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Blurred Lines: How Fictional is Pornography?

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Abstract

Many pornographic works seem to count as works of fiction. This apparent fact has been thought to have important implications for ongoing controversies about whether some pornography carries problematic messages and so influences the attitudes (and perhaps even the behaviour) of its audience. In this paper, I explore the claim that pornographic works are fictional and the significance that this claim has for these issues, with a particular focus on pornographic films. Two related morals will emerge. First, we need to pay attention not merely to whether entire pornographic works should be classified as fictional, but to the way that pornographic fictions (like fictional works more generally) have both fictional and non-fictional elements. Second, we have to understand the ways that pornographic works can blur the lines between fiction and non-fiction, misleading their audiences into taking their fictional elements to be revealing truths about non-fictional reality. In the case of pornographic films, we will examine how a pornographic fiction can be portrayed by people having sex on camera, and the ways in which this portrayal can mislead viewers about sex in the non-fictional world.

Keywords

pornography, fiction, philosophy of film, propaganda, speech act theory, presupposition, pornography and art

1. Introduction

Some pornographic works should clearly count as works of fiction: think, for example, of pornographic novels, short stories, cartoons, and ‘slash fictions’.¹ Equally, some pornography doesn’t seem to be fictional at all, except perhaps in an attenuated sense; real and unedited ‘home-made’ sex-tapes, for example, don’t seem to be works of fiction in any obvious sense, but may still count as amateur pornography. These are the relatively clear cases, however, and much pornography falls between these two poles, blending fictional and non-fictional elements.

This isn’t a distinctive feature of pornographic works. On the contrary, it’s widely accepted that works of fiction often contain elements that are not themselves fictional, such as the descriptions of whale anatomy in *Moby Dick*.² Indeed, the storylines of most works of fiction take place against a background of facts about the non-fictional world (Lewis 1978). For this reason, a work of fiction has been likened to ‘a patchwork of truth and falsity, reliability and unreliability, fiction-making and assertion’ (Currie 1990: 49). Likewise, some works we’d typically count as factual contain fictional elements, as when Edmund Morris included a fictionalised version of himself in his biography of Ronald Reagan.³ Such observations raise issues about how to classify a complete work as fiction or non-fiction, given that works of both kinds can apparently contain a mixture of fictional and non-fictional elements.

When we shift our gaze from literature to live-action film, the line between fiction and non-fiction seems blurred still further. What we see, in the first instance at least, are actors playing certain roles in real or (increasingly) computer-generated settings. On this basis we see or imagine what we’ll call the *nominal portrayal*: the fiction depicted by the representations on the screen.⁴ In *Mission Impossible: Ghost Protocol*, Tom Cruise’s character Ethan Hunt scales up the side of the Burj Khalifa. The nominal portrayal here—Hunt’s dangerous climb—could have been depicted by mostly computer-generated images, but in fact it wasn’t; Tom Cruise really did film the scenes while dangling off the side of the Burj Khalifa, albeit with much better safety equipment than is shown in the film. So live-action films complicate the distinction between fiction and non-fiction even further, since we have both the fictional nominal portrayal, and its depiction by non-fictional people, objects, places, and behaviour: what we’ll call the *physical portrayal*. Moreover, and adding a further layer of complexity, we have computer-generated imagery (CGI), now ubiquitous even in Hollywood films that are counted as live-action. *Ghost Protocol* would be unambiguously classed as a work of fiction, but we’d have missed something out if we stopped there, given that the way that it represents its fictional content depends on recordings of the physical portrayal.

¹ These are fan-made stories and images featuring well-known fictional characters depicted in sexually explicit encounters and relationships; see Mag Uidhir and Pratt 2012.

² See Friend 2016.

³ For this and related examples, see Friend 2008.

⁴ This terminology comes from Carroll 1996: 46-7. As Carroll notes, the terminology goes back to Monroe Beardsley (1981: 277). The view that we see the nominal portrayal, and not just the actors, sets, props, and so on, isn’t popular, but it has been plausibly defended in Fiorelli 2015.

If these issues are general, why focus on pornography? The reason is that pornography's place within the fiction/non-fiction dichotomy matters for other central philosophical debates about pornography. Some of these debates occur squarely within the philosophy of art, and have to do with the longstanding question of whether pornography can ever count as art.⁵ More often, however, the focus is on issues in moral, social, and feminist philosophy, as it's been claimed that concerns about the messages carried by pornography and its supposed influence on the attitudes and behaviour of its audience are undermined because they fail to take seriously the fact that 'it's just fiction'. Let's call this *the fiction objection*.⁶ It will be our focus here.

2. Pornography and Fiction

Before we engage with the fiction problem, I need to say a little more about both how pornography and fiction are being understood. Unfortunately, neither term has a standard characterisation.

2.1 Pornography

Some philosophers characterise pornography as 'the graphic sexually explicit subordination of women through pictures or words'.⁷ However, this definition builds the controversial thesis that pornography subordinates women (and not merely causes or depicts such subordination) into the very definition of pornography, and it seems to leave no room for egalitarian pornography of any kind (for example, feminist pornography or queer pornography).⁸ For this reason, a more neutral definition of pornography is often preferred: for example, we might take pornographic works to be artefacts that explicitly represent sex with the primary aim of sexual arousal.⁹ I'll be working with the second, more neutral definition throughout this paper, unless I specify otherwise.¹⁰

I will need to restrict my focus here, and so I will mostly concentrate on live-action pornographic films: that is films involving moving images of explicit sexual acts between real performers (rather than animations or computer-generated images, for example). Most contemporary pornography takes this form. Moreover, as already noted, pornographic films raise issues about the line between fiction and nonfiction in a particularly interesting and tricky form, given that we have the nominal portrayal being somehow realised on screen by

⁵ For example, Cain 2012 appeals to a distinction between fictional and nonfictional pornography to show that attending and appreciating the features of a work aesthetically is compatible with attending to it as pornography, and he argues that this undermines one argument (found in Levinson 2005) for being suspicious of the claim that pornography can count as art. See Maes 2011 for an overview of this general debate.

⁶ For an early statement (though not endorsement) of the objection, see Kappeler 1986. There's a variant of the fiction objection according to which pornography is merely *fantasy* (e.g. Manne 2018: 162-3); for discussion of Manne's objection, see McGlynn 2020.

⁷ See, for example, MacKinnon 1987: 176 and 1993: 15, Langton 1993, and Langton and West 1999. MacKinnon adds: 'We also provide that the use of men, children or transsexuals in the place of women is pornography'.

⁸ See Mikkola 2019: 9-13.

⁹ The idea that pornographic works are artefacts is stressed by Mikkola (2019); however, she resists the common idea that it's characteristic of pornography that it primarily aims at sexual arousal of its audience.

¹⁰ It's not as clear as this suggests that these are really rival conceptions of pornography: see Finlayson 2016: 140-3.

the recorded actions of real people. Other pornographic media may raise different issues: think, for example, of pornographic video games, virtual reality, and images and films that are entirely drawn or computer-generated. However, I will leave those aside here.

2.2 Fiction

Just as there are rival ways of understanding what pornography is, there are a number of different ways to draw the line between the fictional and the non-fictional. I want to set aside one widely-discussed characterisation here, according to which any work which prescribes imagination is fictional (e.g. Walton 1990). Pornographic works often clearly count as fictional in this sense, and this is relevant to some of the moral issues about pornography that will occupy us soon.¹¹ However, too much counts as fictional in this sense, and its widely acknowledged to be a semi-technical notion, which doesn't always line up with our ordinary notion.¹²

How might we try to demarcate fiction and non-fiction in a way that's closer to how we usually understand the distinction? In the recent literature, there are two main rivals.¹³ The first is inspired by broadly Gricean accounts of meaning and communication (Grice 1989). The idea is that fictional works involve utterances made with particular kinds of audience-directed intentions. A Gricean account of assertion, for example, might have it that one asserts some proposition P only if one makes an utterance with the intention that one's audience take one's utterance as signalling that one wants them to believe that P. The kind of utterances relevant for understand fiction are ones which prescribe make-believing or imagining P instead of belief. We now face some tricky questions about what it is for a whole *work* to be a fictional one. Such questions are tricky due to the point made already above, namely that it seems that works of fiction typically have nonfictional elements; they seem to be a 'patchwork' of utterances which prescribe belief and utterances which prescribe make-belief. There are a number of different proposals about how to characterise fictional works in light of this point, though these won't concern us here.¹⁴ A further challenge is to extend such accounts of fiction from written works to works that are primarily visual, since it's not clear how to account for the fictional status of a film in terms of fictive utterances.¹⁵

The other account of fiction we'll consider is that fiction and non-fiction are *genres*.¹⁶ Genre classifications generate expectations about what kind of features a work has and determine appropriate norms for evaluation of that work. However, the features associated with a given genre are not essential to it, and so one's expectations about a work, based on its

¹¹ See Liao and Protasi 2013.

¹² See, for example, Friend 2008 and 2011, and Woodward 2014.

¹³ These two theories do not exhaust the available options; for example, see Abell 2020 for a recent alternative.

¹⁴ For example, see Currie 1990, Sainsbury 2010, and Stock 2011 and 2017. Relatedly, these philosophers differ on whether having the right audience-directed intentions is sufficient for an utterance to count as fictive (as Stock argues), or whether there's an additional condition requiring that the proposition one's audience is directed to make believe is either false or accidentally true (as Currie and Sainsbury hold).

¹⁵ Currie (1990: 39) attempts to extend his account to visual media, but the attempt is problematic: see Stock 2017: 2-3 for relevant discussion.

¹⁶ See Friend 2011 and 2012, but see Currie 2020: chapter 1 for criticism.

genre, may be subverted. Likewise, the norms one takes to be relevant to evaluating a work, based on its genre, may prove unsuitable. We can elaborate on these points with appeal to Kendall Walton's distinction between *standard*, *contra-standard*, and *variable* features of works in a given genre.¹⁷ A feature is standard if possessing it tends to place a work in that genre, contra-standard if it tends to place it outside of that genre, and variable if works can have or lack it without this bearing on their membership in that genre. The proposal is that we think of fiction and non-fiction themselves as genres. On this account, there can still be a close connection between a work being one of fiction and the audience being invited to make-believe certain things, but this is a standard feature of the fiction genre, rather than an essential or constitutive one.

In contrast with the Gricean account, there don't seem to be any obstacles to extending this genre of fiction account to visual media, such as films.¹⁸ However, in other respects this approach might seem ill-suited for our current purposes. It's a feature of the genre account of fiction that questions about what is and is not fictional are to be answered primarily at the level of whole works rather than features or parts of works, such as the utterances that make them up; after all, it's primarily whole works that are classified by genre. And I've already hinted that the most interesting questions arise with respect to pornographic works that have both fictional and non-fictional elements. *Deep Throat* is undoubtedly a work of fiction (and a rather far-fetched fiction at that), but we'd miss a great deal of importance if we stopped there; there seems to be something all too real and non-fictional about it, which it would not share with a pornographic cartoon with the same characters and plot. I'll return to this issue in section 4.

2.3 The Fiction Objection

The fiction objection takes more specific forms in response to particular accounts of the supposedly pernicious influence of pornography. We'll consider two here; one according to which pornography implicitly says things like 'Women enjoy rape' by presupposing such claims, and one according to which pornographic images spread a harmful and sexist sexual ideology. Both are attempts to spell out feminist concerns with pornography, and in particular, they are attempts to explain how pornography might influence the attitudes and perhaps the behaviour of the people—predominantly men—who watch it.¹⁹ And both proposed explanations might be thought to fail because pornographic works are fictional, and the performers that feature in them are just acting; if pornographic works make no claim to be about the real, the non-fictional world, and their audiences recognise this, then it's mysterious why and how pornography might influence people's attitudes about the real world. In the next section I will focus on the version of the fiction objection that arises for the proposal that pornography *presupposes* harmful messages about women and sexuality. In the final section, I'll consider the fiction objection as it applies to the claim that

¹⁷ Friend 2012, drawing on Walton 1990.

¹⁸ Though Friend focuses on written works (2012: 181).

¹⁹ I focus on feminist critiques of pornography here, but there are also serious worries about the way pornography portrays anyone who isn't white, heterosexual, cisgender, nondisabled, slim, and so on (see e.g. the papers collected in Mikkola 2017)—indeed, we may well be troubled with how pornography portrays relatively privileged men. Such critiques are not intended to apply to all pornography; for example, feminist and queer pornography may avoid (and may perhaps even contribute to countering) these problems.

pornography is a misleading but authoritative source on women's sexual preferences, focusing in particular on the question of whether performers in pornographic films are 'just acting'.

3. Does Pornography Presuppose Harmful Claims about Women?

In this section, I'll introduce an influential challenge to pornography's status as protected speech. I'll then examine the problem for this challenge that is raised by the apparently fictional status of pornographic works, before looking at the possibilities for responding to this problem.

3.1 Pornographic Presuppositions

The idea that pornography might presuppose problematic messages comes from feminist philosophers who want to object to pornography's status as protected speech in countries like the US. If pornography is speech, these philosophers contend, then we can appeal to speech act theory in order to ask questions about what it *says* and *does*. And they argue that what pornography says is that women are sexually available to men, that sexual refusals are really coy acceptances, that women enjoy and deserve rape, and so on, while what pornography does is rank women as subordinate to men, legitimates treating women as inferior, legitimates sexual violence against women, silences women, and so on.²⁰ This line of argument offers a defence of Dworkin and MacKinnon's characterisation of pornography as a kind of speech that subordinates women, mentioned above, as well as providing support for MacKinnon's controversial claim that pornography silences women. Both of these claims about what pornography does look to be in tension with the idea that pornography should be protected under free speech laws; at the very least, we need to weight up men's right to produce and distribute pornography against women's rights to equality and to their own freedom of speech.²¹

Pornographic works rarely contain explicit statements such as 'women are subordinate' or 'women enjoy rape'; indeed, pornographic images and films may not involve any overt language at all. However, we might acknowledge this, and respond that rather than making overt pronouncements, pornography *presupposes* that women are inferior and certain (sexist and violent) forms of behaviour towards them are legitimate (Langton and West 1999). The presuppositions of a piece of speech, in the relevant sense, are things that its audience needs to accept if they're to make best sense of what it says or depicts. For example, if I say "Even Nelson passed the test", I presuppose that Nelson is particularly lacking in relevant aptitude. Perhaps this is something we all accept already, and so my audience immediately grasps what I'm trying to communicate about the test. But perhaps my audience doesn't have any prior impressions of Nelson, in which case making best sense of what I've said will require *accommodating* my presupposition by getting on board with my low opinion of Nelson.²² To such an audience, I'm simultaneously conveying my low

²⁰ See in particular Langton 1993, which refines and defends claims made in MacKinnon 1987 and 1993.

²¹ See Watson 2010 for an overview of this debate.

²² See Lewis 1979, and see Simons 2006 for more on presupposition and accommodation. Heck (forthcoming) offers an argument that the appeal to accommodation can't do the work Langton and West require it to, and that appealing to the fictional status of pornography doesn't help.

opinion of Nelson and the lack of challenge posed by the test; however, the presupposed claim is presented as something that's just part of the taken-for-granted background to my claim about the test. Likewise, we might propose that pornography can presuppose the kinds of claims highlighted by feminist critics, and that this is true of pornographic images as well as pornographic texts (Langton and West 1999: 311-2).

3.2 *According to the Fiction*

What does the fiction objection look like when considered as a problem for this kind of account? The worry is that the claims made within works of fiction are often taken to be implicitly prefixed by the operator 'According to fiction F, ...'. For example, it's not really true that Sherlock Holmes lived on Baker Street. However, it is true that *according to the Holmes stories* he lived on Baker Street, and that's what we're really claiming when we say 'Sherlock Holmes lived on Baker Street' (Lewis 1978). Suppose now that pornography says, perhaps implicitly, that women enjoy rape, or that saying "no" is a coy way of accepting sexual advances. If the claims presupposed in fictional works are implicitly just about what's true in those fictions, then pornography makes no claim about our non-fictional reality. Pornographic works only presuppose claims which are prefixed with an 'According to fiction F...' operator, just like our claim about Sherlock Holmes turns out to really be a claim about what's so according to Doyle's stories. Moreover, if viewers of pornography *recognise* that pornography is just fiction, and so that the claims it presupposes about women are not really about non-fictional reality, then it's unclear how pornography might be supposed to have any influence on its audience's attitudes concerning the real world and real women.

3.3 *Background Liars and Blurrers*

One reply to this version of the fiction objection takes as its starting point Lewis's (1978) influential analysis of the 'According to fiction F...' operator that it appeals to. On Lewis's analysis, what's true in a given fiction F is a joint product of what is explicitly true in the story and the collectively held beliefs of the community that form that fiction's primary audience.²³ It's in virtue of the role played by these collectively held beliefs that the analysis can account for propositions being implicitly true in a fiction. The Holmes stories don't explicitly specify that he lives closer to Paddington Station than to Waterloo Station, but since this was collectively believed by Doyle's readership, and since nothing in the story requires a departure from this belief, by Lewis's lights it is true in the fiction. This belief counts as part of the non-fictional background against which the story is set, which together with what's explicitly part of the story determine further fictional truths, only some of which the author might have intended his audience to recognise. Although Lewis's aim was to offer an analysis of truth in fiction, in an appendix to his paper he noted that his account has implications for epistemological issues, in particular for the ways in which fiction can spread falsehood, due to ignorance or mendacity on the part of the author (1978: 279).

²³ Lewis in fact proposes two different analyses, but seems to lean towards the one in the text. See Woodward 2011 for further discussion of Lewis's analyses.

Here's how this might work. In the simplest kinds of case, a work of fiction might be presented in its entirety as non-fiction. Cases closer to what Lewis may have had in mind arise when an author correctly presents their work as fiction, yet includes falsehoods amongst the presupposed propositions that make up the assumed background of real-world 'fact' that the plot takes place against; we can call such authors *background liars*.²⁴ Finally, authors might be *background blurrers*. Rather than presenting falsehoods part of the background of fact, background blurrers simply fail, intentionally or unintentionally, to adequately distinguish between false fictional claims and the presupposed supposedly-factual background.²⁵ All three of these possibilities are live in relation to pornographers, and so this suggests three ways that pornographic works might be fiction and yet say the things that its feminist critics argue it says about non-fictional women.

How successful is this response to the fiction problem? Let's examine the three proposed ways that pornography might mislead even if it's fiction. First, we might question the coherence of the claim that a work of fiction might be presented wholesale as nonfictional, since might hold that it's constitutive of fictional works that they are made to be engaged with in certain distinctive ways—the content of a fiction is to be imagined or make-believed rather than believed—and this is incompatible with the work being presented as non-fiction (Cooke 2012: 236). However, this worry rests on a particular, contentious claim about the nature of fiction, and we've seen that there are alternative accounts. Moreover, there are categories of pornographic works that seem to illustrate this possibility; for example, so-called 'reality porn' or 'corporate amateur porn', which features professionally made films that are expressly designed to look like amateur 'home-made' pornography. This is achieved through, for example, casting less well-known performers, or through a cinema vérité style.²⁶ That said, we might dispute whether such pornographic works really are presented wholesale as fiction, since there are often features of these films that seem like they should clue in their viewers to the fact that there's a fictional dimension to what they're watching. These include: the reoccurrence of the same performers in many different roles; the overwhelming portrayal of incest (what Shira Tarrant has called 'pseudo-incest' pornography (2016: 37)); the casual use of cameras to record sexual encounters, particularly those that the people involved are portrayed as regarding as taboo-breaking or otherwise liable to get them into trouble (such as incestuous relationships, or those taking place in the workplace); and in many cases, the use of shots that have clearly been filmed by a cameraperson during what are supposed to be private, intimate, and potentially compromising moments.

This suggests that the proposal that pornographic fiction carries misleading presuppositions should lean more heavily on the notions of background liars and blurrers in explaining how this is possible. However, as we've seen these notions are introduced in the context of David Lewis's account of fictional truth, and this leads to a new worry. The concern stems from Lewis's suggestion that the background presuppositions of fictions are things that are *believed to be true* by the community in question. Sometimes the background presuppositions of a story are known to be false. This can happen when the assumed background to what's explicitly stated in a fiction is set by *genre-conventions* rather than by

²⁴ Langton and West 1999: 316-7.

²⁵ Langton and West 1999: 317.

²⁶ See, for example, Zecca 2014: 332 and Stella 2016: 355.

the beliefs shared by the author and their audience, as when works of science-fiction presuppose that faster-than-light travel is possible. In these cases, we might think that audiences will be more cautious in treating the background as factual, and so background lying or blurring will have little effect.²⁷ The objection is quite right in stressing the importance of genre conventions, and the role these can play in determining what's true in a fiction.²⁸ Nonetheless, the conventions associated with many popular subgenres of pornography seem to invite the audience to take the background to be factual rather than fantastical, even with regards to fictional works; for example, amateur pornography and 'reality porn' seem to frequently (if, as we've seen, not invariably) nudge the viewer towards taking the assumed background to be factual, and I suspect the point generalises.²⁹

A different kind of response to the presupposition account alleges that *even if* pornographic fictions sometimes impart false beliefs to their audiences in one or more of the ways suggested, this is due to faults on the audiences' side, and so the point lacks the moral significance that feminist philosophers like Langton and West claim for it. For example, Brandon Cooke writes that 'unless there is some blameworthy authorial negligence or intent to mislead, acquiring false beliefs can hardly be held against the work or its author' (2012: 238). However, this is disputable on several grounds. First, we shouldn't be too quick to assume that those who make and distribute pornography *are* innocent of ill-intentions. The primary aim of a pornographer is likely to be to make money rather than to push a particular sexual ideology, but they may pursue the latter as a route to the former.³⁰ Second, even in cases where pornographers lack ill-intentions, it's not clear on what grounds we might conclude that they're innocent of negligence. Even if pornographers don't intend to convey false messages, it's far from clear that they taken all necessary and available precautions against this. In any case, even if a lack of bad intentions or negligence gets the creator of a work off the hook, it can remain quite sensible to morally criticise the work itself. A work may have consequences that were both unintended and unforeseeable at the time, and this may incline us to say that the author shouldn't be subject to blame. But if the work contributes to the ongoing oppression or mistreatment of a group of people, that's a kind of moral criticism that remains valid, and which may rightly call for some action.

Just as we shouldn't be too quick to vindicate pornographers and their works, we shouldn't be too quick to place the responsibility for any false beliefs formed on the basis of watching pornography onto the audience. One argument to the contrary starts from the premise that engaging with fiction is governed by a norm according to which we should take claims made in the context of fictional works to be merely fictional, unless we have good evidence that they are not (Cooke 2012: 239). It follows that viewers who take pornographic fictions to concern the real world are making a mistake, and should know better. However, this norm and the associated argument are implausible on several grounds. First, as we have already noted in our discussion of background liars and blurrers, the author of a work may be responsible for making it difficult to determine if their work is fictional, and so difficult for

²⁷ See Cooke 2012: 237.

²⁸ See Liao 2013 and 2016 and Liao and Protasi 2013.

²⁹ Compare Liao and Protasi's argument that pornographic fictions are often 'response-realistic *with respect to sexual relationships and practices*' (2013: 110, emphasis in original).

³⁰ For a grim real-life example, see Carolyn Bronstein's account of the infamous film *Snuff* (2011: 86).

their audience to figure out whether or not the stated norm is in effect. There is also empirical evidence that suggests that many people are more likely to accept a false claim made in a text labelled as fiction than one made in a text labelled as non-fiction.³¹ This doesn't show that the proposed norm is false, since it might be a norm that we rarely live up to. But if humans systematically fail to live up to the norm, that suggests that we shouldn't insist that being misled by fiction is something we're personally responsible for. We don't seem to be able to help it.³² Finally, this 'norm of reader responsibility' is in tension with our apparent ability to gain testimonial knowledge from fiction. Rather a lot of our knowledge about the world seems to come from reading fiction (e.g. Friend 2016), and this is knowledge we seem to be able to get without having the kind of evidence specified by the norm. Moreover, there are rival accounts of how we can be epistemically responsible consumers of fiction that are compatible with the idea that we gain testimonial knowledge from fiction.³³ The presupposition account of how pornography can mislead its audience seems to put the lion's share of responsibility in the right place, onto pornographers and their works.

4. "It's Just Fiction, She's Just Acting"

One might share concerns about sexist pornography with proponents of the account discussed in section 3, while remaining neutral or sceptical about the claim that pornography is speech. One then owes an alternative explanation of why (at least some) pornography should be regarded as problematic. Freed from the assumption that even pornographic films should be treated as speech, such an explanation is likely to appeal to the kinds of *images* found in pornographic works, and how those images might influence their audience. In this final section, I'll sketch one account of this sort, and I'll explain how it's in danger of being undermined by the fictional status of pornographic films. I'll then offer a response that, like the response considered in section 3c, focuses on the way that fictional works are made up of fictional and non-fictional elements.

4.1 Pornographic Films as an Authoritative (But Misleading) Source on Women's Preferences

Why might we be concerned about pornographic images, and about films in particular, if we don't regard them as a problematic type of speech? One promising starting point is MacKinnon's observation that many pornographic films show real women seeming to choose and enjoy being treated in ways we might otherwise have readily recognised to be subordinating (and in some cases, overly violent and harmful).³⁴ Such pornography misleadingly presents unequal or coerced sexual behaviour towards woman as the epitome of sexual liberty, equality, and autonomy, as when Linda Boreman was misleadingly depicted as choosing and enjoying throat-sex in *Deep Throat*.³⁵ Pornography of this sort presents unequal and perhaps even coerced and violent sexual acts as *expressive* of

³¹ The relevant empirical studies and their relevance for how we learn from fictional works are discussed in Friend 2016.

³² Compare Mikkola 2019: 167-8.

³³ See, for example, Friend 2016 and Stock 2017: chapter 4. Currie (2020) sounds a recent note of caution concerning our ability to learn from fiction, though he doesn't deny that it is possible.

³⁴ See MacKinnon 1987 and 1993.

³⁵ See Lovelace 1980 for the horrifying backstory to this film.

women's equality and autonomy, since the women are depicted as choosing and gaining pleasure from these acts. In this way, it not only normalises certain forms of unequal and perhaps harmful treatment, but masks the fact that they are unequal and harmful (because they are presented as simply what women want and enjoy).³⁶

It's central to this account of the harmful influence of pornography that people watching it can just 'see' women enjoying and choosing sexual acts and behaviour that might otherwise seem obviously subordinating, degrading, or harmful. This feature of contemporary pornographic films is, according to such an account, an important part of what gives such films their status as an authoritative source on female sexuality, and which enables them to convey harmful messages about women's sexual preferences to their audience.³⁷ However, it's also this feature that invites a version of the fiction objection.

4.2 If Pornography is Fictional, How Can It Be Authoritative Concerning Real People?

The charge is that the account doesn't offer a plausible story concerning how pornography might influence its viewers' attitudes or behaviour towards women and sex, since the recognition that the women who perform in pornographic works are merely acting, playing fictional characters, conflicts with the claim that such women are seen by their audiences as authoritative sources on female sexuality. They're just seen as actresses playing particular characters with particular sexual preferences.

We might be tempted to respond by denying that pornographic films really count as works of fiction and that the performers in such works are acting. After all, the main focus of such films is the sex, and the performers really are engaging in the sexual acts depicted. However, this flatfooted response isn't plausible. A pornographic film such as *Deep Throat* is plausibly classed as a work of fiction, no matter which of the theories of fiction one favours. It involves clearly fantastic elements which the audience is invited to make-believe, and so whether one thinks this an essential characteristic of works of fiction or just a standard feature, this speaks in favour of classifying it as fiction. We need a way to understand the non-fictional elements of fictional pornography, not a way to try to reclassify such films as non-fictional. Likewise, it's hard to deny that the performers in pornographic films are often engaged in acting, even if that's not all they do, and we need to better understand the relation between the acting and the non-simulated sex that takes place on a pornographic shoot.³⁸

4.3 The Place of Unsimulated Sex and Violence in Fictional Pornography

In fact, I think that we already have the resources we need to hand, since we used them in earlier in describing the problem. I've just conceded that the performers in pornographic

³⁶ A version of this kind of approach is defended in McGlynn 2016. There the suggestion is that pornography of this sort acts as sexist propaganda, in a sense loosely inspired by Jason Stanley's recent account of political propaganda (Stanley 2015).

³⁷ McGlynn 2016

³⁸ Zamir 2013 offers an interesting argument for the claim that the performers in pornographic films don't act, based on the idea that such performances don't even seem to be attempts to comply with the norms and values associated with acting, but I think he overstates his conclusion.

films are acting, but we can still ask whether they're *just* acting. It seems not. Above we distinguished between what Carrol calls the 'nominal portrayal'—the fiction depicted by what's represented by the images—and, in the case of live-action films, the real-life people, props, and sets, locations, and actions that those images capture. One way to understand the claim that a person is 'just acting' is that their character is shown as doing something at the level of the nominal portrayal, but when we consider the depiction of the nominal portrayal by real-world people, places, and things, the person didn't really do the thing in question. For example, in *Safety Last!*, the nominal portrayal famously has Harold Lloyd dangle precariously from the clock face of a skyscraper. However, Lloyd didn't really dangle at great height from the ground, the impression that he did being due to clever staging and camera angles. In making it seem like he was dangling from a great height, Lloyd was just acting (in the relevant sense, at least). In contrast, as already discussed, Tom Cruise really did hang off the side of the Burj Khalifa when depicting his character Ethan Hunt doing so. Both cases involve actors doing their own stunts, and both involve visual trickery to achieve the final effect. Still, we might say that there's this difference; in depicting their characters as dangling off the side of a skyscraper, Harold Lloyd was just acting, but Tom Cruise wasn't—he *really did it*.³⁹

Even when we are dealing with a recognisably fictional pornographic film, the performers that depict the characters in the nominal portrayal are really engaged in many or all of the sexual acts being shown. In that sense, they're not just acting; to think they are involves ignoring how the nominal portrayal of such films is depicted by real people, objects, places, and actions. This distinction between 'just acting' and 'really doing' is not completely precise, and yet our judgments about it are rather fine-grained. Consider *Ghost Protocol* again. I've said that Tom Cruise isn't 'just acting'; he's really doing what his character is depicted as doing. However, this isn't a claim about the entire film, or even about the entire scene in which he traverses the side of the Burj Khalifa. Cruise may indeed be just acting when his expressions manifest fear during this scene (since he has much better safety equipment than the character he is depicting does, and seems to enjoy performing such stunts).⁴⁰ Likewise, which aspects of the nominal portrayal of a pornographic film are depicted by someone just acting and which are not just acting will be a fine-grained matter; for example, the sex may be real, but the woman's pleasure may not be. We're fallible about such matters, so we may be wrong about what's 'real' and what's merely acted; moreover, different people may come to different views about where the line goes in a given case.

A crucial component of this response is the idea, only just briefly mentioned, that audiences of a pornographic fiction are fallible about what's fictional and what's not, and I want to elaborate on this a little. Let's take an example. A recent content analysis of online pornographic videos found that nearly a fifth of them featured depictions of women being 'gagged' by a man's penis. Here's how the authors describe how the women in such scenes were depicted as reacting:

³⁹ Zamir introduces a related but more complicated distinction (2013: 90-1).

⁴⁰ In a documentary on the making of the scene I've been discussing, Cruise says: 'Climbing the Burj, you know, it's not just a stunt; it's a character, you've got to perform.'

Negative responses of women to gagging were...rare (6.7% of 75 scenes that depicted gagging). Usually women responded neutrally (61.3%), sometimes positively (12.0%), or gave mixed signals (i.e. first appearing to be in displeasure and then changing to express pleasure, 20.0%). (Klaassen and Peter 2015: 728)

Someone who watches a lot of mainstream pornographic videos could well get the impression that gagging is a relatively frequent part of sexual relationships, and that for the most part, women don't mind it, and may even enjoy it (or come to enjoy it). Moreover, it's not clear what might clue the viewer in to the fact that these are myths. In the case of *Deep Throat* there was, as already noted, a clearly fantastical story behind why the main character supposedly enjoyed throat sex. But there's no reason to think that audiences of the kinds of films studied by Klaassen and Peter will think anything other than that gagging is a normal and regular part of sexual life: one that is typically tolerated, and can even (come to) be enjoyed, by women.⁴¹ The suggestion here is, of course, similar to Langton and West's; pornography can mislead by failing (either intentionally or unintentionally) to clearly clue its audience into what is merely fictionally true and what's not—or relatedly, what's just acted and what's not.

This response to the fiction objection concedes that many pornographic films should be classified as works of fiction, and that the performers involved in realising such fictions are frequently acting. However, they are not *just* acting, and in particular, the way that the nominal portrayal of these films is depicted involves real, unsimulated sexual activity at the level of the physical portrayal. There's nothing fictional about that, and this is what is overlooked by this version of the fiction objection.

Conclusion

We have examined the significance of the apparently fictional character of much pornography for moral and social debates concerning pornography's supposedly malign influence on the attitudes (and perhaps the behaviour) of its audience. Our focus has been what I've called the fiction objection, according to which pornography can't have this kind of influence because it's merely fiction, and the performers in it are just acting. The discussion has tentatively concluded that this objection fails; even fictional works of pornography can mislead their audiences in the manner alleged by feminist philosophers that are critical of pornography's influence. A key idea throughout has been that the observation that works of fiction contain both fiction and non-fictional elements doesn't undermine the claim that pornography can influence the attitudes of its audience, but rather can form part of an explanation of how this influence is exerted—particularly once we realise that the lines between the fictional and the non-fictional may be (intentionally or unintentionally) blurred.

I have largely framed these issues here as they arise concerning pornographic live-action films (though we have also discussed pornographic language). The rise of more immersive and interactive forms of pornography, such as pornographic games and virtual reality, may

⁴¹ There are connections to be drawn here to the interesting and important discussion in the final section of Heck forthcoming.

force us to rethink the line between fiction and non-fiction, as well as the ways that fiction and non-fiction are entangled and blur into each other.⁴² However, these new technologies seem more likely to exacerbate than to alleviate the issues raised by feminist critics of pornography.

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References

- Abell, Catharine. 2020. *Fiction: A Philosophical Analysis*. Oxford: Oxford University Press.
- Beardsley, Monroe. 1981. *Aesthetics: Problems in the Philosophy of Criticism (Second Edition)*. Indianapolis: Hackett Publishing Company.
- Bronstein, Carolyn. 2011. *Battling Pornography: The American Feminist Anti-Pornography Movement, 1976-1986*. Cambridge: Cambridge University Press.
- Carroll, Noël. 1996. *Theorizing the Moving Image*. Cambridge: Cambridge University Press.
- Cooke, Brandon. 2012. 'On the Ethical Distinction Between Art and Pornography.' In Hans Maes and Jerrold Levinson, eds. *Art and Pornography: Philosophical Essays*. Oxford: Oxford University Press: 229-53.
- Currie, Gregory. 1990. *The Nature of Fiction*. Cambridge: Cambridge University Press.
- Currie, Gregory. 2020. *Imagining and Knowing: The Shape of Fiction*. Oxford: Oxford University Press.
- Finlayson, Lorna. 2016. *An Introduction to Feminism*. Cambridge: Cambridge University Press.
- Fiorelli, Lindsey. 2015. 'A New Defense of Cinematic Realism.' *Film and Philosophy* 19: 54-74.

⁴² See Mikkola 2019: 256.

- Friend, Stacie. 2008. 'Imagining Fact and Fiction.' In Kathleen Stock and Katherine Thomson-Jones (ed.), *New Waves in Aesthetics*. Basingstoke: Palgrave Macmillan: 150-69.
- Friend, Stacie. 2011. 'Fictive Utterance and Imagining II.' *Proceedings of the Aristotelian Society Supplementary Volume 85*: 163-80.
- Friend, Stacie. 2012. 'Fiction as a Genre.' *Proceedings of the Aristotelian Society 112*: 179-209.
- Friend, Stacie. 2016. 'Believing in Stories.' In Gregory Currie, Matthew Kieran, Aaron Meskin, and Jon Robson, eds. *Aesthetics and the Sciences of Mind*. Oxford: Oxford University Press: 227-48.
- Grice, Paul. 1989. *Studies in the Way of Words*. Cambridge, Mass.: Harvard University Press.
- Heck, Richard Kimberly. Forthcoming. 'Pornography and Accommodation.' *Inquiry*: 1-31.
- Kappeler, Susanne. 1986. *The Pornography of Representation*. Cambridge: Polity Press.
- Klaassen, Marleen and Jochen Peter. 2015. 'Gender (In)equality in Internet Pornography: A Content Analysis of Popular Pornographic Internet Videos.' *The Journal of Sex Research* 52 (7): 721-35.
- Langton, Rae. 1993. 'Speech Acts and Unspeakable Acts.' *Philosophy and Public Affairs* 22: 293-330.
- Langton, Rae, and Caroline West. 1999. 'Scorekeeping in a Pornographic Language Game.' *Australasian Journal of Philosophy* 77 (3): 303-19.
- Levinson, Jerrold. 2005. Erotic Art and Pornographic Pictures. *Philosophy and Literature* 29 (1): 228-40.
- Lewis, David. 1978. 'Truth in Fiction.' *American Philosophical Quarterly* 15: 37-46.
- Lewis, David. 1979. 'Scorekeeping in a Language Game.' *Journal of Philosophical Logic* 8 (1): 339-59.
- Liao, Shen-yi. 2013. Moral Persuasion and the Diversity of Fictions. *Pacific Philosophical Quarterly* 94 (3): 269-89.
- Liao, Shen-yi. 2016. Imaginative Resistance, Narrative Engagement, Genre. *Res Philosophica* 93 (2): 461-82.
- Liao, Shen-yi and Sara Protasi. 2013. The Fictional Character of Pornography. In Hans Maes, ed. *Pornographic Art and the Aesthetics of Pornography*. Basingstoke: Palgrave Macmillan: 100-18.

- Lovelace, Linda (with Mike McGrady). 1980. *Ordeal: The Truth Behind Deep Throat*. New York: Citadel Press Books.
- MacKinnon, Catharine. 1987. *Feminism Unmodified: Discourses on Life and Law*. Cambridge, Mass.: Harvard University Press.
- MacKinnon, Catharine. 1993. *Only Words*. London: HarperCollins.
- Maes, Hans. 2011. 'Drawing the Line: Art Versus Pornography.' *Philosophy Compass* 6 (6): 385-97.
- Mag Uidhir, Christy and Pratt, Henry John. 2012. 'Pornography at the Edge: Depiction, Fiction, and Sexual Predilection.' In Hans Maes and Jerrold Levinson, eds. *Art and Pornography: Philosophical Essays*. Oxford: Oxford University Press: 137-57.
- Manne, Kate. 2018. *Down Girl: The Logic of Misogyny*. Oxford: Oxford University Press.
- McGlynn, Aidan. 2016. 'Propaganda and the Authority of Pornography.' *Theoria* 31 (3): 329-43.
- McGlynn, Aidan. 2020. 'Pornography and the Contrast Between Sexism and Misogyny.' The Gender Politics at Edinburgh Blog: <https://genderpoliticsatedinburgh.wordpress.com/2020/08/13/down-girl-pornography-and-the-brutality-of-sexism/>
- Mikkola, Mari. 2019. *Pornography: A Philosophical Introduction*. Oxford: Oxford University Press.
- Sainsbury, R. M. 2010. *Fiction and Fictionalism*. New York and Oxon: Routledge.
- Schiffer, Stephen. 1972. *Meaning*. Oxford: Oxford University Press.
- Simons, Mandy. 2006. 'Foundational Issues in Presupposition.' *Philosophy Compass* 1 (4): 357-72.
- Stella, Renato. 2016. 'The Amateur Roots of Gonzo Pornography.' *Porn Studies* 3 (4): 351-61.
- Stock, Kathleen. 2011. 'Fictive Utterance and Imagining.' *Proceedings of the Aristotelian Society Supplementary Volume* 85: 145-61.
- Stock, Kathleen. 2017. *Only Imagine: Fiction, Interpretation, and Imagination*. Oxford: Oxford University Press.
- Tarrant, Shira. 2016. *The Pornography Industry: What Everyone Needs to Know*. Oxford: Oxford University Press.

- Todd, Cain. 2012. 'Imagination, Fantasy, and Sexual Desire.' In Hans Maes and Jerrold Levinson, eds. *Art and Pornography: Philosophical Essays*. Oxford: Oxford University Press: 95-115.
- Walton 1990. *Mimesis as Make-Believe: On the Foundations of the Representational Arts*. Cambridge, Mass.: Harvard University Press.
- Watson, Lori. 2010. 'Pornography.' *Philosophy Compass* 5 (7): 535-50.
- Woodward, Richard. 2011. 'Truth in Fiction.' *Philosophy Compass* 6 (3): 158-67.
- Woodward, Richard. 2014. 'Walton on Fictionality.' *Philosophy Compass* 9 (12): 825-36.
- Zamir, Tzachi. 2013. 'Pornography and Acting.' In Hans Maes, ed. *Pornographic Art and the Aesthetics of Pornography*. Basingstoke: Palgrave Macmillan: 75-99.
- Zecca, Federico. 2014. 'Porn Sweet Porn: A Survey of Amateur Pornography.' In Enrico Biasin, Giovanni Maina, and Federico Zecca, eds. *Porn After Porn: Contemporary Alternative Pornography*. Milano: Mimesis International: 321-337.