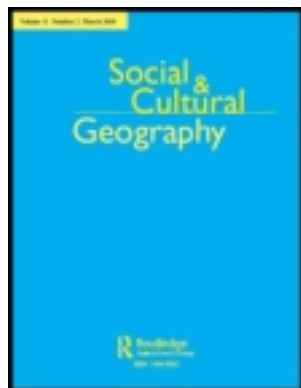


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### 'Extreme pornography' and the contested spaces of virtual citizenship

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# ‘Extreme pornography’ and the contested spaces of virtual citizenship

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*This paper considers issues of sexual citizenship in light of new UK legislation that prosecutes the viewers of ‘extreme pornography’. Justified as an attempt to uphold public decency, government intervention seeks to prevent people seeing ‘extreme’ images not by limiting access to certain websites, but instead by intervening in the private consumption of these images. In this paper I draw on the discourses of those who have supported such intervention, and suggest that these arguments make a claim to space that defends the rights of some citizens over others. I examine the entwining of rights of expression, rights to identity and rights to safety. In conclusion, I argue that sexual citizenship is not just about the right to occupy actual physical places but also the right to inhabit the virtual—cyberspace. I hence argue that the internet plays a key role in transforming the sexual geographies of public and private.*

**Key words:** cyberspace, pornography, citizenship, rights, sexuality.

## Introduction: ‘the dangerous pictures act’

In this paper I explore who has the right to occupy cyberspace, and what happens when rights claims come into conflict; namely whose spatial rights take precedence? The focus of my paper is on Section 63 of the UK 2008 Criminal Justice and Immigration Act concerning the possession of ‘dangerous pictures’, which places restrictions upon the types of pornography citizens are legally allowed to consume. Justifying these restrictions, the Home Office states that ‘there is a small category of pornographic material which is so repugnant that, in common with child abuse images, its possession should not be tolerated’ (2005: 11). Britain is already one of the strictest counties in Europe in its definition of

the obscene, as the Obscene Publications Act (1959/1964) imposes sanctions on the types of pornography that can legally be produced; therefore images that may be illegal to produce in the UK are in fact legal in other EU states. The internet, however, has blurred these legal and geographic boundaries, and enables people in the UK to easily access pornography made in other countries. The increasing availability of a wide range of ‘extreme’ pornographic materials via the internet is therefore a pressing concern for the UK government.

At present, the government has the authority to shut down ‘extreme’ pornographic websites hosted in the UK, but has no control over material produced in other countries. The government has therefore decided that their

only option is to prosecute the consumers of extreme pornography rather than the producers. The government hopes that by targeting those who download such material it will break the supply and demand of extreme pornography. However, this outcome seems unlikely, as the majority of online adult content can now be downloaded for free, and no other country has proposed legal sanction on the possession of such material. What exactly counts as 'extreme pornography' is vague; the Home Office states that it will include 'an act which threatens a person's life', and 'an act which results, or is likely to result, in serious injury to a person's anus, breasts or genitals'. These images, however, do not have to be acts of real violence, as they are judged on whether a 'reasonable person looking at the image' would think that such an act was 'real' (House of Commons 2008: 50). Irrespective of this legal imprecision, possession of such material can now result in being placed on the Sex Offender's Register and jail terms of up to three years. The law was enacted from 26 January 2009 (see Johnson 2010 for a more in-depth legal overview).

BDSM ('Bondage/discipline, dominance/submission, and sadomasochism) practitioners have opposed this legislation as they argue that the recording of certain legitimate consensual sexual practices are made illegal under this new law. Yet the Home Office states the legislation was brought in due to:

a desire to protect those who participate in the creation of sexual material containing violence, cruelty or degradation, who may be the victim of crime in the making of the material, whether or not they notionally or genuinely consent to take part. (2005: 11)

The government thus makes no attempt to differentiate between acts of non-consensual

violence and consensual sadomasochistic sex. By including the representation of consensual sexual acts in their definition of extreme pornography the government has defined what constitutes 'normal' or 'abject' forms of sexuality, by producing 'a domain of excluded and delegitimated "sex"' (Butler 1993: 15–16). However, the government claims that it does not intend to include 'milder' forms of BDSM that many people practise. Yet there is no definition offered as to what counts as 'mild' and 'extreme'. We are now left with the somewhat contradictory reality that although a sexual practice may be legal in 'real' spaces, the representation of that very act is now illegal in cyberspace. This legislation therefore has drastic implications for BDSM practitioners' claims to full sexual citizenship, for as Bell and Binnie (2000: 80) highlight, 'struggles for citizenship claims are increasingly expressed in the assertion of spatial rights ... the right to occupy space'. In this paper, I wish to underline that these spatial rights are never just about the right to occupy actual physical places but also the right to inhabit the virtual—cyberspace.

Although the government itself states there is no proven causal link between extreme pornography and violent behaviour, it justifies its actions solely upon the grounds of public morality, for example one of the consultation questions asks:

In the absence of conclusive research results as to its possible negative effects, do you think that there is some pornographic material which is so degrading, violent or aberrant that it should not be tolerated? (Home Office 2005: 10)

BDSM practices are deemed to be so dangerously seductive that they must only ever be conducted in private. Yet the internet blurs the boundaries of private and public and this is

potentially why the government finds it so troubling. The government states that it is concerned that depictions of BDSM activities might lead to an increase in sexual violence. The Home Office states that 'such material may encourage or reinforce interest in violent and aberrant sexual activity to the detriment of society as a whole' (2005: 9). The government consultation document (Home Office 2005) presents those who view extreme pornography as lacking in self-control and unable to separate fantasy from reality. The idea that certain forms of BDSM pornography need to be censored to protect people from being 'corrupted' stands at odds with any notion of BDSM as a valid sexual identity. From many standpoints it seems illogical for a sex act to be legal but its representation not to be (see Attwood and Smith 2010; Murray 2009).

Geography's 'squeamishness' around sex has been well documented (Binnie 1997; McNee 1984). Yet despite the outburst of geographical work on sexuality since the 1990s, the majority of this has focused upon the geographies of sexuality rather than geographies of sex itself (see Bell 1995a; Brown 2008). Likewise, most research has focused upon gay, lesbian, and (to a lesser extent) bisexual sexualities rather than other forms of non-normative sex such as sadomasochism. Sadomasochism has received relatively little geographic attention other than a brief flurry in the aftermath of Operation Spanner (Bell 1995b, 1995c; Binnie 2001; Knopp 1997; but see Hermann 2007). The Spanner case took place in the early 1990s, and saw a number of gay men receiving prison sentences for conducting consensual sadomasochistic acts in private. The men had recorded their activities and this material was then used as evidence to prosecute them. The recent UK legislation on 'extreme pornography' has once again attempted to further limit the spaces that

sadomasochists can inhabit by making it a criminal offence to possess certain images. Moreover, the small body of geographic work that has focused upon sadomasochism and space has tended to examine the sexual practices of sadomasochists rather than the pornographic representations of these acts (Bell 1995a; Binnie 1994; Hermann 2007; Stryker 2008). Therefore, although many defend the right for consenting adults to act out whichever sexual fantasies they desire, is the issue of defending BDSM pornography somewhat more complex? Is it possible to use the same defences to legitimize the actual acts as it is to legitimize its representations? For example, it is often noted that in acts of BDSM, the prescribed boundaries of acceptable behaviour and consent are paramount (Herman 2007). However, what happens when someone unfamiliar with the codes of BDSM views it online; could they be unaware that what they are viewing is scripted and regulated, and might they perceive it as an uncontrolled violent act?

In this paper, I thus explore how the new UK 'dangerous pictures act' deals with such questions, and how it is shaping the moral contours of the sexual landscape. I shall analyse what impact these laws are having upon the BDSM practitioner's right to self-expression and privacy. I begin the paper with a brief overview of the BDSM community's lack of access to public space in general. In demonstrating this relative public invisibility I shall then go on to argue that the public space of the internet becomes an even greater source of community and support for minoritized sexualities such as BDSM practitioners. I will also explore the other possibilities that the internet might offer for minoritized sexual groups; highlighting how cyberspace offers the freedom to contest mainstream stereotypes through the telling of one's own sexual stories

(Plummer 1995). Following this, the paper begins to explore the ways that these rights to sexual self-expression can come into conflict with other rights claims, particularly those associated with women and children.

In this paper I conduct a critical discourse analysis of replies received in response to the government consultation document on extreme pornographic materials. The consultation ran from August 2005 to December 2005; members of the public were invited to respond to the consultation, and the government also sent the document to a number of key organizations. In total the consultation received 397 responses; 313 of these were individual responses and eighty-four were responses from organizations. The results of the consultation were that 223 individuals were reported as being against the new law, whilst only ninety supported it. Out of the responses from organizations, eighteen were against the new law, fifty-three supported it, and thirteen did not state whether they were in favour or against. Despite the overwhelming opinion against this new legislation the proposals became law in 2009. The government states that the outcome was not 'based on a numerical assessment of those in favour, or those opposed, to the proposal but on a detailed analysis of the responses which have been submitted' (Home Office 2006: 4). The replies to the consultation were available through the Freedom of Information Act. The government named the organizations who responded, but never released the full names of individual responses, so in my analysis certain respondents will be referred to by an initial only.

### Citizenship and claims to public/private(s)

In the years prior to the 'dangerous pictures act' there had been a number of steps that

marked a more visible BDSM community in the UK (and indeed in other countries). 'The Spanner Trust' and 'SM Pride' were formed in direct response to 'the Spanner case' (R *v.* Brown 1993). These organizations have argued that BDSM is a valid sexual identity, and one that deserves protection by the law. Both organizations have worked hard to defend the rights of those who practise BDSM. However, despite these moves, BDSM activities are still only permitted to take place within very restricted spaces—behind closed doors. People who practise BDSM still have little choice but to take up a strategy of relative public invisibility. For example, a significant number of those who responded to the government consultation stated that they wished for their identity to be kept confidential for fear of future reprimand and persecution. As one response to the consultation states, '[a]s a person with an interest in SM [sadoomasochism], I fear reprisals and harassment by the police and other authorities, if my identity were to become public'. Furthermore, it is important to note that all respondents had the choice to make their names and addresses *publicly* available or not, however those who failed to include a name or address when writing to the government were considered void and not counted in the consultation process.

'Coming out' as practising BDSM is therefore often still met with considerable hostility, it is a sexual practice that has no anti-discrimination policies to which to appeal to, and is still criminalized and pathologized (Langdridge 2006; Langdridge and Barker 2007). It is thus not a sexual practice that enjoys the right to public visibility on our streets, and many practitioners do not mention their BDSM practices in their daily lives. Therefore BDSM is already a sexual practice that is forced to exist in highly marginalized

spaces, and for some sadomasochists cyberspace is one of the only places they feel they can inhabit without fear. The internet has been understood as an important space for those who may lack access to public space in general (Hillier and Harrison 2007), and also an important place for both exploring and living out sexual fantasies (O'Brien and Shapiro 2004). However, the increased surveillance of internet use by employers and the government may be curtailing these freedoms. This legislation therefore further impinges upon BDSM practitioners' already limited spatial rights, and it is questionable whether the 'dangerous pictures act' is in fact compatible with Articles 8 and 10 of the European Convention on Human Rights. Prosecution for the possession of pornographic material interferes with an individual's private life under Article 8, and the right to receive information under Article 10. However, the government states that the legislation does not impede these rights as the material would be 'abhorrent' to most people, and the legislation would not restrict political or artistic expression (Home Office 2005: 7). It is unclear how the government can be sure that its legislation will not affect political or artistic expression, as it makes no attempts to differentiate between pornography that is produced for artistic reasons, or pornography that could be seen as a political tool for a minoritized sexual community.

Despite BDSM practitioners' lack of right to public space, it is a sexual practice that does not lack publicity. This very legislation has led to widespread sensationalist coverage by the UK press, with 'Perverved Internet Porn to be Banned!' (*The Scotsman* 2005) and 'The Internet Normalised Perverse Impulses' (*The Telegraph* 2005) being just two of the many headlines. The private consumption of 'extreme' pornographic images has been

depicted as a matter of public concern, and sexual images and practices that may have been previously unknown were suddenly making headline news. Furthermore, the supposedly neutral government consultation paper also documented some of the 'horrific' images that could now be found online:

there are hundreds of internet sites offering a wide range of material featuring the torture of (mostly female) victims who are tied to some kind of apparatus or restrained in other ways and stabbed with knives, hooks and other implements. (Home Office 2005: 5)

In attempting to reassert the division between the 'normal' and the 'perverted', the government has inadvertently opened up a space where descriptions of these acts can be broadcast publicly (Cooper 1995). Publicity of this sort brings private sex into the public sphere yet only to subsequently banish it into the private sphere of a dark and immoral underworld (Bell 1995c). However, the consumption of these images can now no longer ever be a fully private matter as people's right to privacy is taken away in order to protect 'public morality'. Weait sums up this contradictory position as follows:

while we may have a right to respect for private life, that right has substance only to the extent that the private life we may wish to live is one that we would be prepared to live publicly. (2005: 98)

We must be aware that the problem for BDSM practitioners is not therefore just a lack of access to the public sphere, but also a lack of control over the public representation of their private lives (see Caron 2009: 78 for a similar discussion regarding the inseparability of private and public life). Therefore, as Hubbard notes, 'sexual dissidents should never simply



be seeking more publicity but rather increased public legitimacy for their own privacy' (2001: 65).

However, it is here that cyberspace provides a vital function as it is a space that can grant both control over publicity and also a space for privacy. Considered in relation to BDSM rights and citizenship, the internet offers a space where sadomasochists can challenge the media stereotypes and pathologized discourses that haunt BDSM. It also provides a space to challenge the increasingly commodified and conservative public representations of BDSM (Wilkinson 2009). The virtual world provides a space for people to produce their own sexual stories, and therefore, internet pornography offers very distinct possibilities to mainstream representations of minoritized sexualities. Although the vast majority of online pornography would be classed as heterosexist and heteronormal, the net also opens up new possibilities for people to circulate their own pornographic imagery. The increase in internet access and home-media production means that people can be in control in the production of their own pornography, and therefore the internet has possible democratizing potential (Kibby and Costello 2001; Slater 1998).

As such, viewing and producing pornography online can be argued to be important to the construction of BDSM communities. Yet the internet plays other roles in community formation, as one response to the government consultation states:

People meet friends from the internet and exchange ideas ... there have been many wonderful relationships made, and we exchange videos and images to each other. (Mr M)

The exchange of pornography is something that is done between friends, and within communities, challenging the government's

misconception that their legislation will target mass-produced pornography from overseas. Many of the responses from BDSM practitioners highlight how they are increasingly using the internet to make self-made pornography, which they make and broadcast, and share for free. For Miss S, the 'photographing ... [of these] activities is an important part of my sexuality', thus challenging the idea that sex is always a private matter. Many sexual rights in the UK are granted on the premise that what one does in private is no concern of the state, however, this is complicated somewhat by those who feel that the recording and sharing of their sexual acts is an integral part of their sexuality. In a number of responses, respondents wanted to challenge the idea that pornography is a mass-produced and objectifying process. As Ms S argues, '[f]or me the recording, depiction and publication of these acts of caring and dedication ... cannot even be described as pornography'. Here there is an attempt to re-name the sharing of these intimate acts, not as a commodified form of 'pornography', but as an act of care and love.

### **BDSM and rights to space**

In presenting the internet as a place where people can create their own oppositional sexual stories I hope to challenge the notion of a monolithic BDSM community, and highlight how there are diverse claims to sexual citizenship at play within these debates. The net presents us with a myriad of sexual stories and images, and this is where cyberspace differs from quasi-public spaces such as BDSM clubs. For example, certain BDSM spaces are restricted due to economic and mobility issues; clubs where you have to pay, need the right dress code, must be above a certain age and need transport to get to the cities where they are

often located. Cyberspace, on the other hand, allows almost anyone access to virtual BDSM communities; and as long as they have internet access they are free to enter and partake in this space (although clearly there are restrictions on this due to the unequal nature of internet access and the 'digital divide', see for example Warf 2001). Therefore, the autonomous and unstructured nature of virtual space can have potentially democratizing potential. Cyberspace, for example, can pose a challenge to the predominantly heterosexual–predominantly homosexual BDSM real-life spaces, by offering a space for those who do not fit into these rigid binaries. Cyberspace gives people a place for real-life boundaries to be challenged and tested, and for people to build up links with like-minded people (Brown and Knopp 2003: 418). The internet offers a space for those who are marginalized *within* marginalized groups. Cyberspace is not fixed and hierarchies are constantly challenged and reiterated. The internet therefore does not offer a space to tell *the* BDSM story but a proliferation of contradictory and often conflicting BDSM stories.

Furthermore, the internet also offers possibilities for disrupting the normal–perverse dichotomy. Specifically, real-life spaces such as BDSM clubs have been accused of being both exclusive and exclusionary. Moreover, in attempting to create a 'safe' space, many minoritized sexualities have partitioned themselves off from the mainstream (e.g. members-only venues/strict dress codes). These spaces form a visual marker that divides the 'perverse' from the 'normal' (Knopp 1997). Hubbard suggests that instead of exclusively inhabiting these marginalized 'ghettos' we must also attempt to create alternative spaces of sexual citizenship. He defines these as 'ephemeral sites of freedom and control which could be used to create fleeting but transitory identifications of which new identities and citizenships could

emerge' (2001: 65). He does not offer any indication of what this space would look like, where it is to be found or how we are to achieve it; however, the virtual reality of cyberspace could potentially provide such a place. As I have demonstrated, the virtual world of BDSM, unlike BDSM clubs, is relatively open—open not just to those who are marginalized within BDSM culture but also open to those who would not consider themselves as part of a BDSM 'scene'. One can enter virtual BDSM spaces without having to be visually marked as a member of this community: people from the 'normal' world can freely access these sites. Cyberspace is easily and instantly available from the privacy of one's home, and therefore can lead to not just a breakdown of spatial barriers but also identity barriers. This greater fluidity of identity gives people a chance to remove themselves from their everyday realities into a virtual world of fantasy. Certain spaces on the Web open up an anonymous private space for people to explore their potentially diverse sexual fantasies without fear of shame or reprimand from wider society (though of course one can be shamed in cyberspace too). Cyberspace therefore can be seen as a way to escape from the values, norms and constraints of one's immediate surroundings. Therefore, the internet provides a vital resource for those who may not be openly 'out' as having an interest in BDSM.

For some the semi-public space of the internet may seem to be somewhat diluted and de-radicalized. The suggestion that cyberspace offers people the chance to remain anonymous and closeted in their everyday lives surely stands at odds with the liberal-western LGBT notion of being 'out and proud'. However, for some, a space such as the internet might be seen as a mid-way point, a transitional space: and participation in



online BDSM communities may eventually lead to participation in ‘real-life’ communities. However, sex acts need not necessarily be a political statement or a liberatory claim for rights to sexual self-expression. Furthermore, scholars working within a post-colonial context have called into question the in–out binary of the closet. For example, Tucker highlights how the linear logic of closeted to ‘out’ can end up othering ‘those who do not free themselves of “the closet”—and who do not do so in particular ways’ by depicting them as ‘in denial and suffering from an “out-dated”, “pre-modern” and possible secretive mode of sexual identity’ (2009: 10). Therefore the idea of an authentic sexual self needing to be freed from the confines of the closet is clearly not applicable to all (see also Brown 2000 for an exploration of the geographies and materialities of the closet). Therefore, for many people the internet offers a way in which to gain the right to conduct the sex life of their own choosing in private, and as Brown and Knopp eloquently state:

Simple survival strategies can be every bit as meaningful and important in people’s lives as revolutionary social change. Indeed, survival in the face of overwhelming oppression is arguably one of the most radical acts of all. (2003: 413)

Dealing with the lack of rights to sexual practice can thus, at times, be more important than claims to identity and liberation (Richardson 2000), a point underlined in a number of responses to the consultation which highlighted that cyberspace was an important place in which people had begun to overcome the shame and stigma that is so often associated with BDSM. Internet pornography may therefore be essential for a person’s mental well-being, as one respondent states:

I have many friends just beginning to admit who they really are, I’m worried they will run back into the shadows. More importantly, younger friends seem to have no problem with who they are, much to the chagrin of some of my forty something friends, who struggled for years with depression or broken relationships before discovering, through the net, that they are not the only ones. (Mr C)

The building of a virtual array of BDSM communities provides an important support network, and part of this support involves producing and sharing explicit images. Amateur pornography here provides a tool for exploring fantasies and finding comfort that you ‘are not the only one’. The above statement echoes Califia’s work on the therapeutic effects of pornography, in which pornography sends out the message that:

Lust is not evil. The body is not hateful. Physical pleasure is a joyful thing and should not be hidden or denied ... There are other people who think about and do the things you dream about. (1994: 103)

For non-marginalized sexualities these possible uses of pornography may seem far fetched, yet for those who have had their desires and practices ridiculed and stigmatized, pornographic imagery may indeed be invested with such life-affirming potential (Champagne 1997).

BDSM practitioners’ responses to the consultation argued that pornography is not just an important aspect of community and identity formation, but also, that it provides a much more practical role in the dissemination of information about safer sexual practices. This information was said to be especially important for those who are only just beginning to explore BDSM. The issue of practising BDSM safely came up in a number of responses to the consultation, as Mr C notes:

SM novices have few sources of information about how to play safely, both in terms of their own personal safety from injury and in terms of preventing the transmission of STIs [sexually transmitted infections] ... I am concerned that the proposed legislation will further curtail the sources of educational safety information available to practitioners of SM.

A similar response comes from Ms V who worries that the new legislation may prosecute organizations who 'use images of consenting sadomasochistic sex in order to talk about health messages'. Likewise, as Mr L states, the possession of images depicting BDSM play can be 'useful for educating people in what it is safe to do and what it is not safe to do ... [it is] useful as [a] learning tool'. There is therefore a widespread concern that the government legislation may have an adverse effect on the safety of those who are just beginning to experiment in BDSM activities. Pornography here is not just a graphic depiction of sexual acts that is used for the purpose of arousal, instead it becomes seen as a useful learning device, a kind of 'how to guide' for conducting BDSM safely. The new legislation fails to recognize that pornographic material may not always be for the sole purpose of 'sexual arousal' but that it could also in fact be a crucially important educational tool.

Ultimately, a number of those seeking to oppose the Act have depicted the legislation as a direct attack on their right to privacy. As Mr B states:

pornography is a privacy issue. Who cares what gets your rocks off, so long as your conduct in and out of the bedroom does not harm anyone—or more specifically, does not harm anyone who does not wish to be harmed.

Yet is internet pornography a privacy issue? As argued in the previous section, the dichotomy

of public and private is something that cyberspace challenges. The internet transgresses the boundaries of public and private and this is potentially why it is periodically associated with widespread moral panics (Potter and Potter 2001). Sexual subcultures that previously existed behind closed doors are now in such close proximity that they are only just a Google search away. The message that this legislation sends out is that BDSM practices are acceptable if conducted in private—if no one else gets to see. Thus BDSM claims to sexual citizenship are severely limited, and BDSM is being effectively pushed into even more marginalized spaces. A number of responses to the government consultation do recognize that their pornography may in fact be disturbing to other people, but as Ms M points out, 'we try to keep our sites from offending people that may not be into BDSM by using general warning pages and adult verification'. Yet are these measures enough? What about the rights of other people who use the internet who do not want to come across such material? In the next two sections I shall consider the rights of two groups who have been portrayed as needing particular protection via this new legislation: children and women.

### **The poor innocent kid on the net? The rights of children**

The safety of children is portrayed as one of the key motivators behind the new law, with the Home Office stating that this legislation will 'help to protect society, particularly children, from exposure to such material' (2005: 22). This legislation is said to be needed in order to protect children who may accidentally view extreme pornographic images online. However, have the rights of

the child been prioritized over consenting adults' right to self-expression? Significant to my analysis here, is the way in which many of the responses to the consultation that spoke about the rights of children came from groups defining themselves as 'Women's organizations'. In these responses mothers are called to the battle-line to defend their children in the fight against extreme pornography. This is encapsulated in the news caption 'Mother Continues Fight Against Sick Porn' (*Reading Evening News* 2006). The headline here is referring to Liz Longhurst who founded a campaign for extreme pornography to be banned as a result of her own daughter's murder by a man who was said to be fixated with extreme pornography. The Jane Longhurst Trust conducted a series of presentations across the country, aimed at Parent Teacher Associations, Women's Institutes, church groups, as well as parents' meetings at youth and sporting clubs. The Trust states that its mission is:

to continually strive to uphold our belief that the Internet should be a safe, secure and essential part of our everyday life, for ourselves, our families and most of all our children.

In Cyberspace no-one hears the children crying—start listening NOW! (The Jane Longhurst Trust official website)

In a number of responses to the consultation, extreme pornography is depicted as a societal evil that stands at odds with both motherhood and traditional family values. As one respondent, Mrs H argues, 'pornography is an evil form of advertising. It is responsible for the yob culture, breakdown in marriage and violence'. This linkage between pornography and a decline in family and societal values is one that is frequently made in response to the

consultation. Responses in support of the 'dangerous pictures act' believe the internet should be a sanitized, family-friendly space (Aitken 1998). Thus falling to wider debates concerning the internet and public anxiety about the widespread availability of 'dangerous' undesirable content that children might come across (Holloway and Valentine 2003; Livingstone 2003).

However, this rhetoric of 'mothers versus pornography' has been challenged by some of the women who responded to the government consultation. A number of BDSM respondents draw attention to the fact that they too have children. Take, for example, the following two responses:

The human cost of implementing the Governments proposals have not been mentioned but would be very high. Many lives would be ruined because of them. Every prosecution brought would also bring a serious risk of children losing parents, loss of livelihoods, loss of homes. (SM Scotland)

The practice of BDSM has no bearing on the fitness of a person to do a particular job or to be a parent ... As many of us are parents ourselves, Unfettered believe that parental guidance is the only way to protect children. (Unfettered)

Thus, in actively claiming their status as parents, these responses attempt to challenge the misconceptions about what type of people view extreme pornography. The spaces these people claim to inhabit are not the 'twilight world of the sadomasochist' (Binnie 1994) or a seedy underground existence, but a 'normal' landscape of the family. These responses attempt to portray those who view extreme pornography as fully functioning and respectable members of society, and thus worthy of rights claims. This strategy of assimilation into existing structures, however, is not without

problems, as demonstrated by existing debates surrounding homonormativity (see Duggan 2002; Richardson 2005).

A number of responses to the consultation argue that the state should stop putting children's rights ahead of adults' rights. By enforcing censorship laws in the name of the protection of children, many have argued that the state is taking on a responsibility that was never theirs to begin with. As Mr M argues:

It is high time that the state stopped trying to sanitize the world and placed the responsibility for children where it belongs—with the people who had them. Using an unsupervised internet terminal as an electronic child minder is at best a feckless act and possibly tantamount to neglect in some cases.

Some respondents argued that the responsibility to stop children viewing explicit imagery on the internet should lie with the parents, with one suggesting that the government should instead 'consider penalties for parents who do not regulate their children's surfing'. The appeal to children's rights was seen by many respondents as a way for the government to justify their dislike of those pursuing legal sexual practices. As Mr U states, 'My fear is that, once again, "protecting the innocent" will simply be used as a justification to ban something which people do not like'. In making appeals to 'children's safety' the government invokes an emotive tool often used in order to persuade the public of the commonsense nature of crime and order legislation. However, this conflict between sexual rights and children's rights has a long and complex history; for example, as Coulmont and Hubbard (2010) note, children's rights often come into play in discussions about the legislation and placement of sex shops. The right to buy sex-related goods is challenged by those who are seeking to protect children, even though there is no clear

evidence that the existence of these shops endangers children's rights (as these spaces are required to have a strict over 18 age limit). At a more practical level, it seems clear prosecuting those who view 'extreme pornography' will not have any effect on the material's availability on the internet. This material will still be there for people to view as the government is targeting the consumers rather than the producers. Further, the warning of a criminal offence is rarely going to influence a child's decision to view such material (whether intentional or not). The responses to the consultation argue that a more logical step would be to educate parents into the uses of child protection packages, and better regulation through Internet Service Providers (ISPs). However, granting power to unaccountable ISPs may have some adverse effects, for example community sites for marginalized groups may be unfairly targeted. In the next section of this paper I go on to explore another group who are depicted as in need of protection from online pornography: women.

### **The rights of women**

The government states that it wishes to censor any pornography that depicts 'serious violence towards women and men' (Home Office 2005: 5). On first glance, one might think that the inclusion of men marks a positive change from traditional debates about pornography in which men are seen as incorruptible and unshockable, and it is women who are in need of protection. However, in almost all the responses to the consultation document, the message is clear; the problem with extreme pornography is the damage it does *to women*. In fact, one response from Wearside Women In Need raised objection to the 'gender neutrality' of the consultation document, and

argued that the legislation should also cover 'incitement to gender hatred'. Moreover, the blurring between notional and genuine consent is perhaps the most contentious aspect of this legislation as the government is effectively claiming that no one can ever consent to partake in extreme pornography. For many of the respondents though, the idea of 'genuine' consent is dismissed as they argue that no woman could ever consent to partaking in the making of such material; take, for example, the following response by the anti-pornography campaign group Object:

an individual who 'chooses' high levels of abuse such as that inflicted during violent pornography—would be deemed of unfit mind by the legal and medical establishments. The issue of choice with regards to extreme violent pornography is therefore not a recognized one.

Later in their statement they make clear that the individuals they are speaking about are women. These debates about those 'deemed of unfit mind' by the medical establishment have sinister echoes with earlier condemnations of same-sex desire as an abnormality. In condemning the representation of BDSM, these responses have also condemned the reality.

The protection of women and women's rights, however, is not just limited to those who feature in extreme pornography. In many of the responses to the consultation it is argued that extreme pornography does not just harm the women who make it, but also that it harms *all* women. As one response to the consultation argues:

from a feminist perspective, such materials not only perpetuate gender inequalities but worsen them through the objectification of women. (Rights of Women)

Women and feminism become seen as singular entities. Pornography does not just harm those who work within it, but it has adverse effects on all women, as extreme pornography is seen to send out wide messages about women's status in society. As one response states:

[the] message it carries is clear. There is no place in our society where it is safe to be a woman, or child, not in our homes, not in the streets, not even within our families. It is pornography that promotes and creates the conditions that make it dangerous to be a woman or a child. (Scottish Women Against Pornography)

Here, woman's status is reduced to that of a child, being seen as vulnerable and in need of protection. As the feminist legal theorist Mary Joe Frug argues, legislation such as this that is meant to protect women inadvertently positions them as inferior. Frug (1992: 1049) argues that these discourses work to 'permit and sometimes mandate the *terrorization* of the female body'. Under patriarchy women are seen as incapable of exploring their own sexual desires: women are denied sexual autonomy and the right of agency.

The anti-pornography responses to this consultation overlook the growing number of women turning to pornography as a site of self-expression and discovery. It is now estimated that over 20 per cent of people visiting online porn sites are women (Lane 2001: 35). The responses from 'women's organizations' therefore potentially alienate any woman who may in fact find pleasure in certain forms of extreme pornography. One response by the Lilith Project puts forward the proposal that the government should extend this law to cover:

any material which features naked women for the sole purpose of sexual gratification. As pornography causes psychological and physical harm to women.

Here, all explicit images of women become equated with women's subordination: another response to the consultation states that pornography 'harms women's opportunities for equality and rights of all kinds'. Yet one must ask *which* women does it harm? Furthermore, it could be argued that the law against extreme pornography directly infringes upon certain aspects of women's rights, especially for women who have an interest in BDSM. For example, many have argued that women's rights must also include the right to eroticize and the right to control their own bodies, fantasies and sexualities (Carol 1993: 156). It is hence important to note that opposition to this new law also comes from performance artists and feminist pornographers, as there is concern that their work may fall under the government's classification of 'extreme pornography'. It is material such as this that aims to subvert and challenge some of the traditional conceptions about female sexuality. Pornography is reimagined as a site of power for women rather than as a site of oppression. What we have witnessed in this legislation, and in the supportive responses to it, is a failure to differentiate between different *types* of pornography. Porn on the internet is not just an extension of the capitalist-patriarchal porn industry (though some of it undoubtedly is). Porn on the internet can be produced and consumed by women, and the viewer of online pornography is not only always male (Jacobs 2007). Furthermore certain forms of online porn question the misconception that that women can never consent to objectification. Producing one's own pornography can be reclaimed as a source of power, rather than a danger (Attwood 2004). Moreover, it has been noted that cyberspace can provide a safe space for women to explore sexual fantasies without the stigma attached to acting out these fantasies in real life (Juffer 1998).

Yet these appeals to the rights of women who produce and consume porn have often been dismissed by responses to the consultation. Object, for example argue that:

Restricting the right of the tiny proportion of women who genuinely choose to participate in pornography is, unfortunately, clearly necessitated by the extensive harm experienced by the overwhelming majority of women within the porn industry.

Here it is left unclear why the only option is to reduce these two positions to an either/or scenario, as surely it is possible to help women who are exploited through pornography whilst also allowing those who actively choose the right to continue. In this sense, claims made to the rights of women being more important than the rights of producing or consuming pornography can actually undermine some of the hard-fought victories of feminism, not least claims to access space on an equal basis with men.

## Conclusion

In this paper I have attempted to explore how the spatial rights of different minorities can come into conflict, and to understand whose claims are given priority. Focusing on the entwining of rights of expression, rights to identity and rights to safety, I have focused on the internet as both an *object* of regulation but as a *space* of contestation. Since its inception, the internet has occupied a legally indistinct place poised between public and private, neither as intrusive as established media (newspapers, TV, film) yet seemingly not regarded as part of the private realm. Yet focusing on the recent regulation and censorship of pornography in the UK, I have sought to explore the ways in which the state



and law has endeavoured to restrict the internet as a public site in which sexual dissidence should not circulate lest it corrupts the viewer. The obvious legal difficulties that the state has had in defining appropriate and inappropriate Web content underlines that often form and content are conflated. Moreover, effect is assumed: images in circulation on the internet are hence censored because of an assumed corrupting influence on the viewer. Promoting the protection of women and children, governmental legislation curtailing the display and ownership of extreme pornography shows that battles over virtual space resonate with wider questions of sexual rights and claims to space. BDSM activists, in particular, argue that this emaciation of their rights to promote and actualize their consensually chosen lifestyles represents a fundamental debasement of their sexual citizenship. This legislation depicts certain BDSM practices as 'abject' and pushes them further into an excluded space of delegitimated sex. In this sense, claims to rights are always spatialized, and citizenship can never just be about the right to occupy real-life spaces, but also the right to inhabit the virtual. These debates over online pornography highlight how cyberspace is a constantly contested space where a variety of rights claims are being played out in the ongoing conflict over virtual citizenship.

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## Abstract translations

### «Pornographie extrême» et les espaces disputés de la citoyenneté virtuelle

Cet article met sous considération des questions de la citoyenneté sexuelle à la lumière de la nouvelle législation du RU qui entame des procédures contre les voyeurs de la «pornographie extrême». Justifiée en tant que tentative de soutenir la décence

publique, l'intervention gouvernementale vise à empêcher que les gens voient les images dits «extrêmes» non pas en limitant l'accès aux certains sites du web, mais plutôt en intervenant dans la consommation privée de ces images. Dans cet article je tire des discours de ceux qui ont soutenu une telle intervention, et suggère que ces argumentations revendiquent à un espace qui défend les droits de quelques citoyens par-dessus ceux d'autres. Pour conclure, je soutiens que la citoyenneté sexuelle ne s'agit pas uniquement du droit d'occuper les lieux physiques mais aussi le droit de résider un espace virtuel—le cyberspace. Je soutiens alors que l'internet un rôle clé en transformant les géographies sexuelles du publique et du privé.

**Mots-clés:** cyberspace, pornographie, citoyenneté, droits, sexualité.

*'Pornografía extrema' y los espacios contestados de ciudadanía virtual*

Éste artículo se considera temas de ciudadanía sexual a la luz de nuevas legislativos Británicos

cuales procesan los telespectadores de 'pornografía extrema'. Justificado como un intento mantener la decencia pública, la intervención gubernamental se busca impedir ver a los imágenes 'extremos' no por limitar el acceso a sitios web particulares, pero en cambio por intervenir en el consumo privado de estos imágenes. En este artículo utilizo los discursos de los que han apoyado tal intervención, y propongo que estas discusiones reclamar el espacio de una forma que se defiende los derechos de algunos ciudadanos sobre otros. Examino el entrelazamiento de los derechos de expresión, derechos a la identidad y los derechos a seguridad. En conclusión, discuto que la ciudadanía sexual no solo se trata al derecho ocupar lugares físicos actuales también como el derecho habitar el virtual – ciberespacio. Así discuto que el internet tiene un rollo importante en transformar las geografías sexuales del público y el privado.

**Palabras claves:** ciberespacio, pornografía, ciudadanía, derechos, sexualidad.