

## Virtual Paedophilia as Child Pornography, and Harm Done to Women: Bartel's Attempt at Resolving the Dilemma

**Abstract** This chapter examines Christopher Bartel's attempt at resolving the gamer's dilemma, in which he equates virtual paedophilia with child pornography; arguing that such virtual enactments are immoral, not because they necessarily harm children but because they indirectly harm women by eroticizing inequality. None of this can be said of virtual murder. A systematic appraisal of the premises on which Bartel grounds his argument finds them all problematic. In particular, the claim that virtual paedophilia is child pornography is contested because of a lack ontological equivalence (the former not being synonymous with child abuse). Moreover, attempting to resolve the dilemma by appealing to the indirect harm caused to women is criticized for failing to focus on the appropriate object of moral concern: children rather than women.

**Keywords** Virtual paedophilia and child abuse · Ontological equivalence · Eroticization of inequality

### 4.1 BARTEL'S THREE PROPOSITIONS

In his 2012 paper, Christopher Bartel makes the following claims (Bartel 2012, p. 14):

- (C1) Virtual paedophilia amounts to child pornography as it necessarily involves the depiction of sexual acts involving children.

- (C2) Virtual paedophilia is morally objectionable insofar as child pornography is morally objectionable.
- (C3) Virtual murder is distinct from virtual paedophilia as the latter necessarily involves child pornography while the former does not.

Bartel believes that the truth of each proposition provides the basis for resolving the gamer's dilemma, although he acknowledges that a full resolution will likely involve addressing a number of wider issues which he does not discuss in detail. That issue aside, let us consider whether Bartel's approach is at least pointing us in the right direction.

In essence, Bartel's argument is this: virtual paedophilia is child pornography and child pornography is morally objectionable. As virtual murder is not necessarily a form of child pornography, we have the basis for a relevant moral distinction between virtual murder and virtual paedophilia: the latter is morally objectionable, the former is not or is less so. Hence, we have a way of (potentially) resolving the gamer's dilemma. There are, of course, several aspects to Bartel's argument that need to be unpacked as part of a more considered appraisal of his position. This I will do in the sections to follow. First, however, a point of clarification is required. When discussing virtual paedophilia and child pornography, Bartel refers to *depictions* of sexual acts involving children. Luck and Ellerby (2013) describe this as a narrow approach to resolving the gamer's dilemma: for acts of virtual paedophilia do not need to be depicted within the gameplay to have knowingly occurred. As they explain:

...suppose a game allows players to approach virtual children, and after progressing through various bits of suggestive dialogue, they have a chance to initiate an instance of child molestation, upon which the game screen would fade to black and the game would recommence in such a way as to make clear that the act had occurred. Such a game might count as one in which players commit the act of virtual paedophilia, despite the fact that the act itself is never depicted. (Luck and Ellerby 2013, p. 231)

Luck and Ellerby's point is: even under the circumstances described, it is likely (they claim) that many gamers would object to this part of the gameplay, despite the fact that virtual paedophilia is not actually depicted. Thus, they conjecture, a 'deeper reason' (Luck and Ellerby 2013) exists for why one would object to virtual paedophilia but not virtual murder, irrespective of any actual depiction. Before one can fully resolve the

gamer's dilemma, then, this 'deeper' reason needs to be articulated and evaluated. For now, however, I will restrict discussion to what Luck and Ellerby refer to as a narrower approach by focusing on *depictions* of virtual paedophilia (which is consistent with my use of the term in previous chapters). In [Section 6.5](#), I will broaden the approach in order to tackle (briefly) the issue of implied paedophilia and related issues. By 'related issues' I mean such things as the virtual grooming of a minor, which seems to be occurring in Luck and Ellerby's example even if the virtual enactment of sexual assault is only implied. The virtual grooming of a minor is a further example of the potential enactment of a legally and morally proscribed action within a video game and so will need to be including within the wider debate on the gamer's dilemma.

In the meantime, within the sections to come, I will consider each of Bartel's three claims (C1–C3). It is my contention that each is problematic in its own right and therefore the argument Bartel presents to resolve the gamer's dilemma, which is based on these claims, is unsuccessful.

## 4.2 VIRTUAL PAEDOPHILIA AS PORNOGRAPHY

In an attempt to support the first of his claims (that virtual paedophilia amounts to child pornography as it necessarily involves the depiction of sexual acts involving children), Bartel presents us with the following hypothetical video game:

...imagine a video game in which the gamer is allowed to voluntarily commit an act of virtual paedophilia and the act is graphically depicted. In such a case, the graphic depiction of a character – who is clearly depicted as an adult – engaging in sexual acts with another character – who is clearly depicted as a child – would count as an instance of child pornography. While these may be *virtual* instances of paedophilia, they are still *actual* instances of child pornography. (2012, p. 13; emphasis in original)

Bartel's definition of pornography is taken from Rea (2001, p. 134). Following Rea, an object acquires the ontological status of *being pornography* – if (a) the object is put to pornographic use (more on what this entails later), and (b) it is reasonable to believe that the object will be used as pornography, in accordance with point (a), by most of the audience for which it was produced (see Bartel 2012, p. 14). Condition (b) is important: for although something may be treated as pornography by an individual or even a group of people (in

accordance with condition (a)), it should not be considered pornography unless it is treated in this way by the majority of the object's intended audience. Thus, although a nude image published in a naturist magazine may be treated as pornography by some, it should not be labelled 'pornography' because (I assume) the majority of its intended audience do not treat it as such. Contrast this with an equivalent image published in, say, *Penthouse* or *Hustler* magazine.

Bartel also has the following to say about the motivation underlying one's willingness to engage in virtual paedophilia: "If gamers commit voluntary acts of virtual paedophilia, then presumably they do so because there is something about it that they like intrinsically" (2012, p. 14). One may be forgiven for thinking that Bartel's presumptive claim is similar to the assumption we addressed in Section 3.1 when examining the assertion that those who engage in virtual paedophilia do so because they enjoy the idea of actual paedophilia. Importantly, though, Bartel does not say this explicitly, and in fact does not need to make this connection at all. He may well accept that there could be some other intrinsic aspect of the virtual enactment that the gamer enjoys: related to the fact that it involves simulating a *taboo*, for example. Seeking enjoyment of this kind (even in the context of virtual paedophilia) would be in keeping with the motivation expressed by  $M_{(\text{enjoyment})}$ , which does not require that one derive pleasure from the idea of actual paedophilia. What is important for Bartel, is that the gamer's motivation is compatible with Rea's definition of pornography; and it is arguably the case that, by adopting  $M_{(\text{enjoyment})}$ , one finds some intrinsic quality of the *representation itself* sexually arousing without necessarily being aroused by the idea of engaging in what the representation is *of* (i.e. actual paedophilia). But even this possibility is not necessary. After all, and as Patridge (2013b) notes, it may be that my interest in some intrinsic quality of, say, a sex scene depicted within a film stems from its cinematic quality and/or the acting abilities of the performers, and so is not sexual in nature. *Mutatis mutandis*, the same could be said of a sequence within a video game depicting a sexual act, irrespective of the 'age' of the avatars within the gameplay.

Equally, one may derive enjoyment from the enactment because it amounts to the realization of a particular strategy one favours to progress through the game which, in this case, just so happens to involve virtual paedophilia (it signifies, for example, that one's strategy is working and one is achieving one's goal). Such an approach would be in keeping with both  $M_{(\text{enjoyment})}$  and  $M_{(\text{strategic})}$  (they are not, after all, mutually exclusive). Here, what is intrinsically enjoyable may well be

the fact that one is able to adopt *this* particular strategy in *this* particular context, as permitted by the game mechanics. Recall Luck's (2009) example of a fictitious game in which it is contrived that one can obtain one's goal of stealing the Crown Jewels by seducing and sleeping with the Beefeaters's 15-year-old daughter (see Section 3.2). With reference to this, Luck and Ellerby (2013) argue that it is not at all clear that such an act is being treated pornographically by the player; rather, and echoing my own argument, it could be that the gamer adopts this strategy simply as a means of achieving the goal of stealing the jewels, irrespective of whether they derive enjoyment from this. In short, then, engaging in virtual paedophilia does not *necessitate* that one is deriving enjoyment from some intrinsic feature of the representation (as  $M_{(\text{strategic})}$  attests) or, even if one is, that one is treating the act pornographically ( $M_{(\text{enjoyment})}$ ).permits many other reasons to enjoy the enactment).

Bartel can accept Luck and Ellerby's (as well as mine and Patridge's) point about different motivations for engaging in virtual paedophilia. Bartel simply has to emphasize the fact that in order to satisfy Rea's definition (regarding what it is for something to *be* pornography), one simply has to find it reasonable to believe that the majority of gamers who engage in the act of virtual paedophilia treat the enactment as a form of pornography, even if not all do, and therefore even if it does not logically follow that this must be the case. More specifically, in treating the object as pornography, the majority must satisfy the following criteria, *where applicable* (i.e. criterion (iii) is not applicable to single-player video games):

- (i)  $x$  (the virtual object/event) is a token of some sort of communicative material.
- (ii) S (the gamer) desires to be sexually aroused or gratified by the content of the communicative material.
- (iii) Even if S believes that the content of the communicative material is intended to foster intimacy between S and the subject(s) of the communicative content, this belief is not among the reasons for S attending to the content of the communicative material.
- (iv) If the desire described in (ii) was no longer among the reasons for S to attend to  $x$ 's content then S would have at most a weak desire to attend to it (criteria adapted from Rea 2001, p. 134).<sup>1</sup>

When deciding whether the virtual enactment is pornographic, the fact that it does not involve actual children is something of a moot point, for

the point is this: where the function of the virtual enactment satisfies Rea's (and therefore Bartel's) definition of pornography, the virtual act of paedophilia *is* pornography. Even if, commercially, such a video game is not presently available, such content is theoretically possible and that is all Bartel needs in order to *proceed* with his argument for resolving the gamer's dilemma.

### 4.3 CHILD PORNOGRAPHY IS CHILD ABUSE

Let us, for the sake of argument, accept that within a particular video game an act of virtual paedophilia occurs that satisfies Rea's definition of pornography (it is treated as pornography by the *majority* of its intended audience). In fact, for the sake of argument, let us allow, at least for now, that all hypothetical video games involving the enactment of paedophilia satisfy Rea's definition (see [Section 5.1](#) for an example of where this is not necessarily the case). Under these circumstances, the following applies:

- a) Virtual paedophilia is pornography;
- b)  $x$  is an act of virtual paedophilia;
- c) Therefore,  $x$  is pornography.

Notice how I refer to virtual paedophilia as pornography rather than *child* pornography. I do this first because Rea is interested in defining pornography in the absence of specific content, but also for a reason that will become clear as we progress. Now, one might respond to this, not unreasonably, by pointing out that if virtual paedophilia is pornography then it is pornography which necessarily involves the depiction of children (or at least one child), and that this depiction is intended to elicit sexual arousal from its audience. *Prima facie*, pornography involving children is child pornography. Indeed, this is part of Bartel's first claim (virtual paedophilia is child pornography because it necessarily involves the depiction of sexual acts involving *children*).

This is not an unreasonable position to adopt. Nevertheless, I have the following response in mind. I am willing to accept that child pornography typically involves the *depiction* of a sexual or sexualized act, but wish to consider more carefully Bartel's claim that it necessarily involves the depiction of *children*.<sup>2</sup> On the question of children, I am willing to accept that the depiction need not involve actual children in order for it to satisfy Rae's

definition of *pornography* (i.e. it could involve virtual entities in the form of children which are intended to elicit sexual arousal); but, importantly, it is my contention that while ‘not involving *actual* children, only virtual ones’ is not a barrier to the depiction being classified as pornography, it is a barrier to it being classified as *child* pornography. The reason for this is that I consider child pornography to be synonymous with child abuse.

Recall from [Section 1.3.1](#) the view that child pornography can be and often is a record of serious sexual assault on young children (Adams 2010; Edwards 2000; Tate 1992). The 2007 *Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse*<sup>3</sup> agrees, stating in no uncertain terms that child pornography *is* sexual abuse (Kalim 2013). Likewise, Eneman et al. (2009) note how: “it is inextricably harmful to children... [because the] production of child pornography *requires* a child to be abused” (p. 5; emphasis added). Similarly, Mal Shervill, Assistant Commissioner of the Western Australia Police, has this to say, “for every [pornographic] image they download there’s a child somewhere in the world who’s defenceless and without a choice, being abused and degraded, so it is a form of child abuse” (cited in Simpson 2009, p. 255).

To my mind, child pornography and child abuse are *ontologically equivalent*. Given this, the following should apply:

- d) Child pornography is child abuse;
- e)  $x$  is child pornography;
- f) Therefore,  $x$  is child abuse.

As further support for their ontological equivalence, while also alluding to child pornography’s broader impact, Russell (2008) holds that “sexually explicit photographs of minors... document the abuse; contribute to the abuse; and are the purpose of the abuse” (p. 1484). This view is shared by the US Supreme Court who, in 1982, ruled that child pornography is intrinsically related to the sexual abuse of children both in terms of the abuse suffered by the victim during its creation and the continued injury inflicted on the victim through its publication and every subsequent viewing (Rogers 2009). Child pornography should therefore be thought of as synonymous with child abuse not just in a direct and narrow sense but, rather, in an all-encompassing sense, insofar as the manufacture and/or distribution or sharing and/or collecting and/or viewing of these images (in accordance with Rea’s definition of pornography) means that the

children represented by these images have not only been abused directly but continue to suffer secondary harm in the form of psychological distress (Gillespie 2008; Palmer 2005). Such imagery is therefore “a crime not only against a *particular* child, but against *all* children” (Oswell 2006, p. 252; emphasis in original). Given this, as King (2008) makes clear, “the harm is so obvious that there seems to be little to say, and little need to say it” (p. 331).

Even if the image is not of a child being sexually abused (i.e. a photograph of a naked child in a bath or even a fully clothed child in a park), this does not detract from the fact that images of children used for pornographic purposes are still abusive to these children. Superimposing the image of a child onto another image, so that it appears to be engaged in a sexual act, is likewise exploitative: for although it is not a record of actual abuse, and in a sense is no more ‘true’ than a painting (Williams 2003), the child whose image is superimposed is still being exploited by the fact that the image purportedly shows them engaged in some form of sexual activity (Eneman et al. 2009).

Child pornography, in virtue of the fact that it involves actual children, is therefore *sufficient* for child abuse to have occurred, and for it to still be occurring to the children represented. In the case of virtual paedophilia, of course, no actual children are involved in the depiction, and so no actual child is abused. This being the case, if we equate virtual paedophilia with child pornography then we have a situation in which child pornography both does and does not involve the abuse of actual children. This would mean that, ontologically, child pornography both is and is not equivalent to child abuse.

Irrespective of current categorizations within legislation – in which virtual paedophilia is typically classified as child pornography – and given that my interest is in the ontological and moral status of virtual paedophilia and not its legal classification, it is my contention that the occurrence or not of child abuse should count as a pertinent ontological and, importantly, moral distinction, and therefore constitute a relevant means of moral discrimination in the cases we are discussing. Given this, we have a means of morally discriminating between child pornography and virtual paedophilia in virtue of the latter’s lack of ontological equivalence to child abuse. It should not be difficult to accommodate this distinction into our discussion while accepting that virtual paedophilia is capable of satisfying Rea’s definition of pornography. Somewhat unremarkably, we simply distinguish between child

pornography and virtual child pornography and equate virtual paedophilia with the latter and not the former; either that or we are forced to use a phrase like ‘non-abusive child pornography’ which does not seem appropriate, and in fact seems ripe for misinterpretation. In light of my proposal, consider the following:

- (1) Child pornography is child abuse.
- (2) Non-child pornography is not child abuse.
- (3) Virtual child pornography is a form of non-child pornography.
- (4) Given (2) and (3), virtual child pornography is not child abuse.

I accept that the claim “virtual child pornography is a form of non-child pornography” may seem like an odd thing to say; it does however makes sense if one thinks of it as part of a broader classification of pornography said to be homogenous *only* insofar as none of it involves images of actual children, even if, in the case of virtual pornography, it depicts (*inter alia*) child sexual activities. With virtual child pornography, the depiction can be *of* child sexual abuse (insofar as that is what the image is meant to depict) without the depiction itself being a record of actual abuse. In fact, one might liken it to what the French philosopher, Baudrillard (1983), refers to as *simulacrum*, which he takes to mean a copy or a representation of a thing that has no original. The photograph is a copy of some original event or object. The computer-generated image can depict something that does not exist, other than as the depiction; yet we take it to represent something beyond itself.

To ease the awkwardness of the labelling I am using here (and its somewhat clunky fit), let us think of all forms of pornography, other than pornography involving actual children, as non-child pornography, and refer to this simply as pornography. If we do this then any labelling or ontological confusing dissipates (at least when contrasting this much broader category with child pornography, specifically), as we can see:

- (5) Child pornography is child abuse (it is a sufficient condition for abuse to have occurred or still be occurring).
- (6) Pornography does not amount to child abuse.
- (7) Virtual child pornography is a form of pornography (and not a form of child pornography).
- (8) Given (6) and (7), virtual child pornography is not child abuse.

The conclusion found in (8) – that virtual child pornography does not amount to child abuse – is a point not lost on Bartel. As he acknowledges:

The worry is that if virtual paedophilia is to count as child pornography, then we must admit that it is virtual child pornography – that is, it is not the depiction of actual children engaging in sexual acts, rather it is the depiction of computer-generated virtual children. One might think that, as no actual child is involved in virtual child pornography, then at least the immoral status of such pornography is diminished, and perhaps may even be morally permissible. (2012, p. 15)

If we accept that virtual paedophilia can amount to a form of pornography (but not necessarily so), whose content necessarily involves computer-generated children engaged in sexual activities, and further accept that virtual paedophilia does not involve child abuse and, for this reason and contra Bartel, accept that it is not a form of *child* pornography (which necessarily involves child abuse), then Bartel's first claim (C1) can be rejected. It also means that Bartel's second claim (C2) – that virtual paedophilia is morally objectionable insofar as child pornography is morally objectionable – is problematic and in need of closer examination.

Before discussing (C2), another point of clarification is required. A possible response to my argument – that virtual child pornography while being a form of pornography is not child pornography – is this: it does not seem unreasonable to suggest that many people would find the idea of engaging with virtual child pornography more morally objectionable than engaging with mainstream pornography (involving consenting adults, for example, whether virtual or actual).<sup>4</sup> In response to this, I have the following to say: my claim that virtual child pornography is morally distinguishable from child pornography is not to say that the former cannot be distinguished, morally, from mainstream pornography. Making the ontological claim that virtual child pornography is equivalent to mainstream pornography therefore needs to be understood (and is possibly only true) in the context of child abuse and what counts as a sufficient condition for this. What I am saying, then, is simply that mainstream pornography and virtual child pornography share the fact that they do not constitute child abuse (and so are not sufficient conditions for child abuse to occur). Accepting this, however, does not negate the possibility that ontological and moral differences

can be found between mainstream pornography and virtual child pornography when discussed in different contexts: ones that do not involve child abuse, for example.

#### 4.3.1 *Contesting the Moral Equivalence of Virtual and Actual Child Pornography*

Returning to (C2), the problematic status of this claim is made apparent when one considers that Bartel accepts that “there is no reason to think that virtual child pornography harms actual children” (2012, p. 15). In contrast, we have plenty of reason to think that actual child pornography *does* harm actual children (which is why it is said to be sufficient for child abuse to have occurred or still be occurring). Highlighted, again, is a moral discrepancy between two forms of pornography Bartel wishes to classify as the same. Actual child pornography is morally repugnant, first and foremost, because it involves child abuse. Virtual paedophilia (*qua* virtual child pornography) does not involve actual child abuse, nor at present is there evidence indicating a direct link between it and actual molestation (again, recall the judgement of the US Supreme Court presented in [Section 1.3.1](#)). Given these facts, the primary moral objection to virtual child pornography (yet to be established) cannot be based on the same primary reason for one’s moral objection to child pornography (that it amounts to child abuse), irrespective of whether they share additional moral reasons to object to their occurrence.

In C2, Bartel uses the term “insofar as”, meaning “to the extent that”. Saying that *x* is morally objectionable to the extent that *y* is does not necessarily mean that they are morally objectionable for the same *reason(s)*, of course; and certainly, such a claim would be problematic in the case of virtual and actual child pornography, as already noted. Instead, we could take Bartel to be saying simply that virtual child pornography and actual child pornography are morally objectionable to the same extent: that is, equally repugnant. If this is the case, then one is left to wonder why Bartel needs to establish his first claim: that virtual paedophilia is a form of child pornography. The need for the same classification (ontological equivalence) would make more sense if one wished to posit the same moral objection to each type of depiction. In other words, if one wished to maintain that they are morally repugnant for the same reason(s) because they amount to the same

thing. Certainly, this would fit with the idea that the phrases “insofar as” and “to the extent that” imply some kind of connection between the two points of comparison, whereby one is in some sense *en par* with the other. Wishing merely to show that their level of moral repugnance is equivalent, however, does not necessitate that the two forms of pornography are ontologically the same.

Bartel seems to be adopting this latter strategy (although his position is ambiguous). I say this because I find it hard to believe that the reason he gives for the moral objection to virtual paedophilia (*qua* virtual child pornography) – which we will discuss in the next section – could be exhaustively the same as the reason he would give (if he were to discuss it) for why we should morally object to actual child pornography. That said, I would find it equally difficult to accept that his reason for objecting to virtual paedophilia, which (as noted) I imagine is different to his objection to actual child pornography, could nevertheless bestow on the latter the same level of moral repugnance as he would (and indeed we should) bestow on actual child pornography. In short, do we really want a form of pornography that does not involve child sexual abuse, or in fact any abuse, to merit the same level of moral objection, and therefore to be judged morally equivalent, to pornography that necessarily does? If we would not object, morally, to mainstream pornography (involving consenting adults) to the *same degree* (if at all) as child pornography (a not unreasonable assertion to make) then why should we object, morally, to an instance of virtual paedophilia to the same degree as we would (should) child pornography?

Perhaps, the best Bartel can hope for is that we accept his argument (discussed below) is able to establish *a* legitimate moral objection to virtual paedophilia without it being for the same reason as (I take to be) the primary objection to child pornography (i.e. child abuse), or without the need to accept that their immoral status is equivalent. After all, Bartel’s aim is to find a legitimate means of discriminating morally between virtual paedophilia and virtual murder. *Pace* Bartel, it remains to be seen whether a resolution to the gamer’s dilemma has to involve virtual paedophilia being classified as “*actual* instances of child pornography” (Bartel 2012, p. 13; emphasis in original); certainly, this identity relation has been challenged and attempts have been made to resolve the dilemma without classifying virtual paedophilia in this way, as we will see in the section below and in the next chapter.

#### 4.4 THE EROTICIZATION OF INEQUALITY: BARTEL'S MORAL OBJECTION TO VIRTUAL PAEDOPHILIA

Consider the following deduction:

- (g) Child pornography is morally objectionable;
- (h)  $x$  (virtual paedophilia) is not child pornography;
- (i) Therefore,  $x$  is not morally objectionable.

The conclusion in (i) does not necessarily follow from premises (g) and (h). As such, and reiterating the point made at the end of the last section, Bartel does not need to equate virtual paedophilia with child pornography in order to argue that it is morally objectionable or even that there is some relevant moral distinction to be made between it and virtual murder. In fact, Patridge (2013b) goes a step further and argues that the moral objection Bartel raises regarding the eroticization of inequality (see below) does not require that virtual paedophilia be classified as pornography at all, let alone child pornography. Patridge holds that we cannot classify potential instances of virtual paedophilia as pornography unless we know more about their intended audience and how this audience treats the virtual content (in keeping with Rea's definition). I accept Patridge's point but I am prepared to continue with my hypothetical position (introduced in Section 4.3) whereby instances of virtual paedophilia do (for the sake of the present argument) satisfy Rea's definition. This small difference between Patridge and myself should not detract from what I consider to be a shared view regarding certain problems with Bartel's moral argument against the permissibility of virtual paedophilia.

Before continuing, a further point of clarification. When discussing Bartel's position, primarily through the theorist he draws from (namely, Neil Levy), in order to be consistent with their shared position, I will refer to virtual paedophilia as a form of child pornography, even though I have rejected this identity relation. To be clear, then, when referring to virtual paedophilia as child pornography in the discussion to follow, I do so only to remain consistent with Bartel's (and Levy's) terminology and only as a means of showing how Levy develops his argument. Doing this should not be interpreted as some kind of tacit endorsement of his view. What I intend to show is that the objection Bartel raises (through an endorsement of Levy's argument) can in fact be made without classifying virtual paedophilia as a form of child pornography.

#### 4.4.1 *Levy's Argument for the Eroticization of Inequality*

In order to maintain that virtual paedophilia, in virtue of being a form of child pornography, is morally impermissible, even though it does not harm actual children either in its manufacture or (given the evidence to date) in terms of increasing the risk of actual child abuse, Bartel adopts a position put forward by Levy (2002). In essence, Levy presents the following argument:

[Feminists] have criticized pornography... on the grounds that it is the *eroticization* of inequality... It encourages both men and women to think of women as naturally inferior... But *child* pornography, actual or virtual, cannot depict children as equal participants in sexual activity with adults, nor can it establish a relation of equality between the adult viewer and the viewed child. Children are not equal; this is not a contingent fact about our social relations but a reflection of their physical, mental and psychological immaturity. For that reason, sexualizing children for adult viewers is *necessarily* sexualizing inequality. Child pornography is an extension of mainstream sexual relations, which are contingently unequal, into new arenas... But since child pornography is necessarily an eroticization of inequality, allowing it undermines efforts to forge this new sexuality [the eroticization of *equality* between men and women]. Perhaps, then, it is because of harm to actual women, and not children, that virtual child pornography is objectionable. (2002, p. 322; emphasis in original)

What is important to note within Levy's argument is that both virtual and actual child pornography promote the eroticization of inequality. This is necessarily so in the case of pornography involving children (whether actual or virtual) because children are necessarily unequal to adults. In contrast, the unequal status promoted within much mainstream adult pornography (which depicts women as dominated, and where sexual fulfilment for both males and females can only be achieved if women adopt a position of subjugation) is a contingent (not a necessary) fact about sexual satisfaction and the status of women more generally. Virtual and actual child pornography is therefore complicit in maintaining this contingent unequal relation between men and women by further eroticizing inequality and so helping to maintain the current and contingent status quo.

It is also important to note that Levy presents the following conjecture at the end of the passage quoted above: it is because of harm to actual

women, and not children, that *virtual child pornography* is objectionable. When discussing the eroticization of inequality, Levy does not differentiate between virtual and actual child pornography. In the last sentence of the passage, however, he does. What Levy is implying is that there are other objections one can raise against actual child pornography, as I have discussed, which do not apply to virtual child pornography: namely, that it necessarily harms children and is a form of abuse. Given that this objection cannot be presented against virtual child pornography, Levy proffers what might be considered by some, including Bartel, to be an unorthodox, even surprising, approach: that virtual child pornography is morally objectionable because it harms women by further eroticizing inequality, thereby maintaining their unequal status among men.

Patridge (2013b) shows some sympathy for this view, holding that imagery involving sexual inequality, including virtual paedophilia, harms women because:

...it is deployed in a cultural climate in which women are systematically treated as unequal, and this inequality is achieved in large part by treating women as sexually unequal... [Moreover,]... any imagery that sexualizes inequality more generally [i.e. virtual paedophilia] will contribute to the larger cultural assumption that inequality is sexy and so is as things should be. (p. 29)

She does not share Bartel's view that Levy's argument is 'surprising', however, given that it finds support through the historical subjugation of women, including higher instances of sexual assault or sexual aggression on woman than men.<sup>5</sup> Indeed, Patridge's view echoes the re-occurring criticism of adult pornography: that it "serves to disseminate an untrue and damaging view of women, and . . . , in doing so [, . . ] supports sexist attitudes, reinforcing the oppression and exploitation of women" (King 2008, p. 335; see also MacKinnon 1991; Wilkinson 2011; Wright et al. 2016). The essence of this long-standing critique is captured by Longino (1995): "Because it is simply being female that, in the pornographic vision, justifies being violated, the lies of pornography are the lies about all women" (p. 39). Yet in the case of children, Patridge adds:

...children are not generally subjected to representations that sexualize them; in fact, it is quite the opposite. In the United States, for example, we have very little cultural tolerance for images of children that are

sexualized . . . I am not saying that this does not happen to individual children, it does. What I am saying is that children in general are not harmed in this way because in general we have very little tolerance for such treatment. In contrast, we seem to have quite a bit of tolerance for sexualizing women in ways that contribute to their oppression . . . It is for this reason, that it is very difficult to make the case that virtual sexualized images of children harm actual children in a way that would parallel the case that Levy makes about women . . . So, if making the moral case relies on making the case for harm, then it seems more promising to rely on a more remote harm, namely the harm to women. (2013b, pp. 29–30)

As far as Patridge is concerned, the case for virtual paedophilia harming children cannot be made because, culturally, we have little tolerance for sexualized images of children. That said, Elliot (1992) warns that we are becoming desensitized to, and therefore more tolerant of, inappropriate (sexualized) images of children through their increased use in advertising. Likewise Russell (2008) make the point that our culture, and indeed a number of others, is overflowing with images of sexualized youth (recall Britney Spears sexy school girl look, circa 2000); what Hartley (1998) calls *juvenation*<sup>6</sup> (see also Jewkes and Wykes 2005). Consequently, “[i]s it really so strange that these same images feature in people’s fantasies?” (Russell 2008, p. 1499). There is therefore a danger that we may come to think of the sexualization of children, at least in the context of advertising or pop music, as normal. This, in turn, may support the paedophile in his belief that children are ‘asking for sex’ (Goode 2010; King 2008).

Such a view (increased tolerance for sexualized children) is not universally accepted, of course. Leaving that debate aside, one way to advocate a case for harm that avoids describing certain advertising campaigns as soft-core child pornography, as Elliot does, or treating child beauty pageants as similarly sexualized and exploitative, is to make a case for indirect harm: namely, as a further example of harm towards women (just as Levy and Bartel claim). It is indirect harm because the representations of abuse are not *of* women but children; yet, such representations act to reinforce the continued subjugation of women. Moreover, as alluded to earlier, while Patridge may accept that mainstream pornography, child pornography and virtual paedophilia eroticize inequality (even holding that these images necessarily do this),<sup>7</sup> she also holds that virtual paedophilia is able to do this without acquiring the ontological status ‘pornography’ (contra Levy and Bartel). In other words, while virtual paedophilia necessarily eroticizes

inequality, something can eroticize inequality (i.e. virtual paedophilia) without necessarily being classified as pornography. (Recall, I have no problem with this position, in principle, but can also envisage instances where virtual paedophilia within video games does satisfy the criteria for pornography. I do not anticipate Patridge objecting to this caveat.)

In light of Levy's objection to virtual child pornography, which Bartel adopts and Patridge is sympathetic to (at least in part; see below), what are we to make of Bartel's second claim (C2) (that virtual paedophilia is morally objectionable insofar as child pornography is morally objectionable)? Levy's moral argument against virtual paedophilia – that it eroticizes inequality – can be levelled against child pornography, but this does not mean, in my view (which I would say is an orthodox one), that Levy is claiming that this is the primary reason one should object to child pornography, although he is saying precisely this in the case of virtual paedophilia (because Levy's argument is set in the context of presenting a case for harm). Consequently, I do not believe it is controversial to say that the primary moral reason for objecting to child pornography is different to virtual paedophilia; I would even go so far as to say that it is necessarily different.

Interpreted in this way (whereby both forms of depiction are morally objectionable, only for different reasons), (C2) is sustainable, even when (C1) is false (as I have argued). It does, however, have the effect of making (C2) somewhat weaker and therefore less bold. Effectively, (C2) asserts simply that child pornography is morally objectionable, and so is virtual paedophilia. As such, it is much less of an asset when trying to resolve the gamer's dilemma, as it cannot co-opt the strength of moral repugnance typically directed at child pornography because the reason for this moral repugnance is not applicable.

In the next section, I examine Bartel's third claim (C3): that virtual murder is distinct from virtual paedophilia as the latter necessarily involves child pornography while the former does not. What is true about (C3), perhaps somewhat unremarkably, is that virtual murder does not necessarily involve child pornography. It is also the case that virtual murder does not necessarily involve pornography more generally (including virtual child pornography); although it could of course be the case that some enactments of murder within video games are able to satisfy Rea's definition of pornography (whether currently available or merely fictitious). The point is: it is not a necessary condition of virtual murder that they do. That said, the idea that virtual paedophilia necessarily involves child pornography has

been challenged. I have argued that it does not constitute child pornography at all; although I have conceded that it could satisfy Rea's definition or pornography more generally. Thus, while I do not hold that virtual paedophilia is *necessarily* pornography, I am prepared to allow that hypothetical examples can constitute pornography. I qualify my position in this way, not only as a nod to Patridge (2013b) but also because it is in keeping with my own discussion on different player motives.

Given that there is convincing argument against the assertion that virtual paedophilia amounts to child pornography, we could (indeed should) simply dismiss (C3). In order not to do this, it is necessary to make an adjustment which, I believe, still preserves Bartel's aim of identifying a morally relevant distinction between virtual paedophilia and virtual murder. Having made this adjustment, the question becomes: is the distinction between virtual paedophilia and virtual murder of a kind that is able to resolve the gamer's dilemma?

#### 4.5 IS THERE A MORALLY RELEVANT DIFFERENCE BETWEEN VIRTUAL PAEDOPHILIA AND VIRTUAL MURDER?

Adjusting (C3) so that it is not vulnerable to the arguments presented against virtual paedophilia as a form of child pornography, while still making it amenable to Levy's argument for eroticizing inequality, we get:

(C3\*) Virtual murder is distinct from virtual paedophilia as the latter necessarily involves eroticizing inequality (irrespective of whether it is classified as pornography) while the former does not.

Underlying Bartel's third claim is the following assertion (taken from Luck and Ellerby 2013, p. 230):

(C3a) If an action is wrong for some reason, and another action is not wrong for this same reason, then there is a relevant moral distinction between the actions.

Given what (C3a) is claiming, suppose we accept, for the sake of argument, that Levy's objection, based on the eroticization of inequality, is something that applies to virtual paedophilia and not to virtual murder (as noted in C3\*). This difference could then be presented *for consideration* as a morally relevant means of distinguishing between the

two virtual enactments, and therefore as a way of resolving the gamer's dilemma.

Is the distinction identified within (C3\*) of moral relevance insofar as it provides the means of resolving the gamer's dilemma? No, I do not believe so. I say this for two reasons. First, consider each of the deductions below:

#### Deduction 1

- A) The eroticization of inequality is morally objectionable.
- B)  $x$  (*qua* virtual paedophilia) leads to the eroticization of inequality.
- C) Therefore,  $x$  is morally objectionable.

#### Deduction 2

- D) The eroticization of inequality is morally objectionable.
- E)  $x$  (*qua* virtual murder) does not lead to the eroticization of inequality.
- F) Therefore,  $x$  is not morally objectionable.

In accordance with (C3a), a distinction has been made between virtual murder and virtual paedophilia. However, in deduction 2, the conclusion (F) does not necessarily follow from (D) and (E). Where  $x$  equates to virtual murder, even if virtual murder does not lead to the eroticization of inequality and so cannot be said to be morally objectionable for *this* reason, it does not mean that virtual murder cannot be held as morally objectionable for some other reason. The eroticization of inequality is presented as sufficient but not necessary for a moral objection. To resolve the gamer's dilemma, Bartel needs to do more than show that virtual murder cannot be judged immoral for the same reason as virtual paedophilia (see Luck and Ellerby 2013, p. 233 for a similar argument). At the very least, he needs to show that it cannot be said to be *as* immoral as virtual paedophilia – for some other reason yet to be discussed – or, better still, that it cannot be judged immoral at all.

The second objection to (C3\*) is found in Patridge (2013b). As we have seen, Patridge offers some support to Levy's and therefore Bartel's argument against virtual paedophilia based on the eroticization of

inequality. Nevertheless, she is not altogether convinced it is able to resolve the gamer's dilemma. As she explains:

I do not think that those of us who are interested in resolving the gamer's dilemma as it is posed by Luck will be entirely satisfied with . . . Bartel's resolution. This is so because, rather than telling us what is distinctively wrong with . . . virtual child sexual assault, Bartel points us in the direction of an indirect harm, the harm that such images cause to some other kind of entity, namely women. It is precisely this move that makes Bartel's resolution less than satisfying . . . [T]hose of us who are interested in Luck's version of the gamer's dilemma feel its pull because we think that there is something particularly egregious about it specifically because it involves our virtually sexually assaulting children. Since, Bartel's analysis does not make essential reference to the role that children play in our moral assessment, his resolution seems to rely on the wrong kind of moral reason. (Patridge 2013b, p. 30)

While Patridge accepts that the eroticization of inequality provides a means of morally distinguishing between virtual paedophilia (or child sexual assault, as she prefers to call it) and virtual murder, she hesitates over whether it provides the right kind of moral reason to resolve the gamer's dilemma, precisely because it does not take as its object of moral concern children. Importantly, then, it is not enough simply for there to be a legitimate moral objection to virtual paedophilia, even if this objection cannot be applied to virtual murder; rather, the objection must have as its object of moral concern the right kind of object: in this case, children. Only, then, can the objection be proffered as a means of resolving the gamer's dilemma, and only if the reason for the moral difference between virtual paedophilia and virtual murder is able to show *why* the former is morally worse than the latter.

What is left unresolved, of course, is the question: what marks out the right sort of moral difference from the wrong sort in the context we are discussing? While Patridge does not refer to intuition in the quotation above, certainly she is relying on a shared sense of something being 'not quite right' about Bartel's use of Luck's argument to resolve the gamer's dilemma. Patridge does seem to be appealing (not unreasonably) to the idea (the shared intuition, perhaps?) that our moral scrutiny should have as its focus the fact that virtual paedophilia necessarily involves images and even enactments that depict child abuse; and that we should find this fact morally objectionable irrespective of whether the audience treats these

depictions/enactments as a form of pornography, and therefore irrespective of whether they amount to pornography (in accordance with Rea's definition). But as well as justifying virtual depictions of child abuse as the primary reason for our moral objection (which the eroticization of inequality fails to do), we have to show that this is not only a means of distinguishing between virtual paedophilia and virtual murder (a straightforward enough task) but justify why this difference is relevant to resolving the gamer's dilemma (as less straightforward task), especially if we concede that virtual murder is not immune to its own moral objections.

In sum, it is far from clear that the eroticization of inequality provides a suitably means of distinguishing, morally, between virtual paedophilia and virtual murder. This is because we have not (as yet) identified a suitable marker or means of measuring *relevant* moral differences. It is therefore difficult to assess with confidence whether the moral objection to virtual paedophilia presented in the form of the eroticization of inequality is sufficiently distinct or strong enough to differentiate it from any separate moral objection to virtual murder we may care to present, or to justify the claim that it is an objection that is targeted at the appropriate object. Certainly, there is reason to find a moral distinction based on the eroticization of inequality unconvincing for at least one if not both of the reason just given. But if we had to select just one then I would say that positing the eroticization of inequality as a primary moral objection to virtual paedophilia fails to convince because it misses the point, in that it does not have as its object of moral inquiry the fact that virtual paedophilia necessarily involves the depiction of (computer generated) children being sexually abused. Wishing to direct one's moral inquiry towards such depictions does not mean that a way of morally distinguishing between virtual paedophilia and virtual murder will be found, of course. That requires further critical discussion, but perhaps it is pointing us in the direction we need to go. Perhaps, but as things stand, the dilemma remains unresolved.

## NOTES

1. Patridge (2013b) challenges (iv) with reference to her (2013a) work, *Exclusivism and evaluation: Art, erotica, and pornography*. This challenge need not concern us here, however.
2. To be clear, I am ignoring other modes of representation (e.g. audio) as, from the outset, my focus has been on visual depictions.

3. Available at [http://www.coe.int/t/dg3/children/lin5/Source/Lanzarote%20Convention\\_EN.pdf](http://www.coe.int/t/dg3/children/lin5/Source/Lanzarote%20Convention_EN.pdf). Accessed 9 August 2016.
4. I appreciate that in the case of computer-generated avatars, consent cannot be given. What I mean by consent in this context is therefore the appearance of consent within the gameplay.
5. Rape Crisis England and Wales <http://rapecrisis.org.uk/statistics.php>. Accessed 28 July 2016; RAINN <https://www.rainn.org/statistics/victims-sexual-violence>. Accessed 28 July 2016.
6. According to Hartley, juvenation is the practice of communicating with an audience through the medium of youthfulness.
7. To be clear, I am saying that she would argue that mainstream pornography, as it presents itself traditionally (which is a contingent fact), necessarily promotes the eroticization of inequality. This does not negate the possibility that future mainstream pornography may be more egalitarian in the way it presents the sexual act.