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# **Prurience, punishment and the image: Reading 'law-and-order pornography'**

## **Abstract**

*This article aims to expand interpretations of the representational and spectatorial politics of images by investigating what Wacquant has termed 'law-and-order pornographies'. By this, he refers to images of crime and punishment accorded signifiers of the pornographic and the prurient in order to describe the fusion of the erotic and the punitive. The first part of the article brings into conversation the fields of porn studies and visual criminology. It examines more closely what is at stake in imbuing crime images with the grammar of the pornographic. The second part of the article argues that the application of the pornographic to images of law and order has been refracted back onto the sphere of adult entertainment, in particular, the phenomenon of 'revenge pornography'.*

## **Keywords**

visual criminology; spectatorship; punishment; Wacquant; porn studies; gender and society

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## **Introduction: pornographies of crime**

The emerging field of visual criminology has opened up innovative new pathways for expanding our understanding of crime images, and understanding our relationship as criminologists to the visual. As Hayward (2009: 12) suggests, previously, criminologists' scrutiny of the visual was underdeveloped as the discipline has historically been 'defined by words and numbers', with an impoverished appreciation of the force of visual culture. To rectify this imbalance, particular attention has been paid in recent years to circuits of affect stimulated by crime images (Young, 2009; 2010; 2014) and the ethics of representation (Carrabine, 2011; 2012; 2014; Valier and Lippens, 2004), as well as the role of the visual in practices of crime control and criminal justice (Brown, 2014; Groombridge, 2002; Schept, 2014), to name but a few examples.

One arena in which evolving work on the visual has yet to be fully developed is interrogation of the pornographic. The majority of scholarship that addresses the criminogenic status of pornography has concerned links between the adult entertainment industry and organised crime (Meese Commission 1986; Osanka and Yohann, 1989), the proliferation of online pornography as a form of cybercrime (see, for example, Jewkes, 2010; Yar 2005), or consists of polarising accounts of the role of pornography in perpetuating male violence (see, for example, Diamond, 2009; Dines, 2010; Malamuth and Donnerstein, 1984). All

three elements of this scholarship address what I will refer to throughout this article – following Hester (2014) – as the ‘adult entertainment industry’: the production of images where erotic gratification is the principal aim.

However, an ever-expanding range of media representations that have gained the descriptor ‘pornography’ has raised concerns about the diffusion of a pornographic sensibility across margins of representation in seemingly limitless arenas of social life. The application of this label is presumed to accommodate the vocabulary, signifiers, metaphors and affects<sup>1</sup> that any reference to the ‘porn’ suffix is associated with. While the Oxford English Dictionary defines pornography as simply ‘explicit representation of sexual activity in literature films, etc., intended to stimulate erotic rather than aesthetic or emotional feelings’ (OED, 2015), it is increasingly clear that as the ‘porn’ suffix is applied to a greater and greater selection of visual representations, this definition is no longer fit for purpose. As Hester has argued (2014), the ever-expanding cultural repository of media newly labelled ‘porn’ has begun to displace the erotic in the way in which we think about the pornographic altogether.

One such addition to the pornographic canon is Wacquant’s deployment of the term ‘law-and-order pornography’ or ‘penal pornography’ (2009: 243; xi-xii), which is the focus of this article. For Wacquant (2009: 243), ‘law-and-order

pornography' 'reduces the fight against delinquency to a ritualized spectacle that serves only to feed the fantasies of order of the citizenry and signify the virile authority of state decision-makers'. Frequent references are made to the 'virility' of the penal state, the barbaric 'fantasies' of the populace 'ogling' the spectacle of punishment, and the 'repetitive, mechanical and uniform' (2009: xii) words and deeds ritualised in service of the battle cry of the war on crime. In other words, what is described is a social landscape in which law and order is the subject of prurience, voyeurism and, most importantly, carried out 'for the express purpose of being exhibited and seen' (2009: xi). Additionally, in Ferrell, Hayward and Young's (2015: 119) most recent edition of *Cultural Criminology: An Invitation*, they suggest that the fervent popularity of murder and policing programmes can be attributed to their proximity to the pornographic:

If mediated violence is pornographic in its objectification of pain and victimization, these shows are hard-core pornographic snuff films: close-up shots of bullet-on-flesh action or body parts gnawed up by rodents, all designed to titillate even the most satiated consumer of televised death.

Thus, the pornographic metaphor is applied not only to describe the increasingly forensic gaze of crime images, but also the titillation this gaze supposedly elicits

in viewers. These two examples of the deployment of the pornographic in criminology demonstrate the way in which punitiveness and the erotic are fused together in order to pacify the viewer and blind them to the realities of crime and punishment.

Visual criminology has been attentive to the ways in which crime is increasingly treated as the subject of 'reality TV theatres of the absurd and mediated spectacles of punitiveness' (Hayward, 2010: 3), but this also demands that the qualities of the pornographic attributed to crime images, in particular its representational and spectatorial politics, are further interrogated. As Tait (2008: 93) suggests, the 'plasticity' of the pornographic trope has meant that critical discussion about what is at stake in granting images the 'porn' suffix is often side-lined. To what extent does granting images the status of pornography make sense of ways in which we *see* crime and punishment, and what does it tell us about the motivations of the powerful in proliferating such images?

In this article I will argue that the pornographic imagination is more complex than has yet been interrogated in criminology, by bringing into conversation the fields of porn studies and visual criminology. The first part of this article explores the deployment of the pornographic metaphor on two grounds. First, with particular reference to 'riot porn', I weigh up the inscription of crime images as pornographic with pornography's potted history as a

resistant category of 'lowbrow' speech that rails *against* punitive and oppressive state power. Second, I examine the erasure of gender from these inscriptions and offer some analysis of the complexities of applying 'the gaze' to understand 'law-and-order pornography's' spectatorial positions. The second part of the article argues that the hold of 'law-and-order pornography' on the imagination has begun to be refracted back onto representations of the sexually explicit, and employ the 'new' phenomenon of so-called 'revenge porn' to demonstrate what I believe to be its most literal translation. I adopt Hester's (2014: 91) use of prurience as a quality central to the deployment of the pornographic because it helpfully describes the 'incoherent blending of affective responses' to images that seems commensurate with the plasticity of the pornographic metaphor, and in particular the fusion of the punitive and the erotic that is readily attributed to 'law-and-order pornography' spectators. Crucially, prurience is also useful because it possesses a double orientation: firstly, it allows us to describe the erotic frenzy of interest supposedly elicited by 'law-and-order pornography', and secondly, it signposts the simultaneous condemnation of this reaction to its content.



### **Expanding the pornographic imagination**

That the aesthetics and politics of the pornographic have remained largely unexamined in the context of criminology is unsurprising. Porn scholars who seek to interrogate the landscape of adult entertainment beyond 'effects studies' or arguments about pornography's 'positive' or 'negative' attributes (see, for example, Attwood, 2002; Dyer, 1985), have frequently been subjected to threats of censure<sup>2</sup> (Cadwalladr, 2013). Hester (2014: 11) notes that, as a result, porn studies has become a 'reactive discipline, seeking to intervene within public debate and counter censorious accounts of the damage affected by pornography' with some urgency whenever the prospect of further criminalisation is raised. Thus, the contemporary aesthetic politics of pornography tend to be neglected. Hester's (2014: 188) work attempts to correct this. In particular, she is concerned with how pornography has

become attached to other less rehabilitated forms of prurience – a lascivious curiosity regarding war, for example, or abuse, or torture, or any other type of representation that depicts authentic scenes of psychic or bodily intensity in a culturally denigrated fashion.

This transmission poses particular implications for criminology, where the suffix of 'porn' has been readily attached to images of violence and practices of criminal justice and punishment without much critical scrutiny of the 'different and difficult subjectivities' (Carrabine, 2012: 486) that emerge as a consequence of the application of that suffix. Hancock and Mooney (2013), for example, borrow Wacquant's term, 'penal pornography', to demonstrate how the television genre of 'poverty porn', the portrayal of working class lives as a form of entertainment, enables and reinforces punitive impulses towards those considered as the undeserving poor. The *means* by which this genre of reality television has so swiftly become encumbered with signifiers associated with the pornographic remains outside the margins of their study. Similarly, Baudrillard's famous treatise on 'war porn' pauses only briefly on the decision to describe photographs documenting Baghdad prisons post 9-11 as pornographic, while also titling the piece under this name and denouncing the images a 'grotesque infantile reality-show, in a desperate simulacrum of power' (2006: 86). Both examples, then, gesture towards an untroubled acceptance of the ways in which the pornographic can be harnessed to the display of violence inflicted on the vulnerable, while omitting to engage in any sustained way with the pornographic itself.

Two features of the 'pornographic turn' in describing images of crime and punishment are particularly noteworthy. The first is the decision to adopt pornography as a metaphor for the repetitive and ritualised punitive practices of the carceral state. This is a surprising and somewhat counter-intuitive move, because pornography has historically often been ensnared by criminalisation. Historians of pornography tell us that its initial clashes with law and order, dating back to the 13<sup>th</sup> century, were due to its status as blasphemous speech expressly articulated *against* oppressive and repressive state power, the Church and the monarchy (O'Toole, 1998). The most infamous example of this might be the attempts to censor de Sade's eroto-political ambitions and his subsequent imprisonment. His tomes were written as much to derail the power of religious and political authorities as they were to arouse. Central to de Sade's work, however, is that the erotic is often displaced or footnoted, either by recourse to the grotesque or lengthy political diatribe.

The work of Georges Bataille, particularly *The Story of Eye*, follows a similar logic. As Sontag (1967: 65) remarks, 'Bataille's works, better than any other I know of, indicate the aesthetic possibilities of pornography as an art form'. While Sontag's suggestion of a clear cut dichotomy between the aesthetic and the pornographic is not unproblematic, these historical examples give weight to Hester's thesis that the erotic affects of pornography have frequently

been purposefully displaced by its producers. The reinvention of pornography as 'mass-produced text or images devoted to the explicit description of sexual organs or activities with the sole aim of producing sexual arousal in the reader or viewer' (Hunt, 1993: 305) is thus a relatively recent phenomenon. If this is the case, that there has been a migration of the logic and grammar of pornography into a range of other cultural phenomena is perhaps more predictable than we might initially suspect. Even pornographic history, it seems, is destined to repeat itself.

Perhaps the closest modern-day example of a 'blasphemous' or incendiary pornography targeted at and against the state is 'riot porn' or 'protest porn'. 'Riot porn' may be described as the distribution of participant-produced Internet images and videos where the camera bears witness, more often than not, to displays of police brutality against political agitation and protest. Such content often offers a counter-narrative of protest that contests the typical display of law and order found in mainstream media. Two competing readings of 'riot porn' have emerged, which effectively demonstrate the double-orientation of pornographic utterance and its subsequent response, once disseminated. The first arises in Hayward's original proclamation of the need for a visual criminology, in which he suggests that such images of protest might function as the 'trigger for organisation and resistance, as the power of the image is

democratised' (Hayward, 2009: 14). Ratza (2014: 513), too, argues that such videos act as a means of 'physical and affective attunement' for activists. If images of protest can be described as pornographic, for Ratza it is because pleasure and desire are the 'primary vehicles for meaning' (2014: 510) for participant-viewers that this description is apt. In this model, 'riot porn' operates *against* the 'panoptic gaze of digital citizenry' (Hayward, 2009: 14), subverting its gaze and turning our attention back to the brutality of the carceral state whenever resistance is attempted. In other words, this understanding of 'protest pornography' falls in line with the proto-pornographic forefathers of pornography such as de Sade, where sensual gratification is displaced in order to privilege a radical political message.

Aguayo (2014), however, suggests that these videos serve quite a different function, examining images where battle in the streets between the victimised citizen and police forces is represented in excess repetition or edited together in montage, then widely disseminated. Upon dissemination, for Aguayo police violence becomes 'the climax of the narrative arc', the 'money shot' specifically sought out for entertainment that provides the viewer their gratifications. She argues that both protest porn and adult entertainment share the distinctive feature of operating as 'lowbrow' media that pushes the boundaries of social acceptability, but that there is equally something 'seductive'

about the emotional arousal provoked by violent and spectacular images of resistance that confirms its status as pornography. This seductiveness transforms the suffering subject at the mercy of the police into the object of imagery that stimulates, fascinates and repulses the viewer (Tait, 2008: 105). Aguayo's reading provides another example of 'law-and-order pornography', in which even the production of images that seem to offer resistance to the state, when reinscribed with the markers of the pornographic, becomes its own small-scale 'industry trading on representations of offenders and law enforcement' (Wacquant, 2010: 206). Following Aguayo's logic, the aim of the images, once demarcated for the purpose of watching the suffering body, is to gratify an appetite for viewing and consuming violence perpetrated by the state in order to shore up its authority. Furthermore, we see in Aguayo's reading the double orientation of prurience in operation: the assumption that viewing 'riot porn' fuses an appetite for the punitive with an erotic impulse; and the simultaneous condemnation of this affect.

This double-reading of 'riot porn' provides a neat demonstration of how the pornographic can so often evolve and become assimilated away from a resistant gaze and subsumed by the forensic gaze of the state. It is particularly noticeable that the hopefulness that characterises Hayward's 2009 suggestion that such images offer resistant power and alternative meanings and affects to

mass media depictions seems collapsed by Aguayo's damning critique five years later, as such media becomes widely disseminated, common-place and its narratives predictable and repetitive. In short, it becomes precisely what Wacquant might term 'law-and-order pornography', passifying rather than triggering resistant action in the viewer. If reactions to the brutality of the state have indeed been nulled to an incoherent blending of punitivism and erotic gratification, as Aguayo suggests, pornography no longer retains any resistant power. But what is the process under which this transmission – from resistance to assimilation – occurs? If pornography is 'low value speech' (Alexander, 1989: 547) or 'low brow media', how has it come to be associated instead with images that appear to applaud state violence?

Two explanations for this are possible: the first is the limitations of sexual transgression as a form of resistance. Far from railing against authority, in the case of 'law-and-order pornography' the spirit of sexual transgression is harnessed to the experience of glimpsing the illicit in exchange for the subject's meek compliance with state-sanctioned violence. This is what Žižek (1997: 11) has called the treacherous deception of 'obscene enjoyment', in which the subject is distracted from recognising their own subjugation at the hands of authority with the rush of an exhilarating and short-lived sense of freedom. Crucially, while this distraction takes place, hierarchies of social power are ultimately

preserved and unmoved (Stallybrass and White, 1986: 201). A second explanation is highlighted in *Discipline and Punish*, where Foucault (1977: 284) touches on the 'aesthetics of crime' as 'an art of the privileged classes' that took shape at a crucial moment in the history of punishment: the moment at which the state was recognised as itself delinquent, and the law it wielded violent. As a result, Brown (2006: 229) argues that this aesthetics 'rapidly becomes embedded in the fabric of modernity, bound up with the mapping of the carceral archipelago, extensive, repetitive, always turning in on itself'. In the context of the decline of the public scaffold, representations of law and order have instead become a source of passive titillation, a mere visual aid for state authority.

### **The virility of authority**

In addition to the conflicting politics of pornography's relationship with the state outlined above, a second feature of the use of the 'porn' suffix to describe the representation of crime and punishment and its subsequent response is the reliance on the male gaze. Scrutiny of the gaze and its use in visual studies has historically been adopted principally from psychoanalysis. In his critique of Sartre (1943), Jacques Lacan argues that the gaze operates at the insurmountable split between subject and object. Whereas Sartre (2003: 278) argues that the gaze of the subject and the act of looking itself are one and the



same, Lacan contests the notion that the gaze of the subject determines any mastery over the object, and declares this an illusion. Rather, every image is a 'trap for the gaze' (Lacan, 1989: 89), positioning the gaze of the subject as the *object* of the act of looking, or the eye itself. In other words, the gaze is no longer on the side of the subject, but makes the gazing subject the object of the eye of the Other (Lacan, 1989: 115). In the context of 'law-and-order pornography', applying Lacan's thesis, the citizen viewing images such as 'riot porn' is the object of the act of looking, or perhaps more accurately, the *lens* of the Other, while it is the unknowable big Other, the panoptic but invisible presence of the carceral state, that possesses the eye. Indeed, Wacquant makes clear that 'law-and-order pornography' is displayed to bolster and *reproduce* in the citizenry the punitive eye of the state, a means of entrapping them in its gaze.

Lacan, however, eviscerates the question of gender from his critical frame. Laura Mulvey's work on the 'male gaze' – the most widely deployed application of Lacan's thesis – has been utilised in some recent criminological work, such as Moore and Breeze's article on the sexual politics of men's fear of crime (2013) or Young's work on the depiction of rape in Hollywood cinema (2010). Its relative absence might be easily subsumed under the feminist critique of the criminological gaze generally neutering the gender of its subjects of study (Carrington, 2002), but its relevance to visual criminology cannot be

understated. In what follows, I map out some of the strengths and drawbacks of a reliance on the male gaze for understanding 'law-and-order pornography'.

The 'male gaze', as Mulvey famously articulated, is the assumption of audience perspective as uniquely and solely heterosexual and masculine. Taking her impetus from Freud, she argues that he 'associated scopophilia with taking other people as objects, subjecting them to a controlling and curious gaze' (1989: 16). As Mulvey notes, the operation of the male gaze functions primarily to threaten and control not just the object but the subject of the gaze, where there is a distinctly gendered order between the watcher and the watched which shores up patriarchal gender relations: men spectate and women are objects of desire. Mulvey turns her attention specifically to mainstream Hollywood cinema and in particular the part women play in Hollywood narratives as mere 'love interests' to keep our attention fixed on the (usually male) protagonist. However, the gendering of spectatorship and representation in 'law-and-order pornography' appears thus far to have escaped notice, while much of the language deployed by Wacquant to confer its use – 'ogling punishment', 'the virility of authority' – pertains quite clearly to the state as employing a prurient and specifically male eye. Little mention is made, however, of the gendered status of the object of the image, and how viewing that object feeds the virility of authority. Following Mulvey's logic, this hazy gender neutrality does a disservice to the complex

gendered relations of power inextricable to the gaze. Through this reading, by mapping the pornographic onto the frenzied visibility of punishment in gender-neutral terms, Wacquant implies that to be the object of the image is not just an injury to one's personhood but, more specifically, one's *masculinity*. As I argue in the following sections, it is my contention that it is women who are most likely to bear the brunt of this punitive logic in 'law-and-order pornography', and to become the object of the gaze.

In light of Mulvey's work, a wealth of scholarship has detailed how the male gaze operates in service of the pornographic imagination (see, for example, Dworkin, 1981; Dines, 2010), and even further, how pornography operates to collapse the space between spectator and object by rendering conduct and representation inseparable (MacKinnon, 1993). However, other scholars dispute the applicability of Mulvey's theory to porn texts, and some efforts have been made within porn studies to recuperate pornography from the male gaze, or suggest that it is sometimes precisely through pornography that this gaze can be subverted, and in which the plasticity of gendered subject positions is most clearly displayed (see, for example, Butler, 1997; Williams, 1989). Drawing on the work of Bazin, Williams posits that the presentation in pornography of 'real sex, like real death, is unaesthetic and therefore out of place' (1989: 38), since real erotic affect elicited in performers is 'contradictory to the exigencies of art'

(Bazin, 1971: 173). Thus, the particularity of the male gaze that Mulvey asserts is inherent to any spectator-object relationship may seem misplaced where porn is concerned precisely because the aesthetic gaze she harnesses to mainstream Hollywood cinema is disrupted by the real in the context of porn. To return to the question of 'riot porn' and, in particular, protestors' confrontations with the police, Ratza (2014: 515) suggests that it may in fact function to subvert the assumption that 'confrontational tactics are solely men's domain'. If that is the case, the question remains whether the 'porn' suffix is applicable in the context of images of law and order, and is an appropriate description.

As Young (2014: 160) notes of crime images in general, they can no longer be viewed as simply 'epiphenomenal supplements, or as devices (windows or mirrors) that reveal a social reality back to the researcher'. The disruption of the *aesthetic* gaze is certainly why images of state violence are so easily elided with the pornographic. To take Aguyaro's reading of 'riot porn' as an example, viewers are attracted both by the promise of a familiar narrative with a certain predictable climax, and by the sure-fire disruption of that encounter with the spectacle of real violence. To watch 'law-and-order pornography' is thus both to engage the aesthetic gaze necessary to the 'exigencies of art', while simultaneously demanding the brief disturbance of that gaze with the interruption of the real. As Young (2014: 171) also notes, though,

'battles over image, style, and cultural representation' emerge in late modernity as a product of the particular social and political conditions in which they take place. Thus, the pornographic metaphor is only useful so long as its stereotypical tropes – in particular its 'money shots' – exist. As we have seen, meanings attached to pornography have shifted considerably in the past hundred years. As images produced by the adult entertainment industry and its own methods of production continue to change, so too might the pornographic descriptor be rendered obsolete.

### **The refraction of law and order pornography**

While the pornographic and its transmission into other categories of media spectacle beyond adult entertainment has received some attention within porn studies, the possibility that the logic and grammar of non-sexual pornographies may be *refracted back* onto the content of adult entertainment has not yet been much explored. It is, of course, arguable that adult entertainment has long incorporated images and signifiers referencing prison, punishment, and law and order. Examples include everything from Jean Genet's *Un Chant D'Amour* (1950) to the notorious *Powertool* (1987), reputed to be the best-selling gay pornographic video of all time (Mercer, 2004: 163). Because adult entertainment draws on a vast and disparate array of sources, myths and narratives, it is

perhaps no surprise that the images and contexts of 'law-and-order pornography' have migrated and become fetishized.

However, if crime control is increasingly understood via the medium of visual spectacle, where punishment is mediated expressly for the purposes of *being seen*, what are the implications of this for adult entertainment? While anti-porn activists tend to suggest that adult entertainment is increasingly violent as a result of porn viewers' desensitization and demand for the amplification of 'extremity' (Dines, 2010), Williams (1989a: 49) argued twenty years earlier that the motivating goal of pornography has always been 'maximum visibility'. However, the applicability of this thesis to ever more technologically advanced, mimetic art forms seems inevitable, because we are in search of 'ever more faithful reproductions of reality' (Shamoon, 2004: 77). As a result, adult entertainment itself might be described as an increasingly *forensic* genre, concerned not only with providing the viewer close-up shots of body parts engaged in erotic acts, but also delivering the requisite suspension of disbelief that real acts of sex are taking place in authentic contexts. Indeed, the 'radical expansion of online amateur pornography' (Paasonen, 2011: 207) seems testament to this. If society is indeed 'hooked on the happy indulgences of a televised forensic pornography' (Ferrell, Hayward and Young, 2015: 119) via spectacles of crime control, that adult entertainment has become one more arena

in which the aesthetic gaze is interrupted not with orgasm but *real violence* is nothing if not predictable.

One example of an arena in which the transmission of 'law and order pornography' takes place is the phenomenon of 'revenge porn'. The term 'revenge porn' popularly refers to the phenomenon of the publication of a private sexual image of another person without the acquisition of their consent, and is typically used when this violation is performed in response to the break up of a romantic relationship. But it is itself a contested term, attracting criticism on two grounds: firstly, that the description of this act as a form of revenge is problematic because it implies wrongdoing on the part of the subject depicted that justifies such a response; and secondly, that labelling such images pornographic both confirms the eroticism of the act of publishing the image, and denigrates the party depicted by valorising the image's potential as a source of titillation. While Citron and Franks (2014: 346) suggest that the terms 'non-consensual pornography' and 'revenge porn' can be used interchangeably as a result of the frequency with which the latter appears in media vernacular, that it is 'revenge porn' which has become the shorthand term for the phenomenon is not insignificant.

'Revenge porn' is, as Scheller (2015: 556) notes, 'hardly a new phenomenon'. Indeed, she recalls that Marilyn Monroe was an early victim in the

1950s when, strapped for cash, she posed nude for a photographer who circulated the images without her consent three years later. What makes the phenomenon new – and what has attracted both extensive media attention and the impetus to criminalise the practice – is the accessible platform the Internet provides for publication and distribution. Perhaps more crucially, it is arguable that the social and political conditions that now surround the phenomenon have ‘created’ the term.

Of particular interest in reading the phenomenon of ‘revenge porn’ is the specific use of the upload to *punish*, and make public sexual display via the image the object of that punishment. Indeed, drawing on Carney (2010: 19), we might say that ‘revenge porn’ is reliant on the *festivity* of punishment to draw in spectatorial punitiveness. It is for this reason that ‘revenge porn’ might be described as one more iteration of ‘law-and-order pornography’. Sites such as *MyEx.com* and *IsAnyoneUp.com*, which allow vigilante pornographers to upload explicit images and videos of their exes for viewers to gawp at, explicitly aim at recontextualising the private sexual image to provide a forum for little less than a public lynching. Users provide taglines for their uploads, such as ‘she is a little whore that uses people and used me for everything I had’ (MyEx.com, 2015), while anonymous commenters are free to add their approval of or dissatisfaction with the appearance of the person depicted. ‘Revenge porn’ may also take forms



other than distribution of images to specifically targeted websites, and victims of the phenomenon have reported that they have been threatened and blackmailed by former partners (Layton and Griffiths, 2015), sent emails from strangers threatening rape (Citron and Franks, 2014: 353) or even stalked (Salter, 2015).

While the mechanism of revenge is arguably different from the retributive or punitive, what the lurid display of punishment does – in all its mediated forms – is propagate increasingly punitive logics as the most legitimate response to *perceived* social wrongs and injustice. In the context of ‘revenge porn’, this might be described as ‘a sexual investment in punishment’ (Lamble, 2013: 230), in which the desire to punish – and the desire to see that punishment *made visible* – is not merely punitive, but gains a titillating and lurid eroticism, the familiar fusing of these two affects. Taking into account Lacan’s work on the gaze, however, viewers of images on ‘revenge porn’ sites are not themselves subjects with a sexual investment in punishment. Rather, they operate as a lens for the punitive, through which the state reiterates its own investments in punishment.

Furthermore, it is notable that the phenomenon of ‘revenge porn’ is explicitly gendered. An early survey suggests that 90% of victims are women (CCRI, 2014), all of whom describe the actions of male exes. If ‘revenge porn’ can be described as a ripple of the ritualised spectacle of punishment in media, it is quite clear that it is women who bear the brunt of this particular transmission of

punitive logic. Women are perceived to have committed a perceived social wrong not only in abandoning an ex-partner, but also for their active sexual display. Because the publication of such images is the transformation of private, intimate content to public exhibit, aimed to stigmatise, police, and provide surveillance over women's sexual behaviour and bodies, it is clear that it is a phenomenon aimed to please, feed and shore up the 'virility' of the patriarchal carceral state, and its punitive, 'ogling' gaze.

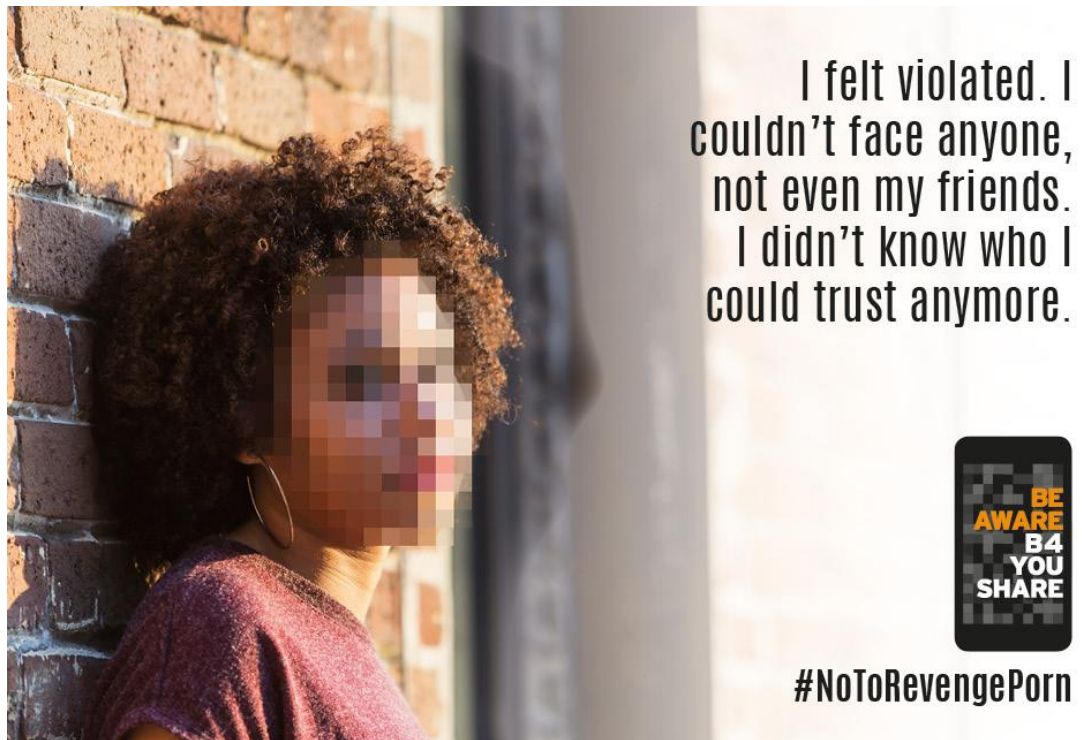
### **Criminalising 'law-and-order pornography'**

If 'law-and-order pornography' is produced not against the state, but in support of its punitive gaze, what are the implications of the criminalisation of such images? In the case of 'revenge porn', as the phenomenon has gained increasing media attention, efforts have been made to prosecute those distributing the images in numerous jurisdictions. In England and Wales, 'revenge porn' was recently made the subject of a new criminal offence contained in an amendment to the Criminal Justice and Courts Bill 2015, which states:

It shall be an offence for a person to publish a private sexual image of another identifiable person without their consent where this disclosure causes distress to the person who is the subject of the image.

However, the use of a criminal-legal response and subsequent punishment – a maximum two years custodial sentence – does not remedy the problem. Although there are reasonably effective ‘take down’ measures that can be actioned in response to ‘revenge porn’, all the new offence allows a victim to do is bring criminal charges against the person who uploaded the image, or secondary parties who have gone on to share it. As Cook (2015: 153) has noted, ‘the availability of a criminal sanction is of little practical value for a victim, since it does little to prevent the further dissemination of the image.’ In short, the new offence promises punishment in response to a desire to punish, and retribution in response to revenge.

In addition, in February 2015, the Ministry of Justice also issued a new poster campaign purportedly to deter potential perpetrators entitled, *Be Aware B4 You Share*.



(Figure 1. Ministry of Justice, February 2015)

While superficially aiming to prevent those in receipt of sexual materials from sharing them, the message seems, implicitly, to be aimed at those women who send the initial picture to a partner. The overriding victim-blaming message, it seems, is that 'nothing bad happens to good girls' (Madriz, 1997). Once again, we see the virility of the state in operation, as 'bad girls' who take such images become its passive objects, subjected to its prurient gaze. As initial research on revenge porn has demonstrated, however, it is likely that many images that are accounted for under the revenge porn banner are not always those taken with

the subject's consent, but that such images are taken and then shared as a tool to threaten, harass and/or control both current and former partners (Henry & Powell, 2015: 113). In addition, one victim of the phenomenon writes in *The Guardian* (2013) that her ex-partner's behaviour after the end of their relationship ended sat within a clear continuum of shaming behaviour, policing her choice of dress and friendships: 'He deemed the skirt too short. He shamed me, called me a hooker, and accused me of sleeping with all my male friends.' Tales such as these, it seems, are entirely missing from the news or Ministry of Justice agenda, which instead treats the non-consensual publication of an explicit image as an isolated event rather than conjoining it with broader cultural currents aimed at policing women's behaviour.

But if 'revenge porn' can be seen as a form of vigilante 'law-and-order pornography', where the role of the punisher is substituted for the uploader if they believe it is 'deserved', is there any social benefit to a punitive response to the problem? Could this not be described as merely the continued expansion of 'law-and-order pornography', in which women's sexual habits and appetites and become subject to continual, punishing scrutiny and prurience? It should not be forgotten that the victim must go through the process of reporting the violation and potentially encounter the adversarial setting of the courtroom, where the very images or video that have caused her injury are re-scrutinised. While it is

true that the images take on a different meaning and affect in this context to the unruly geographies of the Internet, the discourses used by defence advocates to disprove the victim's complaint may not be so different to the comments on 'revenge porn' websites. Like the rape complainant, as Carol Smart (1990: 2005) argues, the 'revenge porn' victim's story

is reconstructed into a standard form of sexual fantasy or even pornography in which she becomes the slut who turns men on and indicates her availability through every fibre of her clothing and demeanour.

In other words, the victim of 'revenge porn' is required to repeat the very experience of victimisation elicited by the phenomenon for the express purpose of her violation being exhibited and seen.

By criminalising 'revenge porn' rather than offering accessible civil justice or take-down solutions, women's bodies are put out on display and become yet another source of 'law-and-order pornography'. Their punishment by the distributor of the image is made its own spectacle within the courtroom and, potentially, on newspaper front pages. It could be argued, therefore, that the very impetus to criminalise is to reproduce the erotic affects of 'law-and order-pornography' that propel the desire to punish on the part of the jilted ex-partner,

and to reproduce the very lens of the viewers the state seeks to condemn. The effect of criminalisation is also to replicate the double-orientation of prurience, displaying both the erotic impulse to *name* such images pornographic, and to simultaneously condemn any response to them that befits the name. Finally, it is perhaps no coincidence that the jurisdictions in which 'revenge porn' has been identified as a new and proliferating social evil – the UK, US, Canada and Australia – are those with the most bloated prisons and criminal justice processes, where the spectacle of punitiveness lies at the heart of the promotion of the masculinised carceral state.

## **Conclusion**

In this article I have attempted to stage a new conversation between the fields of porn studies and visual criminology, in order to interrogate the benefits and drawbacks of attaching the suffix of 'porn' and its signifiers to images of law and order to describe both their representational politics and spectatorial positions and affects. I have argued that, while some attention has been paid to the transmission of pornography onto 'non-sexual' forms of media and art, the migration of 'law-and-order pornography' back into the sphere of adult entertainment has escaped attention. 'Revenge pornography' is one phenomenon in which this ripple is most clearly seen. Its recent criminalisation demonstrates

both the effects of the double-orientation of prurience, and the increasing power of the carceral state to produce viewers of such images as the objects of its virile authority.

If 'law-and-order pornography' is – as Wacquant argues – a contemporary replacement for the spectacle of the public scaffold, then perhaps we owe viewers of such images the possibility that their consumption commands affects other than titillation and calls for ever-increasing punitiveness. As Gatrell (1994) famously noted, spectators of public execution were not merely baying wolves, thirsting for blood. Rather, densensitization to the abject horror of the scaffold gave way to resistance to public hanging, and anger at the abuse of state power. Porn scholars interested in audience reception studies have also long attempted to counter the view that viewers are merely passive receptacles of sexual meaning (Smith, Attwood and Barker, 2011), and argued that our responses are much more reflexive and critical than we might presuppose.

As we have seen, applying the metaphor of 'pornography' both exceeds and reduces images of crime and punishment, attempting to contain both the representational process (as reductive, objectifying, or tainted by profit motive), and the spectatorial position (generally to refer to the apathetic or titillated viewer). As Dean (2003: 107) has observed:



Pornography figures our relationship to suffering so potently and concisely because it is both full of meaning and an empty category and so is never only a sexual metaphor for political pathology: full because, as we have seen over and over again, its interpretive breadth is dramatic, its explanatory power breathtaking; empty because, as we have also seen, it doesn't really explain anything.

While criminologists interested in the aesthetic politics of crime images have taken pains to open up their possible meanings (Young, 2014), and the ethics of the representation of crime (Carrabine, 2012), we do ourselves a disservice if we harness images of crime and punishment to the pornographic in order to describe the fusion of punitiveness with the erotic. If the effect of the gaze of the state is to produce exemplary consumers of punitive commodity such as 'revenge porn', to reify its authority is to refuse the possibility of images' resistance to the 'panoptic gaze of digital citizenry' that Hayward's opening gambit on visual criminology offers. In calling images of law and order pornographic we not only short-circuit their potential for a range of affects, but foreclose any response to them other than passive titillation.

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<sup>1</sup> Criminologists have only recently begun to explore the possibilities of affect (see, for example, Young 2013; Fanghanel 2014) for understanding cultural dynamics. Affects are distinct from emotions, and refer, as Young suggests, to 'intensities rather than identity', connections with events on-screen rather than identification with particular subjects depicted (Young, 2009: 7).

<sup>2</sup> For example, Attwood and Smith have recently experienced a well-publicised battle when setting up a new journal of *Porn Studies*, which aims to make space for critical analysis of pornographies as a valid and vibrant interdisciplinary field.