography.

⁴ Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex

Moreover, the pornographic images that can be watched today and the images that are most popular are claimed to be more brutal and degrading than ever before (Dines, 2010). Through the Internet, now more than ever before, the “pornographic world” has become full of sexual cruelty and brutality, in which men do anything but make love to or have sex with women. Instead, the men in pornography seem to “make hate” to women; absolute humiliation seems to be the pornographers’ goal (Dines, 2010). Pornography seems to mainly consist of “body-punishing” images that have the debasement and humiliation of women as their only goal.

That pornography and the pornographic industry are misogynistic is subsequently not “bad” or “wrong”, but first and foremost harmful. Briefly putting aside the bodily limits of the actresses, pornography is primarily harmful because it is a means through which sexuality is socially constructed. Pornography is the most important form of sexual education in the Western world and establishes how men understand women and sex (Dines, 2012; Dworkin, 1981; MacKinnon, 1989: 327). Pornography, therefore, is an important political issue, because through pornography men come to understand women as objects, and this objectification of women perpetuates through unequal laws and ensures the stability of a patriarchal system. Pornography hijacks sexuality, and has the power to give meaning to genders. Thus, in anti-pornography feminists’ view, pornography is not merely *offensive* or best characterized as *obscene*; it must be seen as an act against women. Pornography is not primarily insulting, nor is it a price to be paid for living in a free and open society; it is a harmful phenomenon and a discriminatory act (MacKinnon, 1993: 14). Only when the battle against pornography is won, can women assert their civil rights and fully be treated like human beings with dignity.

MacKinnon subsequently asserts that pornography is not *only words* (also the title of one of her books). Like the words “not guilty” or “no Jews allowed”, “pornography” ought to be understood as the institutions and practices that these “words” realize (MacKinnon, 1993: 13). To build on the “no Jews allowed” example, “segregation cannot happen without someone *saying*, “get out” or “you don’t belong here” at some point.” (MacKinnon, 1993: 13). The words “Juden nicht erwünscht” constitute exclusionary practices, and institutionalize social inequality. Only through these words and images are social hierarchical societies established and does oppression happen. For women, subsequently, pornography functions as a “you don’t belong here” sign. The “words” that are expressed by pornography have the effect that women are not treated as fully human but as second-class citizens in society. “Stopping” pornography is the only chance for women “to gain, in or out of court, a voice that cannot be used against us.” (MacKinnon, 1993: 67).

In addition, if the women who act in pornography are taken into account, it becomes nearly impossible for anti-pornography feminists to characterize it as anything but “harmful”. Quite literally, pornography becomes an act against women, for real women and real bodies are needed to make pornography. Not only the effects of pornography are problematic but also what is necessary to produce it. “Empirically, all pornography is made under conditions of inequality based on sex.”

(MacKinnon, 1993: 20). Subsequently, it is mostly poor, poorly educated and desperate women who are subjected to the verbal and physical assault that is needed to make pornography, and who are often coerced into performing certain sexual acts (MacKinnon, 1993: 20). According to Dines, these women are at risk of contracting a range of diseases that only few women who do not work in the pornographic industry will ever contract (Dines, 2009). Consequently, MacKinnon, Dworkin and Dines wrote books full of stories and statements from pornographic actresses explaining the abuse that was being done to them while working in the industry. Although the women might have consented once to play in pornographic films, most women did not know what they were consenting to. An example that is often mentioned by MacKinnon to prove this claim is that of Linda Lovelace, the woman who performed in one of the highest grossing pornographic films of all times: *Deep Throat*. MacKinnon legally represented Lovelace who was “forced into captivity and made to perform fellatio and other sexual acts by pimps, including organized crime, so that pornography could be made of her.” (Harvard University Press, 2013). Lovelace was not acting freely, but had to endure “coercion and terror” and could not find any support from friends, family, or the authorities (Harvard University Press, 2013). According to anti-pornography feminists, these examples are not cherry-picked but telling of that which most women have to endure while “acting” in pornography. Whereas in action movies the violence is often simulated, the violence and humiliation in pornography is real and happens all too often under conditions of coercion (Dworkin & MacKinnon, 1997). Inequality runs through every vein of the pornographic industry: “the “speech” of the pornographers is the use and abuse of the bodies of mainly women”, who are not free and cannot and do not speak for themselves (Harvard University Press, 2013)

Consequently, especially that which pornography does, but also that which is necessary to make it, caused Dworkin and MacKinnon to define it as a “form of discrimination on the basis of sex (...). Pornography is the sexually explicit subordination of women, graphically depicted.” (Dworkin & MacKinnon, 1997). According to this definition, pornography effectuates subordination and oppresses women by realizing what it says. Pornography actively and successfully propagates its dynamic of dominance and subordination to the consumer, a dynamic in which masculinity is tied to the former and femininity to the latter. Pornography does not primarily express or depict sexual experiences; rather, it substitutes for them, which means that pornography is not only confined to pictures, words or fantasy but has real life effects, and that the depictions in pornography will become sex itself. When MacKinnon subsequently claims that “pornography brings its conditions of production to the consumer: sexual dominance”, she means that pornography makes the world a more pornographic, i.e. misogynist, place (MacKinnon, 1993: 25). Because pornography sexually arouses men, what once may have begun as fantasy ends up, through masturbation, as sex itself. Pornography is not essentially pornography, with a possibility to be separated from sex – but it is understood as sex by the men who consume it. “The consumer masturbates to it, replays it in his head and onto the bodies of women he encounters or has sex with, lives it out on the women and children around him.” (MacKinnon, 1993:

26). In society, women become objects that can be used for sex through the world created by pornography.

To prove this point, anti-pornography feminists often use slippery slope reasoning in which the desensitization toward women is “irrefutably” linked to watching pornography. Because culture dictates that what is male is that which is depicted in pornography, women’s objectification becomes real. According to Dines, there are over thirty years of empirical studies that show, “without question”, that pornography has harmful real-world effects. The ones who deny this are akin to “climate change deniers”, who pick a “junk piece of science” and use it for their unfounded conclusions, “ignoring peer reviewed work.” (Dines, 2012). What the empirical research subsequently shows, allegedly unequivocally, is that exposure to pornographic material – be it violent or non-violent – has an increasing effect on men’s support of sexual and actual aggression (Dines, 2012). MacKinnon comes to a similar conclusion as Dines, by discussing behavioral psychological research in which watching pornography is linked to misogynistic and violent attitudes. Pornography is thus not harmless fantasy, but effectuates men’s need for constantly more violence and aggression to become sexually aroused, and has the effect that women are more often defined by male sexual desire, since they are the ones acted upon by men. Once men start watching pornography, it becomes difficult for them to become aroused from “normal” sex. Subordination and humiliation will turn men on, and they will humiliate and subordinate women next. “Pornography is the theory, rape is the practice” has, therefore, been a frequent assertion of anti-pornography feminists.

The problem with pornography is consequently especially its meaning for women, rendering it an important issue. Pornography effectuates subordination through the means of sex, and it effectively socializes men into constructing an image of themselves as aggressors who can have sex whenever and however they please. Pornographic images both produce and reproduce social hierarchies and systems of inequality. They construct sexuality and views on sex; and sexuality subsequently constructs genders. Pornography, therefore, is a means that is used by the powerful to create a hegemonic cultural discourse in which misogynistic behaviors are constituted and reproduced. Through pornography, the world is offered a “commodified, plasticized, generic sexuality” that comes to represent sex outside of the pornographic world (Dines, 2012).

Now, one can access this “commodified, plasticized, generic sexuality” more often than ever before. Because of the Internet, the world is more saturated with pornography today than it has been over the past decades. According to anti-pornography feminists, this has not “democratized” the pornographic experience or made pornography less misogynist. On the contrary, because of the Internet’s anonymous character, people can now search for aggressive pornography online without psychological barriers. Humiliating pornographic texts are therefore “commonplace” on the Internet and make up the vast majority of pornographic images (Dines, 2010). There are indeed some alternative forms of pornography, but this is not the pornography that socializes men and shapes the cultural hegemonic discourse (Dines, 2012). Pornography is still watched by more men than women,

and the mainstream pornography that they tend to watch has become overtly racist and more degrading toward women over the years (Dines, 2010). Because of this prevalence of Internet pornography, now, more than ever, women need to be protected from the violations of the pornographic industry. Pornography has become more harmful for the women in it, because they have to perform more violent acts;, and for society, because society it is more affected by pornography than ever before.

Summarizing the anti-pornography feminist claim, pornography is especially harmful because it amounts to more than words and images. Pornography is a powerful and largely unchecked phenomenon that greatly affects understandings of sex, sexuality, and gender. Underlying the anti-pornography feminist view is an assumption that men will lose their ability to understand and recognize the difference between consensual sexual expression and non-consensual abuse if presented with images of sex or pornography. As sexuality is the primary place of male power, and pornography hijacks sexuality, pornography allegedly constructs consumers who desire women who want denigration and possession. As pornography becomes more widely available and more extreme, views on sex and relations become more distorted. Male power is the overarching theme in pornography, and violation of the powerless is its driving force. An extreme form of gender difference, as a powerful ideology, is thus reinforced via pornographic texts. Inequality becomes sexually and socially real through pornography (MacKinnon, 1989: 328).

4.2 The Broader Framework

Considering the claims of anti-pornography feminists, as outlined above, it appears that their assertions and assumptions add up to the question whether the production and consumption of pornography has harmful societal effects. The effects of pornography make it a pressing political issue for some, and the anti-pornography feminist assumptions are based on this. A literal reading of pornography is being put forward, in which it is portrayed as necessarily degrading toward women and thus leading to misogynistic behavior. Pornographic images are taken out of their context and described and interpreted without reference to larger social and political contexts, without taking into account the ways in which pornography is produced and received. The feminist anti-pornography arguments may, at first glance, appear attractive because a large part of heterosexual mainstream pornographic products do indeed contain misogynist, sexist and racist imagery. Pornography, therefore, is an easy target when wishing to eliminate sexual offense and find the source of misogynistic attitudes – an easy target, but also a dangerous and deceptive one, because it is not pornography that lies behind the subordination and sexual abuse of women in society.

In the second part of this chapter, the broader frameworks in which pornography operates will, therefore, be taken into account. To this end, the anti-pornography feminist account will be criticized for three reasons and an alternative understanding of pornography will be set forth. Pornography, in and of itself, is not necessarily harmful or good. There is no innate characteristic of pornography that

validates the need for wanting to “stop” it, or to attribute harmful properties to it. Over the years, anti-pornography feminists have misframed and misrepresented the outcome of pornography research, and falsely claimed that this research clearly shows the causal relation between pornography and sex crimes. In sexually liberal and secular societies, the vast majority of men and women with varied sexual preferences and sexual fantasies seem to use pornography without harming others. Social, developmental, and political background factors ought to be focused on, instead of using pornography as a scapegoat onto which personal moralist views are projected. Pornography is not a drug that leads individuals to lose control after taking it. “All pornographic texts have positive or negative consequences only in the context of their consumption and use, which is determined elsewhere and before the act of consumption occurs.” (McNair, 2014: 168). In order to “contextualize” pornography, consequently, arguments against the “effects-paradigm” will be presented, and the significant factors that comprise the reception environment in which pornography operates will be addressed.

Secondly, the transgressive-fantastic element of pornography will be elaborated on and contrasted with the literal reading that anti-pornography feminists offer. Thirdly, building on this, it will be explained that pornography is not necessarily heterosexual and misogynist, and that reducing it to an aggressive and degrading phenomenon is providing a wrong and clichéd view of pornography, while deliberately ignoring the sexual desires of many individuals and important developments in pornographic productions.

Before doing so, however, and before explaining in greater detail the framework in which pornography operates and what pornography means, it needs to be acknowledged that there are indeed many wrongdoings in the pornographic industry. Many women in the industry have been victims of sexual violence, and the voluntary status of women working in the pornographic industry could be brought into question. Coercion, rape and human trafficking happen on too regular a basis and much more often than in any other industry. Even one of the most well-known Dutch porn stars, Bobbi Eden, has told *Volkskrant Magazine* in January 2013 that she once used violence to make sure that she would not get raped live on set in front of cameras. However, a poor working environment does not make the product that is being made inherently bad or harmful. There is no reason to assume that pornography – even hardcore pornography – could not be made under better working conditions. Regulation of the pornographic industry must, obviously, be brought in line with regulation of other industries. The same rules and laws that protect workers in other industries ought to protect sex workers, also where sexual harassment is concerned. So, without wishing to trivialize the accounts put forward by MacKinnon et al., in which workers from the pornographic industry report exposure to terrible cruelties, it can be argued that the entire genre or product must not be dismissed because of problems faced by some workers in the pornographic industry.

4.2.1. Political and Social Context

When anti-pornography feminists such as MacKinnon, Dworkin and Gines make claims about

pornography and assert that men will constantly need more violence to become sexually aroused when viewing it, and that the support of misogynistic attitudes will increase, they nearly always refer to anecdotes, “common sense”, or behavioral psychological research. Rape and sexual assault are claimed to be the logical consequences in a world where pornography is widespread. In the third chapter of this thesis, it has already been briefly addressed that the outcome of the psychological research on which such conclusions are based is anything but equivocal. In different meta-analyses on pornography research, it is often concluded that the results of psychological research on pornography are very mixed (Attwoord, 2011; Ferguson & Hartley, 2009: 325). Especially the laboratory experiments, used by MacKinnon to substantiate her theory, are often critiqued because of their artificial nature. The effects found in this type of research are often “negligible, temporary, and difficult to generalize to the real world.” (Ferguson & Hartley, 2009: 326). In the “real world”, there are numerous circumstances that create the reception environment in which a pornographic text may or may not have an effect on a consumer’s attitudes. This context and these circumstances determine the nature of the effect and what a pornographic text will eventually “do”.

In addition, the results of correlational studies are often even more varied than those of laboratory studies (Ferguson & Hartley, 2009: 326). If and when results are found, researchers even tend to conclude that pornography exposure sometimes functions to prevent a consumer *against* engaging in sexual violence, for pornography can function as an outlet for frustration (Ferguson & Hartley, 2009: 326). One point that the opposing views and the psychological studies however do agree upon is that those who are not predisposed to violent or aggressive behavior will be less or not at all affected by exposure to pornography (Ferguson & Hartley, 2009: 325). Hence, when reviewing meta-analyses on pornography research, it appears that context matters, and that social, political, and cultural circumstances ought to be taken into account when giving meaning to pornography.

If one subsequently wants to explain whether or not pornography is an impediment to sex equality, one has to examine the broader political context in which pornography operates. According to MacKinnon, pornography is an important political and social justice issue because it effectuates subordination through the means of sex. If one, however, looks beyond the psychological research referred to by MacKinnon, one has to conclude that the consumption of pornography does not logically lead to rape, abuse of women, or women’s oppression or subordination. There is no basis for these claims for a large number of countries (McNair, 2014: 165). Examining macro data, it appears at first glance that pornography consumption may even reduce the rate of rape and sexual assault. In most Western countries, there has been a decline in the rate of rape and sexual assault since pornography became more increasingly and widely available (McNair, 2014: 165; Hartley & Ferguson, 2009: 326; Segal, 1998: 51). If a result has been found in some countries, it would appear that as more pornography circulates in a society, the reported incidence of most forms of sexual offending becomes lower (McNair, 2014: 164). In Denmark, the United States, and the Netherlands – countries where extensive research on sexual assault and pornography has been done over the years –

rape and sexual assault rates have dropped significantly over the past decades, even as pornography became more easily accessible. Macro statistics suggest that there is no relation between pornography and sexual offense.

These macro statistics, however, do not necessarily prove that there is a relation between watching pornography and exercising friendlier attitudes toward women, or that pornography cannot have a negative effect on individuals. The statistics do not reveal anything about causality. Pornography itself, however, seems to be to a great extent meaningless. As with all media texts, movies and images can trigger responses and emotions while they are watched or read. People can become emotional or upset from watching any type of movie or joyful from reading a book. This does, however, not have to change their beliefs and actions in the long term. When considering the countries in which pornography is widespread, it appears that the prevalence of pornography is part of a larger evolving social environment in which there is more discussion and transparency around sex and sexuality. In liberal, democratic countries – where the political and social status of women has become much better over the years as well – pornography can circulate freely.

Over the past decades, social norms have changed drastically in advanced capitalist societies; Western societies have become friendlier toward women and less homophobic (McNair, 2014). Progressive changes in sexual politics, the improvement of women's rights and evolving social norms are important factors that make up the social reception environment in which pornography operates. In general, the beliefs and behavior of men in these countries will not be negatively affected or changed when they watch pornography. Even when humiliation and denigration sexually arouse men, this, in most cases, does not seem to have real-life consequences. An erection by itself is not threatening, even when the erection results from misogynistic pornography. Moral consciousness, political standards and intentionality greatly affect human action, even if MacKinnon does not seem to believe so. Brian McNair asserts that support for misogynistic attitudes might thus be counteracted by other factors; "women's growing sense of empowerment and social entitlement due to the influence of feminism over four decades, or changing expectations of male sexual behavior and etiquette", for example, make sure that men's behavior, morals, and actions are not disrupted now that pornography has become more easily accessible (McNair, 2014: 166). The prevalence of pornographic texts, along with the exposure to and discussion about them, is just one element of a more open and tolerant society in which women's bodies are more respected than in societies with relatively less openness regarding the sexual. Regard for homosexuality, the advancement of LGBTIQI rights and the decline of support for homophobic attitudes have made homosexual sexuality and homosexual pornography more visible, which has resulted in less stigma (McNair, 2014: 166). In more liberal regulatory regimes, where pornography is widely accessible, women and men have a better understanding of coercive sex and consent. Liberal regulatory regimes around the sexual, of which pornography is an important factor, thus correlate with highly developed states of sexual politics in most countries.

This does not mean, however, that pornography cannot have a negative effect on individuals. Brian McNair compares pornography to a kitchen knife: “Porn, like the knife in every household kitchen, is used by the vast majority of people in ways which cause no harm to others. Only a small minority will use it to injure another.” (McNair, 2014: 168). Even when pornography is viewed by a man who goes on to rape, either as a form of stimuli or for inspiration, his behavior is determined by other social and political background factors that influenced him prior the consumption of pornography. These different patterns of pornography use thus are not only the result of the political factors mentioned in the previous paragraphs, but of a combination of background factors “dating back to childhood and family, education and peer group, personality and experience.” (McNair, 2014: 168). Most men – and women – however, use pornography without doing any harm to others. If one loathes violence and disapproves of sexual offending, pornography will not make one behave in unforeseeable ways.

Even the effects of pornography on adolescents are not always or completely negative. Dutch research with 1052 adolescents between the years 2006 and 2007 showed that many became insecure about themselves and their sexuality after watching pornography, but that these attitudes changed once they or their closest friends started having sex, gained experience, and came to understand pornography primarily as a form of entertainment (Peter & Valkenburg, 2009). For adolescents, seemingly, more is involved in their sexual development than pornography alone.

Because no individual can be understood without taking into account his or her environment and the mix of social, cultural, and political factors that make up the reception environment in which one watches pornography, pornography must not be studied without its broader context. Pornographic texts do not have an inherently harmful quality that justifies the will to “stop” pornography. Pornography must be viewed as any other media text, or for that matter, religious text. Some may be led to commit horrific crimes by the Quran, the Bible, or a video game, but that does not justify banning all religious texts or video games. In a liberal democratic society, there must be no restrictions on “dangerous” ideas – if one were to characterize pornography as such.

4.2.2. Fantasy

It seems as though the majority of those who watch pornography are able to distinguish the fantastic-transgressive element of pornography from real-life sexual relations. For most people the appeal of pornography is that, in many instances, it is the most transgressive form of sexual representation. Depicted in many pornographic texts is that which is not quite allowed in society, along with unrealizable gender and sexual positions. A distinguishing feature of pornography seems to be its lack of credible context. Pornography lacks a concept of time and everyday worries; it depicts perpetually erect men, and men and women perpetually willing to engage in sexual activities. Pornography revolves around sex and nothing but sex. In pornography it is people’s fantasies and fetishes that are

shown, not their moral standards. If pornography, subsequently, shows anything about sexuality and gender, it is the *unreality* of gender (Butler, 1997: 68).

Although anti-pornography feminists claim so, mainstream heterosexual pornography does not necessarily depict the manner in which men want to behave or that which women can become. MacKinnon, however, offers a literal reading of pornography and concludes that the actions in pornography are degrading toward women and have the power to construct the social reality of womanhood. Pornography thus works as an imperative that can be read as the verbal statement “do this now”; or, as MacKinnon phrases it, pornography works the same way as saying “kill” to a trained attack dog (MacKinnon, 1993: 12). “Pornography makes the world a pornographic place through its making and use, establishing what women are said to exist as, are seen as, are treated as, constructing the social reality of what a woman is and can be in terms of what can be done to her, and what a man is in terms of doing it.” (MacKinnon, 1993: 25). By framing pornography like this, MacKinnon ignores the fantastic nature of pornography. Judith Butler, who subsequently pointed to some contradictions in MacKinnon’s statements, also noticed this. If the “as” in MacKinnon’s quote is read as the assertion of *likeness* – “as if one were” – it is consequently “not for that reason that assertion of a metaphorical collapses into identity.” (Butler, 1997: 68).

MacKinnon’s statement could then also be read to mean that pornography neither represents how people have sex, nor constitutes what women are. It is not clear how the “as” in MacKinnon’s quote becomes an “is”. Instead, pornography – by MacKinnon and Dworkin’s definition – “offers an allegory of masculine willfulness and feminine submission (...), one which repeatedly and anxiously rehearses its own *unrealizability*.” (Butler, 1997: 68). Pornography depicts those “unrealizable” and “unhabitable” gender positions that continue to “reproduce a rift between those positions and the ones that belong to the domain of social reality.” (Ibid.).

Pornography offers men exaggerated forms of gender norms that will not disappear once pornography disappears. These exaggerated gender norms and their unrealizability render pornography seductive and give it its “phantasmatic power” (Butler, 1997: 69). The failure to constitute the hyperbolic gender norms depicted in pornographic texts in real life is compensated for by pornography (Butler, 1997: 69). Consequently, even if pornography were to disappear, “harmful” fantasies would not. Mainstream heterosexual pornography only functions as one of the sites – “the least esteemed, least convincing, often most contradictory” – of misogynistic and male-centered discourses that mold images of gender and sexuality (Segal, 1998: 51). In this respect, pornography is not more harmful than toy store catalogues in which gender norms and differences are often exaggerated. Campaigns for better and more diverse representation in the pornographic industry and all other areas of social life are always to be supported. This is, however, different from wanting to “stop” the pornographic industry and taking on an anti-position. It is not the case that pornography makes the world a gendered, misogynistic and racist place, or that the ills of society can be traced back to pornography.

Pornography ultimately shows fantasies instead of ethical and behavioral standards. In fact, the diversity of pornographic texts does not come close to the excessive and “abnormal” fantasies of individuals in the “real world”. These fantasies, for example, often include rape and non-consensual sex. Both men and women, heterosexual and homosexual, frequently fantasize about non-consensual sexual encounters (Segal, 1998: 57, Roberts, 2013). Between 30 and 50 per cent of women regularly fantasizes about this, and these figures could be low due to the taboo-like nature of these fantasies (Roberts, 2013). This does not, however, mean that men actually want to rape women, or that men and women want to be raped. Fantasy was not “invented by Freud” as an ideology that functions to force subordinate sex on women (MacKinnon, 1987: 51). Fantasy is thus not the same as intention, “fantasy is its own object, in the sense that it allows for multiple identifications across different people and positions, or for any other indulgence of the logically possible.” (Segal, 1998: 58).

The imagination of the possibility of non-consensual sex is essentially a fantasy; not a concrete desire, and so is the pornography that facilitates that fantasy. To clarify, when referring to pornography that facilitates that fantasy, pornography that depicts “consensual” non-consensual sex without containing images of genuine non-consent is meant. Rape and other forms of non-consensual sex are hateful and violent crimes that ought to be treated as such, but whereas MacKinnon understands rape pornography as the most reprehensible type of imagery there exists, this type of pornography only serves to facilitate fantasies, and shows the *illusion* of a loss of control or extreme domination. The acting in pornographic films containing rape scenes is often obvious and unconvincing. Additionally, in amateur pornography, there is almost always a part at the beginning and end of the clip in which the “victim” explains that they consent with the setting and are looking forward to fulfilling their fantasy of “consensual” non-consensual sex (Roberts, 2013).

4.2.3. Diversity and Netporn Criticism

Thus far, the anti-pornography feminists’ assumption that all pornography – or at least the ‘most important’ pornography – is violent and misogynistic and propagates a dynamic of masculine aggression and feminine submission has not been countered. Firstly, the importance of context had to be pointed out, and the fantastic-transgressive nature of pornography had to be addressed before discussing the “democratization” of pornography and emphasizing its diversity, because if pornography were necessarily misogynistic there still would be other background factors that are important. The nature of pornography, however, is changing rapidly, which makes it increasingly difficult to apply the arguments that were being made by radical feminists in the 1980s to what pornography is today.

When critiqued, pornography is often wrongly reduced to those productions made by a few powerful production companies that only target the mainstream male market. According to Dines, this is the type of pornography that creates the cultural discourse on sexuality and gender, and that consequently renders the discussion of other types of pornography irrelevant (Dines, 2012). Whereas

Dines acknowledges the existence of other types of pornography, to MacKinnon all pornography is misogynistic and abusive. Even in homosexual pornography, one of the actors is always “feminized” and subordinated, rendering homosexual pornography essentially equal to heterosexual pornography (Jeffries, 2006).

When it comes to mainstream heterosexual pornography, there is indeed a production problem. Most of mainstream pornography is created as though only taking into account white heterosexual cisgendered male’s desires, while others are ignored. The pornographic movies made by mainstream pornographic companies are often based on clichés of what the target heterosexual and male audience seemingly likes. A lot of male dominant pornography is thus still to be found online (Szalavitz, 2011). Male dominant pornography, however, does not equate to violent and misogynistic pornography. There exists very little empirical evidence for the claim that many pornographic texts are abusive and that this is becoming increasingly worse. On the contrary, according to Ogi Agas and Sai Gaddam, two computational neuroscientists who researched over four hundred million online searches for pornography, “truly violent pornography is extremely rare. It truly is rare and the kind of people who watch it are a clear and identifiable group.” (Szalavitz, 2011). Thus, after watching relatively harmless pornography, the average heterosexual man is not prompted to search for extreme kinds of pornography, and online pornography does not cause an increase in misogynistic pornography (Szalavitz, 2011). Examining the most popular tags on YouTube-like pornographic websites, it also appears that most videos are tagged considerably innocently; “amateur”, “blowjobs”, “men”, “teens”, and “hardcore” appear most frequently.

Moreover, the idea that most *mainstream* pornography is still produced for heterosexual men who like misogynistic pornography does not mean that pornography in its entirety is a heterosexual and male domain. There may be a “production problem” at mainstream production companies, but the pornography heterosexual men actually consume online is very heterogeneous (Mazières et al., 2014). Moreover, many of the pornographic texts that can be found online consist of homosexual pornography. Given the variety of homosexual pornography, and given that homosexual pornography features only men, it is difficult to assert that (all) pornography is necessarily misogynistic and leads to aggression toward women. Additionally, more women watch pornography today, and the Internet has democratized the pornographic experience in multiple ways (McNair, 2002). More heterosexual women, homosexual men, lesbians, and transgender people are making pornography, causing its content to become more diverse each year.

Most importantly, the blurred lines between producers and consumers of pornography, and the increased centrality of user-generated pornography cause it to be more inclusive and actuate a change in its meaning as a cultural object. The Internet has opened access to the means of production and distribution of pornography. The popularity of webcam websites and the increasing popularity of amateur pornography on streaming websites show that individuals are less and less dependent on major production companies, and that they have opened up and broadened the possibilities of what can

be viewed for sexual arousal. Free YouTube-like streaming websites are visited frequently, and webcam sites such as LiveJasmin and Cam4 are highly ranked in the top visited pornographic sites (Mazières, 2014: 82). The shifts in the production, consumption, and distribution of pornography have ensured that most people today watch pornography for free, and that independent and alternative forms of pornography proliferate online (Paasonen, 2010). Whereas Gines and MacKinnon still appear to look at what mainstream production companies release, pornography is redefining itself as a cultural project. “Netporn criticism” has thus also become an alternative starting point in analyzing pornography and digital culture (Paasonen, 2010). In pornography on the Internet, not only copied and recycled images and movies from traditional forms of media are used; new technology has made “netporn” possible. Technology has changed the pornographic world and experience; a new emphasis is put on alternative, interactive peer-to-peer and amateur pornography. Pornographic image exchanges via chat, content uploads, erotic chats and webcam exchanges are examples of important phenomena that characterize pornography today.

Whereas many anti-pornography feminists are concerned with and cautious about Internet pornography because its prevalence allegedly reinforces patriarchal structures, it is precisely this type of pornography through which a change in meaning for all pornography, in terms of politics, media economy, technology, desire, and aesthetics, is effectuated (Paasonen, 2010: 1298). Since the 1970s, the audience for pornography has become more diverse, and this continuing diversification is an important aspect of pornography today. Within the context of Internet pornography and netporn, the exploration of queer sexualities and women’s desires is taking precedence like never before. Netporn challenges the norms and conventions central to mainstream heterosexual pornography, and through the fusion of producers with consumers, netporn is distanced from oppressive practices in the mainstream pornographic industry.

To diminish and dismiss all these new explorations and developments that determine what pornography is in the year 2014, and to continue to characterize pornography as misogynistic and abusive, is to replicate the same disregard for the desires and sexualities of women and queer people that the mainstream pornographic industry is often accused of. Just as YouTube, illegal downloading, and better possibilities to find an audience and a platform have changed the music industry, so pornography is also shaping and reinventing itself in new ways that are characteristic of Web 2.0. The diversity of sexual activities available for viewing and the possibilities of making pornography by oneself have broadened significantly. Owing to these new forms of representation and the diversity of those who access online pornography today, it becomes more difficult to maintain that pornography is actively propagating a dynamic of subordination and domination to its audience.

CHAPTER 5

CONCLUSION: SOCIAL JUSTICE

During the course of this thesis the assumptions that make up the anti-pornography paradigm have been investigated. To this end, it has been especially Catherine MacKinnon's feminist theory on which I elaborated extensively. Over the years MacKinnon and likeminded feminists made some key contributions to feminist theory and have generated extensive discussions. In the final part of this thesis a final analysis on sexuality, gender, and pornography will be set forth to determine what meaning pornography could have today. Is MacKinnon's theory still relevant in 2014? In this chapter a reflection will be offered on that what has been discussed in the previous chapters.

To MacKinnon, pornography is a male dominated institution that actively gives meaning to sexuality. Pornography, subsequently, allegedly promotes the sexualization of dominance and submission. Through pornography men are socialized in seeing and treating women as mere objects that they can use for their own sexual satisfaction. As pornography does so, anti-pornography feminists believe that pornography is an impediment to social justice. In this chapter consequently, the relationship between pornography and sexuality on the one hand, and social justice on the other hand will be investigated to determine whether there is any truth in MacKinnon's claims and whether pornography really is a pressing political matter. While MacKinnon's theory was established over thirty years ago, her arguments have remained influential up until today. It is thus worthwhile to examine their relevance in today's world.

Social Justice and Gender Norms

Pornography

As it is standard practice in both moral and political philosophy to distinguish questions from justice from question of the good life, MacKinnon emphasizes multiple times that pornography is a matter of justice. Pornography is thought to be a crucial impediment to the universally binding norm of sex equality. Pornography, therefore, is not "bad", but it is a harmful practice. Through the use of pornography women are reduced to the status of objects for men's satisfaction and purposes. This objectification, subsequently, effectuates that women are treated as less than full partners in social interaction. Women's lack of recognition as legal and political objects is the result of the social meaning that is through the means of pornography given to their sex. Without elaborating on a specific theory of social justice too much, it is the social norms that are imposed on the different sexes that lead to women's oppression. Sexist misrecognition violates social justice. To MacKinnon, pornography, subsequently, is the main producer of the discourse that produces gender identities. Pornography stabilizes patterns of cultural value that cast women as inferior, and therefore women are unable to assert their civil rights. As Martha Nussbaum puts it: "Feminists who deny this should ask

whether women can really make progress in areas such as rape law and the prosecution of domestic abuse, when a jury of their peers has been raised on images that depict such abuses as exactly what women are about” (Nussbaum, 1999: 250).

Before turning to MacKinnon’s broader theory, and the larger anti-pornography paradigm, pornography’s role in women’s objectification will be addressed to examine how pornography relates to social justice. Although anti-pornography feminists claim so, it is actually not clear that pornography is the cause of women’s objectification. For one, the bodies of minorities are not only often exploited by the powerful, but also often eroticized by them. Historically, the unsettling and “dirty” aspects of sex are almost always projected on minorities (Segal, 1998: 58). Those who are already seen as of less value are depicted as extremely sexualized. Sexualization and objectification come after inequality, not the other way around. As opposed to the bodies of white men, the bodies of women and black people are thus often eroticized because of the perception that they are inferior. This “dynamic interplay between power and desire, attraction and repulsion, acceptance and disavowal” objectifies and sexualizes those who are already oppressed (Segal, 1998: 58). Taking this into account, the sexualization of women’s bodies seemingly is the result of other structural inequalities. In this chapter it will be asserted that sexual objectification is caused by social inequality. The claim that pornography lies at the basis of such inequalities is seemingly unsubstantiated.

Firstly, anti-pornography feminists tend to overestimate pornography’s “power” and read pornography in a too literal way. If MacKinnon and the likes are worried about the depiction of women in pornography as vulnerable, submissive, and receptive beings and about the depiction of male sexuality as aggressive, they should put their focus elsewhere first. The depiction of men and women in pornography is dependent on scientific, religious, cultural, and political discourses that are prevalent all around us. Since sex was discovered as an interesting object to study, the pioneers of this science have seen male and female sexuality as polarized and fundamentally opposed. Ever since the first studies on sex, the normative sexual scripts that individuals tend to internalize have been gendered. Pornography thus is just a reflection of the idea of the naturalness of female passivity and male dominance. This discourse, however, does not find its origin in pornography, and is not reproduced first and foremost in pornography. Pornography is the least esteemed cultural product in which these ideas about gender are presented.

Moreover, rather than being a reflection of how men and women actually behave in social life, heterosexual male mainstream pornography depicts exaggerations of unattainable gender *norms*. Pornography is primarily fantasy. The failure to constitute the hyperbolic gender norms depicted in pornographic texts in real life is compensated for by pornography. However, nobody needs or uses mainstream male pornography to remind him or herself of these hierarchical gender norms and of the hierarchal status of the gender difference. Pornography depicts the *unrealizability* of gender norms, not real-world gender practices. Pornography depicts the illusion of a manhood in which men are always

sexually ready. When men watch pornography they can avoid real women who might pose a threat to their masculinity.

When one subsequently looks at the content of those texts that fall under the category of pornography in the year 2014, one has to conclude that pornography does not even necessarily show those depictions of masculinity and femininity of which anti-pornography feminists are so worried. While violent pornography is claimed to be defining the entire genre, such pornography is extremely rare and hard to find. Additionally, more and more “groups” apart from heterosexual men are using pornography today. While there have always been a lot of gay men who consumed pornography, today women are also increasingly consuming pornography. Moreover, the pornography that heterosexual men watch is far more diverse than anti-pornography feminists claim.

Due to the Internet, the pornographic experience has democratized itself more than ever. As a cultural object pornography is redefining itself. Consumers of pornography today are not dependent anymore of major production companies. Internet pornography did not ensure first and foremost that it became easier for men to watch misogynistic pornography, but effectuated that a wider range of individuals with a diverse range of sexual preferences is being catered to. The type of pornography that is specific for “Web 2.0.” caused pornography to be more attractive for more individuals. Amateur pornography, peer to peer pornography, interaction, and alternative pornography are all examples of types of pornography that characterize the phenomenon today. Although they remain popular; the conventions, codes and norms of the pornography out of the 1980s/1990s and of mainstream production companies do not determine what pornography is anymore. Netporn actively challenges the conventions of mainstream heterosexual pornography. The displays of sexual acts that characterize netporn are often queer and non-normative, rendering what is seen as pornography less uniform than ever before. As was already pointed out in the previous chapter: To diminish and dismiss all these new explorations and developments that determine what pornography is in the year 2014, and to continue to characterize pornography as misogynistic and abusive, is to replicate the same disregard for the desires and sexualities of women and queer people that the mainstream pornographic industry is often accused of.

Already in the introduction of this thesis I claimed that the anti-pornography paradigm rested on two false beliefs. One of those two was that anti-pornography feminists use a too deterministic rationale when studying pornography. This logic entails that what is depicted in pornography – which according to MacKinnon is male dominance and female sexual objectification – will become reality. Irrespective of the developments addressed in the previous paragraph, most male pornography users will use pornography without harming others. Pornography by itself is for a great extent meaningless. Only when consumed in a certain social and political context will pornography have an effect. In sexually liberal societies, the prevalence of pornography is often part of a larger evolving social climate in which there is more openness around sex and sexuality. In these societies women’s rights and bodies are respected by a vast majority of men. The notion that pornography alone could be the

reason for another individual's decision to sexually assault a woman, or abuse her in any other way, above larger political factors, and above the individual's upbringing, education, and intentions is not substantiated by evidence.

Anti-pornography feminists may rightly be concerned with the content of media; who has access to the means of production of media; what the effects of media are. Misogynistic pornography, subsequently, is an easy target when wanting to eliminate misogynistic behavior and effectuate sex equality. Some types of pornography show men the most sexist imagery imaginable and show men a world in which "they" are always powerful and erect. Pornography, however, is only a convenient scapegoat that does not touch upon the underlying causes of misogynistic and heterosexual hegemonic societies. Banning or censoring pornography in any way will not effectuate social justice. Moreover, because pornography is in no way directly dangerous, the state ought not to determine what can and cannot be expressed, and which ideas can or cannot be held. Since MacKinnon et al. framed pornography as a matter of justice, and not a matter of ethics, there should be no restrictions on the "offensive" ideas that pornography puts forward. (Of course, this does not apply to pornography that was made with children or non-consenting adults). Subsequently, when it comes to the "ideas" that pornography puts forward, it is odd that anti-pornography feminists focus extensively on pornography, while in the most popular forms of our mass culture the same gender norms are reproduced. Romantic comedies in that sense form as great an obstacle – if not greater an obstacle – to sex equality than pornography. More than in these movies, pornography functions as a site where gender norms are also mixed up and where women exhibit an active type of sexuality.

"Queering" the Understandings of Gender and Sexuality

The concerns against the discourse that is put forward by anti-pornography feminists thus are substantial. Anti-pornography feminists have every right not to like pornography, and logically have the right to hate the pornography that depicts women as sexual objects. It is however, misleading, to focus extensively on pornography as the cause of women's oppression. At the heart of the problem appears to lie the dichotomy of active masculinity and passive femininity. This dichotomy, however, is the result of the discourse in which heterosexuality is assumed to be "natural". In this discourse desire is always aimed at the opposite sex or the opposite gender.

MacKinnon theory is problematic because she reifies exactly these notions in her theory by claiming that gender is a function of hierarchical and polarized sexuality. While addressing the social injustices that are being done to many women in society, MacKinnon sets up some exclusionary regulations, and moreover, she naturalizes the notions of active masculinity and passive femininity. As one can read throughout this thesis, MacKinnon sets up a highly deterministic relation between sexuality and gender. In MacKinnon's identity politics, she unintentionally puts pressure on the individual members of the categories "men" and "women" to conform to a given group culture. Not only are some "women" excluded who do not feel they fit in this category, but it is almost impossible

to use terms such as “woman” in a way that is non-ideological. Although MacKinnon seems to want to explain how the gender difference is produced, in defining what a “woman” is she freezes and reifies the relations and identities that she describes. When MacKinnon addresses the sexist misrecognition that violates social justice, she stabilizes the effects of the power relations that constituted the gender difference.

Instead of deconstructing these gender norms, MacKinnon equates the gender norms that work powerful in society with actual gender practices. Because MacKinnon does not refuse to derive gender from heterosexuality, she neglects to deconstruct how individuals come to have “intelligible genders” (Butler, 1999: 23). Only through the assumption that heterosexuality is “normal” are sex, gender, and sexuality linked to one another. Although MacKinnon criticizes the gender difference, she does not deconstruct the way gendered bodies are produced in the first place. According to MacKinnon, *sex is gender is sexuality*. Heterosexuality, subsequently, is seen as what is natural, and homosexuality as that what is an inversion or deviant. “Women” are seen as those individuals with feminine characteristics who are heterosexual and who sexually desire men, and “men” are seen as those individuals with masculine characteristics who are heterosexual and who sexually desire women. This restrictive dualistic view on sex, gender, and sexuality is the effect of heterosexual hegemony. The notion of gender dimorphism is only comprehensible within a heterosexual hegemonic framework in which the categories of men and women are polarized.

These gender norms are subsequently hierarchized. What is male is valued more than what is female. What is male then is also often equated with power and authority. If one wants to change these cultural hierarchies of sexuality and gender, the conceptions of masculinity, femininity, and heterosexuality have to be challenged. Instead of buying into the myth of an aggressive, active type of male sexuality and a passive type of sexuality of women, anti-pornography feminists would do better not to affirm these gender positions. When one “queers” the understandings of sexuality and gender, and refuses to derive gender from sexuality, feminism becomes a part of the critique of cultural heterosexual hegemony – a hegemonic form of discourse that lies at the basis of how people come to have “intelligible genders”.

If one looks at actual sexual activities from heterosexual individuals, one will come to realize that there are huge incommensurabilities between norms and expectations of masculinity and femininity and the practices of actual men and women. When the heteronormative discourse is contested, individuals can come into places with their own gender identities and their own sexuality easier. Already there is more to women’s sexual experiences than that their sexuality is part of an oppressive social order. By reifying heterosexual gender norms and group identities, women’s subordination and heterosexual hegemony will not cease to exist. It is the assumption of the authenticity or the originality of gender positions that be must contested to break the links between masculinity and power and to effectuate social justice.

Because MacKinnon neglects to deconstruct the authenticity of gender norms, and because she

reads pornography in a too literal way, her theory has not stood the test of time. Modern technology and modern insights out of queer and feminist theory have made MacKinnon's theory obsolete. To explicitly and bluntly answer the central question of this thesis: MacKinnon's interpretation of pornography, sexuality and gender cannot still survive in today's world.

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