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The role of creative communities and entrepreneurs in producing digital content without formal intellectual property : the case of alternative pornography

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The Role of Creative Communities and Entrepreneurs in Producing Digital Content without Formal Intellectual Property

The Case of Alternative Pornography

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DOCTORAL THESIS

THE ROLE OF CREATIVE COMMUNITIES AND ENTREPRENEURS IN PRODUCING DIGITAL CONTENT WITHOUT FORMAL INTELLECTUAL PROPERTY

The Case of Alternative Pornography

LE Kim-Marlène

to obtain the degree of Doctor of Philosophy from the

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SUMMARY

Digitisation and the Internet have brought tremendous change to the exchange of information and content, transforming the creation, distribution and consumption of audiovisual material. They have led established institutions coordinating incentives for cultural production and exploitation to evolve and encouraged the emergence of new institutions and new paths for creative initiatives.

Building on Schumpeterian research on "Mark I - Mark II" industrial patterns of innovation, as investigated first by Nelson and Winter (1982) and later, Malerba and Orsenigo (1995, 1996), this thesis assumes that the pornographic industry, can be modelled as two distinct entities. In the first part of the industry, the dominant segment is structured in a Schumpeter Mark II mode – an oligopoly with large companies (also called majors). The second part of the industry, also called the "alternative", is composed of a creative fringe made of a "cottage" type industrial tissue, populated with productive individuals (also called "entrepreneurs") and communities. In particular, alternative porn communities are centred around a certain opposition to the dominant market. They are distinctive not only in their intentionally aestheticised style but also in their production process. This characterises the fringe as a Schumpeter Mark I mode where innovation seeks to be radical, and low appropriation opportunities lead the way to entry on the market of creative entrepreneurs with low resources.

Interestingly, this segmentation is quite current in Creative and Cultural Industries (CCI), and the pornographic sector actually shares other characteristics with the CCI. The literature provides an overview of contemporary pornographic industry and makes the case for addressing pornography as a CCI, documenting similarities and differences with other creative industries. Like many cultural sectors in the digital age, pornography seeks to protect its contents from mass piracy. However, the online adult industry constitutes a case of a low intellectual property appropriation regime, where innovation and creation are still existent although opportunities for monetising content are rare, reducing incentives to invest in production.

In terms of innovation, a variety of actors at different levels sustain the costs of research and new product development: the market (structured by formal IPRs), the communities and the entrepreneurs. While they each have their respective resources and timeframe for creation, these are shown to be interrelated. As a matter of fact, entrepreneurs seek opportunities on the market and find helpful resources in communities, whereas the intellectual property institutions try to adapt to new creative processes and logics, and lastly, communities make up for the lethargy of formal institutions by coordinating part of the creation and diffusion of audiovisual content. Creative communities are also the locus of artistic and entrepreneurial knowledge circulation. One can specifically observe such dynamics in subcultural or "underground" creative collectives (Simon, 2009). In pornography, various alternative porn communities have had an interesting impact on the creation of pornographic content. Sex-positive (sex-pos) pornographers, for instance, have been involved in the production of new representations of sexuality, relying on entrepreneurship, collective action and creation.

Business models for mainstream porn were extensively explained by Darling (2014) and to some extent, smaller scale indie productions apply the same strategies, only with lower costs and more limited resources than dominant porn studios. While the role of communities was intentionally overlooked for this segment of the industry, I argue that it is central to the production and exploitation of alternative pornographies. The research question, then, consists in investigating the role of creative communities and entrepreneurs in producing digital sex-positive pornography in a context of a weak intellectual property regime (i.e. in a Schumpeter Mark I mode).

Using a qualitative method to tackle this question, I collected first hand data on the field (interviews and observations) and second-hand data in the literature and online and analysed this body of sources allowing to document community and entrepreneurial activity in the sex-positive pornographic niche.

As a conclusion, I find that sex-positive pornographic content is specifically exploited mostly through informal means, based on intrinsic motivation and reputational mechanisms. More specifically, sex-positive communities and entrepreneurial initiatives are central to the creation of copyrighted content, as they act as informal instruments of intellectual property exploitation and appropriation. Even though entry and exit are frequent, caused by high risk and an unstable environment for porn entrepreneurship, artists find ways to appropriate their creations through informal intellectual property protection. They do it through the support of community as a resource for research and development as well as symbolic validation and monetary appropriation.

Artist-entrepreneurs also use branding as a tool of differentiation without formally protecting it with a trademark for example. Those who stay in the market have a close relationship to user communities and artistic communities and develop entrepreneurial skills thanks to them. They are responding to the market more or less consciously, thus potentially entering in the Schumpeter Mark II type of innovation dynamics of consolidating existing R&D.

Chapter VII, written in French, is an extension of the thesis dealing with the notion of *gratuité* in online pornography. This chapter elaborates on the dual meaning of the French word *gratuité*: on the one hand *gratuité* means "free-of-charge" or "gratis", defining the situation of an absence of price or payment; and on the other hand, it means "gratuitous", thus characterising the absence of moral value or intention. Both illegitimate as a professional occupation and as a cinematographic work, pornographic production is seen as being created without remuneration by amateurs and enthusiasts. It is also viewed most of the time on content aggregators (also known as "tubes") which have the ability to offer millions of free videos. However, I show that behind the assumed gratuity of online pornography, there are both commercial and symbolic exchanges. Finally, chapter VIII is a summary of the thesis in French.

All, in all, this thesis first provides a better understanding of a subcultural market niche within an unexplored case in the economics of the Cultural and Creative Industries, i.e. pornography. Second, it sheds light on new mechanisms for informal appropriation of intellectual property in the context of a weak IP appropriation regime. Last, it refines the concept of entrepreneurship in the CCI by providing a detailed examination of the sex-positive *entreporneur.*

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LIST OF ABBREVIATIONS

BDSM: Bondage Domination Submission Sado Masochism

CCI: Cultural and Creative industries

CNC: Centre national du cinéma

DVD: Digital Versatile Disc

EU: European Union

ICT: Information and communication technology

IP: Intellectual property

IPR: Intellectual property rights

LGBT+: Lesbian Gay Bisexual Transgender and more

STD: Sexually Transmitted Diseases

UGC: User Generated Content

VHS: Video Home System

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ACKNOWLEDGEMENTS

Chapter 1. Introduction

The emergence of an industry like film is precisely a situation where different economic actors will - with certainty - try to experiment such or such business models (...) It is essentially a social and economic story, where the gradual discovery of profitable business models is linked with the social construction of markets for the film industry, with a parallel/simultaneous institutionalisation of several forms of organisation for the branch as a whole.[1]

Mangolte (2009, p. 4)

Studies in economics and management have recognised the importance of technological progress, documenting its significant impact on the way individuals trade and exchange goods and services. Researchers have documented how the adoption of new technology may impact a nation's competitive advantage, education and training, growth, employment, and so on. Joseph Schumpeter's ground-breaking research (1934, 1942) marked a turn in economics by identifying cycles of technological change, characterising it by three determining steps: invention, innovation and diffusion. Invention is the creation of new processes, services, goods or knowledge and innovation is selling those on the market or implementing them in the relevant context (ex. social innovation). Last, diffusion is the process of large-scale adoption of the innovation (Guellec, 2009). In a Schumpeterian approach, an innovation can be an improvement for a society's economic situation, offering potential opportunities for a new combination of factors of production but on the other hand, this can also translate as the destruction of an old combination.

The film and television industries (hereafter named the "audiovisual industry") are no exception to the rule. Considered high-tech (Benghozi et al. 2011), the audiovisual industry was born out of technological innovation and has evolved throughout the years thanks to innovation. Since the invention of the cinematograph by brothers Auguste and Louis Lumière (and to some extent to Thomas Edison's kinetoscope), the business of watching moving pictures has been heavily impacted by technological advances and their adoption by the market (Mangolte, 2009). The film industry has experienced waves of innovation (sound in films, colour and digitised videos) that completely changed business models, consumption and

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[1] Translated from French by the author.

production of content. In the mid-20th century, with the quick rise of television, it was once believed that home entertainment would destroy the film industry (Bonnell, 2006). However, we see today that TV and film, even though they are regulated separately and operate with different business models, increasingly depend on each other for content.

Movements triggered by technological innovation, such as merging, diversification and co-dependence between sectors are not unusual in the film and TV industry (Rot et al., 2010). The relatively recent disruption brought by digitisation in the 1990s led tech companies to take an increasingly prominent place in the audiovisual market, overhauling traditional production and distribution processes by moving on from creativity-oriented models towards more business-oriented models. As a consequence, the question of how artistic creation is still incentivised in this context is central to an industry that has become gradually dominated with technology and profitability-oriented actors (Benghozi et al. 2011).

The Cultural and Creative Industries (CCI) (DMCS, 1998, 2006), such as TV and film industries, are often studied in the light of a classic dilemma "art versus commerce" à la Caves (2000). Audiovisual industries, in particular, are characterised by an elaborate institutionalised chain of value that sets a relatively fair distribution of revenues along the value chain. In theory, it is organised as such in order to incentivise creation. However, digitisation has introduced new players and new market power, thus altering the value chain. This in turn produces frustration among the actors who sometimes see their revenues plummet. As a whole, it seems that revenues, having initially dropped, increased again after a period of transition from analogue to digital business models.

Copyright was originally introduced as an incentive to produce, by providing formal proprietary rights to the creators of intellectual work, which can be materialised, for example, in a song, a film, or a book. By selling "rights to copy" to editors and distributors, the owners of the intellectual property could be paid for their creative work and material cost invested in production.

Sometimes considered as a laboratory for economic models of innovation and creativity in a post-industrial world (Busson and Evrard, 2013), many of the cultural sectors were studied for insights on the impact of digitisation on the industry's potential for artistic creation and its compatibility with technological innovation. For instance, research on innovation in the audiovisual industries has examined public policy (Pratt and Gornostaeva, 2009), marketing strategies (Creton, 2008) and business models (Benghozi et al., 2011). On the other hand, the economics of culture are characterised by the strong intrinsic motivation behind artistic creation, the subjective and multidimensional assessment of value and quality of an artwork, and the collective nature of creativity (Caves, 2000).

1.1. Digitisation and the distribution of creative contents

Digitisation has had a widespread effect on the cultural industries, from creation to broadcasting (Chantepie and Le Diberdier, 2010), and the whole industry has re-organised, with new actors entering and others building alliances. Although digitisation has generated significant savings on the distribution, copy and storage of works, this technological progress has also constituted a serious threat to other processes in the audiovisual sector, for instance for analogue filming, editing and screening. In addition, piracy has also been considered as the number one enemy of theatrical screenings. Even though box office revenues have not been impacted as badly by piracy as expected, digitisation and piracy have altered practices and business models in the audiovisual industries.

Analyses on the impacts of digitisation and the resulting managerial recommendations have revolved around the question of intellectual property enforcement. Indeed, intellectual property is an essential component of the digital creative economy (Handke, 2016). Most of its analogue revenues come from the sale or licensing of copyrighted content. At one end of the spectrum, advocates of formal IP protection (i.e. through copyright) argue that piracy has plunged the industry into crisis and that IP rights should be enforced through several means: increased surveillance and penalties for pirates, more complex technological solutions for managing digital rights, and heightened accountability for digital intermediaries (e.g. online distribution platforms, and internet providers) (Waldfogel, 2012a). At the other end, supporters of the open source culture see piracy as an appropriation of culture

as a common good which should be shared with the masses and whose cost of diffusion is virtually null. In their view, production and creativity are not a problem as remixes and mashups are made possible by free use and access to digital content (Lessig, 2008).

In the midst of all this, one problem remains unsolved: how should common goods (the pool of digital cultural content) be curated and how should their quality be ensured? Digitisation raises a twofold problem: first, the lack of incentives for creators to produce; second, constant changes in digital cultural consumption habits, which basically consist in accessing a huge volume of content for free. According to Farchy et al. (2015), successful companies have transformed their business models to adapt to the new conditions instead of protecting the traditional chain of value. Indeed, new business models in the digital era are precisely based on free content and/or the lack of intellectual property enforcement. Intermediaries such as Spotify or Youtube pool digital content and sell advertising space which will be viewed or heard by billions of customers who access content for free. The content is provided either by right holders themselves or by users. As a consequence, contents uploaded on these platforms may infringe copyright but owing to laws such as the Digital Millenium Copyright Act (1998), internet intermediaries may not be held accountable for user-uploaded infringing files. On top of that, with these new players on the market, the distribution of remuneration has changed, a development that has been perceived as a threat to traditional players' revenues. In a nutshell, this strand of the literature argues that distribution is at the heart of new business models in the cultural industries in the digital era.

The switch to distribution as a core asset in digital business models has been observed in a number of cultural industries such as music (Handke, 2010), film (Benghozi et al, 2011), but also pornography (Darling, 2014).

As Handke (2016) puts it, there is a need for research on innovation in the audiovisual industries to understand the impact of digitisation on revenues (and copyright) in terms of production of content, and not only with a focus on the impact of piracy and new digital uses on traditional value chains and institutions:

> *Surprisingly, hardly any of a handful of studies on this issue has found any significant association between copyright protection and the quantity or quality of the supply of new copyright works (Handke 2012; Waldfogel 2012a; 2012b). It is striking that the number of new musical recordings, films and books has increased rapidly over much of the last decade in spite of concern with more unauthorized copying (Waldfogel 2012b).*

(Handke, 2016, p. 13)

In a battle for content, intellectual property (IP) remains the core asset of cultural and creative companies that now own mature distribution platforms (user-friendly, rather cheap, with a large catalogue) and have saturated the market. The remaining problem with the economy of digital platforms is this: how can the creation of valuable content be encouraged?

In both adult and conventional content consumption, content quality can be highly important in the choice of a platform or brand.

The thesis examines this question by exploring the case of adult content, as no clear answer has so far emerged in more traditional cultural sectors. However, tackling this question requires a sound understanding of the dynamics of creation in the adult industry. To do so, it is essential to look into the reasons why pornographic content is produced, and into how such a production is sustainable.

1.2. Cultural production regime in the digital era

The goods and services that the CCI produce have more symbolic value than others. They also contribute to the identities and representations of societies, social groups and individuals. An innovation which takes place in the CCI is necessarily

embedded in a social and geographical context, meaning that it could not happen in the exact same way in other circumstances. Innovation, which can be defined as a new product or process which is validated by the market, can be seen as a localised competitive advantage. Unsurprisingly, then, contemporary research on creativity and innovation in the CCI underlines the importance of geographical, social, institutional and organisational contexts in the cultural and creative economies. Ideas and knowledge circulate and expand, and may eventually become intellectual products which can be copied, diffused, valued and appropriated. This process of circulation of goods requires the involvement of a variety of economic actors and institutions, which may in turn change, appear or disappear as technology evolves.

Pierre-André Mangolte (2009, 2014) studied the co-evolution of institutions, technological progress and the film industry. His model is non-deterministic, embedded in historical context and puts forward a systemic vision of technological adoption. It consists in the detailed description of the role of institutions (e.g. the patent system) and the tensions that may exist with market and technological dynamics. This idea of embedded co-evolution is also present in research on the film and audiovisual industries as conducted by Andy Pratt amongst others (Pratt and Jeffcut, 2009), who focuses on the relation between spaces, social networks and innovation. By analysing the co-evolution of its economic actors, institutions, and digitisation, I obtain a picture of how the sector has been reorganising its creative process in the face of change.

Pornography shares dynamics of creative labour with other cultural industries: on the one hand, the co-evolving notions of professionalism and amateurism - especially in the digital age[2] and, on the other hand, the process (and issues) of producing creative works[3]. In online porn particularly, the role of users and collective and their interaction with the creators is underlined in the circulation and monetisation of digital content within a low intellectual property appropriation regime[4].

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[2] see section 2.2.3.4. "From amateurism to entrepreneurship"
[3] see section 2.2. "The economics of pornography"
[4] see section 2.3. "Online pornography, a weak IP regime"

The following chapters will further investigate incentives for creative labour and the development of artistic niches in this context of lower production costs and DIY creation allowed by the Internet.

The economics of the film and audiovisual industries are both heavily documented, especially in Europe, and to an even greater extent in France, where both sectors fall under national and European regulation, and regulating institutions often keep thorough records on the making and trading of film and television content. However, one specific type of audiovisual media has not been documented as well – arguably one that is distributed in a wide array of media and platforms: pornography. Indeed, pornography has been broadcasted in theatres, television, via pay per view, on websites, and on demand. As a result, the sector has been impacted by media technologies as much as films and TV content since its emergence.

Using conventional audiovisual products as a benchmark, the lack of data in the porn sector is significant of discrimination faced in the eyes of the law and the society. Characterising the difference between pornographic content and mainstream content reinforces our argument that the adult entertainment industry falls under a distinct legal treatment, beginning obviously with prohibitive laws on the protection of morality. Incidentally, moral laws target specific issues such as censorship and the protection of minors, whereas other issues, like the protection of sex workers, are deliberately ignored.

Many studies focus on the consumption side of pornography, because they are based on the assumption that watching pornography has a bigger and worse impact on society than producing it does. On the other hand, the study of production may also be problematic or irrelevant:

> *"A particular difficulty lies in the ways in which the links between sex (as work and representations) and commerce are understood as generally exploitative. While other media industries are examined in all their commercial complexity, and profit-making is understood as a commonplace consequence of providing entertainment and/or services, pornography's profits are understood as abhorrent and a marker of its representations' harms to individuals and to culture more generally."*

> *(Smith, 2014)*

By contrast, I adopt a descriptive economic approach rather than a normative one, and focus on the mechanisms involved in the production, exchange and consumption of pornography. Recent literature on pornography has demystified a number of misconceptions, and answered many questions, except when it comes the relationship between creativity (i.e. the capacity to generate new ideas) and pornography production. Creativity may not seem central to the production of pornographic videos, but it is, at least, a space for creativity. Creativity in such contexts is worth studying. This research explores one of the avenues of research suggested by Handke (2016), which consists in investigating the "effects of copyright protection on innovation and creativity (not just on right holders' revenues) as the few existing articles on this topic are hardly conclusive but bring up puzzling results" (p.13) and in looking into how "copyright in particular in the context of digitisation may foster the interest in alternative ways to promote creativity" (p. 16).

In the digital era and with the development of the creative supply, independent and niche producers emerge often as an alternative to commercially dominant pornography. This dynamic is similar to those at work in other cultural industries (Moore, 2005). In the CCI, there is a theoretical problem of appropriation and production dynamics and the conceptual distinction between "Schumpeter Mark I" and "Schumpeter Mark II". Schumpeter's innovation regimes are one way to model and analyse market structure and innovation dynamics (Malerba and Orsenigo, 1995). The mainstream has been more significantly documented than the alternative fringe which started to gain interest, in the porn studies at least, starting 2014 with a book by Biasin et al., *Porn After Porn. Contemporary Alternative Pornographies* (2014). This thesis, on the other hand, focuses on a distinct production regime à la Schumpeter Mark I. As documented in chapter 2, mainstream porn is an industrialised and routinised sector. Products developed in that sector are quite standardised, in the sense that there is little aesthetic research involved. This sector can survive with low appropriation opportunities using revenue streams from advertisement and complementary assets (Darling, 2014). It has been argued that its aesthetic is repetitive and it caters to a male, dominant outlook on sexuality (Williams, 1989).

On the other hand, alternative production is DIY and small-scale as in a Schumpeter Mark I sector, with low entry barriers. New aesthetics are at the heart of

creation. This side of the sector is also characterised by a low appropriation regime and may thrive thanks to the sense of community which is critical in incentivising the research, production and monetisation of pornographic content. Drawing on literature from social science and film studies, the following two chapters, which make up the first part of the thesis, characterise the pornography sector as a whole (chapter 2) and delve into the specificities of alternative pornographies (in chapter 3).

1.3. Outline of the thesis

The thesis is divided into two parts and four chapters.

The first part introduces the theoretical framework. It is divided into two chapters, describing the pornographic industry as a subset of the creative industries. This hypothesis has a crucial role in the methodology used to analyse the industry in the second part of the thesis. Indeed, as I examine the production of creative content I do not focus on moral values or on the potential social damage of pornography as a cultural activity. Instead, I study it as I would study any other form of cultural production.

The empirical part of the thesis specifically focuses on alternative pornographies, with an emphasis on video content. The plural form is used deliberately here, as pornography exists in very diverse formats (literary, audiovisual, and so on) and subgenres. The case of alternative pornographies is an occasion to highlight some mechanisms observed across a wide range of creative industries as well as others specific to pornography.

Chapter 1 allows us to introduce pornography as a special case of CCI for which I distinguish two types of creative processes according to the market segment. On the one hand, commercial or mainstream pornography is produced in a context of stabilized market and incremental innovation as in Schumpeter Mark II. On the other hand, so-called "alternative" pornography, which is more artistic and exploratory, is created in a context where barriers to market entry are low and innovation is abundant and more radical, as in Schumpeter Mark I (Fontana et al., 2012). This distinction allows us to study the two segments separately: mainstream pornography in chapter II and alternative pornography in chapter III.

Chapter 2 reviews the literature on pornography, in the process of giving a general picture of contemporary adult entertainment. By contextualising video pornography in the broader landscape of adult entertainment, we gain a better understanding of the sector in its diversity and of the issues that may emerge in terms of morality, labour laws, creativity incentivisation and the protection of innovation.

Chapter 3 describes alternative pornographies with an emphasis on two important types of actors in its economy: creative communities and entrepreneurs. Pornography's creative communities differ from others in that their contributions to creation are often informed by illegitimacy and amateurism (two mutually reinforcing features). Alt pornographies and its communities are also distinguishable by their subcultural flair, infused with political activism and societal ideals. The study of community initiatives shows that entrepreneurs play a large part in motivating the creation and diffusion of new works. The concept of entrepreneurship in the CCI, to which I contribute with the case of sex-positive pornography, is characterised by a strong intrinsic motivation, a specific business model and strong ties to communities.

The research question of this thesis focuses on the vulnerability of an economy drawing heavily on symbolic value. In an age of widespread piracy and lack of consideration for pornographic works and labour, how is digital content creation incentivised, monetised and valued? On the other hand, the involvement of creative communities and entrepreneurial initiatives in alt pornographies may be a source of creativity that is precisely fuelled by intrinsic and subjective motivations.

The second part of the thesis presents the fieldwork, which documents the dynamics of creation in a subgenre of alternative and independent porn: sex-positive pornography. It also explores the exploitation of intellectual property rights, a key question for CCI. This empirical, qualitative part yields conclusions based on a sustained analysis of appropriation in the sex-positive pornography. I show that valorisation in alt-porn is mostly symbolic and occurs through informal intellectual property appropriation processes.

As creative entrepreneurs and communities meet in third places, which are known to galvanise knowledge exchanges and collaboration (Cohendet et al., 2010), this study focuses on such a place for closer observation of creative dynamics in a

specific field. As third places, festivals (Hawkins and Ryan, 2013) are particularly appreciated as meeting spaces for sex-positive porn communities. Accordingly, the methodology of this thesis is based on the analysis of a body of sources that includes online archives and interviews (2014-2017), and two exploratory field surveys conducted (in 2016 and 2017) at the Festival "La Fête du Slip" in Lausanne, Switzerland. First-hand data collection was conducted at this multidisciplinary event, which hosted a competition of alt-porn films. This work allowed me to access and observe community activity in alt-porn and to be in contact with artists-entrepreneurs at different stages of their careers. Other interview data were mostly collected in books and online. This supplementary data helped me identify the additional incentives, strategies and learning processes of a handful of content creators.

Chapter 5 presents the findings of the analysis of the whole interview corpus. Strategies for appropriation are shown to differ slightly from other content industries, because pornographic content falls under a distinct intellectual property (IP) regime. The main findings are framed within the context of pornography being a case of low IP enforcement regime[5], which impacts the possibilities of exploiting copyrighted works.

I first show how that exploitation of works is done by communities through informal appropriation, mostly by contributing to increasing the symbolic value of alt pornographies. While they do not singlehandedly make up for the potential loss in revenue resulting from piracy and the lack of outlets, communities of knowledge (Harvey et al, 2015) help reinforce alternative mechanisms to the incentives created by intellectual property rights.

Second, business models in sex-positive pornographies, which are also based on informal appropriation, are exploited by entrepreneurs who seek to enhance their reputation on the market. They do this by building a brand image of alt and indie pornography as a differentiated segment (based on a so-called ethical production) and with a strong support from its surrounding communities (which see the entrepreneur as a representative of their ideals, beliefs and lifestyle).

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[5] explained in section 2.3. "Online pornography, a weak IP regime".

All in all, the thesis contributes to an understanding of pornography as a creative sector under a distinct intellectual property regime. This work defends the possibility of adopting another point of view on the sector, by looking at it as an artistic and cultural production. Instead of concentrating on the presumption that pornography is inherently bad, this approach examines how it works as an industry, and addresses its communities and entrepreneurial initiatives in the field of sex-positive pornography.

PART I. Pornography as a creative industry

Part I presents the contemporary adult entertainment industry and online pornography in particular in the light of the Mark I/Mark II Schumpeterian framework for explaining innovation dynamics, as investigated first by Nelson and Winter (1982) and later, Malerba and Orsenigo (1995, 1996) amongst others.

This thesis assumes that the pornographic industry, can be modelled as two distinct entities. In the first part of the industry, the dominant segment is structured in a Schumpeter Mark II mode – an oligopoly with large companies (also called majors). The second part of the industry, also called the "alternative", is composed of a creative fringe made of a "cottage" type industrial tissue, populated with productive individuals (also called "entrepreneurs") and communities. In particular, alternative porn entrepreneurs and communities are centred around a certain opposition to the dominant market. They are distinctive not only in their intentionally aestheticised style but also in their production process. This characterises the fringe as a Schumpeter Mark I mode where innovation seeks to be radical, and low appropriation opportunities lead the way to entry on the market of creative entrepreneurs with low resources.

In other words, Part I expands on the difference between mainstream pornography – a Schumpeter Mark II sector (chapter 2) and alternative pornography – a Schumpeter Mark I sector (chapter 3).

CHAPTER 2. The pornographic industry

Summary of chapter 2

Chapter 2 presents an overview of the pornographic sector as an object of research for scholars in economics and management of creative industries. It reviews an abundant literature in a variety of fields, including sociology, film studies, communication and media studies, law, and shows that pornography has seldom been studied in economics. This chapter also makes the case for addressing pornography as a CCI, and documents similarities and differences with other creative industries.

Section 2.1. and 2.2. demystify the image of pornography as a monolithic industry, built to profit from the weakest. Section 2.3. shows how the industry protects its contents from mass piracy and lack of consideration. It describes a specific regime of low IP enforcement where innovation and creation are still existent although opportunities for monetising content are rare, reducing incentives to invest in production. I argue that pornography constitutes a case of a low intellectual property appropriation regime, which can explain why business models tend to hinge on communities and user-generated production.

2.1. Defining the pornographic industry as a research subject

2.1.1. A history of the pornographic industry

Despite the obvious historical and artistic importance of the Venus of Willendorf, for instance, the nudity and unequivocal sexuality of the figurine kept it out of beginning art textbooks for nearly 60 years. (...) As the sexual revolution swept the nation in the late 1960s, easing attitudes towards the depiction of sexual imagery, (...) the figurine was adopted by many as a symbol of the Mother or Earth Goddess, a concentration of multiple prehistoric female deities carrying heavy overtones of fertility fetish and erotic charm. (...) Today, the Venus of Willendorf's role is more commercial than spiritual. (...) The Venus can now be found, for instance, on jewelry of every description (brass, pewter, gold), on T-shirts, posters, postcards, and paper dolls, and even molded into glycerine soap. Even prehistoric sex, it appears sells.

(Lane, 2000, p. 2-3)

The definition of "pornographer" is derived from the word's Greek etymology. Broken down into "porno" and "graphê", the term literally means "the person who writes on prostitutes". This word was used to describe the "pornographer" as the doctor documenting the lifestyle and diseases of prostitutes, but documents on sexuality or contents representing sex existed long before that: examples include Palaeolithic statues such as the Venus of Willendorf. However, for the purposes of this research, I adopt a functional definition of pornography as a content representing at least one explicit sexual act. This means that the study of the history of pornography as written/material representation logically follows the history of media technology (Dubois, 2014b). The following part mostly draws on Chapter One of Frederik S. Lane's 2000 book *Obscene Profits*, which details the interlinked progresses of pornographic production and audiovisual technology.

While the first known sexual depiction of the body dates back to the prehistoric age, pornographic scenes were found in Greek household decorations, and then Roman frescoes, murals and paintings. The famous frescoes depicting sexual scenes in Pompeii were found in brothels, but less explicit ones were also discovered in private residences.

In the Middle Ages, the emergence of an ascetic religion and the collapse of the Roman Empire ruled out sex as an aesthetic theme and as an object of commerce. Powerful Christian churches, who saw sex as a necessity for procreation only, controlled literary technology: they commissioned works themselves and monks were in charge of copying parchments and artistic content.

However, as demand for books grew in schools and universities, the monks became unable to meet the demand, and producing written material became a viable opportunity for business. As copying centres thrived, the production of written documents became increasingly automated, with Johannes Gutenberg's printing press technology, invented in 1450. However, this output was controlled by the church and works perceived as obscene or political were banned.

As populations grew in the seventeenth century, it became difficult to exercise as strict a control. On top of that, the cost of printing presses decreased to an extent that made it possible to own private presses. There was more repression in the United States of America than in Europe because of the religious context. Yet, the

first adult novel, written around 1749 by the Englishman John Cleland, *Fanny Hill*, sold very well. It was remarkably profitable for its distributors, even in America.

Since then, the production of pornography has entailed various types of political monitoring and media technologies. Today, in most (democratic) countries, producing, disseminating and consuming pornography is legal among adults.

2.1.2. Institutional definition

I know it when I see it.

Judge Potter Stewart, Jacobellis v. Ohio, United States , 1964.

In the legal literature, pornography is discussed as something to be controlled, banned or sanctioned. The conditions under which the production, diffusion and consumption of pornography are possible vary between countries. Legal age limit, contents and definitions of obscenity are for example different in France and in the United Kingdom. However, pornography is generally not clearly defined by the law.

In a failed attempt to characterise pornography with stable and reproducible criteria to evaluate a pornographic content or object, Judge Stewart notoriously declared "I know it when I see it", thus admitting that individual and institutional definitions of pornography are unclear, subjective and sometimes partial (Caballero, 2010; Dubois, 2014b). However, it is important to note that although relative sexual freedom is granted to adults, sexuality is still regulated and pornography is likewise regulated in different areas (commerce and diffusion) to protect children in the name of public decency. In other words, pornography is defined by the regulation under which it falls.

In the USA, the golden age of pornography (Paasonen and Saarenmaa, 2007) was materialised by box office hits such as *Deep Throat*, which came out as disco burst on the scene, at a time when the hippie movement had led to a degree of sexual freedom. Europe also experienced a "golden age" around the same time, for example in Denmark (Jensen, 2010) and in France (Trachman, 2013). In France, pornography became legal in theatres in 1976. A law (known as "loi X") authorised the production, distribution and diffusion of pornographic films, albeit under State

control: these films must be registered and can be shown with much more restrictions than mainstream films, which puts a commercial burden on them.

Even if one assumes that pornography can be broadly defined as content that features depictions of explicit sex (i.e. unsimulated intercourse) aimed at arousing viewers (Caballero, 2010), the distinction between what is arousing, what is not and what is acceptable or not may remain unclear. The distinction between 'legal' or 'ordinary' porn and degrading 'extreme' porn varies between countries. So-called extreme pornography often includes 'degrading' practices, zoophilia, coprophilia, gangbangs, sexual violence, sadomasochism, urophilia, fisting, bondage, and other paraphilias.

What is clear, however, is that texts regulating pornography draw heavily on child protection laws. Paedophilia is banned everywhere in Europe and in the United States; EU law prohibits any real or simulated representations of minors engaging in sexual acts. However, new trends in mass media technology have made it more difficult to monitor content. The internet being by essence a neutral and libertarian space, control of online pornography and of its diffusion follow collaborative and self-regulatory logics (Caballero, 2010).

Other aspects of pornography as an organised activity are almost absent from regulation such as sex labour, sexual representation (Ogien, 2008), except perhaps when regulation intervenes to separate pornographic activities from others. Besides, the causes of free speech, copyright protection[6] and net neutrality are defended by pornography lobbyists, pro-porn academics and also sometimes supported by human rights advocates (who defend sexual freedom, sexual and reproductive health for instance) (Lane, 2000).

At best, adult content is considered as entertainment, and at worst, as illegal, illegitimate, corrupting. In any case, it is not considered like other forms of audiovisual work.[7] The pornographic industry is perceived as producing gratuitous

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[6] About this, Gras (2007) precises that for both administrative and criminal law, what applied for pornography is contrary to intellectual property law at least in French law article L. 112-1, as the judge will ponder on the merit or destination of the content.

[7] On the lack of legitimacy of pornographers and actresses as film industry professionals, see Trachman, Mathieu (2011) « Le métier de pornographe : rhétorique, contrôle et savoirs d'un groupe professionnel discrédité », *Sociologie du travail*, vol. 53, n° 4, pp. 444-459 and Trachman, 2013.

content in the sense that it does not have artistic, educational or scientific value, because it gives an unmediated, non-interpreted representation of sexuality (Andrin, 2010).

In most Western countries, a legal framework consisting in a classification system and tax measures[8] hinder the development of adult companies. Indeed, the production and consumption of porn are seen as partly or potentially harmful to society. Pornography is believed to have corrupting effects on the youth, and on sensitive audiences (prone to violence and 'deviance').

Even if the porn industry is targeted by a legal arsenal for controlling its diffusion, it seems that the sector keeps on mass-producing content. This makes it an interesting object to study: although it seems to be undesirable to society, at the same time it is very easily accessible. It is meant to be controlled, but virtually no public data on the pornographic industry has been gathered.

2.1.3. Paradigm shift: contextualisation in pornography research

In public debate, pornography is mainly treated as a social problem. It tends to be discussed in terms of child protection, women's rights, commodification of pleasure and free speech. Until the late 1980s, research focused on the adverse psychiatric and medical effects, and criminal consequences of pornography (Donnerstein et al., 1987; Zillmann and Bryant, 1989, cited in Attwood, 2010). However, these studies failed to yield robust conclusions; the use of experimental methodologies was particularly inconclusive (Attwood, 2002). Pornographic content has been accused of being the cause of hypersexualisation, just like video games have been blamed for causing violent behaviour. Anti-porn literature depicts pornography as degrading content which promotes perverted behaviours such as paedophilia, rape and sexual assaults by normalising them. It also accuses it of representing women as sexual objects submitted to the male desire, leading to the

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[8] In France for example, pornography is regulated both *a priori* and *a posteriori*, as it is controlled within a classification framework and somewhat more heavily taxed than other audiovisual works (Gras, 2007). Pornographic films fall under the classification "X", which requires the films to be marketed using a different distribution channel than those which receive the operating visa of the National Center for Cinema and the Moving Image (CNC).

"sexploitation" (Caballero, 2010) of women and children in the capitalistic market for obscene content.

In his introduction to *Cultures Pornographiques: Anthologie des Porn Studies*, Florian Vörös (2015) evidences a paradigm shift in porn studies, from pornography as a social problem to pornography as a form of cultural expression. He cites Linda Williams who, in her pioneering study *Hard Core. Power Pleasure and the "Frenzy of the Visible"* (Williams, 1989) highlights the dual identity of pornography as a research subject:

> *Even obscenity and pornography proper defined (...) as near worthless forms of explicit sexual representation - had themselves become, as they have continued to be, increasingly respectable objects of study, as long as they were bracketed as social and political problems rather than cultural forms.*

(Williams, 1989, p.90)

The shift happened at the end of the 1990s as research on specific pornographic genres and audiences bloomed, but also with the combined emergence of cultural studies, feminist theories, and lesbian, gay & queer theory (Attwood, 2002). Anti-porn feminist academics agreed on banning pornography on the grounds that it embodies the patriarchal and sexist oppression of women. In opposition to this strand of research, a number of academics, later associated with porn studies, looked at pornography as a cultural object, lending itself to analysis in terms of what it represents rather than of its effects on individuals and society (Huntley, 1998, p. 79). In this approach, pornography is considered as a form of liberation, a practice that is a natural, sometimes therapeutic part of human sexuality, and should not be regulated by the State, as it falls under freedom of expression (Caballero, 2010).

According to Marie-Anne Paveau (2011), etymology does not tell us what pornography is now; that definition is disconnected to pornography as we see it today - most of the time, in the form of videos showing sexual acts. As a consequence, in her review of the study of pornography in France, Emilie Landais (2014) retraces the history of the definitions of pornography proposed by specialised scholars, relating them to the underlying paradigm of research on pornography. As Feona Attwood (2002, p. 94-95) wrote: "Definitions of 'pornography' produce rather than discover

porn texts and, in fact, often reveal less about those texts than they do about fears of their audiences' susceptibility to be aroused, corrupted and depraved". The definition based on the obscenity of the content is the foundation of most legal definitions in our European societies. In turn, "obscenity" is defined as "something that can corrupt the general public". For instance, the first authors to use the term "pornography" in their studies were deeply anti-pornography, describing it as a reflection of immoral behaviour (linked with prostitution, debauchery, etc.). More recently, the term pornography has been associated with outrageous or vulgar representations, as in "food porn" or "architecture porn", but it does not quite bear the stigma that it used to (Landais, 2014).

However, interpretations of "obscenity" itself also change along with moral conceptions of what "obscene" is. As a result, there can hardly be a universal and timeless definition of pornography.

2.1.4. "Good" pornography vs "bad" pornography

« *La pornographie, c'est l'érotisme des autres.* [9] »

(Alain Robbe-Grillet cited in Evrard, 2003, p.12)

In the 1960s and 1970s, the public debate on pornography in the United States was split between three main arguments: pornography was either a way, for pro-porn feminists mostly, to subvert the traditional familial structure (i.e. a submissive, inferior housewife, whose sexuality is geared towards procreation), a perverting content for conservatives, and an objectifying tool for anti-porn feminists. (Lane, 2000).

Nowadays, porn studies academics support a middle ground. They argue that pornography is not inherently bad as a whole, but that there is "bad" porno and "good" porno. The first is defined as "repetitive, "normative", misogynistic, stereotypically heterosexual, and so on, whereas the second would be "creative, non "normative", accounting for female desire, open to all kinds of "minor sexual practices" (Ogien, 2008). At this point, the oft-cited quote by Annie Sprinkle, a pioneering sex-positive and feminist pornographer, resonates: "the answer to bad

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[9] This quote can be translated as "Pornography is someone else's erotica".

porn isn't no porn…it's to try and make better porn!" (*Herstory of porn : reel to real*, 1999).

Clarissa Smith (2014) expanded on this idea in her analysis of the motives behind alt-porn production, where she argues that alt-porn distinguishes itself from commercial ("bad") porn in terms of authenticity and production ethics, not being primarily motivated by financial rationales.

However, there is a very wide range of expressions of sexuality (in practice and in bodies) in porn and this diversity is not solely produced by the alternative fringe of pornography (Smith, 2014).

Susanna Paasonen investigates what makes a good erotic story by looking at Literotica, a website which archives erotica amateur writing. The distinction between erotica and pornography is sometimes underlined by the amateurs themselves: erotica is a literary genre, focused on plot and characters, whereas pornography focuses on the "affect": the feelings and sexual arousal provoked by reading the story.

> *The pornography/erotica division is, then, based on aesthetic value - separating "quick masturbatory fix" from depictions of "the complex nature" of desire (Juffer, 1998: 106).*

(Paasonen, 2010, p. 145)

The paper also explains that for Literotica members, a good story is one which is skilfully written, original as well as arousing. Erotica falls under literary and genre criteria, and tends to be considered as a genuine creative production, which brings it closer to a cultural product than a commodity intended only for masturbatory purposes.

> *The low cultural status of pornography has been associated with its preoccupation with sexual acts, genitalia, and bodily fluids that are deemed obscene.*

(Paasonen, 2010, p. 145)

The distinction between pornography and other depictions of explicit sexual material will be discussed further later. What is important to remember here is that in my view and to the view of many other authors studying the subject, pornography is

difficult to define and often stigma-laden. The term is mostly used to differentiate the works to which it refers from other cultural contents deemed to have greater value, although, crucially, such moral distinctions are or at least should be beyond the scope of studies on pornography.

2.1.5. A necessary distance and an interdisciplinary approach

Scholars of pornography have focused on various forms, in photography, films (Williams, 2004), literature (Paasonen, 2010), advertising, and more recently in "social" settings such as texting, chatting, dating apps (Race, 2014), and live camming [10] (Preudhomme, 2016). Any object is worthy of analysis regardless of the stigma attached to it: Moral judgments should be left out of research on pornography and on any other subject. Paveau and Perea (2014) have for instance stressed that research on pornography should proceeded exactly like research on other forms of cultural content, with an amoral and non-stigmatising approach. A number of studies on pornography (within and outside the so-called "porn studies") rely on the classical tools of technology, creative and media industries; starting from Linda Williams and her pioneering work (*Hard Core,* 1989) which characterises pornography as a film genre, comparing it with other film genres. Other examples include Delacourt and Liarte, 2013; Darling, 2014; Coletto and al. 2017.

In this thesis, I likewise endeavour to treat pornography like any other object, legitimising its study as other recent authors did, by using "classical" methodologies in economics and the management of innovation in the creative industries. In other words, this is the study a market (supply and demand) divided into segments (mainstream, fetish, alternative, hidden), and existing within a regulatory and sociocultural framework with its formal and informal institutions (law, lobbies/collectives, communities). There are different possible levels of analysis for this market: macro, meso, micro. This work focuses on the micro level, as it is particularly concerned with studying the managerial implications of the contemporary production of pornographic content. However, the results will also be enhanced by macro and meso-level analysis to document similarities with other creative industries.

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[10] Live camming consists in a performer filming themselves thanks to a webcam doing a show or chatting with viewers that are connected to their chatrooms.

Because most research on the pornographic industry has been conducted in the social sciences and a minority in economics and management, the literary review will inevitably be a multidisciplinary one here. In his introduction to the *Anthologie des porn studies*, Vörös (2015) gathers articles which he believes constitute "a conceptual toolbox which will equip queer feminist Francophone studies on affects, ideology, popular culture, communication technologies and the creative and cultural industries"[11]. While my own analysis will draw on such sources, other tools will also be used. Smith points to the need for a contextual and interdisciplinary study of pornography:

> "*As a developing discipline, porn studies attempts to make sense of sexually explicit representations by drawing upon a range of (inter)disciplinary approaches and paying attention to media forms, historical periods and national contexts. While porn may be central to discussions within gender and sexuality studies, its place within media studies is much more peripheral – there are few accounts which take seriously pornography's links to wider cinematic production or as businesses producing and distributing media content – thus a critical framework has developed in which "pornography" sits somehow separate from other media forms.*"

(Smith, 2014)

In a short review of the porn studies literature in the States and in France, Paveau and Perea (2014) note that even though many porn scholars draw on porn studies research, not all of them - myself included - necessarily claim to be part of the "school" of porn studies. This reflects the methodological choice adopted in this research, which is to carry out a case study drawing on an interdisciplinary literature review inspired by arts, management, law, economic and social science.

2.2. The economics of the adult film industry

This study concentrates on the economics of the adult entertainment industry, whose output is generally understood indifferently as "pornographic" or "erotic". It does not discuss the topical subject of the impact of the consumption of pornography, but a succinct review of studies on consumption is included to provide context to my characterisation of the pornographic video sector.

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[11] Translated from French by the author.

Indeed, I concur with porn studies academics, in approaching the production and distribution system of pornography as a cultural industry in a broad sense. Film academic Linda Williams studied it as a film genre (1989); others study it as a representation of a particular culture and set of social norms at a given point in time.

Even Darling (2014), in her study of the "adult entertainment' industry, does not give a precise definition of the term: it encompasses "adult magazines", "websites", "content", compared to their "mainstream film and music counterparts", the "digital files" industry and "aggregation websites". In a note, she writes: "Furthermore, adult content is difficult to define and many firms engage in a variety of activities that may not fall under the definition of pornography".

In this context, it seems that defining what the pornographic industry is consists in differentiating it from other cultural and media industries. I do so in the next paragraphs by, first, differentiating it from what is arguably the closest creative industry: the film and television industry (also known as the audiovisual industry). I will later show that the industry is more complex and appears to be a network of professional, amateur and leisure activities, not restricted to audiovisual content.

This research will strive to avoid the "good vs. bad" pornography approach. Often, ignorance will lead people to see pornography as an opaque and monodirectional enterprise, as Clarissa Smith puts it:

> *Porn is, in this view, always and utterly singular– sharing the same characteristics, working in identical ways with a singular motive, and industry, behind it: the "porn industry" which trends in one direction only – towards more and more "extreme" representations in order to generate profits. Most importantly, even as "pornography" might appear to be divided, competitive, or niche-oriented, it is really singular – any variations are simply a smoke-screen for the real intentions of a highly purposeful and unified industry which seeks to infect everything it touches.*
>
> *(Smith, 2014)*

To do so, it is important to characterise the diversity of the pornographic world, in terms of structure and organisation, for instance by identifying and detailing the economic actors present in the sector. Far from the popular imagery of the "porn baron and his audience of men in dirty raincoats" (Attwood, 2002, p. 96) or "sleazy

Southern Californians wearing pinkie rings and polyester" (Metz, 2015, p. 2), the industry of pornography is embodied by IT specialists, businessmen in "suits" (Smith, 2014), entrepreneurs, artists, with diverse customers from the "average" heterosexual male user to sexual and fetish minorities, and feminists.

While pornography can be described as "the representation of explicit sexual acts in the view of exciting the recipient",[12] it is nowadays virtually impossible to reduce the industry to the circulation of representations (in whichever format this happens), and dissociate it from the adult entertainment industry. The latter is composed of several sectors, which sometimes overlap, i.e. pornographic content (e.g. audio, video, photo…), dating sites, sexual services (escorts, erotic dancing, prostitution), accessories (clothing, sex-toys). Online adult entertainment stands at the intersection of these sectors (see figure 1). This research focuses on this industry, following the insightful definition of it provided by Zook (2003): a set of "adult-oriented websites that are accessible to the entire Internet community and offer pornographic images, audio, video, text, and chat to visitors. The content of these websites reflects the wide variety of sexual interests of Internet users and for the most part these websites are commercially driven."

Figure 1. The adult entertainment industry

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[12] Author's translation for Caballero's definition of pornography in French: "la représentation d'actes sexuels avec une totale crudité à des fins d'excitation" (Caballero, 2010)

2.2.1. Pornography, the "other Hollywood" [13]

Not too far from the hills of Hollywood - known to be home to a wide array of film companies and talents, San Fernando Valley is the other audiovisual cluster in California (Ortiz, 2018). This "other Hollywood" shares many aspects with its better-known counterpart, including a golden age of big studios and production companies, surrounded a myriad of creators, craft and art makers, amateurs, and, nowadays, newcomers coming from the more general media and IT industry.

The idealised way of making revenues in the film and audiovisual industries is by exploiting copyright, for example by having a film open in theatres. Accordingly, the presence and success of pornographic films in theatres symbolise the Golden Age of the industry as a mainstream, or at least legal form of entertainment (Paasonen, 2010). The profitability of pornography has become a myth that finds its roots in the historical (box-office) success of *Deep Throat* (1972):

> *The commercial success of* Deep Throat *in VHS tape in 1975 is emblematic (Lane, 2001). This film, made on a $22,000 budget, is often cited as the most profitable film in the history of film as it generated 100 million dollars of revenues.*
>
> *(Delacour & Liarte, 2014, p. 35)*[14]

At the same time, porn appears big, uncontrollable, and pervasive and faces obstacles in the mainstream world. For instance, online pornographic companies are dependent on intermediaries (e.g. distribution platforms, payment processors, internet service providers) to market their products (videos, camming, books, sex-toys, mobile applications, games, etc..), but many of the mainstream application platforms and social media services do not accept adult companies.

Metz (2015) tells the story of Chris O'Connell, head of Mikandi, a start-up specialised in pornographic software. His case illustrates how costs of entry are higher for firms in the adult industry due to this market and legal ostracism:

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[13] Referring to McNeil, Osborne, and Pavia, 2005.
[14] Translation from French.

"As he built Mikandi amidst this new world order, O'Connell didn't pay $15 million for video software. He and his team built it themselves. That's pretty much the way it works in the porn business (...) For adult companies, it's chaos. It's fragmented. It's broken. It's blocked. Adams says "You have to build your own newsletter service. You have to build your own billing system. All the game tools for distribution and ads - none of that is available to adult companies. All the awesome stuff that everyone expects you to have is blocked.""

<div align="right">(Metz, 2015)</div>

This phenomenon, quite common in the digital media and cultural industries, and known as "gatekeeping", is characterised by a setting where intermediaries have a pivotal position of power in a chain of value, giving them a decisive role in the entire chain. As a result, it is difficult for these companies to develop their technology and new ideas as they cannot fund their R&D in the traditional banking system, not to mention test their innovations on the market. Consequently, adult companies often have to turn to alternative banking and less advanced services or more expensive services. This situation might also explain why the adult industry needs to keep up with new media technologies (for instance, virtual reality) and diverse online services (e.g. cryptocurrencies) and have the reputation of being a pioneer in innovation.

Many papers start from the assumption that the adult industry played a key role in technological standard wars. Delacour and Liarte (2014) show that this argument deserves nuancing. The adult industry was indeed an early adopter, and it has ostensibly cultivated an image of pioneer when it comes to choosing media standards, fuelling a self-fulfilling prophecy - that of other industries following in the footsteps of the porn industry to coordinate on media tech standards. However, in the field of technological development, it is clear today that porn is left out of the race: various technology holders act as gatekeepers by banning explicit adult material from their services. Companies offering payment systems, web hosting, application platforms, and social networking tax, conceal or exclude adult content. The early adoption of technologies is accordingly explained by the fact that porn industry players are forced to used emerging, innovative solutions (which sometimes need early adopters to develop).

Deep Throat (1972) is known to be one of the biggest cinematographic successes of all time (including non-pornographic films) but it is an exception in the history of pornography where pornographic content could compete with non-adult works; business models have changed since the 1970s. It is not such an easy world for online adult firms to survive in, however, a few differentiate themselves using different strategies and putting forward their own competitive advantages. What could be a realistic picture of the pornographic world today? How do pornographers earn money nowadays? The leading firms seem to earn hundreds of million dollars (Darling, 2014) while other companies survive by devoting themselves to niche content.

Schematically, three types of actors are usually identified in the online pornographic industry (Table 1): historic big players, entrepreneurs and new dominant players.

2.2.1.1. A taxonomy of pornographic companies

2.2.1.1.1. Historic players

The history of Playboy founder Hugh Hefner epitomises entrepreneurship in pornography, with his cunning exploitation of intellectual property and recent copying technologies. He bought reproduction rights to a picture of Marilyn Monroe for $US 500 and found a way to make this glamour icon even more desirable by printing 70,000 colour copies of it on the centrefold of his magazine's first issue, after raising an initial budget of $10,000 from his family and friends. Hefner sold 50,000 issues in a month for 50 cents each, earning $25,000, which allowed him to cover his costs, thus heralding the beginning of an industry (Lane, 2000). Frederick Lane depicts Hefner as a Schumpeterian entrepreneur, an "innovator" (Lane, 2000, p. xvi): in a nutshell, the publishing veteran saw an opportunity for a new product and worked for it to be marketed. Accordingly, here the porn entrepreneur[15] is defined as an individual who creates a company or an organisation (Gartner, 1990) and plays a key role in the emergence of new adult entertainment material.

Yesterday's leaders (who I also call "historic" players) were able to remain household names in the adult industry. These companies, like Hustler, Playboy, in

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[15] See section 3.3. for a concise literature review on the entrepreneur in pornography.

the United States, or Dorcel in France, founded on traditional content and distribution channels (long feature films, quasi cinematographic production values), rely on their brand name to keep their market share. The historical companies can count on their capital (i.e. resources accumulated over their leadership period) to branch out into side markets: dating, news, lifestyle, sex-toys and events. As far as the commercialisation of their video contents is concerned, their strategy is to develop curated content that meets their customers' expectations.

2.2.1.1.2. Niche entrepreneurs

The category of "niche entrepreneurs" includes smaller entities, often a self-employed person or an unpaid volunteer, who provide home-made or highly curated content. These entrepreneurs can count on a very low cost of access to the field. In the online era, the minimal requirement to provide content either in the form of niche content collections or interactive live webcam shows is an Internet connection (plus a camera for performers). Their competitive advantage lies in their ability to harness a consumer base (either free users or paying customers), sometimes to form a community that will be tied to the service as the users provide feedback on the quality of the content.

Table 1 shows the difference between niche entrepreneurs in pornography as compared to other companies and organisations producing adult content. They usually target a niche market and try to offer a personalised product. They produce exclusive content that is often accessible in exchange for a tip or donation, or billed like any other good or service. Customers especially count on these entrepreneurs for carefully curated adult entertainment. They value the customisation of the product, often enabled by interactivity in the service (the pornographer may personally thank the customer, for instance). To make a profit, the entreporneur can count on the low cost of production and on a loyal community that often helps improve the product by providing voluntary feedback. Online niche entrepreneurs can be found on content aggregators, blogs and webcam platforms (Mowlabocus, 2015).

The minimum required material to film a video generally consists in a camera, lighting equipment, a film set, a computer and editing software. The film can be very basic (i.e. with low production values) to give it a do-it-yourself (DIY) feeling, which is a popular type of pornographic video (also called the "amateur" style). Viewers of DIY

porn nevertheless need picture quality to be high enough to be able to see the sexual performance properly. Producing a pornographic video, then, has a cost which might be smaller than a non-pornographic film, but in some cases even that small cost is not recouped by the professionals of the sector who struggle to make a living out of their work. On top of that, there is a moral cost – a sometimes strong social stigma – which is often tougher for women, who may face exclusion and find themselves unable to find a job outside pornography and sex labour. Trachman (2013) mentions the constant negotiation for salaries and intense wage competition, which illustrates the fact that pornography may not be as profitable as is sometimes assumed. Additionally, porn professionals (who usually work in the sector for a short period) can also be compensated in non-pecuniary ways.

2.2.1.1.3. New major players

The third category is made up by today's market leaders, which were initially not particularly focused on pornography but on communication and information technology. Developed by IT companies, websites such as Pornhub and YouPorn have a competitive advantage in that they are able to process an enormous amount of data. Although they have joined the adult market recently, they have quickly become dominant by offering a massive stock of free videos to users.

This new structure of the adult industry has had some consequences on the chain of value, especially benefiting online intermediaries (also called "platforms") and forcing producers to change their commercial strategies. Darling (2014) showed (based on in-depth qualitative interviews with content producers in the USA) that content producers have oriented their strategy along two important lines: providing convenient use for consumers and focusing on live user experience. Table 1 hereunder compares the three main categories of actors structuring the adult entertainment market by their business models (here characterised by their strategy, revenue stream, service, resources and partners). The table is based on previously mentioned literature.

Table 1. Actors in the online adult entertainment industry

	Historic major players (e.g. Playboy, Dorcel)	Niche entrepreneurs (photo blogs, webcams)	New major players ("tubes", e.g. Pornhub, Xhamster)
Strategy	Diversification and branding	Niche market, extremely personalised product	Aggressive marketing
Revenue stream	Unlimited video streaming	Tips, donation, exclusive content	Ad banners, freemium offers
Service	Convenience and quality, interactivity and curated content, niche content	Interactivity, curated content, niche content	Abundance of content
Resources	Brand image, capital	Low-cost video material and shooting location, a community (loyal, providing feedback)	Free content and bandwidth
Partners	Mainstream distributors and broadcasters (TV Pay-per view, merchandising, etc.)	Personal content aggregators (e.g. Tumblr), blogs, webcam platforms	Publicity firms (specialised in banners)

2.2.1.2. Mainstream, alternative and indie

The following paragraphs clarify the difference between alternative (alt), mainstream (industrial) and independent (indie) porn, without passing moral judgement, in light of their means of production.

Experimentation and edginess is characteristic of cultural industries (El Chakieh, 2015). However, these ideas may be in opposition to the mainstream for many reasons: to mark a difference from popular forms of expression, or for political reasons, to criticise the establishment, for instance. Indeed, other cultural sectors such as music, are also characterised by mainstream, alt and indie productions (Moore, 2005).

To be more precise, mainstream porn is made by commercially dominant pornography professionals as described by Williams (2004), Lane (2010), Damian-Gaillard (2012), Trachman (2013), Darling (2014), and Zecca and Biasin (2010). This pornography is produced by companies with a significant economic weight. Majors in the case of pornography are well-known studios such as Brazzers and Vivid and often consist in a production-distribution conglomerate. Aesthetically, mainstream content is very codified and tagged very precisely for ease of browsing on tubes (Demazière, Dubois), which amass a myriad of videos that are often scripted along the same lines (Williams, 2004), and are thus highly standardised and substitutable (Darling, 2014).

To describe such scenes, mainstream porn professionals have a precise vocabulary which in turns shapes how performers are paid. In other words, the more extreme the performance is, the better the actress will be paid. There is a gradation in pay from girl-on-girl scenes, to girl and boy, to what is considered as more physically or psychologically demanding (interracial, anal, BDSM, gang bangs, and so on) (*Hot Girls Wanted*, 2015, 2017). Critics of the mainstream have incidentally argued that this salary range reflects a misogynistic and racist domination. They also call for more diversity in aesthetics, scripts and body shapes. As a consequence, it has been argued that mainstream business model is not compatible with ongoing production of original and ethical content and that it leads to less investment in content quality in the adult industry (Ovidie, 2017; Hot Girls Wanted; 2017) if quality is measured by working conditions (practices in the films) and originality (or aesthetics). Creators of the alternative and the independent (indie) fringe of the industry seek to answer this call by catering to a market in need of more diverse porn with differentiated content.

Independent production encompasses a wide variety of actors, from the connoisseur working to put together a collection of masturbatory material, to the one-person company to the small-scale professional production of pornographic films. Niche entrepreneurs (as described in section 2.2.1.2.), for example, may well enter in the indie production category.

Alternative (alt) pornographic production refers roughly to output that is at odds with the mainstream. As mainstream is a relative and varying concept, it should

be noted that that the definition which I provide in this thesis applies to the current time of writing and that the boundaries of these distinctions are likely to shift in the next few years. Yet, these distinctions are relevant in that an anti-mainstream stance may involve paradoxical discourses and economic strategies. A further niche division will be explained later (in section 3.1.2. on communities in pornography), reflecting different visions of an alternative to mainstream pornography and issues including the lack of the female gaze and of racial and sexual diversity.

Pornography is diverse; at odds with mainstream pornography, there are a range of diverse alternative pornography contents. In a comprehensive paper, Smith differentiates alt-porn from mainstream porn on the basis of its discourse on the concepts of "alterity", "autonomy" and "authenticity" (Smith, 2014, p. 1). However, she points out the ambivalence of the alt/indie discourse, as does François-Ronan Dubois:

> *Indeed, if there is such a thing as lesbian pornography, it is because it distinguishes itself from heterosexual pornography with lesbian scenes, which are considered unsatisfying. In other terms, the very existence of an alternative pornography, be it lesbian, sadomasochistic, educational or all of the above, proves that there is a bad pornography which must be fought. Accordingly, any discourse defending pornography is condemned to face at least a contradiction, and at worst a significant problem, which is that the discourse itself contains its own rebuttal.[16]*
>
> *(Dubois, 2014b, p. 14)*

In practice, just because porn is "alternative" does not mean that it is entirely independently or ethically produced. Likewise, when alternative porn is commercially successful, this does not mean that it lacks ethics. However, cooperation between the artistic and craft side of pornography (the "underground") and the commercial firms (the "upperground" à la Cohendet et al., 2011) often appears as a commercial strategy. This ends up watering down the authenticity of the content, in the eyes of the consumers and artists who are attached to their autonomy from marketing (Smith, 2014).

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[16] Translated from French.

On the other hand, authors like Adam Arvidsson highlight the mutual benefits of exchanges between artists and firms with regard to advertising, as

> "for the underground artist, sponsoring provides sources which enables him or her to maximise their position and respect (author's note: their reputation). For the advertising professional, the underground produces authentic life forms which have become incredibly valuable."

<div align="right">

Arvidsson (2007) cited by Simon, 2009, p. 39[17]

</div>

As I noted earlier, the pornographic industry is not a single entity but a content industry catering to a wide variety of viewers' fantasies. As a result, the pornographic market is fragmented, although it does not escape labelling. As groups of pornographic creators are willingly to distance themselves from dominant styles by providing a so-called alternative, genres are created, along aesthetic lines or in terms of fetish specialisations. Contemporary pornography has experienced the emergence of an alternative and an independent fringe amongst other subgenres, which defies the popular view of a uniform industry.

2.2.2. Demand for pornographies

Under its simplest or rather, most simplistic definition, pornography is a document - analogue or digital- which represents explicit sex, which means that the history of demand for pornography follows the history of content technologies. Dubois (2014b) provides an account of the technical evolution which allowed pornographic documents to be produced, copied and distributed. His account begins with Palaeolithic art, seventh-century papyri, ornamental craft, paintings, drawings. Then came technologies for massive reproduction such as printing, photography, video and digitisation. Internet, the last technology discussed by Dubois, stands out by its ease of access (2014b). Nowadays, video contents, including pornographic ones, are massively available online thanks to the democratisation of Internet access.

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[17] Translated from French by the author.

2.2.2.1. Consumers of pornography in the literature

Porn consumption has been studied from different angles, often varying between academic disciplines. However, there have been many interdisciplinary studies of pornography, covering a mix of the following topics:

- impact on behaviour (social marginalisation, perversion, sexual violence- rape, assault, dissemination of STIs, addiction, paedophilia, misogyny) especially in behavioural and anti-porn studies ;

- means of consumption (in a theatre, in private, on TV, on the Internet, on mobile devices…) especially in film and media studies ;

- categories of products (types of representation, practices, ethnicities, etc.), analysis of their respective successes and what they tell us about our society, especially in cultural, feminist and porn studies.

In a nutshell, the literature on consumption identifies four types of consumer,[18] in terms of access, purpose, and consequences: the bourgeois, the average, the weak and the niche consumer.

The first type is characteristic of the early days of pornography, as consumption of obscene content for entertainment was reserved to the higher classes; it was very difficult to access for the lower classes due to religious censorship.

> *In his classic study of pornography, The Secret Museum, Walter Kendrick explains that Victorian Europe's upper-class gentlemen thought it necessary to protect women, children, and the lower classes from overt sexual depictions in both print and picture.*
>
> *(Moreland, 2010, p.5)*

Then, when it became more mainstream, pornography was seen as a lowbrow form of cultural consumption and was shaped for decades by the main type of individual who could access such content: the "unidimensional" heterosexual male (Smith et al., 2015, p. 270).

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[18] Here I use the words "consumers" and "viewers" indifferently, considering that most transactions in pornography are of a commercial nature, as Zook's definition notes (2000).

However, when it became very popular and started to be disseminated uncontrollably through diffusion technologies, it was argued that pornography was a danger, as it might influence sexual behaviour, especially among "weak" minded populations (Wéry, 2004), meaning youth and deviant, unable to differentiate pornography from reality. It has been argued that an underage audience, lacking media literacy, might interpret pornography as reality. Pornography is also increasingly used for sexual "self-education" by teenagers (IFOP, 2017), at a time when new communication technologies have made accessing more extreme pornography easier.

> *These responses are perhaps not surprising. Since the invention of photography, followed by film, video, and digital media, pornographic images have signified in ever more disconcerting ways, appearing to more thoroughly disturb the categories of the real and the representational. Online porn also disrupts boundaries between public and private space in a particularly comprehensive way, becoming accessible to audiences who have traditionally been forbidden it, and potentially, to all.*

> *(Attwood, in Attwood, 2010, p. 2)*

Recent studies on consumption of pornography in youths (Smith et al., 2015; IFOP, 2017) actually suggest that pornography is predominantly a source of release, but also a source of sexual information.

As consumption is increasingly studied by porn studies scholars, the array of types of pornography consumption becomes wider. Consumption can be "niche" (i.e. restricted to a small number of informed consumers with very particular tastes), as for any other cultural content, reflecting a lifestyle and/or beliefs. Chapter 3 details how alternative pornographies attract specific sexual and fetish communities, but also female and queer consumers (Smith, 2014), and how these niches develop thanks to these particular groups. The mainstreaming of sex can casually mean that a community in porn is a group of viewers/users:

> *"As a result, what sex means is changing. It is now strongly tied to discourses of consumerism, style, and therapy; to hedonistic and often autoerotic practices that provide "free-floating sensation" (Bauman,1999, p.26); to the expression of self; and to the creation of communities."*

> *(Attwood et al., 2010, p.7)*

Table 2. Characterisation of pornography consumers in the literature

	Access	Purpose	Consequences	References
Bourgeois	insider circles, artists, elites	Differentiating consumption (Maslow's pyramid style)	Pornography produced in limited amounts, can be expensive.	Moreland, 2010
Average	Accessible to and targeting male audiences in magazines, theatres, sex shops.	Masturbatory	The male gaze shapes the industry. Pornography becomes a lowbrow/pop culture industry.	Smith et al., 2015; Lane, 2000
Weak	Massive amount of websites, press kiosks, sex shops.	Addictive, deviant	Deviant sexual behaviour, pornography is a danger that should be monitored for the sake of public decency.	Wéry, 2004; Colletto et al., 2017
Niche	Specific distributors and specialised websites	Catering to fetishes and particular tastes, with an emphasis on aesthetics	Visibility for a sexual practice, new market but small. Pornography is a videographic genre and a (sub)cultural practice.	Smith, 2014

2.2.2.2. Elements of value of pornographic consumption

Digital pornographic content can be broken down into three elements: first, it can be likened to a work of art; second, most of its content can be reduced to information which is produced, shared and consumed differently in the digital age as compared to the analogue age; third, it is masturbatory and the receptacle for fantasies. For each component, value can be assigned individually or collectively.

A pornographic film can be seen as a work of art or entertainment. In both cases, the value given to such a product can be, on the one hand, subjective, linked to the individual's personal taste or, on the other hand, influenced more or less strongly by the peers' opinion. In other words, watching a pornographic video can be

part of the cultural consumption which characterises the viewer's social group. On the contrary, some consumers also value differentiation from the crowd and value rare and/or exclusive items the most.

There is also a collective influence on the value of pornography as an information product, especially when the content is digital. Consuming pornography can be valuable to the individual as information when, for example, the viewer wants to learn about sexual positions, anatomical possibilities, and so on. However, for information to be evaluated, it has to be consumed (or disclosed): in this case, again, the opinion of peers can help evaluating the information before consuming it. When content is shared by users, either by expressing their appreciation or literally sharing it (by posting a link to the content or distributing the content itself), the value of the content increases or at least, it is signalled collectively as something of interest.

Most importantly, pornography is masturbatory. It is designed to represent a fantasy or sexually arousing act. As a consequence, pornographic content should be tailored to the consumers' tastes, and the highly specific categorisation of clips on tube sites[19] is one illustration of the value of customised content. Customisation is pushed to another level when the pornographic content is interactive. In gaming content and live shows, the consumer can influence the outcome of the video. Interactivity brings in realism, which can be a substantial source of excitement for the consumer. Cyber-sex (by chat or with a camera) is another example of interaction, this time with the concrete presence of another person (consumer or professional). Here, again, the intervention of outside users potentially boosts the value of the adult entertainment. It should also be mentioned that value can be assigned to pornography in the specific case of communities. A pornographic work can embody certain community codes and values. A lesbian video made by and/or for lesbians (as opposed to, for example, content aimed at heterosexual males) is more likely to be appreciated by members of that particular sexual community both for masturbatory reasons (being more realistic in the representation of a lesbian sexual act) and for political reasons. For certain communities (such as lesbians and gays), being visible on a pornographic website is a step towards social acceptance.

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[19] This categorisation actually reflects the contemporary way of consuming porn: users type in specific keywords into a search engine and browse the extensive video catalog of the tube site which hosts content. Content is classified by sexual position, body types and other criteria.

As a consequence, the value given to a digital pornographic work depends not only on individual factors but also on collective ones. Social interactions are vital to the evaluation of pornographic content, either based on peers' opinion, number of shares or publicity. Elements of value for pornographic content are summarised in the following table which I created based on the literature (Table 3).

Table 3. Elements of value for the consumers of online pornographic content

	Individual factors	**Mixed factors**	**Collective factors**
Value of a work of art (Caves, 2000) (Benhamou, 2010)	subjective, personal taste	• rarity • exclusivity This depends on the possibility to differentiate oneself from the crowd.	• consensus (word-of-mouth; bandwagon effect) • importance of critics and peers' opinion in evaluating a work of art
Value of information at the digital age *(cf. econ of information)*	knowledge, know-how (educational purpose)	• disclosure is needed to know the value of information • citation: easy to find origins of the content	sharing costs virtually non-existent: reblogging, reposting[20] is a common practice and helps promoting content
Value of pornographic content	Representativeness (individual tastes are illustrated)	interactivity (feeling involved as a participant, verisimilitude)	visibility (acknowledgement of a community)

2.2.3. Netporn: participation, interaction and access

New communication technologies have such a prominent presence in our lives, in the way we consume content but also in the way we present ourselves with social networks that they foster a "striptease culture" (McNair, 2002) where individuals display themselves and reveal parts of their real or fantasised identities. It might be unsurprising, then, that both mainstream and pornographic content

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[20] I.e., posting a link to a content on blogs or social networks.

consumption are now part of our daily life as a convenience good (Darling, 2014), reflecting our lifestyles, our social status and beliefs:

> *What sex means is changing. It is now strongly tied to discourses of consumerism, style and therapy, (...) to the expression of self; and to the creation of communities.*

> *Attwood, 2010, p. 7*

This new development, whether it is referred to as "online porn" (Smith, 2010), "cyberporn" (Patterson, 2014), or "netporn" (Jacobs et al, 2014), appears to be an unavoidable subject of research in contemporary porn studies, being the most recent and pervasive means of porn consumption as well as creation. In addition, media technology has allowed people to create their own contents, including pornographic ones. Such changes contribute to blurring the distinction between consumer and producer and between reality and fantasy in the media sphere. Indeed, with the advent of digitisation and of the participative and interactive Web 2.0., it is now possible to remix, appropriate, curate and share mainstream and pornographic content. Internet users are now able to comment and share files more easily and more privately, making the Internet the media of choice for the massification of data exchange. Under the combined effects of social media, online content platforms and increased bandwidth, the consumption and production of online audiovisual material have expanded to such an extent that it is now the main form of pornographic content in circulation.

2.2.3.1. Participation: porn 2.0. and user-generated content

The possibility for consumers to participate more actively in the circulation of content has encouraged new creative and productive dynamics such as amateurism and collaborative works. These two dynamics are very interesting as they feed each other, especially when amateurs and collectives repeatedly exchange on common projects. At some point, these proactive individuals form closely knit groups working on a particular project and constitute communities of interest.

Dubois (2014) and Mowlabocus (2015) studied participation on blogs and showed how a crowd can shape the content to fit its desires by providing feedback, interpreting existing works or by producing content themselves, thus contributing to

the visibility of content, to its value or simply to pornographic production quantitatively.

Participation, which is considered in the context of this study to be a voluntary input in the production, diffusion and appropriation of pornographic content, has different purposes and may vary in terms of intensity and benefit to the community. The easiest way for a user or a group of users to participate is by giving information on their preferences by clicking on a link expressly made for users to give their opinion instantly (usually symbolised by a thumbs-up emoji) and for other users to see the generally anonymous aggregate of appreciation marks. A video that has received a relatively significant number of green thumbs on YouPorn sends several signals. First, this can be interpreted by the user as a measure of the value of the video: the fact that it is appreciated by many fellow users means that this user may like it too. Second, tube owners can instantly observe trends in the use of their website but also in their users' tastes. On a deeper level, giving the thumbs-up to a video may also be the expression of a more social behaviour, consisting in helping other porn consumers with similar tastes (or other members of the same community of sexual practice) find content which suits them: this behaviour can be interpreted as "sharing". Users can share and show appreciation of a particular content which features specific types of performance or fetish in order to make it more visible. As a matter of fact, when content is largely shared, it is more likely to be seen by users but also featured by the content aggregators either as an editorial choice or thanks to the algorithms, which tend to prioritise better-rated content.

What is interesting is that the possibility of earning money off user-generated content (UGC) further blurs the line between professional and amateur practices, leading to the emergence of new entrepreneurship models described in sections 3.3 and 5.2.

2.2.3.2. Interactivity: using user data to develop new online products and services

Users can participate (more or less consciously) in providing data on their own tastes while surfing on pornographic tubes (e.g. through page trackers). Users also benefit from other users' inputs through the aggregation of ratings and user feedbacks which, when taken into account, are expected to result in better service for

all users. From the early days of online pornography to the present, the involvement of users in the distribution of contents via peer-to-peer protocols has also been fundamental to the development of distribution services and to the diversification of the content and the ease of its access. In a nutshell, the opportunity for online collective participation has been seen as a democratisation of creative tools (not only for pornography but for all content industries) while at the same time, when exploited by firms, it is considered as "free labour" allowing for new business opportunities, as Andrejevic puts it, cited by Attwood (2014):

> "In relation to "benign" media these arguments have centred on the idea of "free labour" and converging relations between production and consumption online; one theorist, Mark Andrejevic, has observed "the ways in which creative activity and exploitation coexist and interpenetrate one another within the context of the emerging online economy" (2008, 25) and where profit-making seems to compromise the democratic potentials of participation."

The live cam business model is an interesting case as consumers collectively determine the performer's revenue. The latter depends on the tips given by the group of individuals who are watching the show so that if one contributes to the "tip jar", this will benefit the whole audience. The tips stack up until they reach a level where the audience is rewarded by a performance (and the show gets more interesting as the revenue increases). It is therefore in the performers' interest to attract as many viewers as possible but also to give incentives to pay instead of refraining from contributing out of fear that other viewers may indulge in free-riding.

2.2.3.3. Internet access to porn: the avalanche of fantasies

Pervasive piracy of online content has made content massively available at virtually no cost to internet users. This, in turn, dramatically decreases the consumer's willingness to pay. In the Internet era, the pornographers' challenge is to find new commercial strategies to monetise their content while providing free access to pornography to consumers (Le and Pénin, 2017), a business model that can be found in other creative industries (Farchy et al., 2015). In her paper, Darling describes how value has moved from production to distribution in the pornographic industry (Darling, 2014).

Interestingly, distribution in the pornographic sector differs in a few ways. First, the content itself, as it is usually forbidden to children, must be distributed separately, or requires age control, which currently varies a lot depending on the country. As a result, mobile applications ("apps") and website development may be impeded because porn distributors may not have the same experience as conventional content distributors, who deal with more data, subscribers and talents (Metz, 2015). Second, its use is different: users of platforms are interested in finding the right content, the right fantasy when the masturbatory need arises (even though masturbation may not be the sole purpose of watching porn, its distribution is designed for that purpose). The browsing experience is part of the quality of online pornographic streaming services. Privacy is also a key criterion for the platform user (in terms of user data, and banking data).

In the digital era, most consumers do not pay to watch audiovisual content, regardless of its nature. What consumers actually value is free access to a massive, easily browsable catalogue of content.

In addition to all this, tube sites are free online platforms providing access to a massive number of videos that are tagged according to the fantasies they represent. Tube sites attract most online porn video views, being the most convenient and cheapest way to access explicit content. The Internet has changed porn consumption by giving the opportunity to access an extensive collection of videos with relative anonymity, including amateur content uploaded by users. As porn consumers are reportedly less patient when searching for masturbatory content, tube sites tend to be the preferred choice over physical material such as magazines and DVDs, and peer-to-peer file sharing (Darling, 2014).

There is a massive, dizzying amount of pornographic material available, which may cause one to see pornography as a monolithic entity with billions of identical stereotypical sexual scripts that could be summarised by two emblematic moments, identified by Linda Williams (1989): "the meat shot" (penetration) and "the money shot" (male ejaculation). Indeed, tube site algorithms appear to favour content aimed at heterosexual males. This can be explained by several factors.

First, algorithms are trained to showcase popular, "clickable" contents. Popular contents are most likely to be mainstream scenes; the most "clickable" tend

to be extreme scripts. Such contents may give consumers looking for explicit content online their first impression of pornography. Additionally, tube sites, because of their linking system, are most likely to pop up first in search engine results. Even in searches for niche content, tube sites are likely to divert the results to their advantage, although "feminist" porn, for instance, is most likely to be found on pay sites.

The abundance of content on tube sites also causes frustration for two reasons: search results within those sites are also based on mass-trained algorithms, offering results aimed at the average consumer rather than the niche viewer. Furthermore, new viewers may not be accustomed to the search process, which consists in entering specific keywords (Mazière et al., 2014; Dubois, 2014a) and clicking from one content to another in the search for the perfect depiction of one's fantasy. This "frustrating" process (Patterson, 2014) requires experience to access satisfying masturbatory material. Newcomers to porn viewing may equate pornography with mainstream content.

2.2.3.4. From amateurism to entrepreneurship

Stemming from the Latin word *amare*, meaning "to love", the status of "amateur" bears the idea of a practice incentivised by love instead of monetary benefit. Contemporary understanding of amateurism underlines the difference between a leisure activity and a professional activity, that is, the time devoted to the amateurs' practice is separated from working periods. This marks a shift between the notion of amateurism as an aristocratic practice involving knowledge and appreciation as opposed to a more recent notion which highlights the lack of professional status (Armstrong, 2000, cited in Paasonen, 2017).

With the democratisation of means of creation and of communication technologies, the distinction between the professionals and the amateurs is less clear as creators have sprung everywhere. As early as the VHS era, the amateur became a content producer.

While amateurs have always been part of the production of pornography, especially as performers (Seeßlen 1990, 316), after the development of affordable, portable, consumer-level VHS recording technology, amateurs as producers gained broader visibility and popularity.

(Kristina Pia Hofer, 2014 in Porn after Porn*)*

Audiovisual pornographic creation is sometimes fallaciously thought to be purely motivated by the desires of its actors and producers. This cliché also reveals the false amateurism that takes place in the industry: sought after by consumers, videos labelled as "amateur" are actually often produced professionally for commercial purposes. But the culture of amateurism has always been strong in the cultural industries and on top of that, digitisation has increased access to means of participation and creation. Nowadays, the volume of user generated content has increased tremendously and fuelled media platforms such as YouTube[21].

This leads to the emergence of a hybrid concept of labour called "pro-amateurism", defining the situation where the amateur is on the verge of becoming a professional in the sense that their practice is nearly as skilled as a professional's or that they can make a living out of their supposed hobby. Preudhomme (2016) studies pro-amateurship in the adult industry in the context of livecam streaming; the study is representative of how the industry itself feeds on this porous boundary between pros and amateurs as it scouts for fresh faces, and many non-professional sex entrepreneurs seek to make a living out of their efforts.

In addition to all this, amateur pornography has become a genre in itself (Zecca, 2014), praised for its so-called "authenticity":

"Amateur" as a label has long served as a marker to distinguish films that are made by "regular people" from films that are supposedly professional, commercialized, standardized pornographies. Porn audiences seek out amateur pornography because the seeming "realness" of sex "grabs" them in ways that corporate porn often fails to do (Paasonen 2011, 74).

(Kristina Pia Hofer, 2014, in Porn after Porn*)*

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[21] see 2.3.3. "Participation" section on user-generated content.

Users are attracted by a sense of realness, which is a major incentive for the production of amateur porn (as a genre and in the sense of user-generated content).

At the same time, mainstream internet services are usually anti-pornography (Jacobs et al., 2007): Facebook, YouTube, PayPal and Kickstarter all forbid pornographic content and services on their websites. How, then, can a pornographer promote, network and fund their projects if the most heavily used internet platforms exclude them? This invisible barrier to the average Internet user has become a maze for the porn creators and entrepreneurs, who often find other ways to advertise and disseminate their work. The resilience of these individuals is interesting to observe, especially considering there is no formal base of knowledge (such as a training course, a union) for newcomers to the pornographic industry.

This lack of structured knowledge and of a clear legal framework, a unique case in the creative industries, is due to the moral stigma attached to pornographic content.

2.3. Online pornography, a weak IP regime[22]

Mass consumption of online porn involves often considerable infringements of intellectual property rights: in response to the piracy of copyrighted content, pornographers have developed new business models to monetise their production. These strategies are essentially based on two principles: freemium (Farchy et al., 2015) and user-centred services (Mowlabocus, 2015). In a pioneering study, Darling (2014) showed that producers have increasingly moved towards the distribution of content because this enables them not only to sell content (which is less profitable because it is easy to copy), but also to sell a live experience and convenient access, services which are more difficult to copy. In other words, Darling stresses one fundamental development in the online adult entertainment industry: sources of competitive advantage for producers are shifting from production to distribution.

2.3.1. Characterising a weak IP enforcement regime

Mainstream theory of intellectual property highlights the role of copyright in protecting any type of original content from copy and providing exclusive rights for the owners to recoup their investment in the production of creative goods when

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[22] Section 2.3. is largely inspired by Le and Pénin (2017)

selling them. However, faced with the effective lack of protection and massive unauthorised copying, the adult industry, like many other sectors with a weak appropriation regime, has found alternative strategies (Teece 1986, 2000). Examples are described in the literature on information production without intellectual property (IP without IP) by authors like Raustiala and Sprigman (2006, 2012) or Darling (2014), who studied the incentive to supply creative contents and innovate under a low intellectual property regime. The specificity of the online adult entertainment sector makes it an interesting example of content industry to study. As contemporary online consumers often expect the goods be free and not deserving of much moral consideration, infringement of online copyright is very common in pornography. However, it has been observed that a weak copyright regime (not necessarily non-existent) might even be beneficial in such a new industrial environment impacted by a disruptive technology (Fauchart et al., 2014).

This section will define intellectual property as it operates in pornography. I will offer insights into the evolution of business models in the adult entertainment history, and identify it as a specific case of low intellectual property enforcement, adding to the "IP without IP" literature.

Contemporary consumption of video happens mainly online, on mobile devices, in short format or in the form of binge-watching. Video professionals have developed business models by exploiting their copyrighted works providing them with convenience and higher image quality, for instance. The exclusivity of the viewing experience is often emphasised as a selling point for video as entertainment. Pornography, as it operates outside of the mainstream TV and film circuits, has had to adapt to new forms of consumption at an early stage and these business models are not unfamiliar to pornographers. It must be noted, however, that when it comes to video content, the value lies not in the content itself, and by extension to the copyright, but in the services allowing to bring the content to the customer. In other words, in a world where copyright has less power – especially in pornography where copyright law is difficult to enforce (Darling, 2014) – business models do not rely only on formal IP to monetise content.

A recent literature has examined incentives to create and innovate in situations where formal intellectual protection via IPR (such as copyrights or patents) is not possible or difficult and/or costly to obtain (Raustiala and Sprigman, 2012).

The main focus of this literature is on mechanisms which ensure intellectual production. If new creations are not protected by IPR, what are the incentives to invest in developing them? This question is sometimes referred as to the problem of IP without IP, i.e. "information production without intellectual protection" (Darling, 2014). Sectors such as gourmet cuisine (Fauchart and von Hippel, 2008 ; Di Stefano et al., 2013), magic (Loshin, 2007), tattoos (Perzanowski, 2013), stand-up comedy (Oliar and Sprigman, 2008), fashion (Raustiala and Sprigman, 2006), open source software (Lerner and Tirole, 2001; Pénin, 2011) have been identified as being such low IP regimes in which innovation nevertheless exists and is sometimes vibrant thanks to alternative value appropriation mechanisms. The following paragraphs provide elements of a "Weak Intellectual Property regime", laying the groundwork for the subsequent analysis of appropriability opportunities in the adult sector. A weak IP regime could be defined as a legal arsenal which calls into question the very notion of authorship and/or property over a work (of the mind).

Table 4. Incentives to innovate under low IP regimes (based on Fauchart et al., 2014)

Industry	Origin of low IP regime	References	Main incentive mechanisms								Community activity
			Norms between producers	Norms between users	Live experience	Extrinsic motivations	Intrinsic motivations (reputation)	Comple-mentary assets	Secrecy	Copy may encourage production	
Gourmet cuisine, Cooking recipe, big chefs	No legal protection on recipes	Fauchart and von Hippel (2008); Cunningham (2009), di Stefano et al. (2014)	x		x						?
Open source software	Endogenous, copyleft licenses	Lerner and Tirole, 2001 ; Bonacorsi and Rossi, 2003 ; Dalle and Jullien, 2003				x	x	x			?
Magic	No legal protection	Loshin (2007)	x		x		x	x	x		?
Tattoos	Legal protection, copyright	Perzanowski (2013)	x	x							?

Table 4. Incentives to innovate under low IP regimes (based on Fauchart et al., 2014) (continued)

Industry	Origin of low IP regime	References	Main incentive mechanisms								Community activity
			Norms between producers	Norms between users	Live experience	Extrinsic motivations	Intrinsic motivations (reputation)	Comple-mentary assets	Secrecy	Copy may encourage production	
Jokes and stand-up comedy	No legal protection	Oliar and Sprigman (2008)	x		x		x	x			?
Fashion, haute couture	No (US) or weak legal protection (design in Europe)	Raustiala and Sprigman (2006); Scruggs (2007); Schutte (2011);			x ?					Piracy paradox	?
Living art, chore-graphy, dance, stage direction	Difficulties to make a tangible record of the creation, collective dimension of creation	Hammarén (2002) ; Sadtler (2012)			x		x				?
Online porno-graphic films	Legal protection, copyright	Darling (2014), Le and Pénin (2017)		x	x	x	x	x		x	x

First, the sector provides low appropriability opportunities. Indeed, pornography does not fall under the same commercial legislation as other copyright industries. Returns on conventional audiovisual content are generated by the theatrical screenings but also and increasingly by pre-licensing agreements signed by television channels. Additionally, mainstream films are subsidised by public institutions, while pornography is not. The overwhelming majority of pornographic theatres closed long ago and TV channels struggle as online platforms for pornographic content thrive. Furthermore, especially in France, adult entertainment products are heavily taxed, in order to protect audiences (mostly but not exclusively minors) from exposure to unwanted content. It is therefore reasonable to argue that pornography does not operate under the same appropriability regime as mainstream cinema.

> *Not only did patents play no role in software innovation, copyright played surprisingly little role as well. While computer programs were often copyrighted, in the early years of the PC industry, copyright was seldom respected or enforced. Consumers would purchase programs and use them on a variety of computers in violation of license agreements.*
>
> *(Boldrin and Levine, 2008, Chap. 2, p. 2)*

Second, creation of contents and knowledge is not primarily incentivised by formal IP rights. In their book *Against Intellectual Monopoly*, Boldrin and Levine (2008) briefly mention (p. 22) the case of online pornography as typical of industries that do not seem to need IPR in order to be innovative. Indeed, for many reasons, legal, technical but also moral, it is very difficult for producers of adult content to enforce their copyrights and prevent massive illegal copying on the internet. The difficulty to enforce IP rights is also due to a lack of consideration of pornography as a cinematographic genre (CNC classification of films) and as a profession (pornographers and sex entrepreneurs have no status, are discredited, stigmatised, and even criminalised).

Yet, despite this apparent appropriation failure, the production of original content has not ceased (even though, and this is an important question which is still open, its nature may have evolved over the last few decades). This raises the

question of the mechanisms which enable producers of adult content to secure appropriation over said content in order to profit from their production.

Differentiation might actually be important in mainstream pornography (ex. using recognisable actresses, or franchises - like blockbuster movie parodies/spoofs), and it absolutely is in alternative pornography.

> *This new business profile is something that Biasin and Zecca discuss as "an articulated branding strategy" (2009, 135) where companies seek to promote themselves as offering a particular blend of authenticity, innovation, quality and specialism. Branding in pornography, as in any other area of media production, works on a number of levels: as a reputation signal – offering, for example, reliability; as trustworthy; as enabling choice and knowing that that choice will deliver; they also carry symbolic meaning – brands achieve iconic status and offer a point of identification.*

> *Smith, 2014*

2.3.2. Low appropriability in the online adult entertainment industry

In most histories, James Watt is a heroic inventor, responsible for the beginning of the industrial revolution. The facts above suggest an alternative interpretation. Watt is one of many clever inventors working to improve steam power in the second half of the eighteenth century. After getting one step ahead of the pack, he remained ahead not by superior innovation, but by superior exploitation of the legal system.

> *(Levine and Boldrin, 2008, chapter 1, p. 2)*

The idea behind this quote is that while the formal system may incentivise production and innovation, it may also be misused to support the monopoly of existing inventions. In such cases, the economic opportunity does not lie in the invention's social exploitation (i.e., its potential for social progress, for example in terms of productivity, usefulness or comfort) but in its monetary exploitation (playing on the first mover advantage and the demand for the invention), disincentivising further research on the invention and prioritising the exploitation of its scarcity/dominant position (rent-seeking behaviour).

Also, we see that Watt's inventive skills were badly allocated: we find him spending more time engaged in legal action to establish and preserve his monopoly than he did in the actual improvement and production of his engine.

(Levine and Boldrin, 2008, chapter 1, p. 3)

This also shows how intellectual property and competition are very closely linked. Intellectual property can be used as a means to stand out from the competition through, for instance monopolising a particular piece of information, practice, technology, branding or identity.

Regarding IPR protection, the situation of adult films is somewhat different from what has been observed in other low IP regimes. Indeed, in most of the latter cases formal IP instances are irrelevant or do not apply. For instance, the law does not provide for the protection of a new cooking recipe or a new choreography (Sadtler, 2012). Similarly, in the fashion industry, new garments in the US cannot be protected by IPR (trademarks excepted). Yet, a new film, regardless of its genre, can be (and usually is) protected by copyright law in most countries as long as it is original and can be stored (i.e. recorded, printed) on a tangible medium. Copyright law does not discriminate according to the nature of the content. An adult film may be considered as obscene but this does not prevent it from being copyrighted.

Hence, the problem of weak appropriability does not result from the absence of IPR but rather from the difficulty in enforcing those IPR, in particular on the Internet (Darling, 2014). Enforcement is made prohibitively costly for both technical and legal reasons (in addition, it is also possible that legal actions are not taken due to the questionable morality of the industry, which may prefer to remain discrete and avoid public litigation). From a technical point of view, similarly to many other digital industries, the Internet has opened a space of easy and widespread copying and diffusion of digital content, which is almost impossible to control even though in theory creators benefit from copyright protection.

Illegal sharing most often involves peer-to-peer file sharing, torrents and content aggregators (the so-called tubes), in which individuals illegally exchange, upload or stream copyrighted content without authorisation. In both cases, it is technically very difficult for right holders to prevent such exchanges. It is obviously

very costly to sue each infringer individually. Similarly, suing a small group of users, for instance in the view of deterring other users, has proved largely inefficient in other industries where right holders have a much greater financial and social weight (such as the music and film industries). Right holders have tried targeting content aggregators rather than individuals. Yet, in most countries those aggregators are protected by the law and cannot be considered as liable insofar as they are unaware of the content exchanged on their platforms. The only solution that content producers have is to report the presence of illegal material on the aggregator's website. Once notified of the illegal content, the intermediary must remove it as soon as possible. However, this usually takes at least 24 hours, during which the content has already been massively viewed and shared. Furthermore, the removed content usually rapidly appears elsewhere, thus undermining the efficiency of this type of action.

From a legal point of view, a second factor, which is more specific to the adult entertainment sector, highlights the inefficiency of copyright. A copyright holder has the possibility to file a civil lawsuit in the case where they are able to identify an individual infringer. Due to the high cost of the procedure, copyright holders will usually try to settle out of court and negotiate an appropriate amount. This is usually a legal and even often a necessary strategy in order to keep the cost of the lawsuit reasonable. However, in the case of adult content such settlements are usually not accepted by the courts. Indeed, Darling (2014) explains that, because of the high value granted to privacy by people involved in such cases, alleged infringers may be willing to settle the case and to indemnify the copyright holder even when they are not guilty, simply in order to avoid public litigation.

To summarise, in the adult online entertainment industry, if copyright protection is theoretically possible, it is in practice prohibitively costly to enforce. Consequently, copyright infringement has become both common and pervasive, thus leading content producers to develop alternative strategies and business models.

2.3.3 The switch towards alternative business models

Digitisation has boosted piracy but it has also reduced costs of production and distribution and allowed for more privacy and diversity in the contents sought after by consumers of adult entertainment. These changes come in addition to the emergence of new business models adopted by content producers. Indeed, as legal

and technical means to protect digital content from online piracy often proved inefficient, firms had to adapt. They did so, first, by reorganising the industry through mergers and acquisitions and second, by developing innovative ways to make their business model sustainable. Like many other industries with an online presence, providing free content may as well be part of companies' business models in the adult sector (Dang Nguyen et al., 2012; Farchy et al., 2015).

With regard to the first strategic line, content producers can focus on elements such as high-quality definition of films, easy browsing of online content, privacy, data storing (on a "cloud" for instance), interoperability between different supports (mobile phone and PC for instance) and so on. In addition to improving users' access, producers can also make imitation more difficult by enhancing interactivity and the live experience for the consumers. Indeed, while content (especially digital content) can be copied, the whole experience which surrounds it is more difficult and costly to imitate. A recipe can easily be copied but the experience of dining in a renowned restaurant cannot. Yet, the experience is sometimes as important as the content itself. Providers therefore invest in order to increase films' interactivity, for instance by developing gaming and live chats, as complements to films. These two strategies provide content producers with a strong competitive advantage over pirate websites even though the latter are available free of charge (Darling, 2014).

This focus on the consumers' ease of access and live experience decreases the dependence of content providers on original content and therefore limits the importance of protecting this content. However, this focus interestingly induces a switch from the production of original content to the distribution of substitutable and not necessarily original content as the main source of competitive advantage.

To summarise, past studies have shown that adult content producers are still able to benefit from their investments by providing a service rather than a content valued for its originality or exclusivity, which is by essence difficult to obtain in pornography. However, these analyses may have overlooked an important element by focusing on "big players": indeed, for "entrepreneurs", the role of user communities in the production and appropriation of value in online pornography[23] is vital. The role of users has been increasingly acknowledged, for example in the innovation process in the creative industries (von Hippel, 2005). Darling underestimated the importance of user generated content and the role of communities in the (long-run) dynamism of the industry to concentrate on short term switch in cash/revenue-making models:

> *While the insights gathered from markets with norm systems have been greatly valuable, the main criticism that prior work in this area faces is that it is focused on close-knit communities that are not comparable to larger industries.*

Darling, 2014, p. 718

Her results neglect the importance of these communities in fuelling industry creativity. Even mainstream giants understood that by developing "community" sections, webcam platforms are strongly tied to (online) social networks and communities.

The next chapter addresses the emergence of collective production by the communities, and details the role of these communities and their creative members in the division of labour for adult digital content production.

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[23] The involvement of user communities is merely mentioned in passing in Darling's study: "Finally, companies are searching for ways to build not only virtual, but also real-life social communities around their products […] The concept of building social interaction and community appears to work especially well for more specific content preferences, like niche markets. For example, one of the larger U.S. 'fetish' producers has for some time now successfully invested in building a participatory, interactive experience around its community. The business models range from offering tours of its facilities and shooting locations to interested members of the general public, to allowing people to watch live shows in person or even participate in scenes. It is also creating a social network and live webcam community." (Darling, 2014)

2.4. Conclusion to Chapter 2

Despite its ubiquity, pornography still appears to be a controversial subject in everyday life and in research alike. In section 2.1. I have tried to show how pornography can be a worthy subject of research, especially when considered as a cultural and creative industry.

Noting that the management and economics of porn have seldom been researched, this chapter has summarised the state of the art in studies of pornography as an economic sector. It shows that, far from being a monolithic and evil enterprise, pornography is diverse and has some similarities with other sectors but also specific differences which makes comparison and analysis interesting. Consequently, the present study can be used as a reference point for further research in the management and economics of pornography.

Section 2.2. provides a picture of the current state of pornography consumption and production, informed by the impact of digitisation, which has sparked a new practice: user participation in creation and distribution. Users can very easily create content and upload it to existing platforms such as blogs, content aggregators, and webcam streaming sites. The rise of user-generated content was enabled by digital technologies and the internet accelerated their distribution on a global scale.

In section 2.2.1.1., a distinction was first made between mainstream, alternative and indie porn, in order to study alternative porn. The alternative and indie fringe of pornography seeks to stand out from the mainstream by presenting less standardised contents in terms of body types, fetishes, aesthetics and production means. As a consequence, any discussion on pornographic content must acknowledge its diversity, characterising content as plural, the "pornographies", as Attwood does in her foreword to *Alternative Porn* (Biasin and al. 2014). This is important as it is the starting point of our distinction of two innovation regimes in pornography. In the first part of the industry, the dominant segment is structured in a Schumpeter Mark II mode, i.e., an oligopoly with large companies (also called majors) as described in chapter 2. A second part of the industry, alternative pornography, is composed of a creative fringe made of a "cottage" type industrial tissue, populated with productive individuals (also called "entrepreneurs") and

communities, as detailed in chapter 3. This segmentation is often found in the cultural industries, which reinforces the idea that pornography can be treated as a part of the CCI and reflects the variety of its actors and production.

Interestingly, the low IP regime that characterises pornography, described in section 2.3, points to the potential role of communities in the implementation of new business models based on the involvement of the users. This appears to be an efficient way for the adult entertainment industry to seize the opportunities offered by the digital revolution. Such strategies can also be observed in other areas with low intellectual property regimes in order to discourage the duplication of the service or the item sold (Fauchart et al., 2014), which shows that consumer participation and creativity becomes one way for suppliers to appropriate the revenues generated by their creative goods. Chapter 3 especially focuses on the communities and entrepreneurs of the alternative pornographies as a venue for observing creative dynamics at work.

CHAPTER 3. Pornographic sub-cultures, communities and entrepreneurship

Summary of chapter 3

As this thesis concentrates on the alternative porn industry as an embodiment of a Schumpeter Mark I type of ground for innovation, the following chapter details the specificity of this industry and the insights in may provide in illustrating contemporary digital creation dynamics.

It also provides key definitions to understand what entrepreneurship and creative communities are and what they can represent in contemporary pornography. Emphasis will be laid on user production dynamics and community initiatives within the alternative pornographic industry, which I believe epitomise salient characteristics of adult entertainment as a complex, distinctive cultural sector. This chapter partly justifies the focus of this thesis on these two types of subjects in the structuring of the economics of alternative pornographies:

- first, communities, which I define as cohesive groups of people gathered around a common political, professional or leisure interest, communicating and working towards the same goal.
- and second, the artists-entreporneurs, individuals who create a company or organisation and play a key role in the emergence of new artistic adult entertainment material.

In this industry, which is ruled by digital business models, digital practices, participative and collective processes for learning, creativity and innovation, entrepreneurs and communities have a pivotal role to play.

3.1. Communities and porn sub-cultures

In pornography, various communities have an interesting impact on the creation of pornographic content. Feminists and queers, for instance, have been involved in the production of new representations of sexuality, relying on entrepreneurship, collective action and creation.

Business models for mainstream porn were extensively explained by Darling (2014) and to some extent, smaller scale indie productions apply the same strategies if only with lower costs and more limited resources than dominant porn studios. While the role of communities has been intentionally overlooked for these segments of the industry, I argue that it is central to the production and exploitation of alternative pornographies.

3.1.1. Alternative pornographies

In alt-pornographies, in fact, communities are mostly aggregated behind artistic movements like feminist porn, post-pornography and queer porn. These are usually, but not systematically, paired with social activism:

> Arguably, the internet made alt porn possible: it has provided the option to set up one's own website, upload content and publish to the wider world. But "alternative" porn may have a longer history than this: its overtly subversive qualities and intentions may have links as far back as eighteenth century porn's social and religious critiques (Hunt 1996) but more certainly they draw on the sexual revolution of the 1960s, and the 1970s' "cinema of transgressions."
>
> *(Smith, 2014)*

Semantic distinctions between alt and indie porn and their subgenres are not emphasised in this work, as interviewees did not insist on the difference between the labels themselves. Incidentally, Sadie Lune, an alternative pornographer does not make a distinction herself when writing about alternative pornographies in one of her blog articles: "From now on in this piece "porn*" will stand for alternative independent feminist/queer/experimental/art/post-porn" (Sadie Lune, sadielune.com, 2018)

3.1.1.1. Feminist porn

Feminism in porn is a topical subject. The concept has become widely adopted albeit in different ways and is not only claimed by alternative pornographers. Contemporary interpretations of "feminist porn" can be twofold, broadly speaking.

First, "feminist porn" is a subgenre of alternative pornography, providing erotica from a female point of view as an alternative to the male gaze (à la Williams, 1989), which is omnipresent in hardcore mainstream porn. Anti-porn feminists argue that pornography inherently projects a degrading representation of women and subjects them to the misogynistic male gaze. However, pro-porn feminism argues that pornography is merely a medium and that its content can be changed. Under this approach, "feminist porn" is a specific type of content that conveys a positive representation of women and female desire (appendix 7.1.):

- based on the assumption that female gaze is different from the male gaze, if films adopt the woman's point of view, their content will be different and provide an alternative to commercially dominant erotica;

- practices, scenarios and body types reflect societal standards of beauty and sexuality. Thus, a diversity of female-centred stories and bodies bring a counter-view to mainstream male-centred content.

On the other hand, increasing numbers of women in mainstream porn call themselves "feminists". Their interpretation of the term is a response to misogynistic and/or paternalistic views on women working in the adult industry. Actresses and directors like Katsuni, Kayden Kross, and Stormy Daniels use the term "feminist" to describe their attitudes towards their careers.

In addition to existing gender inequalities (as described in Trachman, 2013) these female performers and creators are qualified or call themselves as "feminists" in pornography in the sense that :

- Content production is mostly influenced by male tastes, and by mostly male decision-makers. In this context, being a feminist pornographer means working towards refraining from indulging in the dominant male gaze when producing content. In other words, feminists will advocate for more female professionals in strategic and creative positions such as producers or directors;

- Other feminists contend that women working in the adult industry are victims and have no job alternatives. Feminist pornographers, however, emphasise a sense of agency, and argue that feminism lies in the ability to make career choices. Some use the term "empowerment" to describe choosing sex work as a woman with agency:

Camming is great at creating empowering opportunities for women as well as men. Chaturbate is a creative company that allows broadcasters to be their own bosses. We take great pride in allowing them to work in the comfort of their homes, express their creativity and earn a living while entertaining their communities[24].

Shirley Lara in Gonzo (2016)

- Lastly, the idea that women do not appreciate sex as much as men contributes to stigmatising women working in pornography, especially performers. In terms of wages, this is reflected in the idea that men are rewarded partly by the pleasure they take in work, whereas women should be compensated. In this sense, feminism in porn is the claim that women too can enjoy performing, and are in control of their own body and pleasure.

In alt-porn, however, labels are changing very fast and as the term feminist becomes more mainstream and popular, and new minorities distinguish themselves politically as well as in the media. Other distinctions have come into play in the map of alternative porn subgenres, such as "body-positive" or "queer" porn.

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[24] Translated from French by the author.

3.1.1.2. Alt-porn

In the early days of alt-porn, the so-called alternative was found in the uncommon looks of performers who adopted a punk-rock tattooed style (Smith, 2014). The best-known platform showcasing that style was Suicide Girls, which started as a community-driven website. The word is now usually used as an umbrella term for contemporary pornographies that distinguish themselves intentionally from heterosexual, male-centred and commercial pornography.

3.1.1.3. LGBT+ and Queer pornography

This branch of pornography seeks to picture the sexual practices of lesbian, gay, bi and other "queer" communities (Dyer, 2002). The subversion of gender stereotypes is a frequent source of creativity in this niche, and "queer" is meant in reference to something "uncommon", or in the case of pornography, non-heteronormative. Queer looks - for example older, disabled, fatter, androgynous bodies - are often displayed to underline the diversity of bodies and sexualities.

3.1.1.4. BDSM pornography

BDSM porn encapsulates practices involving bondage, domination/submission games and sadomasochism. This ranges from spanking to hardcore sexual torture, which must be consensual under the rules of BDSM (Senzo, 2014). The genre is relatively well marketed by bigger studios like Kink, who insist particularly on the ethics of film production:

> She [Jacquie, the tour guide] insists on the extremely detailed questionnaire that each performer needs to fill in in order to define their tastes, their desire, and most importantly their boundaries. Directors follow these instructions closely and whatever happens if the safe word is used, any shooting will be stopped, temporarily or permanently. I feel it is important for Jackie to show the strict procedures which are essential for the extreme practices that made Kink's specialty can take place safely while not watering down the scenes' spontaneity.

> (Fierce, 2013)

3.2.1.5. Post pornography

Post-pornography is not defined by any specific criteria, but there are a few leitmotivs. Borghi (2013) lists some of them to characterise the allegedly first post-porn performance by Annie Sprinkle,[25] including a 'political content and the objective of creating social transformation' and 'the involvement of spectators'.[26] Post-porn content includes interaction and a personal, sometimes political involvement by producer and/or consumer. The post-pornographic movement cannot be reduced to its filmic output, even though it is the most visible form of opposition to contemporary mainstream porn. Post-porn initiatives for instance include educational sex workshops (on female pleasure, BDSM techniques, etc.).

3.1.1.6. Sex-positive pornography

Encompassing many aspects of the above alternative pornographies, sex-positivity seeks to celebrate inclusive depictions of sexuality regardless of gender, body types, (dis)abilities, sexual orientations, kinks (fetishes) and aesthetics. Sex-positive (sex-pos) pornography is very diverse. Composed of various previously described niches, the subgenre basically concentrates on promoting a healthy vision of sexuality as part of the human experience.

3.1.2. Defining communities

There are many studies on communities based on sexual orientation, as or example studies on the LGBT+ community, in urbanism (Oswin, 2008), health, discrimination, communication and cultural studies (Dyer, 2002), etc. This strand of the literature is focused on orientation rather than activities or action of community members, so that it is to be differentiated from studies of communities of viewers and creators, even though they do sometimes overlap.

In the case of gay dating sites, it has been observed that incentives to produce pornographic self-portraits, are motivated by many intrinsic justifications such as exhibitionism but may increase one's sense of belonging to the gay community with its codes (Race, 2014) and in particular its pornographic imagery.

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[25] Annie Sprinkle performed *The Public Cervix Announcement* (1990) where the audience could watch a close-up of her cervix by staring through a speculum inserted in her vagina, in order to 'demystify the female body' (http://anniesprinkle.org/a-public-cervix-anouncement/).
[26] Translated from French.

Male gay dating codes include for example explicit self-portraits (Rivière et al, 2015) usually showing a sculpted body and a phallus (Pix video). In a context of intense online interactions, social networks and a culture of exhibition (Preudhomme, 2016), amateur explicit photography can become non-commercial (sometimes unintentionally) pornographic content - when this content is aimed at or identified with a community, the incentives for producing pornography are both motivated by sexual orientation and an interest in the production of pornographic content. As a result, when studying alternative pornographies, one must be mindful of which communities they are targeting.

Instead I focus on communities defined as groups of people who share the same interests and work regularly to offer relevant knowledge, regulated by a set of social norms (Cohendet et al., 2006). This subject has been studied abundantly in recent years in management science. In that discipline, communities (sometimes referred to as 'tribes' (Cova and Guercini, 2016)) have been acknowledged as driving forces of economic dynamics owing to their role in collecting knowledge, generating ideas and enabling innovations.

Communities can act as means to coordinate individual online contributions to diverse common resources. Thus, heterogeneous community members can improve their own skills and knowledge by communicating with each other using the common repertory of resources which itself grows along with the practice (Cohendet et al., 2006). These members are drawn to a practice (to form an epistemic community), to a person (to form a fandom), to a project, to an artistic movement and/or to a political cause and do not generally participate homogeneously to the creation and appropriation of adult content: their contributions depend on their skills and incentives.

3.1.3. Communities and collective creativity

Collective involvement in making online content is facilitated by digital tools and has become commonplace. However, the problem with collective production, to put it simply, is the problem of free-riding - benefiting from a product without contributing whereas others do, resulting in the depletion of the common resource.

Nevertheless, in other cases of weak IP regimes[27] (Dalle and Jullien, 2003; Loshin, 2007) collectively built resources have been protected thanks to what Elinor Ostrom called "self-governing forms of collective action" (1990, p.25). These operate on the conditions that a precise objective has been set and that the group is tightly knit, for instance with integrated social norms or by excluding outsiders. Examples of collective action in the adult industry may concern a specific sexual practice or fetish (e.g. furries), or even promote a political view (e.g. anti-censorship and pro-porn feminists). In this context, I believe that the creation, sharing and appropriation of pornography content is motivated by intrinsic incentives, as these groups are not primarily interested in the market output of their contribution, but rather on their impact as a collective or on the community itself.

3.1.3.1. Knowledge building

Cohendet and his co-authors (Burger-Helmchen and Cohendet, 2011; Harvey et al., 2015) studied the role of knowledge communities as co-developers and innovators in the videogame industry and Dalle and Jullien (2003) and Von Hippel (2001), amongst others, investigated open source users-developers.

> *We use* knowing communities *as an umbrella term for all of these manifestations of formal and informal knowledge sharing groups, which can broadly be defined as entities that rely on repeated and continuous interactions between individuals sharing a common interest or objective. Knowledge is at the core of both the activities and the outcomes of all of these communities, whose members actively exchange and accumulate knowledge.*
>
> *Harvey et al., 2015, p.47*

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[27] For a definition of a weak IP regime, see section 2.3. "Online pornography, a weak IP regime"

The emergence of digital and communications technologies has expanded the array of resources at their disposal, and communities can now cater to virtual commons (Dejean and Jullien, 2015). Quite logically, then, the production of work aimed at people with a specific sexual orientation fosters communities - even more so in the digital age. The knowledge created can be exploitative as the alt-porn community builds on the knowledge of other, longer-established communities such as feminists, LGBT+ groups, and BDSM practitioners. Sharing is common in these communities and happens online, offline, legally, illegally, formally (in workshops, conferences) and informally (by talking, networking).

3.1.3.2. Community places and creative spaces

In alt-porn, communities exist online and offline. They are found online on blogs and specialised forums, and offline in festivals. Festivals are remarkable moments in the life of alternative pornography communities in Europe. They are unsurprisingly venues of creative community activity, as the knowledge economics literature has shown that such events can be:

- the places where people find market knowledge, and the loci of "temporary professional clusters" (Maskell et al., 2006),
- the places where creative communities meet and exchange on their practices. In the literature, these places, which are neither workplaces nor homes, are called "third places" (Oldenburg, 1999)

The proximity between individuals during such events allows for exchange of information as well as opportunities for learning.

A temporary cluster (Maskell et al., 2006) can be defined as a place for professionals gathering to gather for a limited time. Festivals and conventions, especially international ones, have a role to play, as in theories on knowledge transfer, the diversity of participants (local and international) helps enriching exchanges and learning, and proximity gives access to remote and exotic knowledge that may require time and interpersonal explanations to comprehend.

In their work on creative cities, Cohendet et al. (2010) point out the importance of places and events in structuring communities. They document the crucial role played by epistemic and practice communities in the dissemination and creation of new knowledge, and their embeddedness in a local social and cultural context, particularly where the production of cultural goods and services is concerned.[28] They argue that festivals are among the spaces or places where creative ideas can emerge, take shape and be passed on to more formal institutions such as companies or universities. In the creative city, they explain, there is a middleground between the underground (composed of creative individuals) and the upperground, which captures that creativity.

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[28] *Ibid.*

The middleground is populated by a network of communities and informal organisations, including festivals. Because of their limitations in time and space, festivals are exceptional occasions, which may lend some urgency to the act of participating. Producers and consumers of pornography meet out of their shared interest in the pornographic market. However, such encounters are likely to happen in hybrid places which are not solely commercial because of their respective strongly intrinsic motivations (detailed in Chapter 5). Likewise, porn's economic actors are likely to meet in places where they can mix business and pleasure in many senses, which they might not be able to do at home, at the office, or in a shop.

Such community spaces can be virtual. For instance, Dubois (2014a) studied followers of pornographic photo blogs who give their opinion about the consistency of collections. Incidentally, the use of digital and online communication resources for communities has been studied in pornography: members use discussion forums (Paasonen, 2010), blogs (Mowlabocus, 2015), live chat, comment sections (Dubois, 2014a), and messaging (Preudhomme, 2016) to upload, browse, watch and comment content.

David Vallat (2016) characterises these contemporary third places as "third places 2.0." in reference to the "Web 2.0." (DiNucci, 1999) and to the concept of network technology, which allows for remote interaction and collaboration. Collective invention, knowledge learning and co-creation are ubiquitous in the literature on third places, according to Vallat's exploratory survey (2016). He points out that these places convey values (1), a way of doing things (2) and have a strong collective dimension (3). As a result, these places are seen as contributing to organisational innovation.

3.2. Porn entrepreneurship

Incidentally, entrepreneurs also have an important role in the production of alt pornographies. Having defined who the entrepreneur is within the CCI in the following paragraphs, I will be able to analyse informal strategies for incentivising information production and protection in the context of a low intellectual property appropriation regime in the next chapters.

3.2.1. Defining entrepreneurship

From the physiocrats to the neo-classical researchers, economists have tried to define the entrepreneur based on a function: a business planner (Say, Saint-Simon), a capitalist leader (Smith, Marx, Mill), a risk taker (Von Thünen), a production manager (Walras), an exceptionally skilled innovator (Marshall, Schumpeter). Whichever role is carried out by the entrepreneur, he is pivotal in the growth and development of the economy (Hébert and Link, 1988). This is obvious in Schumpeter's work: his chapter on "creative destruction" explains how change must come "from within" (Schumpeter, 1994, p. 83). Such change is not infinitesimal (where the economy adapts and goes back to a state of equilibrium) but disruptive, and accordingly has an impact on society. One parallel that can be drawn at this stage is that in alternative porn, feminist entreporneurs[29] try to change the industry or at least express their own views on the job by introducing change in terms of product, production process and in the perception of the industry; one could say they introduce social change.

More contemporary research on entrepreneurs in economics has examined their impact on growth, with a focus on the economic activity of smaller and individual companies. On the other hand, management science has been more interested in the entrepreneur as a remarkable individual: what characterises entrepreneurs? Is it their personality (trait research)? Their skills (competence-based research)? Their motivation (incentive research)? Their activities (process and project-based research)? Their resources and partners (network and community research)? The

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[29] "Entreporneur" is a neologism which consists of a blend between "entrepreneur" and "pornography" (Lehrer, 2003, p. 371). It refers to either "any individual owning a small business related to the production or distribution of pornography" or "an individual who's living comes partly or mainly from appearing in pornographic material" (urbandictionary.com, 2012). Gonzo (2015) uses an other neologism, "porntrepreneur", for the same purpose.

field lacks a clear definition of the entrepreneur, who appears to be a source of economic progress but also of innovation and social change.

Recent management research on entrepreneurship in management has deconstructed the figure of the heroic business capitalist to concentrate on the virtue, energy and risk-taking qualities of the entrepreneur, calling him "creative" (De Bruin, 2005), "social" (Seelos and Mair, 2005) and even "missionary" (Fauchart and Gruber, 2011).

In the case of alternative pornography, a few recurring traits, incentives, processes and relationships are presented in this section. In the process of considering whether the *entreporneur* is a creative entrepreneur, it also investigates the similarities between the two in order to evidence the presence of creative in the adult industry, and in the alternative niche in particular. On top of that, the alt *entreporneur* illustrates one of the contemporary questions on entrepreneurship which can be summarised by:

can the entrepreneur be described as a multi-dimensional person as they can be a business owner, manager, and a passionate and committed individual at the same time?

Ambiguity and polymorphy are very present in research in innovation involving open models such as user innovation and co-creation. Users can be producers, co-creators, testers... and vice versa.

3.2.2. Can a pornographer be an entrepreneur?

There are several sides to the entreporneur: she/he is a pornographer, a cultural producer, often an amateur on a path to professionalisation, and in the case of alt-porn, a woman. What are all the relevant interests, incentives, barriers and costs of the entreporneur as we know them today?

To define pornography as an activity, Trachman starts from an interviewee's answer from which he infers that being a pornographer is a professional occupation, with the objective of producing effective masturbatory content. This, in turn "requires an organisation, knowledge and know-how, but also exploitation of the bodies and sexualities of actors and actresses"[30] (Trachman, 2011, p.5). He actually uses the word "entrepreneur" (Trachman, 2011, p.5) to describe what a pornographer does – one with a single mission: to depict the viewers' fantasies (Trachman, 2011, 2013).

Trachman (2011) defines a pornographer as a person who makes adult films meant to sexually arouse viewers. In other words, the pornographer can be the producer or the director (they are often the same person) of a pornographic audiovisual content even though pornography exists in other media, albeit in much smaller proportions. Production consists in managing the filmographic project, which means securing a script, a cast and a filming and editing crew. In the chain of value, production is upstream and often separated from the downstream actors who deal with distribution. However, with digitisation, the cost of content production has considerably decreased and accessibility (ease of use and variety) has increased. Distribution has also been heavily impacted by digital technology, in particular the Internet, which accelerates and intensifies data exchange, as uploading and sharing content has become very easy.

The problem here lies in linking the notion of entrepreneurship, which pertains to monetising and marketing a new product, and the cultural industry, whose objective is first and foremost to bring symbolic value to society or at least to the creators themselves.

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[30] Translated from French.

3.2.3.1 The illegitimacy of pornography as a professional occupation[31]

Many creative professions in Europe are regulated by sectoral collective agreements (which may for instance provide for a minimum wage) and public funding schemes. In France, in the mainstream audiovisual market, working conditions and contracts are heavily regulated by dedicated laws (*code du cinéma*) and institutions (CSA, CNC, etc.). In this respect, the pornographic market differs from the audiovisual market and other cultural markets, especially in France when it comes to distribution (whereas in the USA, porn is another form of entertainment). In contrast, pornographic video production may seem disorganised: often, labour is considered as amateur, at least in France where there is no organised workers' union[32] for pornography professionals.

Trachman (2011, 2013) studies pornographers in France in a context where sex work is not legal but pornographic work is. Pornography is a primarily male-driven industry: even though there are far more actresses than male actors, business management and direction are usually the provinces of men (Trachman, 2013). As pornography is primarily male-oriented, women who watch pornography are few and far between or hide their consumption. Often seen as normal for men and vulgar for women, porn consumption remains a taboo subject, even though things have begun to change. An increasing number of firms appears to target women and couples as niche markets.

The producers, both professional and amateur, who pay attention to the making of this type of content form groups which have their own norms, meeting places and online platforms for exchange. Here, they are identified as communities of knowledge and practice; I investigate their activities and their role in the creative and economic vigour of the adult entertainment industry here.

Pornography generally offers male-centred content and work is organised by men for a male audience. Women are generally limited to low-level positions. In the videos themselves, however, they are the focus, and they are better paid than their male peers (Trachman, 2013). Most of the women who work in pornography are

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[31] This section draws largely on Trachman, 2011 and 2013

[32] The existence of STRASS (Syndicat du Travail Sexuel), a union which has been representing sex workers, including pornographic workers, since 2009, is worth noting. However, their activism seems to revolve mostly around street work and prostitution.

actresses rather than directors or producers. Ultimately, criteria for what makes "good" pornography also impact the way one thinks about what makes a good pornographer, and consequently about how the profession should be structured. Indeed, Trachman (2013) writes on the illegitimacy of pornography as a cultural form and as a professional occupation (Smith, 2014): the permeable frontier between amateurism and professionalism makes the already blurry picture of the pornographic world in the general public even murkier.

Furthermore pornographers have been found to develop distinct skills that do not exist in other cultural industries (except perhaps the entertainment industry and sports), namely technical skills in management, content production, physical performance– specifically, sexual skills (Paveau, 2014), and arousal (representation and creative skills) (Trachman, 2013).

3.2.3.2. The alt-entreporneur: a creator with a mission

The frequently expressed sentiment that pornography is neither purposeful, nor useful or valuable can be illustrated in the French notion of *gratuité* [33]. The French word *gratuité* is difficult to translate in English, but it may first refer to the free cost of use or access to a good or service, or to something gratuitous (*gratuit* in French), i.e., which has no purpose or intent. This concept may explain the attitude of many consumers (and non-consumers) towards digital content, especially pornographic.

However, in alt-pornography the attitude is the opposite: it is an industry that is economically sound, that is or should be structured by professional practice, and that has a meaning and a purpose. Regardless of their approach, alternative entrepreneurs-pornographers seek to bring something new by differentiating themselves from the existing standard products of their industry and the dominant companies.

Alt-entreporneurs need determination to carry their projects to completion and take risks, and they are ready to take these risks because their motivation is fuelled by intrinsic factors. Behind the will to monetise their product, there is the desire to exploit an unprecedented and/or rare opportunity, to share their point of view, to

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[33] see chapter 7 on the concept of *gratuité*.

leave a trace. Dubois uses the expression 'moral enterprise' (2014b, p. 14), to describe alt-pornographers' self-assigned mission to make better porn (Smith, 2014):

(...) Pornography can be produced and diffused like an instrument for social representation and sexual liberation. Making, diffusing and consuming pornography becomes a moral enterprise and an ethical mission (...) [34]

(Dubois, 2014b, p. 14)

Regardless of whether such a mission is coherent and possible, the ethics of pornography are noticeably central to the philosophy of alt-porn. In this sense, the alt pornographer and the cultural **entrepreneur** have similar incentives. In fact, the creative entrepreneur's activity consists in 'the process of adding value to creative inputs' (De Bruin, 2005, p. 145). I argue that alt-pornographers add value that can be symbolic and/or monetary. What distinguishes them from other creative entrepreneurs are the psychological, moral and legal barriers specific to pornography.

3.3.3. A community coordinator and ambassador

Underground entrepreneurs are seen as go-betweens, "network entrepreneurs" who "act as monitors of creativity, head-hunters and matchmakers" [35] (Simon, 2009, p.39). They are involved in multiple communities, with individuals, with firms and enable knowledge circulation. They are particularly helpful in bringing new ideas to firms. In a way, firms outsource creativity to "innovative" directors and "sexperts" in pornography as Smith (2014) details in the case of production company Vivid:

(...) It is this emphasis on quality and reliability that Vivid tries to marry to its Vivid Alt imprint and via astute allegiances with directors with reputations for innovation – including feminist "sexpert" Tristan Taormino (to front their education videos) whose status as a "feminist trailblazer" enables the company to position their educational output, at least, within a "progressive sexual politics" (Juffer 1998, p.123).

Smith (2014)

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[34] Translated from French by the author.
[35] Translated from French.

The entrepreneur in alt-porn has also the role of a coordinator and ambassador by enhancing community visibility as a member, and representing the community to the mainstream. Here McKai, who was part of the early alt-porn movement, speaks of striving to remain original and true to his artistic style in his collaboration with Vivid:

> *Despite his alignment with one of the success stories of the "mainstream industry," McKai continues to stress his subcultural allegiances and his commitment to "community." (...) McKai spoke of this as a form of collaboration, of attempting to spread the love around. "It's not all about me and my movies. It's about a group of directors doing their own thing, together […]. The whole alt porn thing is a lot like being in a band […] I play drums in this band, guitar for this one, and sing for another. I want this movement to bring everyone up" (quoted in Thorne n.d.).*

Smith (2014)

Table 5. Comparing the mainstream and the alt-entreporneur

	Mainstream entreporneur (Lane, 2000; Trachman, 2013)	Alternative entreporneur (Smith, 2014; Dubois, 2014)
Skills	Illegitimate art but expert in male sexuality and depiction of male fantasies	Search for legitimacy, creative research, female and equalitarian point of view.
Drive or incentive	Opportunistic and passionate about sexuality	A creator with a mission: trying to create something new. Producing an alternative to the dominant product can be a political act
Relation to the community	Peers, a "family" in the sense that since not many people operate in the sector, they know each other and the level of trust must be high.	A community coordinator and ambassador: they represent the values of the community and helps to visibilise them.

3.4. Conclusion to chapter 3

Part I has explored the issues surrounding creating, disseminating and making revenues from cultural goods focusing on the under-researched case of pornography. It has characterised pornography as a creative industry and argued that its market dynamics should be analysed with the tools and methodology used in economics and management of the creative industries. Pornography experiences issues that are similar to those faced by other cultural industries, but must also contend with its own issues of intellectual legitimacy for the sector's productions and workers. This has a detrimental impact on the commercial and social evaluation of pornographic works. Whenever this problem has been addressed, the industry's variety has often been neglected. The three first chapters attempt to correct this by delving into a distinct subculture in the pornographic world: alt-porn. The importance of communities and entrepreneurs in such a context is typical of a sector where informal mechanisms for innovation are at work, especially in the era of social network technologies. The thesis then looks into the reasons why pornographic content is produced, how such a production is sustainable in a context of low appropriation (à la Schumpeter Mark I):

1. With the coming of Internet 2.0., which allowed consumers to be producers themselves, what could be the role of creative communities in alt pornographies? Does they help in solving the problem of appropriation of digital content?

2. How does entrepreneurship develop in that context? Is there an alt-porn entrepreneurship style? if so, what is it? Can entrepreneurs indeed contribute to innovation in the sector?

Models and methods drawn from the literature in creativity management and culture and digitisation economics help to solve these questions, by conducting detailed studies of creative collectives and individuals and assessing the value that they bring to the creative ecosystem.

To answer these questions, part II will focus on the question of the appropriation of digital content in alternative pornography. I focus on one community and its members, the sex-positive community, who can be found online but also offline in festivals.

The following chapters are organised as such: Chapter 4 will detail the methodology of the qualitative case study conducted in the sex-positive community notably present at the Fête du Slip festival in Lausanne. The findings of this case study are presented in Chapter 5. The case of sex-positive porn is relevant to describe the existence of strong intrinsic incentives to consume and produce pornographic content in a community, be it an artistic, political community or even a community of sexual or professional practice. A couple of remarkable facts in chapter 4 further strengthen this argument. Findings in chapter 5 shows that the intellectual property regime specific to pornography favours the development of community initiatives. The role of communities is highlighted: they give symbolic and monetary value to pornographic content, thereby providing a new way to appropriate digital content. Lastly, it evidences the impact of a subset of community members, the entreporneurs, in fostering initiatives.

PART II. The role of communities and entrepreneurship in the appropriation of digital content: the case of sex positive pornography

Part II will focus on the question of the appropriation of digital content in a subgenre of the alternative pornographies: sex-positive porn. The following chapters are organised as follows: Chapter 4 will detail the methodology of the qualitative case study conducted in a community present at the Fête du Slip festival in Lausanne.

Drawing on the preceding review of the context and literature, this chapter expands on the conduct of my fieldwork. As a reminder, the literature informs us on pornography as (1) a creative industry (2) that is changed by digitisation and has become a sector under weak IP appropriation regime (3) but that is also diversified and can be innovative and creative thanks to its entrepreneurs and communities.

There is a potential for innovation but it seems that pornography struggles to find a business model that is generating both money and ideas. How are pornographers to keep making good content while earning money? How can they cater to a large demand while expressing a wide range of fantasies?

The path to answering these questions is not straight-forward. I faced the challenging task of gathering information on a little-known industry that many researchers have refused to investigate for lack of either moral consideration, robust quantitative data, or resources (especially public ones) to keep the data updated. I argue that the answers lie in the porn industry's underground and possible transversality and in the diffusion of innovation and creativity.

CHAPTER 4. Research design and data

Summary of chapter 4

Chapter 4 details the methodology and describes the data and its collection used to address the research question "What is the role of creative entrepreneurs and communities in the appropriation of digital pornography?".

I justify the use of a qualitative method, which consists in the analysis of interviews in a multiple-case study and triangulation with second-hand data. The epistemological bases of this research are to be found in the economics of innovation, but also in the management of creativity.

The chapter also explains the choice of focusing on a specific community within the alternative branch of pornography.

This chapter first addresses the challenges of collecting data in pornography. Subsequently, it details the research's exploratory phase and the choice of a qualitative methodology, better suited to the psychological and contextual data at my disposal. Section 4.2. focuses on the design of the case study. Secondary sources were complemented by interviews with adult entertainment consumers, amateurs and professionals. Section 4.3. justifies the choice of the La Fête du Slip (FDS) festival as a fieldwork site. Section 4.4. elaborates on the interview data and the last section concludes.

4.1. Evidence building from case studies

Collecting data on the pornographic industry is no easy task: reliable quantitative data is scarce, and whenever it is available, it becomes quickly outdated in the Internet era. While collecting qualitative data is possible and relevant when studying communities, gaining the interviewees' trust takes time. Case study research is relevant to approach stylised facts or a phenomenon that is hard to formulate or model (Yin, 2011); here, the complex, multifaceted reality of the pornographic industry.

I use a qualitative research methodology to get a sense of individual experiences in the pornographic world, in creating content and being social and entrepreneurial. The thesis is designed to reflect multiple personal perspective that help debunk some of the myths surrounding the industry.

Interviews and second-hand data are used to contextualise the participants' experiences and to help analyse (existing or emerging) concepts (existing or emerging) pertaining to this research. Furthermore, my focus on incentives for creation and protection of content reflects a broader interest in human behaviour, which I believe is best approached via case studies, interviews and individual profiles (including interviews in print and online media, self-descriptions, papers, and blog posts). Other scholars working on the pornographic industry have likewise drawn on individual interviews (e.g. Damian-Gaillard, 2012; Trachman, 2013, Darling, 2014) and online archives (Smith, 2014).

> *Originally centred on representation issues, the research agenda of porn studies is shifting towards on the one hand on reception issues (...) and on the other hand, toward the productive system through the study of socio-economical models and forms of social division of work in the cultural and creative industries which are specialised in the production of sexual goods and services. This change of focus happens at the same time as a more pervasive use of social science methodology, i.e. observational field study, interviews and surveys.[36] (Vörös, 2015, p.22)*

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[36] Translation from French.

Table 6. Examples of qualitative research on pornography

Authors	Method	Subject	Year
Darling	Interviews	Mainstream American porn	2014
Trachman	Interviews + archives	Mainstream French porn	2013
Damian-Gaillard	Interviews	Mainstream French porn	2012
Smith, Barker and Attwood	Questionnaire	Consumption of pornography	2015
Delacour and Liarte	Case study	Technology standards war	2014; 2013
Mowlabocus	Online "archives"	UGC[37] Porn	2015
Dubois	Online "archives"	UGC Porn	2014a
Kane	Online "archives"	Gay and social porn	2014
Smith	Online "archives" of interviews	Alt porn	2014
Zecca	Online "archives"	Amateur porn	2014

Table 7. Examples of quantitative research on pornography

Authors	Method	Subject	Year
Coletto, Mauro; Aiello Luca Maria, Lucchese Claudio, Silvestri Fabrizio	Social networks (Computer Science)	Deviant Tumblr/Twitter communities	2017
Zook	Networks	Geographies of internet porn	2003
Jensen	Econometrics	Market Identities (Legitimate/ Illegitimate)	2010

I draw largely on an interdisciplinary literature review which cuts across several academic fields in social sciences, such as sociology and media and communication studies. Methodologically, the use of case studies for theory building is common in porn studies and research on business innovation and creativity. Case studies consist in a detailed description of phenomena, events, stories, co-evolutions, adaptations and change. The point is ultimately to spot patterns across the chosen cases, and to deduct relationships among these allowing for a logical

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[37] User-generated content

construction of reality, a model grounded in empirical data (Eisenhardt, 1989; Eisenhardt and Graebner, 2007). Similarly, "IP without IP" literature[38] uses a qualitative bottom-up approach:

> *Instead of the top-down approach based on economic theory, this literature attempts to study the drivers of creation in individual markets, collecting insights from practices across the board and establishing industry specific factors that influence information production. The combined body of this research may ultimately lead to a better understanding of how legal and economic structures shape innovation.*

> *Darling, 2014, p. 716*

The present study focuses on one field[39] documented by multiple cases (see next section). It is an inductive, illustrative and quasi ethnographic work - not a statistical one. I chose to observe and analyse human interactions in terms of production, consumption, and exchange, which I see as complex, and not wholly predictable. This approach is in line with Cohendet et al.'s work on creative communities (Cohendet et al, 2006.; Cohendet et al. 2010). The resulting emerging theory should give the reader insights into incentives to innovate in alt-porn, a sector under weak IP appropriation regime.

Quantitative data in academic literature mostly consist of regressions linking the consumption of pornographic contents to certain behaviours (often to show its negative influence).

Moreover, data that is available on the internet is contradictory (one can often find two articles criticizing each other's methodology). Reliable figures are hard to find unless one directly asks the actors, which is no easy task. Many companies have subsidiaries based in tax shelters, and sources of business funding are rarely publicised.

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[38] see section 2.3. on Information Production without Intellectual Property (IP without IP).
[39] as detailed in section 4.1.3. Focus on the sex-positive community

Qualitative data, however, concentrated in gender studies and porn studies can be found in sociological, anthropological, artistic, media and linguistics studies, often with a whiff of activism. Field/case studies consider women, the LGBT (lesbian, gay, bi and trans) community and racial issues.

Both qualitative and quantitative data can be found in documentaries on the adult entertainment industry, which often consist of interviews of professionals, amateurs and consumers (see appendix 5). However, these documentaries illustrate the director's opinion to a certain extent so that they may appear to tend to either idealise or in some case demonise the industry. Nevertheless, by crossing these videographic sources with other secondary sources, one can have a general picture of the industry.

Online data is available on industry sites. Metadata can be scraped freely although there is a grey area on this type of method (Edelman, 2012). The problem is that there is often too much data. Online data is also composed of secondary sources such as newspaper articles which are often written on specific topical subjects. Social network data can also be used to study community activity, especially Twitter, which is not censored to the extent that Facebook and Instagram are, so that many actors (in the broad sense) of the industry are on Twitter with a public profile and publish explicit comments and pictures, which are in turn read and commented by fans and community members.

4.1.1. Sampling of cases

The current pornographic context leads us to concentrate on audiovisual content creators even though, when looking at online communities and copyright one could have looked at erotica literature like Paasonen (2010) did.

A variety of cases (video pornographers) have been identified by observing their presence in festivals, on social networks, in mainstream and specialised articles, in the literature, by their production (on imdb.com, iafd.com, on-demand film platforms, and so on). I recorded over 220 cases in an Excel sheet (see extract in appendix 1).

The selection of cases and sources was made in an attempt to limit informant bias. For this purpose, I multiplied sources of information by first, conducting interviews, coupling this process with field observation and triangulating information with second-hand sources.

The questionnaires were also carefully grounded in literature and preliminary hypotheses. They were consistently written in a way not to induce answers or to rely too much on personal views. However, my iterative approach of the data and emerging theory has led me to create new questionnaires or adapt them to additional interviewees. In addition to documented in-depth interviews[40], I compared some of the findings with other professionals and consumers (both alt and mainstream) with mainstream interviewees as a benchmark.

4.1.2. Exploratory phase

The diversity of pornography makes our task difficult as incentives for content creation may vary from one porn segment to the next. A particularly interesting challenge was to find a sector where appropriation differed, which required an exploratory phase. The goal was to focus on particular subset of the industry to provide a detailed analysis as opposed to an exhaustive account of what is happening in the industry as a whole, which has been done for mainstream porn by Lane (2000), Darling (2014) and Trachman (2013).

The exploratory phase of this research (October 2014 – November 2015), consisted first in mapping the industry by reading the archives of online mainstream and specialised press outlets (Xbiz, AVN, Le Tag Parfait) in French, Spanish and English.

Questionnaires were then sent to four self-selected consumers of pornography, found through social networks. The questionnaires focused on mainstream pornography viewing practices, in terms of favourite brands, video formats (clips or films), and platforms (pay or free). Interestingly, the four consumers were male, and mostly consumed pornography online on tubes. As consumers, they did not understand who would pay for pornography nowadays, believing that only "desperate" and "old" people pay, chiefly because they lack the skills to browse or

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[40] More detail on questionnaires and interviews is provided in section 4.3.

pirate content. These consumers' insights reflect the trend of free consumption observed by many specialists of digital cultural content consumption (Farchy et al, 2015). The same method was used to find female viewers, but very few responded. In an effort to account for this low response rate, female non-viewers were asked to explain why they did not watch pornography. Even though four self-selected women expressed interest in the study, they ultimately did not fill out to the questionnaire I sent them. Male consumers were subsequently contacted a second time for a longer semi-directive interview on the community and participatory aspects of pornography consumption.

Lastly, a female viewer and expert of sexuality and alternative pornography was interviewed for over 2 hours and 40 minutes. Her responses were crucial in my subsequent choice of communities to investigate. Indeed, she provided many useful insights and contacts for further exploration of community practices, being herself a member, among others, of the feminist, polyamorous, BDSM and queer communities. This first interview was coded (open coding) and generated 21 main themes that informed our subsequent interviews.

In table 8 one can find these themes in French and translated into English.

Table 8. Exploratory interview coding

	FR_Themes	EN_Themes
1	La pornographie en tant que genre cinématographique	Porn as a film genre
2	Réponse institutionnelle face à la pornographie	Institutional response to pornography
3	Les féminismes	Feminisms
4	Pornographie et sex-working	Pornography and sex-working
5	La communauté polyamoureuse	The polyamorous community
6	Pratiquants, militants et artistes-sympathisants	Practitioners, activists and likeminded artists
7	Echangisme et prostitution	Swinging and prostitution
8	Production pornographique par les communautés	Pornographic production by communities
9	Échanges d'informations dans la communauté	Information exchange among community members
10	Propension à payer pour la pornographie	Willingness to pay for porn
11	Auto-production et militantisme	DIY and activism
12	Respect de la vie privé, confiance dans les communautés	Privacy and trust in the communities
13	Piratage et contenus libres	Piracy and open content
14	Réponse institutionnelle au piratage	Institutional response to piracy
15	Profil des pirates, réponse des industriels	Pirates' profile, response from the industry
16	Piratage et contenus de niche	Piracy and niche content
17	Un porno pour femme?	Porn for women?
18	Un porno éthique?	Ethical porn?
19	Contenus amateurs	Amateur content
20	Apprentissage, critiques et prescripteurs	Learning, critique and prescription
21	Les codes du BDSM	The rules of BDSM

Many community members are consumers before being producers or distributors. As a consequence, 12 additional exploratory directive interviews of community consumers were conducted in the field (cases 023 to 025 in table 10). Consumer surveys aimed at gathering quantitative data are difficult to implement for

pornography, whose consumers do not reveal their preferences or practices easily when interviewed on what they consider to be an intimate subject. Even when asked about their reasons for not consuming pornographic content, interviewees are often reluctant to answer. Interestingly, in France, one attempt at such a survey was made in collaboration with Dorcel (the country's leading porn producer) in 2009 and 2012 (IFOP, 2009, 2012). As I previously noted, numbers on the porn industry tend to be dismissed as out-dated after three years. Yet, this example shows that with the help of professional platforms, conducting a quantitative study on porn consumption is possible – albeit, in this case, with an online self-administered questionnaire (using the CAWI-Computer Assisted Web Interviewing software). I also had to rely on self-selection for this study, as consumers are often reluctant to share their porn consumption habits. Once I found a consumer who trusted me and was willing to answer, I counted on word-to-mouth to reach other consumers. Likewise, those who are willing to voice their opinions, such as critics and activists, are easier to reach. The risk of a bias resulting from self-selection must be carefully monitored.

4.1.3. Focus on communities in sex-positive pornography

After the first interview, which gave me insights on feminist porn, niche and subcultural porn, I went on collecting data through in-depth interviews, questionnaires[41], articles and on-site observations, with an empirical focus on European sex-positive communities in alternative pornography.

The timeframe of this thesis allowed for a longitudinal study of the community over 3 years. Although recently formed, the community is prolific in terms of knowledge building and exchanges.

The first idea was to visit community-focused websites and specialised sources and try to identify community members by looking at those who post the most and have the most followers. Practically, this is a mammoth task, albeit an informative one. Robbins' work (2015) on the distribution of the purchase of pornographic clips online did result in an inspiring network of tags often corresponding to certain communities of sexual practice (gays, fetish, and so on). However, preliminary interviews with influential, self-selected consumers allowed me to identify important phenomena and prominent and emerging communities in the

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[41] see part 4.3. for more detail on questionnaires

industry. Additionally, the literature mainly mentions queer, feminist and sex-positive porn as alternatives to "mainstream" porn. The increasing prevalence of these communities both in the literature and interviews made them valuable cases for study.

4.2. Fieldwork and observation: la Fête du Slip festival

Europe has been the place of a multiplication of art porn festivals, albeit being organised irregularly as their setting up depends a lot on local communities and organisers. I started our field research at the Fête du Slip, created in 2012 in Lausanne and expanded to other European festivals. There might be some limitations in restricting the study to a small and specific sample so that I extended interviews to other festivals.

As this research focuses on entrepreneurs and communities, the choice of investigating "third places" was quickly made. Indeed, in recent years, hybrid places, which are neither homes nor workplaces proper, have been breeding grounds for emotional, productive, social and innovative creative processes. These places provide a space for heterogeneous actors to meet, network, exchange different and sometimes conflicting ideas but also to find common ground and pool resources. Oldenburg (1999) described these third places as "a home away from home", a "neutral ground" for playful "conversation". A third place should be easy to access and makes sense thanks to its "regulars" (Oldenburg, 1999 cited in Vallat 2016).

I believe that the case of sex-positive porn is relevant to describe the existence of strong intrinsic incentives to consume and produce pornographic content in a community, be it an artistic, political community or even a community of sexual or professional practice. A couple of remarkable facts further strengthen this argument.

Figure 2. Video-conferencing with Phoebe Hart and prof. Kraus at the festival (source: 2013 final report, Fête du Slip)

In the geographical economics literature, places can act as intermediaries between actors in the same market, enabling transfers of knowledge horizontally (between competitors) and vertically (between supply and demand, or actors of the same value chain). In this study, the festival can be seen as such a locus, where professionals and amateurs of a creative activity (i.e. alternative and artistic porn making) gather to exchange knowledge within a relatively small community. It also serves as an opportunity to shape codes for a community of practice and to structure a niche market.

The researcher's presence on the field allows for proximity with the participants, who are at ease in a familiar environment, or at least one where discussion on sexuality and porn-making is not taboo, and is also useful for building credibility and trust. Semi-directive interviews are likewise conducive to having participants spontaneously and safely address whatever subject they want. In some cases, answers to questions expanded the scope of this study to other research questions and concepts.

Figure 3. Dildo race track at the festival (source: Anthony Peluso, Facebook)

Officially launched in 2012 by brother and sister Stéphane and Viviane Morey, the first edition of La Fête du Slip (meaning literally 'Underpants Fest') took place in March 2013. The festival organisers had staged similar events, but without calling them festivals. The FDS has quickly become a reference in the alternative pornography world. The one-week festival, which addresses gender and sexuality in an inter-disciplinary and political approach (according to its manifesto[42]), attracts an audience that is receptive to feminist and sex-positive ideals, including activism. From 2015 on, the festival included an international competition for short pornographic films.

Directed by Stéphane and Viviane Morey, the festival is organised by a committee divided into different departments. The festival committee is composed of health professionals, academics and arts professionals. The communications department edits the festival's paper, called "POV paper" in reference to the "point-of-view" narrative technique[43].

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[42] see appendix 7.2.

[43] Often used in porn and video games, the technique consists in filming the action from the point of view of the protagonist, providing a feeling of immersion to the viewer. It is widely used in porn as it allows for close-ups on penetration, for example.

Having zoomed in on feminist pornography, I retraced its network and presence in festivals and in cities. A number of hubs such as Barcelona, Berlin, Amsterdam, Paris and Lausanne were identified. The Fête du Slip in Lausanne was picked as a fieldwork site because it regularly invites sizeable numbers of feminist porn artists.

The festival does not, however, only host feminist artists: it also includes pornographers working in many different genres such as alternative, BDSM, LGBT, queer, post-porn, in a family-like atmosphere which attracts artists as well as local culture-savvy festival goers.

It is notable for its hybridisation of genres and objectives: the festival aims to spread awareness of a "better porn" philosophy à la Annie Sprinkle, but also to bolster a community of artists, activists, amateurs and professionals in a bid to stimulate creativity in pornography-making.

The Fête du Slip festival was picked for its deliberate effort to stand out from other events celebrating erotica, pornography and the sex industry,[44] categorised as "mainstream" by professionals but also by academics, particularly in gender (Borghi, 2013) or porn studies (Vörös, 2015). The assumption was that communities are more present in the festival (thereafter called FDS) because it is explicitly artistic and politically engaged as opposed to more mainstream, catchall events. In addition, the festival openly welcomes researchers and a number of academics have participated in previous editions. The openness of this increasingly popular and reputed festival and its attendees facilitated the fieldwork and data collection.

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[44] Such as the French "salons de l'érotisme" (erotic fairs), or award ceremonies for professionals in the sector like the "Hots d'or" in France or the AVN Awards in the USA.

Table 9. Statistics for the Fête du Slip between 2013 and 2017 (based on annual reports of the FDS)

	2013	2014	2015	2016	2017
Total tickets sales	1844	1670	2800	3500	4000
Permanent committee members	15	15	24	30	30
Volunteers	23	28	52	81	80
Artists	36	42	46	75 (60% women)	98
Profit (in Swiss Francs)	3,261.99 CHF	1,373.34 CHF	1,328.81 CHF	39.46 CHF	-15.74 CHF

Interviews were conducted with both professionals and amateurs: distributors, directors, actors but also consumers. A number of these individuals are part of a community whose activity contributes to the appropriation of pornographic content by producing, distributing and advertising it. The first goal was to identify who controls pornographic production in the alt-porn subgenre. Another concern was to identify the other roles assumed by community members and to collect their descriptions of community dynamics, both online and offline.

With this analytical framework and case context in mind, I recorded interviews with seven artists and three professionals in the adult entertainment industry for an average length of 35 minutes per person during the festival in March 2016. The semi-directive interviews were conducted in French and English. They focused on incentives to produce and consume pornographic content, but also on the presence (or absence) of communities at the festival. I started each interview by asking the interviewee to introduce themselves. For some of them, I re-stated the objectives of this study, which I had briefly presented at the professionals' meeting organised by the festival for networking purposes. The interviews ended with a question on their future projects. I collected contact information to send follow-up questions, find other potential interviewees, and keep in touch with the interviewees after the festival. I also interviewed ten consumers on their consumption of digital content and of pornography in general.

4.3. Questionnaires and interviews

I selected interviewees who were present in the festival and online with public community activity (on social networks, or as announced in the press or on festival websites/programmes). These are interviews of directors, producers and consumers linked to the sex-positive community. I also used a percolating approach, that is I got to meet people who would recommend other interesting people to interview.

Interviews were done between October 2015 and January 2018. Most of them were recorded then systematically transcribed verbatim (see extract in appendix 7) for a first "manual" analysis (i.e. without software), then a computer aided codification. The verbatim total word count amounts to approximately over 101,533 words. I conducted a little over 26 hours of semi-directive interviews for a total of 29 cases (see table 10). The quotes are anonymised.

The point of this process was not to have a robust statistical study but to gain qualitative insights into the why and how of sex-positive porn digital production. The market segment (sex-pos porn) limits the number of potential interviewees as it is a rather small community but I wanted to have a detailed picture of community activity, as much as possible. I identified precisely 225 pornographers in a table (see extract in appendix 1) mostly concentrating on those present in festivals, being a nominee or receiving an award. However, the community is not only limited to the directors; it also includes performers, crew, viewers, and activists. See for example Four Chambers productions has thousands of followers and patrons (box 3), and Shine Louise Houston was backed by over 300 contributors on her crowdfunding campaign (box 2) which potentially multiplies the number of additional community members for each identified creator.

The interviews usually started with by a quick reminder of the subject of the interview, followed by a request for an introduction, a presentation of our study and ending with a question about the interviewee's future projects. I introduced myself as a researcher in economics working on business models, without going into great detail, although I did provide definitions for certain key or technical words (such as "communities", "business models", "costs", "knowledge"). Some ambiguities arose from different understandings of economic concepts, especially with one particular interviewee, but in that case I was able to gradually clear up the misunderstanding

during the course of the interview. The questions might have been too open, but the interesting aspect of accepting ambiguities is that the interviewees are able to offer their interpretation of various shifting concepts (in particular "communities" and "alternative/post-pornography") and reveal their incentives, especially intrinsic ones, which are usually subjective, making sense to one person although in some cases they are unable to define them. The interviews were deliberately exploratory as the industry is opaque, in terms of revenue and costs but sometimes also in terms of practice. They allowed us to collect relevant financial data and personal details to identify intrinsic incentives.

The questionnaires were designed based on findings from the literature and intuitions on how digitisation may have impacted content creation and appropriation:

1. Digitisation, intellectual property and production. Based mostly on hypotheses brought forward by Boldrin and Levine, 2008 and findings by Darling, 2014, I looked for incentives to produce in a weak IP regime characterised by high piracy and low IP law enforcement (see appendix 3.1)

2. Communities, learning and R&D. Mostly based on conclusions by Simon, 2009 and Harvey, 2015, some questions on communities focused on the role of communities in helping knowledge creation and assimilation, and also as a source of creativity within the underground sex-positive community but also for the pornographic market in general (see appendix 3.2 and 4).

3. Entrepreneurship, branding and marketing. Mostly based on insights by Cohendet et al, 2011 and Smith, 2014, some questions were asked on how strategies pertaining to intellectual property, content distribution and community management, could contribute to spark and sustain entrepreneurial initiatives within the sex-positive community. My attention was particularly focused on two specific types of IP, namely copyright and brand (see appendix 4 and 5).

Table 10. Summary of the interviews

Date	Case n°	Function	Duration
10/2014	001	male mainstream porn user	online: 20 minutes ; face-to-face : 1 hour
2014	002	male mainstream porn user	online: 20 minutes
2014	003	male mainstream porn user	online: 20 minutes
2014	004	male mainstream porn user	online: 20 minutes
	005	1 female niche porn user	2 hours 41 minutes, recorded
06/2016	006	Festival organiser 1	31 minutes
06/2016	007	Festival organiser 2	1 hour
03/2016 ; 03/2017	008	Pornographer 1	44 minutes, recorded ; 60 minutes, online
03/2016 ; 03/2017	009	Pornographer 2	55 minutes, recorded ; 30 minutes, online
03/2016	010	Pornographer 3	38 minutes, recorded
03/2016	011	Pornographer 4	
03/2016	012	Pornographer 5	1 hour 14 minutes, recorded
03/2016	013	Pornographer 6	
03/2016 ; 03/2017	014	Pornographer 7	35 minutes, face-to-face, recorded 30 minutes, online
03/2017	015	Pornographer 8	30 minutes, recorded
03/2017	016	Pornographer 9	30 minutes, recorded

Table 10. Summary of the interviews (continued)

Date	Case n°	Function	Duration
03/2017	017	Pornographer 10	60 minutes, recorded
03/2016	018	Librarian	45 minutes, recorded
03/2016	019	Journalist	24 minutes, recorded
03/2016	020	Retailer	29 minutes, recorded
03/2017	021	Festival - member of communication team	33 minutes
03/2017	022	Festival organiser 3	30 minutes
03/2016	023	Consumer 1 to 7, Interviewer 1, directive	notes, face-to-face
03/2016	024	Consumer 8 to 10, Interviewer 2, semi-directive	notes, face-to-face
03/2017	025	Consumer 11 and 12	recorded, face-to-face
09/2016	026	Pornographer 11	1 hour 22 minutes, online
2017	027	Pornographer 12	1 hour 13 minutes, online
2017	028	Mainstream porn graphic designer 1	40 minutes
2017	029	Mainstream porn graphic designer 2	40 minutes
01/2018	030	Festival organiser 4	1 hour 12 minutes, recorded
07/02/2018	031	Festival organiser 5	1 hour 30 minutes, recorded
16/02/2018	032	Pornographer 13 / Festival organiser 6	1 hour, recorded
01/03/2018	033	Pornographer 14	1 hour, recorded
01/03/2018	034	Pornographer 15	

4.4. Secondary sources

I selected a number of sex-positive pornographers and company owners (mostly female) whose story is largely documented in the literature (sometimes autobiographies), the press and on their own social media accounts.

I was able to triangulate and enrich information with several sources:

- field notes
- blogs, articles (interviews), books (interviews and biographies),
- the FDS festival journal (POV Paper)
- various festivals websites
- newspapers articles on the industry and events.

This additional corpus of data was centred on notable personalities as summarised in appendix 6.1.

I collected second-hand data in order to grasp the industry's challenges and trends but also to reach a better understanding of the alternative pornography movement. I carried out a review of transdisciplinary academic literature from American and European porn studies and industry websites and blogs (xbiz, hot video, letagparfait.com) pointing at feminist or post-pornography as an emerging niche and even a potential contender for new shares on the mainstream market. At the same time, exploratory interviews with mainstream porn consumers and alt-porn community members were conducted in order to refine the distinction between alternative and mainstream pornography.

4.5. Interpreting interviews

Recurring themes were identified through textual analysis (as concepts, expressions, aspects of knowledge and examples, etc., came up repeatedly), using iterative data gathering and coding. For instance, I conducted further interviews because interviewees independently brought up the festival as a locus for meeting new people and discovering new contents (with artistic and masturbatory value).

The interviewing process evolved with experience: I learned how to speak about intimate subjects, to listen to interviewees, to avoid technical terms, and

instead use their jargon and familiarize myself with their references. New literature and references helped me fine-tune my questions and move beyond my initial hypotheses and interpretations, so that collection and analysis went hand in hand. The second iteration helped confronting the questionnaires with my concepts and hypotheses; as a result of that process, new themes and interesting concepts/facts illustrating the dynamics of creation in the alt-porn community emerged.

In doing so, I relied on two main types of coding:

1) linked to questions. In verbatim transcripts, I coded manually for main themes and correspondence with the interview questions, and used an Excel table for comparison (see table 11 below). The coding was thus based on pre-established models and provided preliminary results;

Table 11. Questionnaire coding (extract)

Questionnaire E - production	Case 1*	Case 2	Case 3*	Case 4 Case 5 Case 6	Case 7
1. What are your motivations to direct/produce/ screen/ distribute a film? What are the obstacles?*	"feed my site with new content that brings in membership" + "One can earn money and still demonstrate integrity in work"+ "I felt like living my own thing"	"I discovered myself, even sexually since I was doing porn, it is important for me to show my ideas through porn, what is my vision of sexuality. At the same time I want to make a job. Besides my passion to communicate things, it's the money."	"artistic approach, making beautiful images… also provoke, a political side" (sic)		"I make porn because I find sex is my language within art"
2. Do you experience issues linked to copyright? *	"Piracy, doesn't bother me that much."				

* The questionnaires were in English and in French. Some of the answers given by French-speaking respondents were translated by the author.

2) a second open coding of all sources was performed. Further interviews informed by preliminary results were conducted and new observations were drawn from older interviews with the help of NVIVO, a CAQDAS software (Computer Assisted Qualitative Data AnalysiS) for verbatim coding, to cross-check them with literature and other sources (audio, photos, articles, websites and blogs) and memos.

Having conducted mostly semi-directive interviews, I did not insist on a precise and academic definition of "community". As a consequence, interviews were relatively open to the interviewees' interpretations, although I tried to clear up ambiguities (for instance, when interviewees had different definitions of communities). Their interpretations were interesting in that they sometimes revealed emerging concepts and relations, relating for instance to their communities present at the festival.

4.6. Conclusion to chapter 4

Chapter 4 details the methodology and describes the data and data collection process used to identify reasons for producing pornographic content, and the role of sex-positive creative communities and entrepreneurs in the creation and appropriation of digital adult content. Using a qualitative method, I collected first-hand data in the field (interviews and observations) and second-hand data in the literature and online and analysed this body of sources allowing to document community and entrepreneurial activity in the sex-positive pornographic niche.

This methodology was used for the purpose of carrying out an in-depth study, at least for a small part of the industry, and ultimately to help delineate a subset of the pornographic industry, which can be opaque because of the lack of quantitative data on the sector. Table 12 below summarises the phases of this research.

Table 12. Fieldwork timeline

Date	Phase
2013-2014	Literature review
2014-2015	Exploratory interviews
2014-2017	Second-hand data collection
2016	On-site observation and interviews - Fête du slip 2016
2016-2018	Focused interviews - Amsterdam, Paris, online
2017	On-site observation and interviews - Fête du slip 2017
2016 - 2018	Benchmark interviews - adult industry professionals (non creators)
2017- 2018	Focused interviews - online, telephone
2018	On-site observation - Porn Film Festival Vienna 2018
2018	Reporting results

CHAPTER 5. Results. Informal appropriation in weak intellectual property regimes: The case of sex positive pornography

Summary of chapter 5

As a reminder, the problem with digitisation in the cultural economy regarding intellectual property is that it created a weak IP regime for online pornography (see section 2.3. Online pornography, a weak IP regime). This situation is perceived as problematic by the right holders as first, they experience unauthorised copying and exploitation of their works and second, there is a failure of copyright enforcement.

Section 5.1 offers a detailed examination of the role of sex-positive pornography communities in the production of works, their intellectual appropriation and in the creation of knowledge in the sector. In the wake of user innovation (von Hippel, 2005), consumers can play a major role in developing new cultural products.

Section 5.2 focuses on alternative and independent pornographers. It characterises sex-positive entreporneurs, emphasising their work ethics based on self-exploitation, an ongoing and constantly improving learning process, and the legitimisation of sex work as a professional occupation. The section also proposes a distinction between two types of entrepreneurs: copyright entrepreneurs and business owners. I find that sex-positive entreporneurs use both formal and informal means to appropriate their content, but not exclusively though copyright. Small business owners appropriate their work through a sense of ownership that is gained by building their business and making it personal and authentic. In particular, the use of informal trademark (brand image and reputation) and authorship (as in the French patrimonial right of *droit d'auteur*) are two ways for creators to capture value from their work and are core assets of the business. Copyright entrepreneurs, on the other hand, will tend to exploit formal intellectual property but do it by harnessing informal means, namely, community resources.

As detailed in the previous chapters, digitisation had a tremendous impact on content industries, including pornography. The main concern of incumbent companies is that the chain of value which is based on the exploitation of formal intellectual property is transformed by digitisation, threatening traditional business models. On the other hand, digitisation has also considerably decreased the costs of audiovisual creation and distribution. This, in turn, decreases barriers to entry for content producers. In this situation, communities such as sex-positive pornographers find opportunities to create, express themselves, disseminate their content and their messages.

In the age of user-generated content and mass online piracy of audiovisual products, what is left of a pornographer's incentives to create content? How does digitisation change the pornographers' appropriation strategies?

5.1. Communities in the production of content in sex-positive pornography[45]

The role of user communities in appropriating digital sex-positive porn content will be detailed in this section. In particular, the results presented here highlight a mechanism for appropriation which so far has not been identified in the literature on online pornography: the involvement of user communities. My hypothesis was, based on literature on "IP without IP" (intellectual production without intellectual property), that creativity and innovation are enabled by communities in the online adult industry.

One important lesson of the "IP without IP" literature is that IPR may not always be absolutely necessary for actors to have a minimal level of incentives to innovate.[46] Alternative elements, such as informal norms, complementary assets (trademark for instance), offering a live experience rather than a product, can sometimes allow innovators to generate profits from their innovations even when the latter are not protected by formal IPR. As summarised by Loshin (2007) in the case of magic: "The magic community has developed a unique set of informal norms and

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[45] Section 5.1. is largely inspired by Le and Pénin (2017)

[46] Whether or not this level of incentives is optimal is another matter beyond the purview of this thesis. Under low IP regimes, innovative and creative activities persist. Whether or not the level of this activity is higher or lower with formal IPR is obviously a critical question, but one that will not be addressed here.

sanctions for violators, which protect intellectual property in the absence of law. Hence, in the magic community, innovation does in fact need intellectual property. But it does not necessarily need intellectual property law".

The results of this research complement Darling's analysis (2014) by emphasising, in addition to live experience and convenience, the role of user communities in enabling online pornographic content producers to benefit from their new creations.

5.1.1. Incentives for making pornographic content

Even if many consumers are not ready to pay for porn nowadays, the creation of adult content is resilient arguably first because producers have strong incentives to put it out, and second because there is a demand for it, because it is valuable to the consumers. Why should a pornographer or anyone contribute to the economics of pornography?

The production of pornographic content and its commercial appropriation usually require both material and personal investment and also have consequences in both areas, so that the incentives to take part in these two activities arguably need to be stronger. In fact, even though the material costs of producing a video are very low, the high substitutability of pornographic content raise both the costs of advertising (differentiation is an uphill battle) and the practical unlikelihood of exploiting the content (due to IP enforcement failure). Moreover, the social stigma borne by pornographers and sex performers can deter newcomers from joining the industry. At best, adult industry professionals are considered second-class cinematographers (Trachman, 2013).

Adult content is primarily the depiction of a fantasy: one reason for taking part in creating pornography, apart from the potential market opportunities, is to see one's or someone else's desire come to life. Darling (2014) lists possible extrinsic incentives to continue production by explaining the new sources of revenue in the adult industry. Extrinsic incentives relate to rational or objective evaluation of the outcome of an action. In the case under study, creating adult content may allow a producer to sell products or new services profitably, for example by targeting a niche market. Here, I argue that the incentives for the contributors (firms and users) to

produce pornography also have an important intrinsic component (e.g. see one's fantasy played out in a video). Intrinsic incentives reflect the individual's subjective motivations. In other words, they represent the meaning each person attaches to a task. In Trachman's study (2013), many of the interviewed pornographers reported being motivated by both types of incentives: they have the skills to film and produce content that the consumers are looking for, and accordingly do it to showcase their technical skills (Dalle and Julien, 2003). Yet, at the same time, many of them joined the business as a hobby, out of curiosity, lust or as an extension of their social life (for instance in swingers' circles).

The literature suggests a typology of the different roles that communities and their members take in the economics of pornography. Involvement of communities can be individual (members participate on their own, unilaterally) or collaborative (several members actively work together towards the same goal). The roles are roughly threefold: production, diffusion (or sharing) and monetisation.

Production consists of two things: it can be either the production of original content or the production of collections. Thanks to low production costs of producing content (filming and editing) in the digital age, but also to self-publishing platforms (blogs, vlogs, Tumblr, Instagram, etc.), users and amateurs can share their original works or their findings (via a curated collection of pictures and videos). When addressing the sex-positive community for example, content is hard to find because production is scarce and overshadowed by mainstream content. The added value of communities lies in their ability to come up with original and creative collections. The communities and their members are experts in their own tastes and guidelines and only they have the knowledge to do a good job of producing and curating collections that they will like. Crowdsourcing scripts from the users is one way for the communities to participate creatively in the production of content (see box 1).

Box 1. XConfessions series

Created in 2014, XConfessions is a series of adult short movies based on fantasies which submitted by the platform's contributors. The brand's caption says "XConfessions: by you & ErikaLust", as if the users and the director's crew teamed up to produce the pornographic illustration of the contributors' stories. Indeed, once a month some of the fantasies are turned into a video, which can be purchased and watched by the entire community.

Contributions can be made anonymously, which frees up expression and enables users to form a community around the intimate secrets and desires of their members. The videos' descriptions consist in first-person "confessions", giving the reader insights into someone else's imagination, which can heighten the voyeuristic quality of the content or create a bond between members of the same community.

image removed due to legal rights

Comments can be read freely throughout the website. They are generally positive, grateful and prescriptive (Montanari says: "Dear ADA, thanks for writing and commenting, as you said, now WE'RE A FILM!!! Erika enjoyed our confession and it became a movie, please check it out. Happy to be part of beautiful people's fantasies."), sometimes informative (HumanAfterAll81 says: " (...) It is fun that what she does to him in the end in Italy is called

"spagnola""), critical (traveldream says: "The beginning is good, but for my taste it ends up too much like a normal pornfilm in a way, a little boring for some time"), or sometimes provide feedback on the website (e.g. informing of an issue with the payment system). Users interact with each other, but the director herself also reacts to some comments, building the community around the confessions and their film renditions by Lust and her team. To read all the confessions, to contribute to and/or access full-length videos, however, users must pay a subscription fee.

It seems that what appeals to XConfessions fans is realism – not plot-wise, but created by the guy/girl-next-door quality of the actors and actresses who embody the contributors' fantasies. "Viewers can see themselves in my films", Lust told a Huffington Post reporter (Gloudeman, 2015): this sense of recognition and the opportunity to actually see their stories play out on screen inspire platform users to add to the website's pool of potential scripts and to purchase carefully produced and to some extent interactive content.

Sharing or diffusing is also possible in several ways: distribution (hosting and making sure the content is available to its potential audience), testing, selecting, validating, promoting content.

As previously noted, the democratisation of social software has made micro publishing and the sharing of contents and opinions easier. Interactions, conversations and debates are easily accessible with powerful search engines, and platforms aggregate comments and ratings that influence viewers' choice, especially in niche markets and in the spontaneous, instantaneous form of consumption that characterises porn-watching.

Box 2. Pink and White production crowdfunding campaign

Shine Louise Houston, the director of "Snapshot" (2015), organised a campaign to fund the feature-length film on Indiegogo, a crowdfunding platform. Houston collected $23,000, reaching only half of her initial goal, but still collecting a rather high amount for alt-porn.

image removed due to legal rights

Lastly, monetisation consists in enabling a project to be profitable. A sum of individual financial contributions through purchases of content, tipping, crowdfunding (box 2) or patronage (Box 3) can help performers and creators to cover their production costs and sometimes even to make a living out of their pornographic activities. In particular, collective contributions are remarkable in communities as

monetary participation is not only motivated by getting access to pornographic works but often considered as sign of appreciation from a group, from individuals who feel close to the person their support (at least partially) financially. Group efforts are seen in livecam rooms and in crowdfunding, where tippers and funders try to reach a goal collectively. Even more interestingly, other monetisation means exist in the form of donation or patronage, as in the conventional cultural industries. The creator who is supported can give something in return or not; in any case, he or she is usually more than just a producer of desirable content and embodies and represents a community's values.

Box 3. Four Chambers productions - Patreon

Started in 2012, the Four Chambers Patreon page allowed the pornographers to collect tips and to fund the production of videos through a patronage system. Customers pay a monthly membership fee and receive a video and other bonuses in return. The campaign was quite successful (with over $27,000 worth of monthly payments) until the platform suspended their account in July 2018, on the grounds that Patreon's payment partner does not accept adult projects and businesses.

image removed due to legal rights

Table 13. The role of communities in the collective production of pornographic content

What?		How?	Examples
Production	Production of original content	Low production costs	Pro-porn feminists, queer, ethical, alternative porn platforms (ex. Four Chambers, XConfessions.com)
	Production of collections	Democratisation of digital aggregation and sharing tools	Erotic online photo collections (Tumblr pages, Pinsex), selfie posting application (Uplust, former "Pornstagram")
Sharing *(moral appropriation)*	Distribution	Hosting content (costly), sharing links on forums (very low cost)	Collective for niche films, specific practice forums (ex. Fetlife), self-distribution
	Testing, selection, validation, promotion, influence	Individual and collective comments and ratings, reviews	Blogs, 2.0 platforms, giving the opportunity to interact with other individuals
Monetisation *(revenue appropriation)*	Enabling a project to be profitable	A sum of individual financial contributions	Crowdfunding, donations (ex. piggybankgirls.com), membership fees

In this research, I have defined appropriation in terms of symbolic and monetary value, so that there are two ways to appropriate pornographic content. The resulting distinction between moral appropriation and revenue appropriation reflects the two sides of intellectual appropriation (as in the *droit d'auteur* system) – first, the right to control authorship and be at least symbolically recognised for one's work, and second, the right to be compensated and rewarded for a valuable piece of intellectual work.

In the literature, incentives to produce pornography can be broken down into three distinct types: extrinsic, intrinsic and mixed. Each of the aforementioned roles are motivated by these three types of incentives. This is consistent with the distinction between symbolic and monetary value; additionally, in a cultural economy,

market value for a work is influenced by both symbolic and monetary factors, making the presence of mixed incentives in the economics of pornography unsurprising.

Extrinsic incentives consist in motivating production hoping to find opportunities for monetary profit. Intrinsic incentives, on the other hand, reflect an inner motivation that does not relate to the rational maximisation of monetary profit. Instead, the prospect of personal rewards is an intrinsic incentive for creators to get involved in the making, consumption or appropriation of pornography.

> *My first two shoots, Michelle Flynn and Jacquie were shooting. (...) The way they treated me as a model and as a trainee was very new to me (...) that was really meaningful to me, it made me believe I was doing something good, I felt that I should be working in porn.*

> *Pornographer 11*

As many cultural and intellectual works are characterised by a mix of symbolic and material value, incentives for making digital content can be mixed – meaning both extrinsic and intrinsic. In the present case, extrinsic and intrinsic incentives may complement each other, meaning that when mixed incentives are strong (as in the cultural industries) one type of reward (symbolic or monetary) can reinforce the other. An example of mixed incentive in the interviews is the eagerness to make quick money while sustaining a (freelance) lifestyle:

> *So I was camming and really enjoying it and making money in a way that I hadn't really had access to making money at that time in my life.*

> *Pornographer 9*

> *I definitely am happy that I'm a sex worker because that means that I can make more money in a short time, so I have more time for my exhibition and my own creative projects. (...) I enjoy masturbating in front of a camera...and the fact that I can make my basic income with just a few hours a week. This means that sometimes I have four full days just to be with the union, to think of new projects, to help people out. That's really meaningful and important for me. I haven't found a job that gives me the same satisfaction that I could do for 40 hours a week. (...) Yeah, my priority is time. And it's legal!*

> *Pornographer 11*

Incidentally, pornographer 9 underlines that her choice of a bohemian lifestyle is made possible by her partner's steady income and revenues from streaming webcams:

I'm really lucky that I'm in a very privileged position and my partner has a full-time job that is very secure. My ability to dabble with sex work and porn didn't come from a place of necessity; it came from a place where I was able to take that risk. I also have the support of my family in a way that many other people who are involved in porn do. I know that if, for whatever reason everything went fucked, that I'd be supported financially and it wouldn't be the end of my life but for some people that's not the case.

Producer 12 mentions that she has other odd jobs to help her pay the bills. Pornographers often have jobs in sex work (pornographer 8 and 11), or the arts (modelling, pornographer 2 in photography, pornographer 1 was a designer when she started). Support from community, family and close friends is vital because of the strong stigma:

I'm surrounded by sex worker friends, and my family is supportive in the bigger scheme of things, supportive of what I do. Of course there are issues and concerns that come up for discussion, but it's not like I was kicked out of my family because of my job or my activism.

Pornographer 11

None of the interviewed pornographers and performers were forced into the career or practice. However one pornographer explained that her living depends on pornography, on the grounds that she has put a lot of work into setting up her business, lives in a precarious financial situation and particularly suffers from lack of support and stigma.

Table 14. Incentives for involvement in making pornography

	Extrinsic	**Intrinsic**	**Mixed**
Producing	Market opportunities (especially amateur and niche markets)	● For the sake of creation ● Increasing the sense of belonging to a community ● Exhibitionism.	Advertisement of sexual and/or technical skills
Sharing *(moral appropriation)*	Advertising contents	● Increasing the sense of belonging to a community ● Community visibility	Reputation effect (=advertising one's expertise or taste)
Monetising *(revenue appropriation)*	● Consumption of/ access to customised content ● New market opportunities (niche products)	● Community visibility ● Regulating and allowing appropriation through civil right activism, labour rights, health issues	● Reputation effect (for sex workers / professionals) ● Lifestyle

5.1.2. Production and appropriation in sex-positive pornography

Most community members are consumers before being producers or distributors. However, consumer surveys aimed at gathering quantitative data are difficult to include in a one-to-one questionnaire, as consumers of pornography do not reveal their preferences or practices easily. Even when asked about the reasons why they do not consume pornographic content, interviewees are generally reluctant to answer. The more detailed answers were actually given by the artists who both produce and consume pornography. This is conceivably the case because these individuals, who actively participate in the making of porn, belong to several communities (professional, activists or of sexual practice). These multi-community members are those most likely to participate more in the production, diffusion and appropriation of pornography, both in volume and in terms of benefits to the community.

5.1.2.1. Producing content

According to interviewed consumers, communities produce original content but it is simply not as accessible as mainstream content. In the interviews, alt-pornographers described different incentives for creation, most of which were intrinsic. For two of them, the sexual excitement arising from making the films

motivated their entry in the world of pornography. The others reported using sexuality as a subject more than an end. Having a background in photography, cinema or visual art, they see representing explicit sexuality as a way to express themselves artistically. On this topic, producer 7 says: "I make porn because I find sex is my language within art." Interestingly, all the interviewees expressed their interest in making a living out of their pornographic activities.

'I discovered myself, even sexually since I was doing porn, it is important for me to show my ideas through porn, what is my vision of sexuality. At the same time I want to make a job of it. Besides my passion to communicate things, it's the money.'

Producer 2

Initially when we very first started we weren't paying performers and we weren't taking any money from it. Initially, we just had to take Amazon gift cards, but that was even really further on and initially we were just doing it for the fun of it, like to just experiment.

Producer 9

Gathering data from first and second-hand sources (interviews with producer 1 and 9; Lane, 2001; Trachman, 2013; Bauer & Gradus, 2015; Ortiz, 2018), I was able to construct the following table on estimated costs of production in mainstream and alternative pornography. Compared to a non-adult short-length film (under 59 minutes), which costs $94,000 on average (Forest, 2013), a pornographic film can cost 22 times less, averaging $4,200 for the alternative scene. However, in some interviews, pornographers mentioned that a lot of the material and human resources used to create the film were not paid for. Some simply used volunteer work, incentivised by intrinsic motivations. On the other hand, these pornographers did not exclude monetising the content, but often didn't actively seek to appropriate their content monetarily. They would either upload their content to a video sharing platform, accessible with a password (pornographers 9, 10, 12), or to a niche distribution website (pornographers 2, 10, 11), or to their own website (pornographers 1, 3 and 4, 5, 8, 14 and 15). Interestingly, pornographers sometimes choose to share their patrimonial rights with all members of the crew and cast on an equal revenue sharing system. This system consists in working for free and getting paid if the content is actually sold (pornograher 6 and 11).

Table 15. Estimated production costs in mainstream and alternative pornography (in USD) [47]

Estimated production costs	Mainstream porn	Alternative porn
Performers' wage	from $300 to 1,500 (depending on the type of performance and experience)	$350
Travelling expenses and accommodation *	$1,500	$1,500
Music licensing	$400	$400
Equipment *	$2000 to 50,000	$2,000 to 10,000
Total production cost for one film (30 minute clip on average)	$4,200 to 53,400	$4,250 to 12,250

* often filming several films

** equipment is a fixed cost and can be used on several films

5.1.2.2. Validating content

To some extent, the communities make it possible to process the information overload resulting from the profusion of videos (which lowers transaction costs created by asymmetry of information) and to assess quality, for example through the development of performance/ trust indicators for the desired content. (rating, number of views, traffic, reblogging etc.) (Dubois, 2014a) Eventually, the weak regime of intellectual property allows communities to thrive as they exchange content. Moreover, community activity (although it is not always licit) helps bringing new ideas (by combining, modifying existing content) to the industry (cf. Tumblr blogs using copyrighted contents with or without authorisation). Producer 9 emphasises this point with reference to La Fête du Slip and other alt-porn and queer festivals:

> it's also important for me because it's a kind of way to get recognition to what you're doing because it is so often like the work that you do, especially by the traditional art or film establishment, it's kind of considered disposable. I think a big part of these festivals is about kind of adding value to that depiction of work and that's part of it means to be invited and show your work and then to be considered as valuable as a creative medium.

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[47] based on interviews and second-hand sources.

5.1.2.3. Sharing content

The interviews suggest that sharing happens online, offline, legally, illegally, formally (in workshops, conferences) and informally (by talking, networking). Accordingly, I expected interviewees to mainly play a role in diffusion as it is easy, virtually costless (when it consists in sharing links and digital content) and integrated in social digital habits (Mowlabocus, 2015). However, interviewees do not in fact seem to use social media to exchange or share content. They do appear to use it as a rating and feedback tool for the platform, the performer or anyone on the other end of the video. This can be explained by the censorship of mainstream social media, and maybe to some extent by the low use of social media by the interviewees for recommending content, let alone of a pornographic nature, and the social stigma borne by people who admit to watching porn, even within a community. Some of the consumers (in particular producers 3 and 5) prefer attending community gatherings (such as festivals) to discover new contents and share their own. Pornographer 9 mentions that she promotes other artists of the community:

> *I try and be supportive in terms of "subscribing to this site" or talking about work of theirs that I think is good. Cause I think, we'd never paid for advertising so a lot of the time people find out about other people from people that's there in the community.*

5.1.2.4. Monetising content

Monetisation is also rare in those communities where exchanges are primarily symbolic. Moreover, revenue appropriation is often insignificant and does not always cover costs. Some consumers say that they pay for porn but the supply is rare. Most of the time, consumers (even of niche content) find it very hard to conceive that they should spend money on pornographic content. Most find content to their liking (though they may not necessarily appreciate it aesthetically or conceptually) on free content aggregators.

It is very hard for consumers (even of niche content) to conceive that they should pay for porn. Most consumers find content that suits them (though they may not necessarily appreciate it aesthetically or conceptually) on free aggregators. Those who do not visit tubes because they have specific tastes (for feminist/alternative content principally) tend to either watch illegally, pay or refrain

from consuming at all. Those who watch illegally stated that they would pay if they had the money, illustrating the possible use of piracy as a means for the consumers to sample for future purchases. Another interpretation is that pirates think the content is valuable, and they gain an even bigger surplus as it is free of charge. Then, not complying with copyright law by sharing niche content which is often rare on online platforms (aggregators and P2P) heightens value to the consumer instantly and is a potential purchase for the producer when the quality of the content is good. Those who pay often are loyal to one artist or brand and paying is a mark of appreciation but also a political gesture of economic support to feminist/post-porn as a market alternative.

For pornographers, communities (both online and offline) have more of a role in the creativity of the sector than in the monetisation of new content. Only one stands out as she is effectively successful in producing and selling feminist pornography. According to that director, incentive to pay is high for alt-porn aficionados. The market for alt-pornography is still a niche, but a profitable one: for now, post pornographers are not engaged in cut-throat competition. The population of pornographers is mostly composed of independent artists, even though some of them can be seen as full-fledged entrepreneurs who are following the success story of lucky few such as Erika Lust and act more like opportunists rather than contenders for new shares on the mainstream market.

Some consumers don't have the income for such consumption or are simply not willing to pay when they can access to free content elsewhere. However, being on the other side of cultural production helps understanding its cost. In the time of pro-am and prosumerism, perhaps the "pay for porn" message works better when people understand the (symbolic and material) cost of making pornography:

> My opinion on piracy has changed as I've become able to afford to pay for my content. When I was a teenager I was able to pirate everything I could, and that was because I didn't have the disposable income in order to feel like it was worth me investing. As I become more financially stable and as I myself become a content creator and seen how frustrating it is to have something you have worked really hard on, that you don't make millions out of, seen out there as worthless is very frustrating.

Table 16. Roles of community members in the creation of sex-positive pornography

What?	To what extent?	Field examples
Production of original online content	Rare, difficult to access	Most of the interviewed producers do not make a living out of their content. Pornography is not their principal source of revenue: in this case, then, supply is marginal. Most of their content is accessible via minor, online pay video platforms.
Production of online collections	Relatively commonplace	Blogging was producer 1's first project in alt-porn, allowing her to create and foster a community around her.
Distribution (offline and online)	Rare	Content can be disseminated upon request for a USB stick or an online transfer, with the authorisation of the director.
Validation (offline and online)	Commonplace	The FDS itself is an example where a community selects, showcases and rewards content. Validation occurs in the form of feedback more than recommendations.
Monetising	Rare, associated with validation	When the consumers are willing to pay, they do so in order to express support to the ethics of post-porn, a brand or a performer

The live cam business model is an interesting case as consumers collectively determine the performer's revenue. The latter depends on the tips given by the group of individuals who are watching the show so that if one contributes to the "tip jar", this will benefit the whole audience. The tips stack up until they reach a level where the audience is rewarded by a performance (and the show gets more interesting as the revenue increases). It is therefore in the performers' interest to attract as many viewers as possible but also to give incentives to pay instead of refraining from contributing out of fear that other viewers may indulge in free-riding.

In the end, community participation can be self-reinforcing as such actions can indeed benefit the group by protecting the collective resource (for example a collaborative erotic pinboard) but also enriching the resource, which can increase its value as a market segment, thus attracting both consumers and producers.

Findings on the roles of communities in the creation and dissemination of pornographic content are summarised in Table 7. I found that user communities can help absorb some of the sunk costs linked to media production and distribution. They

can contribute to structuring a demand for niche contents, to the testing of new content or devices, to their advertising and diffusion, to increasing the value of produced contents by adding comments, complementary information, enabling real-life meeting and dating, etc. The main conclusion is that, although user communities cannot alone solve the problem of appropriation failure in online pornography, they can complement other strategies enabling content producers to make money out of unprotected content.

Private patronage does exist in sex-positive communities as it does in many other sectors of the cultural and creative industries. Pornographer 9 shares her own experience:

> So the crowdfunding — there's maybe 300 people who support us on our crowdfunding that don't receive any reward. They just maybe give like 1 or 2 dollars a month, because they like the ideas. That's been interesting for me, the idea that actually if you can make something that people think is interesting conceptually or creatively they will potentially support you financially regardless of whether they get anything extra in return and that's kind of being part of it.

Pornographer 9

Private patronage develops as a compensation for the lack of public subsidising which is, in practice, (virtually) not directly available to pornographic works except for *Dirty Diaries (*Engberg et al., 2009) (mostly funded by the Swedish Film Institute) and for art festivals and projects that justify of their cultural value, but then it's not called "pornographic", such as the Fête du Slip.

5.1.3. The role of the sex-positive community in building knowledge

Being both an emerging and a marginal community, post-pornography appears to lack structures to reinforce resources and knowledge exchanges between members.

One of the producers explains this:

"There is nothing official. In the States, they have the AIM[48]. We [in Europe] don't have the same. (...) My idea of community is to share the knowledge, how to make business, how to express the ideas, how to take care about different laws and restrictions appearing in Europe(...), just to fight against these problems in which we're all involved, like STD tests or piracy, or even to hire a lawyer. When you create a company, you could not need to search your own lawyer or contract, you can [exchange] on such knowledge."

<div align="right">Pornographer 2</div>

It is not easy to characterise knowledge-building strategies in the post-porn world. The alt-porn community's objective can be, on the one hand of the spectrum, to find a perfect balance between the content's masturbatory potential and the artistic value of the work as a depiction of human sexuality, and on the other hand of the spectrum, to create a content that is as far removed as possible from mainstream pornography, which sometimes may clash with the traditional role of a pornographic work, which is to arouse the viewer. Some interviewees regret that transgressive or political visions prevail over the content's erotic value, while others find such transgression sexually exciting. Overall, business knowledge (for monetisation and appropriation) does not seem to be a priority in the subgenre even though it is bound to be a profitable market segment. Knowledge-building tends to be more focused on the discovery of new contents and on ways of producing sexually stimulating content.

5.1.3.1. The role of the community in building visibility

Pornography as a representation of actual, sometimes ostracised practices is a political gesture. Visibility and pride are for instance important in the LGBT+ groups. Accordingly, the festival seeks to promote the "prosperity of the new cultural sector" by providing a platform to maximise visibility for its content in communities but also among the general public of festival attendees. The audience member is considered both as a potential consumer and as a citizen who may be responsive to the FDS' political message. Furthermore, the event-like nature of the festival (being held once a year) makes it an exceptional or at least remarkable milestone in the

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[48] Adult Industry Medical Healthcare Foundation

audience's cultural schedule. This temporal mark is supposedly efficient to attract culture enthusiasts and turn the spotlight on artistic and/or ethical sex-positive works which rarely have public exposure.

The role of the festival, as it brings together porn and non-porn audiences, is to act as a cultural and political gateway by passing on underground sex-positive ideas to the rest of the society. This is also the intention of pornographer 12, who shows her pornographic photography both in queer festivals and in mainstream photography contests:

> *These are not the only communities that I want to target, it wouldn't make sense to show my pictures only to these people [queer communities], because they are already very receptive. (...) What I'd like is to get into that category [young professional photographers] and have it recognised that erotic pictures are not only the stuff you find in old Taschen books, you know, chicks showing off their asses, but that in fact, erotic photography is just as important as street photography.[49]*

Moving towards conventional sources of recognition and exposure is also a way to legitimise one's individual work and potentially build an artistic career[50].

5.1.3.2. A space for social activities to support the community

The Fête du slip is a place that helps structuring the community by providing a safe space. Due to the stigma attached to pornographic labour and minority sexual practices, communities need places to meet and speak freely. Producer 12 underlines the role of LGBT and porn festivals and community events in pulling the pornographers out of their isolation:

> *What I like is that there is a free space for the body, and all that. You can meet people. You will have discussion on subjects that matter. Things that you're are actually reading about. You share experiences, that's the thing. That is what communities are for, to feel less lonely and to share with people who have the same interests. And also, my photographs do resonate well with these communities.[51]*

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[49] Translated from French by the author.
[50] See section 5.2.2.1.3. "Legitimisation of the professional occupation".
[51] Translated by the author.

As does pornographer 9:

Because everyone is so disparate, everyone is in different places in the world. Sometimes it can be a lot isolating, I don't have a community where I live. Coming to festivals is really good because it actually gives you a face-to-face connection with other people and it allows you to build relationships and bonds with people which can be really useful for things like performing but also, like, having a place to crash.

Sometimes, these community spaces are necessary to enable discussions which would be restricted or forbidden otherwise. The sex-positive community is embedded in the inclusive tradition of human rights activist groups. These communities often try to create so-called online or offline "safer spaces" where everyone, regardless of their appearance or their sexual orientation, can feel included in the conversation. Members are encouraged to advertise a "trigger warning" if they feel their addition to a given conversation can trigger a negative emotional response. In a community that promotes openness, the members feel it is important not to judge one another's practices but nevertheless be aware that a practice can be offensive to another member (expert consumer 5). This often happens for example in BDSM (Bondage Discipline Sadism Masochism) communities, where pain and humiliation can be a turn on to some but traumatic to other members. Some communities, often those which are the most inclusive, may try not to use terms that can be offensive to other communities (e.g., members should not use homophobic or misogynistic insults). With the Internet, these spaces for exchanging on a diversity of subjects, which are more or less closely linked with sex-positive and alternative pornography, have multiplied; and so have the opportunities for learning and creating along with them.

5.1.3.3. A space of co-creation and innovation

The choice of fieldwork was based on the intuition that the field of pornography is conducive to exploring the role of a festival as third place of creativity or as a "middleground" (Simon, 2009) in the production of alternative pornographic content.

The FDS became a potential fieldwork site when I met its director, Stéphane Morey, at a documentary film festival. During our short interview, he explained that even though there was an artistic and political justification to the festival's existence,

the association was still looking for a sustainable business model. The organisers had run three crowdfunding campaigns in three years, but had not met the expected objectives, first because the target sum was set below the festival's actual needs and secondly because contributors were mostly relatives and stakeholders of the festival.

Interestingly, the association has been seeking sustainability in two ways. First, the festival introduces its Film Competition with a statement on its website[52] which clearly aims to define post-pornography not as an obscure artistic niche, but as a prosperous market segment:

> *"We believe in the words of Annie Sprinkle: 'The answer to bad porn isn't no porn…it's to try and make better porn!'. And we know that this better, subversive, empowering and liberated porn is being made. La Fête du Slip's International Sex Positive Porn Competition aims to bring together the porn performers, producers, distributors and consumers and do our part make this new cultural sector thrive."* (Fête Du Slip, Manifesto[53])

Secondly, it has been seeking to develop a professional network (or, one might even say, an epistemic community) by providing festival accreditations for professionals who want to attend the Fête du Slip in the context of their activity. The festival has become a field of experimentation and contact for researchers, artists and cultural managers.

The association may benefit from the establishment of a network, to nurture a sustainable community, and given the nature of the festival, the association has access to some additional active communities, beyond the population of festival-goers.

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[52] http://www.lafeteduslip.ch/2015/submissions/

[53] See appendix 7.2.

The Fête du Slip reaches out to its community by ingeniously using online social networks. The association also publishes the magazine "POV Paper", which can be found at the Fête du Slip but also in other festivals and specialised book shops. It is both a communication tool and an artistic and community artefact:

> "POV paper is a quarterly paper interested in body, gender, and sexuality, with a strong focus on photography, illustration, and writing (...) we bring together performers from the alternative p0rn world, and talented and up-and-coming photographers from the art world. Everything that is published in POV is made exclusively for it, and previously unreleased. (...) POV paper isn't just content, it's also an object."

The festival uses mostly two communication tools that can also be used as tools for coordination with external communities. These tools are online social networking applications and the magazine. However, the most effective way to harness the creative power of its communities resides in the yearly Lausanne-based event, which brings together community members, allows for formal and informal exchanges (professionals' meetings, conferences, workshops; debriefings of competing films, games and happenings). The interviewees often spoke of the festival as a place for meeting new people and discovering new contents (valued for both their artistic and masturbatory potential). They generally see this type of festivals (like the Berlin Porn Film Fest or the Holy Fuck Fest in Amsterdam) as professionals' fairs, which provide opportunities to exchange knowledge on the business, movie-making and sexual practices.

Although the local administrative and cultural context is not a nurturing one for the alternative pornography community, the festival appears to succeed in attracting central members in the community (ex. famous alternative pornographers). Still, Berlin regularly comes up in interviews as a hotspot for alternative pornography (both in terms of creation and business knowledge). Berlin's more established community dynamics are a potentially rewarding subject for future comparative research.

Lastly, it transpires from the interviews that the Spanish upperground is not a conducive space for the development of alternative porn, although Barcelona is a noted creative hub for pornography. Comparison between these three creative ecosystems would likely yield further insights into the role of communities and middlegrounds (Simon, 2009), particularly festivals, in the creativity of alternative pornography.

Not being a professional (because one lacks formal validation or training, is a pro-am/prosumer or rejects professionalism) leaves room for systematic (and possibility constructive) error-making as part of the (learning) process for producing arty porn, which can also be called "experimentation" or "prototyping" (Fabbri and Charue-Duboc, 2013). Attending festivals is the occasion for pornographer 9 to learn from fellow pornographers:

> *A lot of the time, it is difficult to speak openly about what's good and bad about what you do on the internet because there's this kind of stigma of if you say anything bad about porn (...), because "porn is so bad", when actually a lot of it has a lot to do with business practices or shitty people and that kind of stuff. So being able to speak to people face to face is a way to share that practice in a safer kind of way and also to just learn from what other people are doing.*

The FDS is a cultural event where the political message is important, as underlined in the festival's manifesto (appendix 7.2.). Its efforts to promote pornography as a creative content and a legitimate (although) niche market may be somewhat hampered by the commercial limitations inherent in this political engagement. As a result, the festival has to carefully manage its networking, creative, educative and entertaining functions. This is to be further studied in forthcoming research.

5.2. Entrepreneurship in sex-positive pornography

Better Orgasms, Better World

(Betty Dodson in Paveau, 2014, p.127)

The history of porn entrepreneurs is paved with individuals who created new products, new distribution or production processes, and found innovative ways to sell their products in a restricted environment, as pornography has been regulated since print technology first appeared. These stories often involve the exploitation of the legal system for the commerce of content (distribution, competition and intellectual property rights) and of technological progress (Lane, 2000).

The evolution of pornographic production has indeed followed the evolution of media technology – chiefly reproduction and diffusion technologies (Dubois, 2014b) – and so have the actors of production. Incidentally, the emergence of Web 2.0. tools has allowed users to get involved in the creation of online contents and share them at a minimal cost. In the Internet age, entrepreneurship has taken a turn, with the separation between producer and consumer becoming less clear-cut. Indeed, models underlining the existence of user-entrepreneurs or of the "tribe entrepreneur" (Cova and Guercini, 2016) have instances of close proximity between entrepreneur and consumers (sometimes the entrepreneur is also a consumer)[54]. In pornography, this ambiguity is sometimes utilised as part of a commercial strategy (Smith, 2014). While independent pornography is no exception, it has however been innovative in particular when it comes to the production process and consumption behaviours. To what extent are the entrepreneurs of sex-positive indie pornography different from their counterparts in mainstream pornography?

In this chapter, I examine the characteristics of the entrepreneur in the sex-positive subset of the porn industry. The intent here is not to provide a moral justification to the profession but to evidence the underlying entrepreneurial behaviours of online independent pornographic production. The chapter highlights a

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[54] See section 5.1. "Communities in the production of content in sex-positive pornography"

category of innovative entrepreneurs who stand out from other entrepreneurs due to the explicit content they produce (and their activities on the fringe of legality). The analysis of the interviews reveals entrepreneurial, managerial and innovative strategies that are sometimes inspired by a proam practice (Zecca, 2014, Preudhomme, 2016) and by prosumerism (Mowlabocus, 2015) but which have similarities with the working methods of artists and entrepreneurs, particularly in terms of creativity and project development.

Results show that the process of legitimation of indie pornography, especially in the field of alternative, queer and feminist pornography, involves the identification of entreporneurship as a creative activity, a professional experience, and a social innovation. The business side of entreporneurship is not as visible; sometimes it is bluntly rejected.

I have identified two main features of indie entreporneurship: work ethics and market differentiation through branding and authorship.

On the one hand, the artist-entrepreneur's motivation to produce is threefold. First, the choice of starting one's own activity is a form of self-exploitation, independence. Second, entrepreneurship is seen as a life experience, a means to experiment with one's art or to learn a new profession. Third, such ventures are sometimes launched as paths to professionalisation. These individuals produce porn as a hobby and art as amateurs and sometimes find ways to make money out of their activity, which requires skills, practice and knowledge, for which they seek rewards both monetary (sales) and, mostly, symbolic (fame, social media shares, press interviews). This constitutes a "work ethic" that I often observed in my interviews.

On the other hand, the sex-pos entreporneurs in our study have a certain type of relation to their activity: often, they view it as a way to build something of their own (being a "small business owner"), rather than as a proactive search for opportunities. As a consequence, they tend not to seek for formal protection for their revenues derived from the creation and exploitation of copyrighted content. Instead, their business models are based on informal protection of their intellectual property. There are two ways of achieving this: first, through community support, as detailed in the previous chapter, and second, by building a brand image, without particularly conceiving it as a trademark. "Copyright entrepreneurs" are notable exceptions: their

model consists in building distribution platforms where they both actively accumulate copyrighted contents (either their own or licensed material) and put forward their brand name and reputation as a way to attract talents and contents.

Ultimately, I observed that reputation is essential for these indie entreporneurs, whose differentiation strategy is chiefly founded on ethical branding (either formally or informally protected) developed through their relations with communities.

5.2.1. A definition of entrepreneurship in sex-positive pornography

Considering the context of our study, the reader should be reminded of the definition given in chapter 2: pornography niche entrepreneurs are *smaller entities, often a self-employed person or an unpaid volunteer, who provide home-made or highly curated content.* What makes an alternative pornographer different from a mainstream entreporneur? Definitions provided in the literature emphasise, on the one hand, a specific knowledge on sexuality influenced by feminism, and on the other, a production process and branding that is built around the notion of authenticity.

As Ahl and Marlow (2012) pointed out, addressing the "female entrepreneur" or entrepreneurship from a gendered perspective, might actually not make sense. Feminist approaches to entrepreneurship are more rewarding, highlighting that the difference between so-called female and male entrepreneurship might be embedded in the definition of entrepreneurship itself, which is characterised with what could be viewed as masculine traits, suggesting that there is such a thing as a distinctly "feminine" type of entrepreneurship. Entrepreneurship in independent and alternative pornography must be studied on the basis of a non-normative framework, and defined using criteria which are salient in the literature regardless of gender. The porn studies literature which I draw heavily on here is admittedly dominated by a feminist vision, but this is consistent with Ahl and Marrow's recommendations for research in entrepreneurship.

5.2.1.1. A sex-positive expert

Creative entrepreneurship requires specific (artistic, communication, interpersonal, business, legal...) skills. In addition, making porn requires sexual knowledge and physical skills. Pornographer 11 describes her relationship to (cam)viewers and her vision of sex work as a service:

> *I have a few regulars and I'm happy when they're there, and they're nice to work with. And I know when people come often, and when I saw their face my interaction gets more full I'm more talkative, maybe more sexually outspoken there's definitely a relationship that is enhancing over time with my regulars, and I think that with first timers, are somewhat like when you work in a restaurant and waiting a table. There is a lot of service when doing sex working, and I like doing a service, I like making people happy; helping someone to reach an orgasm definitely leave the person with a smile on their face. I try to give a sex-positive swoon to it all. I often encourage people to enjoy their "afterglow" before they leave my room. It feels important that someone who leaves me or my room don't feel they did something dirty, or like they gave themselves a present.*

> *Pornographer 11*

It is not rare to see sex-positive pornographers participate in round tables and workshops on sexual education (as pornographers 1, 2, 8, 9, 10, 11, and 13 have):

> *But not only sex education for kids or for people who are interested in that one subject, it is just to help people understand how does this work. For example, I don't know, I'm just preparing some workshop to teach people how to watch porn. Because we don't have the offer... the real offer we have in front of us when we are clicking and typing "porn" in Google, we don't have the offer that we have. And we have to understand that it is difficult to watch something. I mean we have Netflix for cinema. We have different kind of platforms for the regular cinema but we don't have any kind of information on how to watch, how to classify, how to search some new porn or new things about porn.*

> *Pornographer 2*

Pornographer 2 shares his experience as a content creator to viewers, and helping them to find content enhances their chances of finding his own content. This educational initiative often comes from a genuine sense of knowledge sharing and

selflessness. An effort to be consistent with one's integrity and authenticity characterises the artist-entrepreneur's personality and projects, as shown in the next section.

5.2.1.2 Business models: originality and authenticity as the cornerstones of branding for new pornographies

Sex-positive entreporneurs believe that their work is bringing something new (Maina, 2010). Entrepreneurs think they can make money out of their own content because they believe it is completely original and of better quality (so IP appropriation and protection is self evident) just as Playboy's founder Hugh Hefner was at the beginning:

> Hefner did not intend to supplant existing methods of distribution or production; his intent, after all, was to produce and distribute a magazine. But Hefner was an innovator who had studied the competition and was convinced that he could offer a new product to a new market. (Lane, 2000, p. xvi)

However, it is important for sex-positive pornographers to project the image of a real person rather than that of a company, as pornographer 9 explains: "It has been important for me to be an active presence as a person on social media outside of [the production house] (...) I want to keep [the production house] as far away from being marketed, marketable and kind of capitalist". Entrepreneurs in alternative and indie pornographies develop a particular form of branding that is based on authenticity. This is supported both by the literature and my data/interviews.

More and more female entrepreneurs and directors openly operate in the porn sector. Erika Lust's recent success story, among others, has inspired fellow aspiring sex-positive pornographers to produce adult content both with the aim of actually changing pornography, but also in some cases as an opportunity to make a business. Massification of supply complicates both regulation and law enforcement in this industry. Incidentally, the multiple strategies of "guilt" attempted by the right holders have also failed. A solution is an interpersonal relation between customer and producer and/or performers. Building a persona through authenticity and originality helps: it has contributed a lot in camming and alt porn, also a model now increasingly adopted by mainstream performers.

Pornographer 11 describes her persona:

I have a hairy body. I don't shave, so that attracts hair fetishists. I would enhance my hair more if there is a hair fetishist in my room. I did indulge myself with the image that was created of myself at Abby Winters, so that's the "all-natural, next-door" girl. But that suits me. I don't believe in all natural, but I do believe in working with creating an online persona that is a lot like myself, (...) I promote myself as being intellectual, nature, average porn star, which is maybe mainstream-porn star shaming a bit... I'd say "natural porn star lady amazon".

Pornographer 11

Sex-pos pornographers give a lot of importance to originality, creativity and integrity:

Failure for me would be... making something boring or making something that was predictable or making something that was allowing myself to be caught up in like "what would be the best money maker". For me the whole point of the project was about trying to do something that is conceptually interesting first, and then hot second.

Pornographer 9

I reckon that the best thing I can do regarding my photographs is do a great job of conceiving how I present them. It's not really...maybe it is a bit of a strategy. But it's more like it is necessary that I pay attention to the way I present my series, that I defend the reasons why I did it and make sure that my discourse is - not flawless, but in all cases, that I take responsibility for it, so that it gives weight and credit to the substance of what I do.[55]

Pornographer 12

My sex-positive sample data seems to support the literature on alternative pornographies in that it helps identify entreporneurs as authentic artists in their personality and their discourse on their own creative initiatives. However, their entrepreneur status can be further documented by their labour ethics and production and distribution processes, as detailed in the next sections.

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[55] Translated from French by the author.

5.2.2. Legitimation of alt pornography as a creative activity and a business

The literature does not discuss business models or show the alt-entreporneur as a resilient, creative and business-minded individual (without this combination being paradoxical). The following results show that the alt-entreporneur is a mix of these identities. Coincidentally, identity is central for alt-entreporneurs, who do not protect their public personas (cultivating purposely ambiguous similarities with their private persona) with formal intellectual property (copyright and trademark) but with a combination of community management and informal brand image differentiation. This is because they intentionally avoid, or even reject official trade channels, being in the business of sex, which emphasises authenticity, and being artists, which requires originality. They are digital natives, and ownership is ensured through purpose, making, working, learning, recognition.

However, as stated in section 5.1., as pornography operates under a low IP regime, pornographers are faced with a lack of opportunities for IP exploitation which is reinforced with a lack of professional and artistic legitimacy (as in section 3.2.2.). Interviews were basically designed to answer the following questions:

- what does being an indie entreporneur mean to you?
- how do you create and diffuse their pornographic content?
- how do you survive on such a niche market ?
- why stay in this sector?

Responses to these questions (see appendix 5) show that the entrepreneurs believe that identity (brand) and work process are closely interlinked. The following result section will characterise how the relationships between the two concepts are expressed. Furthermore, the results allow me to build a bridge with the previous chapter on the role of communities in the dynamics of pornographic content creation, as communities are shown to play an important part both in validating the pornographer's brand and in rewarding the entreporneur's work ethic.

As the alternative segment structures itself with manifestos, rules, contracts (see Erika Lust's "Care package" guidelines), monetary compensation regularly comes up as an issue of legitimisation of the profession, with mainstream porn and conventional cultural industries used as benchmarks.

"now because we're paying performers a comparable rate, that they would get paid to shoot mainstream videos on the books of the best agents in L.A. We pay them a comparable amount of money like in mainstream porn. Also paying for licensing the music, ...so our overheads are considerably increased more right now."

Producer 9

5.2.2.1. Work ethics

5.2.2.1.1. Self-exploitation and resilience

Alt-pornographers mainly seek to make a living out of their activity, or at least to support their lifestyles while sustaining their commitment as activists in their work. Most of the interviewees are happy with their choice, even though it is not always easy for them financially or morally. They have a strong sense of appropriation (if only symbolic) of their work. Even though economic appropriation is not possible or even desired by the alt-pornographer, ownership and recognition for the work they put into the content or their performance is satisfactory for many artists. The involvement of their body, minds and means is a form of empowerment through self-employment, especially in the face of social conventions which stigmatise their work and of the capitalistic exploitation of sex workers at work in mainstream pornography.

Free digital labour, even though pervasive in the pro-am creative and cultural industries, is unique in pornography as individuals involve themselves and their body into the work :

> "In online user-generated porn, the picture is perhaps more complex than the case of Facebook because users on XTube[3] can and do make money through their postings (amateurs on the site receive 40-50%, after processing fees, of the between 50 cents to $2.50 viewers pay for each video). Moreover, XTube's postings are not simply words or chatter, they are films of bodies engaged in sex and thus involve varieties of actual activity – from the sexual performance itself through to editing and uploading the film, which are obviously forms of sexual and/or creative labour."

> (Smith, 2014)

> Sexuality was (and still is) for me an area of exploration and self-conquest. To make sexuality an area of knowledge and insurrection against everything that was drilled into us when it comes to shame and everything that wasn't drilled into us when it comes to knowledge is one of the ways to put the feminist principle "my body belongs to me" into practice (...)[56].

> (Delorme, 2011a in Paveau, 2014)

> I'm a freelancer, so I own myself, you can hire my services. I can be a producer, I can be a director, I can be a writer, and I can be a sex worker.

> Pornographer 11

In the interviews, sex-pos pornographers described different incentives for creation, most of which were intrinsic. For two of them, the sexual excitation arising from making the films motivated their entry in the world of pornography. The others reported using sexuality as a subject more than an end. Having a background in photography, cinema or visual art, they see representing explicit sexuality as a way to express themselves artistically. Pornographer 7 said: "I make porn because I find sex is my language within art."

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[56] Translated from French.

For some of the pornographers interviewed, content production was initially an amateur or extra-professional activity that has become a full-time, sometimes remunerative activity or one that is expected to be in the future. The difficult transition from an intrinsically motivated production to an extrinsically motivated one is most likely due to the lack of entrepreneurial skills. Remarkably, nearly all my interviewees were unfamiliar with appropriation and monetisation issues except for one, who happens to be the only one who successfully became a full-time professional pornographer. Pornographer 9 expresses her dismay at the barriers she faces in the conduct of her business, mostly due to censorship:

> *it feels quite disheartening because we could be deleted from Patreon any moment, we could maybe be deleted from Vimeo where we have our videos any moment. We could be shut down by the government for the acts that we show. It could be shut by the government for not age verifying. And even though it feels like what we're doing is – I don't think it's important but I feel it's valuable to a lot of people in the response we got back from it. (...) I feel it's just discouraging people in the beginning because you need all of this knowledge, and all of a sudden it's more difficult.*

> *Pornographer 9*

The sex-pos pornographers learn to deal with the practical business side of producing and diffusing their works. It is not a natural exercise for most of them but being of control of their artistic work and labour is vital for them. Resilience is also very strong in this context where business building is a difficult task, due first to inexperience, but also because sustainability in entreporneurship is impeded by many legal commercial barriers. However, many interviewees put forward the knowledge and skills they have acquired through artistic and entrepreneurial initiatives that were essentially sparked and fostered by communities.

5.2.2.1.2. "Learning in public"

In many cases, the creators I interviewed had an artistic background, but not specifically in pornography,[57] and ended up producing porn without intending to do so. This is often the result of an exploration of the body or sex as subjects within their own discipline; and often an occasion for them to explore their own sexuality.

> *So I decided to make a first film in 2013 (...) we were working with somatics but we were also working with desire as a big kind of motivator for what we were doing. And the idea was really to see like how, you know, how far we can go into a kind of sexual exploration and it's still art. Maybe. Maybe it isn't, I still don't know, I still don't have a clear answer, you know, if I think it's porn. I just consider it my work, you know.*

> *Producer 10*

Pornographer 11 recounts her time working for two female directors who promoted an inclusive philosophy and shared professional knowledge, thereby inspiring her sex-positive production ethics:

> *I was really impressed by the way they worked, they also trained me as a photographer and videographer. (...) They have very feminist core beliefs. What blew my mind was that a colleague said something really bad about mainstream models to another model, Jacquie pulled her aside and was like "I don't care what you think, but when we are on set, there are people that made other choices in life, and if they chose mainstream it's up to them. I don't want you to talk about mainstream performers like that to our model". She said it more eloquently than I do now, but I was so impressed with her way of calling in, of being, very clear, and not shaming someone else's opinion.*

> *Pornographer 11*

Sex-positive communities develop rules for practice on the go, learning from errors, talking about them publicly on blogs, which may involve reporting abuse in the industry, even in the so-called "ethical" niche. They are communities where people know each other, talk, debate, fight, and support each other, and question the practices of the sector. Erika Lust's "care package" (appendix 7.3) was developed gradually as a trial and error process as her practice and experience grew. Sex-

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[57] There is actually no training to be a pornographer, as one of our interviewees pointed out.

positive communities of pornographers indeed learn in public, by testing their pornographic videos in festivals, or routines in webcam rooms, where they receive feedback and are subsequently able to calibrate what works or not:

I wouldn't say my cam shows are artistic, I'm not doing anything special but there is definitely a routine going on and I found what works best.

Pornographer 11

I was very lucky to have very good camera people who then would have a look with me saying "you can't do this or that", very simple things, "you can't go from a close up to another close up", things that I had no idea. Because I've never been to film school. I was really like stupid, I was really learning in public because it was pornographic and because it fitted into this niche of alternative queer porn, everyone programmed it. So it wasn't like I made this student film that nobody saw. I made like a student film that everybody saw. So it was kind of learning in public, but I've learned a lot.

Pornographer 10

Subsequently, the creators embark on a personal and artistic journey of learning how to make pornography. Their presence in competitions organised by alt-porn festivals is seen as a validation from the community and fuels their learning process.

5.2.2.1.3. Legitimisation of the professional occupation

The general amateurish feeling of the porn world is heightened in the Internet era[58]. User-generated content is easier to produce and diffuse, especially with specialised online platforms. Users can post their own pictures, videos where they perform, and stream performances live or simply show themselves at home. This has led to many users to gain the status of pro-am, meaning neither professional nor amateur (Preud'homme, 2016; Zecca, 2014).

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[58] See section 2.2.3.4. "From amateurism to entrepreneurship"

In their discourses, interviewees say little about professional hazards (stigma, financial instability, lack of standards). In their opinion, empowerment and the learning/training processes are the main outcomes of their artistic and entrepreneurial initiatives. Many discourses are built around the legitimacy of the sex worker status. As an occupation, being a sex-pos pornographer is also about projecting a sexually and creatively fulfilled persona.

Erika Lust (and her company Lust Production) is one illustration of this process of legitimisation. She may not have brought about a creative revolution in pornography (according to a number of my interviewees), but she has boosted the legitimisation of female consumption of pornography, and at the same time, by showcasing alternative content (indie, feminist, arty) on her platform, made it more visible than on mainstream platforms. On top of that, Erika Lust produces "meta" content where topical subjects are at the centre of the pornographic video: sex labour with *Sex work is work* in 2018 (see figure 3 hereunder), feminism in BDSM (*Feminist and submissive*, 2017), filming pornography (*Let's make a porno*, 2013). These videos are opportunities to give exposure to key issues of sex positivity activism while offering both arousing content and material for discussion. On pornographic work in niche communities, Dubois (2014b) summarises this philosophy:

> For [communities whose sexual practices are marginal] the representation of these practices is already a form of legitimisation. In this context, pornography becomes all at once a sexual practice, a representation of sexual practices, and a form of activism.[59]

(Dubois, 2014b, p. 13)

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[59] Translated from French.

**Figure 3. Screen grab of promotional clip for "Sex work is work"
(source: Instagram)**

5.2.2.2. Entreporneurs and informal intellectual property based business models

The interviewees are often self-educated and strongly protect their property, informally, mainly through their relationship with communities of practice (sexual and professional) that are unique to the pornographic context, in particular because they overlap and the distinction is subtle, and consumers also forming a community, loyal to a brand, a personality, an artistic and/or ethical initiative. Using a mix of informal and formal appropriation means, sex-pos pornographers in our sample monetise and advertise a project through copyright and branding, particularly through smart community management. For instance they:

- develop relationship skills and try to build loyalty: for instance by posting regularly on social media, cultivating a "girl-next-door" brand and/or an ethical brand, thus enhancing their reputation toward their viewer community

- enhance their professional reputation by receiving awards, participating in networking events (film festivals), travelling to meet potential collaborators

- branch out into other sex jobs (such as webcamming or escorting).

Such strategies are further characterised in the next two sections.

5.2.2.2.1. Copyright entrepreneurs vs. small business owners

I make a distinction between two types of entreporneurs, on the business side of sex-pos entreporneurship: copyright entrepreneurs (CE) and small business owners (SBO). Small business owners will tend not to think about their formal IP strategies. Instead, their business models are based on communities (as the previous chapters have partly documented) and on building a brand image focused on what they sometimes call "ethical pornography".

The pornographers interviewed for this research include both copyright entrepreneurs and small business owners. In effect, they consider themselves as both, sometimes seeing the first function as a necessity rather than a part of their character. Most artists do not care about piracy, or, to be more accurate, find it too costly to monitor infringements of their copyright. When they do, it is often to protect their brand image, more than to avoid potential revenue loss. They consider that exploiting IP is necessary to their economic survival (Pornographer 9), protecting their authorship, their style and artwork (Pornographers 1, 10 and 11). However, attitudes towards piracy is nuanced by pornographer 9:

> I'm not going to say that everyone who pirates stuff is wrong because I believe that actually if you have enough to pay for stuff you should pay for stuff. I also not going to say that if somebody can't afford but really wants to engage that it's the worst thing in the world if they pirate.

Pornographer 9

Pornographer 1, for instance, tries her best not to appear on tubes which tend to label her videos using degrading terms. Some pornographers send takedown notices to protect their unique model of content distribution to their viewer community (pornographer 10) or to protect the reputation of their actors and the integrity of the artwork (pornographer 11).

On the other hand, the "copyright entrepreneur" can also be seen as an empowered figure. Erika Lust, for instance, has succeeded in creating content and earning money from it, but she has also managed to create a hub for feminist, alt and queer content, giving it visibility and finding a profitable way of exploiting copyright (hers and that of other pornographers). She created a platform (Lust Cinema) where

she distributes her own films and, increasingly, other films in the same vein. Although she is seen as "more of a businesswoman than a feminist director" by some community members, her business model – pay-per-view access to a collection of niche erotic content – contributes to increasing the visibility of another type of pornography.

Owen Gray is another example. Gray started as a performer for Kink, a mainstream production company specialised in BDSM, and has played in sex-positive films (including for Lust Productions). He is a copyright entrepreneur, in the sense that he manages bundles of IP across platforms (pay videos on Clips4sale, free streaming on Pornhub Community, and erotica photography on Instagram), thus catering to (user and creative) communities in a variety of ways. Free contents may showcase his sexual skills (by performing with alt and mainstream models), artistic skills (through his distinctive aesthetics and photography in his videos and Instagram content) and attributes (atypical body type for pornography, tattooed), all of which appeal to the sex-positive and the broader alternative scene.

A few entrepreneurs have talked about what they see as the one possible business model for alternative pornography: namely, setting up tubes specialised in feminist and queer contents. Indeed, the main tube sites seldom showcase such contents, and building visibility for a new, niche content (expected to attract a smaller audience) among popular mainstream contents is quite difficult. It seems that initiatives such as Lust Cinema's, Welovegoodsex.com and the like answer a need in the community for alternatives to gigantic porn tubes, by offering their own tube (Pornographer 1) or a directory for sex-positive content (Festival organiser 3). Incidentally, most of the artists interviewed for the purposes of this study have worked for Erika Lust, distribute their content on Lust Cinema or know someone in either of these two situations.

Interestingly, when asked whether she considers herself as an entrepreneur, Producer 9 answers:

> *I don't think I ever did - a little bit now that it's growing and it's growing in a way I never thought it would. I'm not an entrepreneur in a capitalistic way. I have no desire to be bigger than we are really now. I want to get back to it, I don't want to expand my time, don't want to be a brand. (...) I guess we're at a stage now where I can't really deny that it has been successful, in a way I never really expected it to be.*
>
> *Producer 9*

She also explains that she might have to accept the fact that she is an entrepreneur, or, in terms she finds more positive, a "small business owner". Producer 9 also does not see herself as a professional, claiming that her company lacks formal accounting processes or a detailed business plan: "I don't have a limited company. I just keep continuing exactly as I am and it keeps on getting bigger".

Sex-positive CBOs are opportunity-seeking and risk-taking, even though they often reject the idea of being an entrepreneur or of having a conscious marketing strategy. On that subject, pornographer 9 says:

> *"The potential for porn as a medium or as a creative tool wasn't being explored and so I was taking the money I was making on cam and funnelling it into experimenting and filming, buying a nice camera. I ended up in a position where we were just shooting my friends and my fellow cam girls and then, the response to the work we were making was really unprecedented."*

Many entreporneurs in the sample would rather keep their productions small-scale, or even "local" (Pornographer 14 & 15), "artisan" and "special" (producer 9):

> *For me, just having, keeping it as a kind of a small community of people that can access rather than distributed everywhere, I think it's important to make it feel kind a little bit special. And like kind of artisan. That's something that we foster a little bit.*
>
> *(producer 9)*

Ambiguity or a lack of status are cultivated: many pornographers will purposely stay pro-am, whereas Pornographer 14 & 15 are pragmatically local and will only consider expanding at a later point. They stay local in terms of production to cater a niche (educated German liberal sex-positive consumers), and because this is where their best resources are:

> *Interviewer: About Freiburg. You insist in your motto that you are Freiburg-based, what does that mean to you? Why is it so important for you?*
>
> *Pornographer 14: At the beginning, we thought, "FFF" sounds good - it's just an alliteration. At the same time, if you say you make porn in Berlin, people would say "yeah, of course, this works, it's Berlin". But we want to do realistic porn where people identify with the stories of the characters or the performers, and if our set is there, people would say "of course it's in Berlin, but this will never happen to me, this is so far away". But if it happens in a middle sized town, we're already within a group of people where we want to be progressive, liberal. This is a really alternative city, I think that's why we have this community here but also when it comes to identification, I think it is much more easy to identify with a story that is happening in a medium sized university town. In Berlin, people will think "yeah, Berlin is full of sex clubs and whatever, this is not my life'. If I want to go to the realistic part, this works better for us. This is the first point, and on the other side, here we got class contacts, we have got our network.*
>
> *Pornographer 15: … building up slowly is also a big thing.*
>
> *Pornographer 14: … start local then grow. But here we got the contacts to all the press, to media, to institutions. We've talked to professors who research on gender studies and feminism. Here we got the contacts, so it just makes sense. It is important for us in the beginning, start here then grow from there.*

On the other side, the copyright entrepreneur is in the middle of social networks and communities: he/she is often part of a community of practice as a pornographer, might participate in an epistemic community by defining the rules of an emerging artistic genre, can manage and animate a community of fans or users and often can be trusted as a prescriber. The entrepreneur then becomes an intermediary between content-producing communities and consumers who do not necessarily participate in formal appropriation but may be interested in enhancing the (monetary or symbolic) value of sex-positive porn productions. This position of

intermediary[60] between different communities also characterises Ardvisson's network entrepreneur (Ardvisson, 2007 cited by Simon 2009, p. 39). The work of community consumers compensates for the lack of prospection[61]. In general, the SBOs seek to cater to their existing viewers and not to diversify too much. To do so, they keep the scale of their operations small to control the production process but also to control their brand.

Control is crucial to manage identity and foster a sense of ownership. When asked what a risk is in her business, pornographer 11 answers: "Not being in control. (...) Not having a veto on what I put out there". One may wonder whether artists-entrepreneurs stay on their own to keep the scale small and control the production process, or to control the brand.

> If I start making my self-portraits in a studio with assistants managing the lights, they will look professional but I want my pictures to be true to real life. These are pics that I took in a DIY way at my place, and the outcome is always really uncertain. It's really like: "Well, I don't know, I'm going to do it this way", we try it and then I develop, and then I'm like "Oh, that's nice".[62]

Pornographer 12

Pornographer 9 is reluctant to hire someone to help her with business management:

> If it was the right person yes, if it was somebody that kind of understand...I'm a control freak with my image and with how I'm portrayed, what I do and what I say (...) I'm very, I try to be very thoughtful of everything I do in terms of the projects and about how I talk about it. I has to be the right person. It would be very good to have somebody fit to do that out there, that'd be good.

Lack of network and human resources can also play a role in this isolation.

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[60] see also section 3.3.3. "A community coordinator"
[61] as explained in section 5.1.4.2. "Sharing"
[62] Translated from French.

Inherent in alt-porn is a quest for producing different and new content. The content must also reflect the company's identity, which is sometimes close to the entreporneur's personal identity, although generally the brand is distinct and carefully staged. In this context, copyright and trademark could act as formal safeguards for new content. However, in most cases brands are neither formally protected, nor designed to implement a commercial strategy, but the artists are counting on their brand image in the name of authenticity.

Sex-pos entreporneurs often project a philosophy of innovation, by forming and curating a community around contents that reflect the company's objectives. This process provides them with an informal protection of their intellectual property. Thus, the action of the entreporneurs goes beyond the "simple" participation in the production as amateur and consumer. They are active in the work of promoting and diffusing content, through a branding effort focused on their work and aesthetic values.

My interviewees suggest that ethical branding in alternative pornography is built around the ethics of production values, of the production process, and of authorship. For instance, when asked what failure would be, pornographer 11 says "Finding myself in a very unethical place, hurting people, not taking good care of myself". On learning new skills in sex work, she later adds, "Sometimes you see other people doing things better or more effective, then again if I do not ethically approve a result that is more effective then (I'm not going to use that)". Pornographer 14 & 15 provide their definition of being ethical or "fair":

> *There are different aspects. First of all, we want fair contracts: we want to pay men and women the same. Men are paid far less than women in the porn industry and that's something that's unfair. So we're definitely going to pay the same amount for men and women. That is one point of fair.*
> *Also what is fair to us is that, I don't really know how to explain it in English, but that the practices we are showing are not disrespectful in any way and that the performers are not pushed to do anything, we want to show their own sexuality and not scripted sexuality.*

Then also fair is for us also "transparent" when it come to health certificate, people often do only test on HIV which I think is not enough, we definitely want to enlarge transparency which I think it is also part of being fair.

And then we also want to work as sustainable as possible, but on a more broader level: printing our information cards on eco-paper, for example. It's just a super small step, but at the same time having our merchandise not produced in Bangladesh but being "eco" (equal?). Being also fair in a broader, yeah, I don't know how to explain it, but having a one aspect focusing on everything is really our production having fair contracts, being transparent, showing consent, practicing safer sex, having more than the required health certificate, this is all when it come to production; but on the other side, as a company as a whole, trying to be as sustainable as possible.

This is part of being fair to us. These two parts and then, within our own organisation how we make decisions, that there is not one side and the other has to follow but we decide together. Everyone has a saying even if they are members of the team, how we work together it is also part of our ethics of how we organise internally, I think this has something to do with "fair".

(*Pornographer 14*)

On the other hand, authorship, in the sense of the French *droit d'auteur*, is an important part of the sex-positive entrepreneur's intellectual property. Authorship is a moral right that is written in French law (*droit moral*) but not in Anglo-American copyright laws. Interpretations on the property of immaterial works can be opposed to copyright, which does not emphasise authorship but the "right to authorise copying". Pornographer 9 caters to her viewer community and interacts with them while preserving her artistic vision:

So there is a little bit of feedback. But I think there's a lot of that on porn sites, there is like a user comment section, and that people enjoy interacting. (...) I try really hard to not trying to do what I think would sell the best to customers so my most popular films are maybe not the films that I think are best. (Pornographer 9)

Especially when financially successful films are the less edgy ones:

They tend to be a little bit more mainstream and it's something we are careful not to make what sells the best, we want to make what's interesting. (...) I think it's more like: I want to try make something because it's interesting conceptually and then hopefully it's still sold. (Pornographer 9)

When asked about how he protects his copyright against online piracy, pornographer 2 says creativity is the answer:

> *"They are really creative to erase security code, security systems just to get the content. I think you should, as a creator, you have to be creative, and not to think only about money. (...) and doing something unique. I think when you have a unique thing, like original things... people kind of respect you more."*

"Respect", the symbolic value given to the creator by his or her audience, and it is worth more than pure material value. More than creativity, authorship is crucial to the protection of the pornographer's work:

> *"It is difficult to copy this kind of... style, the image itself. And I think I have a very, a very unique point of view in doing films. This is part of being an artist, right? Being a creative person, to find your style and remain. I can change the subject, I can change a lot of things, but something remains unique. So I'm not really worried to protect that because it's very difficult, it's almost impossible to copy something like that, right?"*
>
> *(Pornographer 2)*

In the end, sex-positive entreporneurs live by their work ethics but also make a brand of that commitment and seek ownership of their content. This applies for instance to the concept of pride, which is important in LGBT+ communities, and is used to give exposure to the community's values and beliefs. Their ethical branding also leads them to be invited in feminist gatherings, gender studies conferences, "ethical business" events (which is how green condoms ended up being featured in the festival). This positioning also influences marketing, which involves a carefully monitored use of social networks, design, distribution and an attention to the customers' needs (interactivity, regular updates, ethical production, political positions, etc.).

5.2.3. Appropriation in sex-positive entreporneurship

5.2.3.1 Identity, ownership and achievement

The chapter has highlighted different facets of the entreporneur: she/he is a pornographer, a cultural producer, often an amateur engaged in a professionalisation process, and in the case of alt-porn, a woman. How do all the interests, incentives, barriers and costs pertaining to these facets combine to shape the entreporneur as we know him/her today? In the end, from the entrepreneurs' point of view, three main concepts stand out: identity, ownership and achievement.

This result has managerial implications in terms of intellectual property protection (copyright and trademarks) and community management, especially in the pornographic industry, which has been struggling to protect its contents in the digital era, as other content companies also have (Darling, 2014). Moreover, the resilience of these workers can encourage public authorities to change their vision of the porn industry through the prism of entrepreneurship and innovation. In other words, they may realize that even in a "ghettoised" industry (Trachman, 2013), individuals are willing to be creative and to produce value, and that value can be enhanced by helping these entrepreneurs, for instance through vocational training and status recognition.

5.2.3.2. Communities as a resource for the entreporneur

There is a complementarity between sex-positive entrepreneurs and communities in the production, sharing and monetisation of pornographic works. In section 5.2.2.2.2 on branding, the readers were presented with the ways entrepreneurs appeal to user communities for symbolic appropriation, using them as a source of reputational validation. Close ties and sometimes collaboration (mainly through sharing and monetising) with the communities is at the heart of the SBOs' business model. Additionally, both the copyright entrepreneurs and the SBOs base their commercial stability on reputation, by cultivating their brand image. Reputation and brand image may in turn be bolstered by their communities.

Indeed, interviewees highlight the importance of the pornographer's persona in enhancing viewer experience: identity does not just consist in the simple performance or filming of a sexual act, but it is also a lifestyle, a real person, an artist with a distinctive aesthetic, real projects and collaborations, providing opportunities for interaction (by being active on social media, for instance).

On the monetary side of appropriation, pornographers use crowdfunding to appeal to the community as a monetary resource to help them face the risks linked to their quest for legitimacy and fund:

- the fight for sex workers' rights and pornographers as creators (Pornographer 10 for her political campaign)
- creativity/business risks, prototyping (Pornographers 14 and 15 for seed funding)

If, as a collective, communities will mostly have a role in sharing and producing collection rather than original content, most of the original content production will be in the hands of the artists-entreporneurs. Monetisation is also done by entrepreneurs with the help of communities. Monetisation is possible thanks to user communities who buy content, and peer communities who, for instance, often participate to their colleagues' crowdfunding campaign, and are more willing to invest money in buying original works. Incidentally, by distributing their own or their fellow pornographers, the entrepreneurs help enhancing the symbolical value of sex-pos content but also help their monetisation by making them accessible and visible to the potential consumers. Table 17 below draws on the results presented in the previous sections and summarises the role and complementarities of communities and entrepreneurs in the appropriation of digital sex-pos content.

Table 17. The involvement of communities and entrepreneurs in the appropriation of online sex-positive pornographic content

What?	To what extent? (communities)	To what extent? (entrepreneurs)
Production of original online content	Rare, difficult to access (-)	Commonplace (+)
Production of online collections	Relatively commonplace (+)	Relatively rare (-)
Distribution (offline and online)	Rare (-)	Relatively commonplace (+)
Validation (offline and online)	Commonplace (+)	Commonplace (+)
Monetising	Rare, associated with validation (-)	Relatively commonplace (+)

5.2.3.3. Entrepreneurial activity as a precursor of routines for an emergent organisation

As entrepreneurs are associated with development and innovation, or at least creation, the approach to entrepreneurship developed here draws on the work of Schumpeter and the evolutionary economists. The latter have lately emphasised the importance of the entrepreneurial process in creating routines (patterns of action) and decisions that eventually result in organisation building (Becker, Knudsen and March, 2006). Sex-positive pornography entrepreneurs build their own organisations (enterprises/projects and companies) and institutionalise their activity (through peer communities and user communities) (in section 5.2.). Entrepreneurship, in this sense, introduces innovation through the organisations, the companies developed by artists-pornographers.

Entrepreneurs create new routines through a specific production process but also lines of conduct, work ethics and an organisational identity that will constitute what the company is going to be in essence. Some of the most successful sex-positive pornographers are arguably not even that far removed from the emblematic entrepreneur who started mainstream pornography:

> *Hefner did not intend to supplant existing methods of distribution or production; his intent, after all, was to produce and distribute a magazine. But Hefner was an innovator who had studied the competition and was convinced that he could offer a new product to a new market.*

> *(Lane, 2000, p. xvi)*

On a broader level, I see the alt-entreporneurs' initiatives as ways to legitimise a market by building a niche but also to legitimise entreporneurship as a professional occupation. By doing so, (A) they more or less consciously structure the industry. By building a genuine identity and controlling it (its ownership) the entrepreneurs give the industry some transparency and standards. They organise it through work processes (ethical production) and (in)formal institutions (porn film festivals with manifestos, communities). (B) They enhance their brand by highlighting the ethical values of the product and of the work process, allowing for a smoother democratisation of porn consumption, and of indie and alternative pornographies in particular.

5.3. Conclusion to chapter 5: Communities and entrepreneurs in alt pornography

The online adult entertainment sector is another case of low IP regime, preventing content providers from directly selling copyrighted content and forcing them to switch to alternative business models. I have explored how online user communities help in partly solving this appropriation failure and enabling content providers to recoup part of their initial investments by carrying out three functions: producing content, increasing the symbolic value (sharing) and appropriating revenue of pornographic content (monetising).

I have showed that through the intrinsic component of users' motivation in particular, these communities can play a significant role in the production and the distribution of pornographic content. Yet, creative and virtual communities are often not motivated by extrinsic factors. Overall, business knowledge (for monetisation and appropriation) does not seem to be a priority in the sex-positive porn subgenre, even though it has the potential to be a profitable niche. Knowledge-building tends to be more focused on the discovery of new contents and new ways to produce sexually stimulating content. As a result, their financial viability may be in danger when they are not managed with sustainability as an objective. Moreover, their lack of business connections (e.g. distribution channels and advertising), which are not encouraged by the marginal traffic that niches generate, is often a reason for the short lifespan of community creative initiatives. As Amin and Roberts (2008) suggest, these short-lived communities may need support from formal institutions and firms to sustain their creative potential and innovative energy.

Interestingly, a few recent studies have suggested means for companies to harness the communities' creative potential (with social software for example, in the case studied by Burger-Helmchen and Cohendet, 2011). In our case, communities can help complement the strategy identified by Darling, namely by offering a customised user experience. By providing feedback (in the form of tests and prescriptions), communities help the companies evaluate and structure the market, just like von Hippel's lead users (2005). As they encourage repeated online and offline interactions and foster symbolic exchanges, communities, particularly in alt-porn, can heighten interactivity and a sense of belonging. A company, especially one that operates online, can consequently improve user experience when it is capable of integrating social dynamics in its business model (Pénard and Suire, 2008).

CHAPTER 6. Conclusion to the thesis

An introduction to the world of pornography, chapter 1, describes the adult entertainment industry as a creative industry. The video pornography industry has many similarities with the audiovisual industry; the characterisation of the pornographic industry as a specific subsector of the CCI is fine-tuned in subsequent sections. I argue that pornography is another cultural industry as defined by Caves (2000) even though the sector seems to be addressed as a completely different industry by academics and policy-makers alike.

Chapter 2 presents a review of the literature in pornographic studies, emphasising the specificity of pornography as an object of research in the economics and management of the creative industries. I have shown that the online adult entertainment sector is a case of low IP regime, preventing content providers from directly selling copyrighted content and forcing them to switch to alternative business models. These models may emphasise ease of access and use for consumers or a live experience.

Chapter 3 illustrates the importance of entrepreneurs and communities in characterising alternative pornography.

Chapter 4 details the methodology and justifies the use of a qualitative method which consists in analysing interviews in a multiple-case study and triangulating with second-hand data. I have gathered data on the members' incentives, creative work and entrepreneurial initiatives in order to characterise creation in alternative pornography, and more particularly, the sex-postitive subgenre.

I was able to carry out interviews at multidisciplinary festival "La fête du slip" held in Lausanne, Switzerland first in March 2016. Organised by the eponymous association, led and created in 2013 by Stéphane and Viviane Morey. This event celebrates sexuality as a part of a sex-positive movement.

Chapter 5 presents the results of our study, focusing on the appropriation of digital content in a context of a weak intellectual property regime and is separated into three parts. It explains the informal appropriation mechanisms which incentivise pornographic creation in alternative pornography, represented by community and entrepreneurial activity.

Findings show that sex-positive and communities carry out three functions: producing content, increasing the symbolic value (sharing) and appropriating revenue of pornographic content (monetising). In addition, I find that the contributions of sex-positive communities and entrepreneurs are complementary, that is communities will mostly have a role in sharing and producing collection while production of original content production and monetisation is carried out by the artists-entreporneurs.

The chapter explores the role of online user communities in partly making up for this appropriation failure and enabling content providers to recoup part of their initial investments. Due in particular to the users' intrinsic motivations and the collective dimension of the usage value, those communities and entrepreneurs can play a significant role in the production and, crucially, in the distribution of pornographic content. They can significantly increase the value of this content by offering additional, complementary services such as more interactivity, rankings, prescriptions, advertising and distribution.

In other words, although sex-positive communities and entrepreneurs do not have the power to fully solve the problem of appropriation failure in the adult entertainment sector, in particular because they do not systematically help produce original content, I argue that they are part of the solution. Their role complements developments already documented in the literature such as the focus on convenience and experience. They reinforce the efficacy of those strategies. In particular, user experience may clearly be enhanced by involving communities, for instance when it comes to interactivity. Similarly, communities can improve user access and uses by contributing to ranking and discussing content.

This research has significant implications for businesses and content producers. In most sectors, the digital era has revealed the importance of social networks and user feedback in the marketing strategies of firms, but they may be even more crucial in a sector with a low IP regime such as online pornography. Producers aiming to enhance interactions and improve access may find online communities to be valuable partners. It is accordingly critical for them to be capable of harnessing the power of those communities. One way to do so might be to sponsor communities and provide them with some resources, as Dorcel (the leading

French producer of pornography) did when they decided to invest in Uplust, an explicit photo sharing and social networking app. However, as they look for the communities' support, firms should remember to keep the communities alive as a creative fringe and remain aware of both their intrinsic and extrinsic motivations. Changing the spirit/goal of the community can kill the community as a creative pool. The example of the Suicide Girls community illustrates this phenomenon: as the website was gradually monetised and the models and photographs were poorly paid, the community felt betrayed and early users of the website, which used to be free, preferred switching to other free and community-fed picture aggregators.

At the time of writing, Pornhub, the porn giant tube, has developed new services that take into account both communities and entrepreneurs in less than 4 years. Such services include free user-generated content (Pornhub Community), a platform for entrepreneurs to sell their content (ModelHub which is comparable to ManyVids), and an alternative porn art installation called Pornhub Nation. The installation features a description on its website which mimics the *manifesto* that can often be found as part of sex-positive pornography initiatives, (see appendix 7.).

image removed due to legal rights

Figure 4. Pornhub Nation description

The giant has not hesitated to experiment with various business models and diversify their product range: mainstream, alternative, free, paying, branded, independent, streaming, downloads, virtual reality... catching up with the creative fringe populated by entrepreneurs and communities.

Secondly, this research adds to the body of knowledge on information in semi-formal organizational settings, home to a variety of gradually structured communities

and to artists and (aspiring) creative entrepreneurs. The importance of space in this work is mainly explained in the literature by the importance of proximity in knowledge creation and sharing. In the case at hand, professionals and amateurs look for ways to perfect their craft but also to exchange information, as distributors and/or consumers. Spatial or institutional proximity with peers and fellow community members fosters the circulation of alt-porn knowledge – film festivals being of course places of choice to observe this phenomenon.

Third, although the industry has been facing a downturn, the resilience of producers, combined with trends towards both consolidation and differentiation and the entrance of a myriad of marginal actors, is reminiscent of Schumpeter's concept of creative destruction characterising a Schumpeter Mark I innovation pattern. The porn industry's situation also reflects the transformations observed in "mainstream" content industries, and highlights the role of copyright in the evolution of a content industry. In a nutshell, this study documents the resilience of the pornographic industry and its potential for innovation as a creative industry.

The conclusions of this study may reflect naive views on how to bring about social change. Feminists have criticised Erika Lust on the grounds that she is not feminist enough or that her fight is too narrow. Yet, although her fight may be a niche one, it is actually happening. Overall, the phenomena described in this thesis apply to a very small portion of the industry and heteronormative norms and opaque processes still prevail in the dominant markets. Still, in shedding light on a stigmatised sector, this case study has paved the way for further research on pornography and insights into the commerce of sexuality.

CHAPTER 7. About the notion of *gratuité* - l'évidence de la gratuité de la pornographie en ligne [63]

Aux premières heures d'internet, et à l'époque du *peer-to-peer* – un système informatique d'échanges de contenus numériques de pair à pair –, la pornographie, définie par le dictionnaire comme « la représentation (par écrits, dessins, peintures, photos) de choses obscènes destinées à être communiquées au public » (*Le Petit Robert* in Ogien, 2008), n'était déjà pas un contenu pour lequel le spectateur était prêt à payer. Le constat reste le même à l'heure des « tubes » gratuits, offrant un nombre incalculable de vidéos méticuleusement (ou non) étiquetées pour correspondre aux envies masturbatoires de chacun. Qu'est-ce qui explique la gratuité apparente de la pornographie? D'une part, le fait que la plupart des consommateurs n'entend pas, à l'ère numérique, payer pour regarder des contenus audiovisuels, quelle que soit leur nature. La pornographie est donc gratuite dans le sens où l'accès à des contenus explicites peut se faire à un prix égal à zéro. D'autre part, elle est vue, au mieux, comme divertissante, et au pire, comme nuisible, puisque contenus pour adultes ne sont pas reconnus comme de véritables œuvres audiovisuelles artistiques (Trachman, 2011). La pornographie est alors gratuite parce qu'elle ne semble pas avoir de sens: c'est un contenu masturbatoire n'ayant d'autre dessein que l'excitation du spectateur.

Nous montrerons dans un premier temps pourquoi la pornographie est considérée comme gratuite, mais nous verrons également que la pornographie en ligne, vue comme un secteur du divertissement alimenté par des passionnés, des bénévoles et des amateurs ne manque pas pour autant de structure. Elle est, en fait, une véritable industrie de la représentation explicite de la sexualité, et n'est pas gratuite au sens économique du terme, comme nous l'envisagerons dans un second temps. Elle a effectivement un coût de production et peut être monétisée, même si le renouvellement des modèles d'affaires dans la pornographie est influencé par les nouveaux usages liés au numérique, et notamment la gratuité pour le consommateur. Nous nous centrerons enfin sur une niche particulière, à savoir la

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post-pornographie, qui se revendique en tant qu'objet culturel, voire comme une pratique artistique proposant une représentation alternative de la sexualité, et cherchant à apporter un changement sociétal. Nous montrerons que les échanges qui ont lieu dans ce milieu ne sont pas forcément matériels (ils peuvent être artistiques et symboliques), et qu'ils se font plus rares, ce qui contraste avec les échanges marchands des entreprises dominantes.

7.1. Illégitimité de la pornographie comme genre cinématographique

Dans la plupart des pays européens, la pornographie est considérée comme « nuisible » comme en témoigne un traitement institutionnel centré sur la protection des mineurs : condamnation de la pédo-pornographie, législation sur l'accès aux sites internet, taxation des produits qui peuvent heurter la sensibilité des jeunes, entre autres mesures[64]. Elle ne peut donc pas être soutenue par le service public comme le sont le cinéma ou d'autres secteurs culturels. En effet, les différents dispositifs légaux viennent réguler le développement de l'industrie pornographique en décourageant en priorité la diffusion et l'accès aux contenus (circuit de distribution distinct et contraint), même s'ils négligent la structuration du secteur (protection, la formation et le suivi des professionnels du milieu).

En France, par exemple, les lois qui concernent le travail du sexe ou l'entrepreneuriat dans l'industrie pour adultes ne sont pas « progressistes », et créent la controverse à chaque fois qu'une mesure tend à soutenir une forme de légitimité de cette industrie. La pornographie se distingue ainsi par ses processus de production et de distribution, qui s'éloignent de celles des œuvres cinématographiques. Les films pornographiques ne peuvent être vus que dans des salles spécialisées, comme dans les pays où celles-ci sont encore autorisées, ou bien sur des chaînes dédiées de la télévision, ou à des conditions précises : plages horaires de diffusion restreinte, message préalable caractérisant la nature explicite du contenu, etc.

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[64] Pour une synthèse des moyens de la protection des mineurs face aux contenus nuisibles dans les médias en Europe, voir Maja Cappello (dir.) (2015) *La Protection des mineurs dans un paysage médiatique en pleine convergence, IRIS plus,* Observatoire européen de l'audiovisuel, Strasbourg.

Muriel Andrin (2010) soutient pourtant que, dans les années soixante-dix, la pornographie s'approchait davantage de la cinématographie, quand les films avaient une narration, qu'ils étaient produits et distribués comme des films de cinéma (en France, grâce à la loi X). Elle aurait perdu cette identité au fur et à mesure des innovations technologiques, en devenant un produit commercial, un divertissement plutôt qu'un objet vidéographique porté par une vision artistique. Ainsi, les vidéos « gonzo » (films sans scénario qui consistent en un enchaînement de scènes de sexe) et des scènes très courtes sans introduction constituent la majorité des films aujourd'hui accessibles sur les tubes pornographiques.

Cette illégitimité de la pornographie comme objet de cinéma se reflète dans l'organisation des échanges, mais aussi dans les codes visuels auxquels le film pornographique fait appel. Linda Williams (1989), souhaitant réenvisager la pornographie contemporaine comme un genre artistique, la distingue de la cinématographie par sa façon de représenter la sexualité, laquelle consiste à donner une « visibilité maximale » de l'acte non simulé. En effet, il existe une vraie différence entre le sexe pornographique et le sexe cinématographique. La pornographie entend donner une image explicite, sans distance symbolique, ni place pour l'interprétation, mais aussi de présenter de l'acte sexuel une image crue bien qu'idéalisée; un acte qui serait sans faille, menant à la jouissance systématique. Le sexe au cinéma refléterait, quant à lui, la complexité du désir, et serait plus réaliste parce que la scène, même explicite, s'intègre dans un contexte narratif ou social (Krzywinska, 2006).

Dans ce contexte, la pornographie apparaît comme gratuite, son rôle n'est que masturbatoire, elle a perdu toute sa valeur cinématographique et esthétique, et elle peut même nuire au bien-être général. Il n'est donc pas étonnant que le piratage de contenus pornographiques soit aussi décomplexé, et que les pornographes ne soient pas les premiers bénéficiaires des mesures de protection du droit d'auteur. La numérisation de ce type de contenus a accentué le manque de considération morale que portent les consommateurs à la pornographie, en tant qu'œuvre de l'esprit. À leurs yeux, désormais, la gratuité des vidéos explicites est une évidence.

7.2. Le coût de la pornographie

Produire une vidéo pornographique a cependant un coût, certes moindre que pour un film classique, et ce coût qui est beaucoup moins facilement amortissable que dans le cinéma, si l'on considère que les œuvres pornographiques sont potentiellement moins protégées du piratage et ne bénéficient quasiment jamais de subventions[65]. En effet, la pornographie en ligne est largement consommée souvent sans respecter les droits d'auteur. Il est vrai que la massification de l'offre complique à la fois la régulation et l'application des lois du droit d'auteur dans cette industrie, si bien que les multiples stratégies de culpabilisation tentées par les ayant-droits ont échoué. On peut, par exemple, citer la campagne « Pay For Your Porn »[66], sponsorisée par un géant de l'édition de contenus pornographiques, Adult Empire, et menée par leurs pornstars sur les réseaux sociaux pour tenter de décourager les fans de regarder les versions piratées de leurs performances.

À l'ère numérique, la consommation des contenus en ligne doit être gratuite selon les usagers (Dang Nguyen et al., 2013 ; Farchy et al. 2015). Ce sont des problèmes que le cinéma et d'autres médias culturels rencontrent également, mais la pornographie a plus de mal à les surmonter que les industries « tous publics ». Les entreprises tentent de limiter ce manque à gagner par des stratégies d'affaires basées sur la gratuité des contenus, tout en offrant un confort d'utilisation et d'accès, qui devient un service payant. C'est ce qui a fait le succès fulgurant des agrégateurs de contenus gratuits, communément appelés les « tubes ». Ces tubes se financent aussi grâce à des accords publicitaires, dont les revenus sont proportionnels aux visiteurs potentiels. La popularité d'un site pornographique - parfois calculée au nombre de visionnages, de clics sur les banderoles publicitaires ou de transactions conclues à la suite d'un renvoi vers le produit promu-, augmente avec la possibilité de visionner des vidéos gratuitement. Les producteurs traditionnels de films pornographiques, pour la plupart, s'appuient sur des stratégies d'interactivité et de service (Darling, 2014), qui correspondent à une évolution commerciale que connaît également le secteur audiovisuel « grand public », à savoir le fait que la valeur

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[65] A noter le contre-exemple que représente *Dirty Diaries*, un projet dirigé par Mia Engberg en 2009 regroupant douze court-métrages explicites, et subventionné par le gouvernement suédois.
[66] See http://www.payforyourporn.org/

ajoutée générée par l'exploitation des droits de propriété intellectuelle ne trouve plus principalement son origine dans la production des contenus mais plutôt dans leur distribution et la fidélisation des clients vis à vis d'une marque. Grâce à leur modèle d'affaire innovant, les tubes dominent désormais le marché, en laissant une part infime aux producteurs traditionnels et aux nouveaux arrivants sur le marché. Par conséquent, beaucoup de professionnels du secteur ne vivent pas de leur activité dans la pornographie.

Même si, concrètement, le coût matériel n'est pas élevé, et plus particulièrement dans les contenus qui mettent en avant un côté « fait maison » ou un amateurisme assumé, il existe un autre coût, d'ordre moral, qui est considérable. La stigmatisation liée à la pornographie est puissante : le plus souvent, les actrices n'assument pas leur carrière, et trouvent difficilement du travail hors du milieu de la pornographie ou de la prostitution (Trachman, 2013), sans parler des séquelles physiques dont les hardeuses peuvent être victimes (maladies sexuellement transmissibles, ou fatigue corporelle, par exemple).

Mathieu Trachman évoque encore de la difficulté à négocier les cachets et de la compétition salariale qui peut exister dans ce milieu, ce qui tire les salaires vers le bas, en particulier pour les actrices:

> *Les actrices subissent donc un double processus de dévalorisation qui les situe de manière pérenne dans une position subordonnée sur le marché du travail. On peut expliciter ce mécanisme, quitte à en durcir un peu les traits. D'une part, en tant que débutantes, soit par ignorance, soit par reconnaissance des qualifications d'actrices plus confirmées, elles acceptent un prix relativement bas. D'autre part lorsqu'elles acquièrent une notoriété qui leur permet de revendiquer un juste prix, elles sont dévalorisées au regard des jeunes actrices qui arrivent sur le marché.*

> *(Trachman, 2013, p. 215)*

Il montre ainsi que l'activité pornographique n'est pas aussi lucrative qu'on le croit, et que la rétribution pour ces professionnels – qui ne le sont souvent que pour une courte durée – n'est pas purement monétaire.

Cela alimente une série de préjugés : la production pornographique est gratuite, et les acteurs ou actrices seraient peu rémunérés parce qu'ils retirent avant tout du plaisir de leur performance. On pense alors au fantasme de l'argent facile, gagné sans trop d'efforts car il ne demanderait que peu d'investissement matériel ou moral de la part des protagonistes. La création audiovisuelle pornographique serait seulement motivée par les désirs de ses acteurs et de ses producteurs, et le salaire serait un supplément. Cette idée reçue d'une inclination de la part des protagonistes à s'exhiber gratuitement fait écho au faux amateurisme qui a lieu dans l'industrie. En effet, la vidéo étiquetée « amateur », recherchée par les consommateurs, est en réalité souvent issue d'une stratégie mercantile, et d'un processus parfaitement maîtrisé par les professionnels de l'industrie (Zecca, 2014).

7.3. Faux amateurisme

Les personnes travaillant dans la pornographie sont souvent présentées, en premier lieu, comme des personnes davantage attirées par le sexe que par l'aspect technique et esthétique de la création vidéographique. Les acteurs et actrices des vidéos du sous-genre « amateur », en particulier, cherchent une satisfaction personnelle (Hardy, 2009), une gratification intrinsèque plutôt qu'une compensation monétaire, lorsqu'ils décident de participer à ce type de contenus en réalisant eux-mêmes une vidéo exposant leurs moments intimes. Par ailleurs, le réalisateur de films pornographiques, quel que soit son sous-genre de prédilection, est souvent considéré comme un amateur dans les milieux de la production cinématographique. Pour certains pornographes, le mot même de « réalisateur » est problématique, parce qu'il « connote le monde du cinéma (le « traditionnel ») trop éloigné de son métier » (Trachman, 2013, pp. 66-72). Mathieu Trachman explique qu'un nombre des pornographes qu'il a interrogés vont jusqu'à revendiquer leur statut d'amateur.

Le fait peut surprendre, parce qu'il faut pourtant, pour exposer les corps nus et les actes sexuels explicites, des compétences très spécifiques, une certaine technique, en termes de lumière ou de positionnement de la caméra, et enfin de l'expérience. On peut supposer que cette idée de dilettantisme s'est renforcée avec la numérisation qui a donné lieu à la démocratisation du matériel de création et de montage, en permettant à un grand nombre de personnes de produire leur propre

contenu, d'où la démultiplication des films amateurs dans tous les genres cinématographiques et artistiques, et notamment en pornographie.

Ainsi, les contenus pornographiques générés par les utilisateurs connaissent un succès phénoménal, à l'instar du « porno réalité » de Jacquie et Michel[67]. Cette marque doit dans un premier temps son succès au site internet du même nom qui permet à ses utilisateurs de partager eux-mêmes leurs photographies osées. Plus tard, le site donnera accès à des vidéos pornographiques mettant en scène des amateurs filmés par des professionnels, et qui sont appréciées par les spectateurs pour leur côté apparemment décontracté, « à la bonne franquette » (Cosnard, 2015). Le succès de Jacquie et Michel est symptomatique d'une demande croissante de vidéos pornographiques mettant en scène des amateurs mais qui sont filmés de façon à exhiber des *meat shot* (plans serrés sur la pénétration génitale) et le *money shot* (plan sur l'éjaculation masculine), qui sont, caractéristiques, selon Linda Williams[68], du genre pornographique *hardcore*, explicite et non simulé.

Les films amateurs sont recherchés par les consommateurs dans tous les sous-genres pornographiques et pour différentes raisons. La pornographie représente un acte sexuel non simulé, « réel ». Si, dans la plupart des films pornographiques, l'acte est mis en scène, mais la frontière entre représentation et réalité n'est pas souvent claire, et les films qui sont produits de manière à ressembler à des films amateurs, dans le sens où ils ont l'air d'être pris sur le vif, ne sont pas rares. Pour se démarquer, les productions introduisent régulièrement des actrices n'ayant pas ou peu d'expérience (Trachman, 2013), peu connues, de façon à maintenir le fantasme de la débutante ou de la fille ordinaire. L'amatrice est recherchée pour ses réactions spontanées, pour l'image qu'elle peut renvoyer d'une fille qui aime le sexe, qui cherche à expérimenter voire repousser ses limites, et qui pourrait quasiment être filmée pour le plaisir exclusivement.

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[67] www.jacquieetmichel.net/

[68] Voir Linda Williams (1989) pour les notions de *meat shot* (p. 101) et le *money shot* (p. 72)

Il n'y a qu'un pas vers le bénévolat, et il existe bien une production pornographique purement amatrice et gratuite, que Federico Zecca classe dans les *porn "home movie"* (littéralement, le « film familial » pornographique). Ce type de vidéo se rapproche davantage de la captation d'un moment intime, et se différencie d'une vidéo destinée à être vendue, et démontrant les compétences filmiques et commerciales d'un amateur (*pro-am porn*), ou bien encore d'un film réalisé par des professionnels mais imitant une vidéo « amateur » (*corporate amateur porn*) (Zecca, 2014). Ainsi, certains utilisateurs produisent effectivement bénévolement, et mettent à disposition leur travail, la plupart du temps gratuitement, sur les plateformes en ligne, bien qu'on puisse soutenir que la satisfaction retirée par l'exhibition de soi est la contrepartie non monétaire de ce type de don.

La numérisation, en permettant une baisse des coûts de production, a rendu possible le développement de contenus générés et distribués par les utilisateurs eux-mêmes. Les grandes entreprises récupèrent cette dynamique en incluant dans leur offre la catégorie « amateur » (Slayden, 2010), ce que font également de plus petites structures, professionnelles ou associatives. Cette « démocratisation » (Coopersmith, 1998) de la pornographie n'empêche pourtant pas le public d'en avoir une fausse image, en tant que milieu régi par des amateurs, et alimenté par des passionnés et des bénévoles.

On observe toutefois que cette visibilité ainsi augmentée pour le genre pornographique permet aussi l'émergence d'une catégorie particulière de contenus produits par des utilisateurs, et des acteurs de la pornographie dite « alternative ». Nous nous intéresserons au cas de la post-pornographie, qui propose des contenus qui se veulent différents des géants du *mainstream* (le marché dominant), offrant des vidéos stéréotypées s'adressant avant tout à un public masculin et hétérosexuel. La *post-porn* n'est pas seulement une niche esthétique de contenus explicites, elle propose une structuration différente des échanges de biens et de services. Cette proposition s'accompagne d'idéaux sociétaux, et parfois artistiques, ce qui influence les modèles d'affaires se basant sur des échanges symboliques, mais aussi sur une professionnalisation des parties prenantes, afin de proposer une alternative crédible à la pornographie *mainstream*.

7.4. La post-pornographie: la structuration d'une production de niche

La post-pornographie est un genre récent dont les critères déterminants sont encore flous, même si Rachele Borghi (2013), a proposé une définition des éléments caractéristiques de la première performance post-porn, réalisée par Annie Sprinkle en 1990, et appelée *The Public Cervix Announcement*. L'artiste, docteure en sexualité humaine, affirme assurer une mission d'information en exposant son vagin au public à l'aide d'un spéculum, à travers lequel les spectateurs étaient invités à regarder. Rachele Borghi précise que

> *Cette performance présente en effet de nombreuses caractéristiques constitutives du postporn : abolition de la distinction entre public et privé, usage de l'ironie, rupture avec la dichotomie sujet/objet, effacement de la frontière entre la culture légitime (l'art) et les productions culturelles illégitimes (la pornographie), implication des spectateurs, exposition publique de pratiques traditionnellement inscrites dans la sphère privée, dénonciation de la médicalisation des corps, renversements, mise en question du lien entre sexe et sexualité, usage de prothèses (le spéculum dans ce cas).[69]*

Le mouvement post-pornographique ne se réduit pas aux contenus vidéographiques qu'il produit, même si c'est la forme la plus manifeste d'opposition à la pornographie contemporaine *mainstream*, considérée comme androcentrée voire machiste, et qu'on trouve massivement sur internet.

Selon Giovanna Maina (2010), la pornographie alternative, regroupe différents phénomènes. Il s'agit, d'une part la pornographie communautaire, inscrite dans des iconographies et pratiques sub-culturelles comme le déguisement, les modifications corporelles – tatouages, piercings et scarification –, ou le BDSM – pratiques du bondage, de la discipline, de la domination, de la soumission et du sado-masochisme. Il s'agit, d'autre part une pornographie qui s'apparente à la post-pornographie, dans la mesure où elle met en avant des corps et des pratiques rarement exposées dans le mainstream et revendique une certaine authenticité du

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[69] L'artiste explique sa démarche artistique sur son site internet: « One reason why I show my cervix is to assure the misinformed, who seem to be primarily of the male population, that neither the vagina nor the cervix contains any teeth. Maybe you'll calm down and get a grip. Lots of folks, both women and men, know very little about female anatomy and so are ashamed and/or afraid of the cervix. That's sad, so I do my best to lift that veil of ignorance. » accessible http://anniesprinkle.org/a-public-cervix-anouncement/

plaisir et de la créativité dans une « démarche attentive au public féminin et au mouvement pro-sexe »[70]. Giovanna Maina (2010) souligne également le fait que la pornographie alternative essaie de s'approcher d'une représentation réaliste de la sexualité en ce qu'elle interroge utilise des codes sub-culturels, parfois inscrits dans des dynamiques militantes (LGBT ou féministes), ce qui invite aussi à l'examen de soi (en tant qu'être social) et de sa propre sexualité. Elle précise

> *Ainsi, dans le mode de représentation de la pornographie alternative, le sexe réaliste est censé être, si ce n'est imparfait, au moins plus complexe et multidimensionnel que dans le mainstream ou même dans la pornographie « amateur ». En ce sens, l'attrait pour le caractère sub-culturel et les identités fortes qui sont représentés interrogent la place du désir aussi bien des producteurs que des consommateurs dans leurs modes de vie et leurs fantasmes sexuels.*

> *(Maina, 2010, p.376)*

La pornographie devient alors un objet et une pratique culturels et artistiques, et non plus (seulement) un produit ne cherchant purement qu'à représenter l'« obscène » (Slayden, 2010), parce qu'elle fait plus que refléter un acte sexuel ou un fantasme, et les replace dans une narration ou un contexte social.

Entre la préservation de la liberté d'expression et la protection de la moralité, les décisions concernant les modalités des échanges de biens et services pornographiques font partie d'un marché dominé par un petit nombre d'entreprises. Les acteurs les moins importants économiquement arrivent néanmoins à mettre en place des modèles d'échanges et d'affaires cohérents avec leurs valeurs politiques et artistiques, qui se restreignent toutefois à un niveau que l'on peut qualifier de communautaire.

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[70] Voir la définition proposée par le site Urban Dictionary: « Alternative Pornography: A medium (mainly online but also occasionally in print) consisting of an alternative to mainstream pornography; websites that often offer communities where members can communicate with models, breaking down barriers and exploitation by featuring models who are real people. Often features men and women of subculture and considered woman-friendly and sex-positive », [en ligne] http://www.urbandictionary.comdefine.php?term=alt+porn, citée par Audacia Ray, Naked on the Internet. Hookups, Downloads and Cashing In on Internet Sexploration, Emeryville, Seal Press, 2007, p. 160.

7.5. Échanges symboliques dans la post-pornographie

Selon les entretiens que nous avons pu mener auprès de membres de la communauté post-porn, ou auprès d'experts et d'artistes[71], il est évident que ceux-ci sont souvent en interaction avec une communauté en ligne et hors ligne, qui est fidèle, et prête à participer financièrement (mais pas seulement) à la production de contenus pour adultes. Cependant, si les contenus générés par les utilisateurs existent, la participation des internautes ne passe pas forcément par le jeu actoriel ou la production, mais plutôt par la distribution et la prescription, et dans certains cas, par la valorisation des contenus pour leurs qualités esthétiques voir éthiques.

Dès les débuts d'internet dans les années 1990, le rôle des utilisateurs a été crucial dans la distribution des contenus en ligne. Sharif Mowlabocus (2015) indique que: « les premiers groupes Usenet, les Bulletin Board Systems, ainsi que les forums offraient la possibilité aux utilisateurs de téléverser, télécharger, partager, échanger et commenter du matériel pornographique». Les internautes ont ainsi échangé des images et contenus explicites à travers des protocoles de pair-à-pair, puis plus tard, avec l'avènement de l'internet 2.0. et l'amélioration de la bande passante, ils ont partagé ces fichiers informatiques plus rapidement et de façon plus importante (en quantité et en poids de fichiers), améliorant ainsi la diversité des contenus et l'accès à la pornographie en ligne. À partir de là, des communautés en ligne se sont développées, en se centrant sur certains genres[72], ce qui est le cas des consommateurs de post-pornographie. Ces communautés peuvent être définies comme des groupes de personnes partageant le même intérêt, et collaborant régulièrement, dans le but de créer des connaissances spécifiques dans un cadre régulé par un ensemble de normes sociales (Cohendet et al., 2006).

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[71] Voir chapitre 4 sur la méthodologie de recherche et la récolte des données.
[72] C'est par exemple le cas du « Realcore » consistant en la fétichisation de contenus "amateur" et qui s'est développé à travers les réseaux Usenet, comme l'indique Mark Dery dans un entretien avec Sergio Messina (2007).

Dans ce contexte, la communauté post-pornographique prend en charge une partie de la production, de la distribution et de la promotion des contenus, et ce, non seulement en ligne mais aussi en présentiel dans les festivals. Ce faisant, ces utilisateurs-acteurs participent aussi à la structuration d'une niche en facilitant les échanges et les services pornographiques. Il existe, en particulier dans la post-porn, une éthique de la débrouillardise ou du « faire soi-même » (en anglais, DIY ou do-it-yourself), rendue possible par la démocratisation des outils de travail et du genre pornographique (Slayden, 2010), mais qui est aussi encouragée par une certaine précarité vécue par les professionnels et les semi-professionnels du milieu. La gratification intrinsèque est bien présente parmi les pornographes interrogés même si beaucoup déclarent clairement être satisfaits lorsqu'ils sont rémunérés grâce à leur travail pornographique:

> *Tu le fais par passion, par intérêt personnel, par intérêt artistique, plus que pour le vendre par exemple. Oui, et c'est ce que [mon collectif][73] représente, on adorerait gagner de l'argent, mais on le fait principalement parce qu'on aime ça, c'est une passion. (Pornographe 1)*

> *Je me suis découvert sexuellement, entre autres, depuis que je fais de la pornographie. C'est important pour moi d'exprimer mes idées à travers la pornographie, d'exprimer ce qu'est ma vision de la sexualité. En même temps, je veux en faire un métier. Au-delà de ma passion pour communiquer des choses... il y a l'argent. (Pornographe 2)[74]*

L'idée de fabriquer soi-même ses contenus pornographiques vient aussi du manque d'offres, lesquelles sont majoritairement androcentrées, et présentent surtout des corps standardisés. Fabriquer ce qu'on aimerait voir parce qu'on ne le trouve pas dans la réalité, c'est une façon de légitimer ses fantasmes, mais aussi des pratiques et préférences sexuelles qui ne sont pas toujours visibles, voire taboues et parfois interdites.

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[73] Collectif d'artistes anonymé par l'auteur.

[74] Traduction personnelle, les deux pornographes cités ont répondu en anglais.

Il est courant d'observer dans la communauté post-porn du travail bénévole ou des trocs de biens ou de services, notamment dans l'organisation de festival ou lors de tournages de films. Les festivals post-pornographiques rassemblent souvent les mêmes participants, en tant que spectateurs ou intervenants, en tant que jury ou candidat, lorsque le festival organise aussi un concours. Il n'est pas rare que les acteurs deviennent à leur tour réalisateurs, que les créatifs deviennent des techniciens, le temps d'un tournage, et qu'ils inversent les rôles lors d'un prochain tournage. Il arrive que le festival et le tournage aient lieu avant même de savoir s'il va générer du profit, mais, à vrai dire, comme dans la plupart des secteurs culturels. Deux pornographes interrogées ont d'ailleurs participé à une œuvre dans laquelle l'ensemble de l'équipe était bénévole dans un premier temps, et était d'accord pour partager équitablement les recettes éventuelles des ventes, même si ces recettes étaient nulles au moment des entretiens.

Il est intéressant de constater que les créateurs et les créatrices de contenus post-pornographiques tirent une certaine satisfaction d'échanges informels et symboliques. Dans la niche féministe, par exemple, les producteurs sont proches des consommateurs et vice-versa, la pornographie y est vue comme une extension de soi, et les échanges qui ont lieu contribuent à la construction d'une communauté réunie autour d'une même vision éthique de la pornographie.

Cependant, certains protagonistes de la scène post-porn cherchent à se professionnaliser et y parviennent, notamment lorsqu'ils arrivent à monétiser leurs contenus. Cette commercialisation d'œuvres politiquement et artistiquement chargées de sens pose parfois un problème dans ce milieu qui porte une vision utopique de la pornographie éthique, dans laquelle une représentation sincère et artistique du plaisir ne peut se mêler à des considérations mercantiles. D'un autre côté, infiltrer le marché peut être une manière de rendre la post-pornographie visible pour la masse de consommateurs habitués à voir des pratiques et des représentations calibrées pour un public hétérosexuel et masculin.

7.6. Professionnalisation et monétisation de la niche

Dans un milieu où le DIY est de mise, les initiatives personnelles d'auto-formation sont nombreuses, aussi bien pour des compétences en technique cinématographique qu'en communication ou en gestion d'entreprise. Par conséquent, les artistes de post-porn sont souvent à multi-casquettes et reconnus comme des « entrepreneurs » (Zecca, 2014). Certaines artistes sont parvenues à se professionnaliser ou à être reconnues par le mainstream, tout en produisant un contenu de niche. Parmi les pornographes du sous-genre féministe par exemple, on rencontre parmi celles qui ont réussi à vivre de leur travail des amatrices (comme par exemple Lucie Blush), des cheffes d'entreprise (Erika Lust) ou des actrices devenues réalisatrices (Ovidie). En proposant des œuvres respectant une certaine esthétique et une éthique de production, ces réalisatrices et cheffes d'entreprise ont réussi à rassembler autour d'elles des communautés prêtes à s'engager économiquement, si ce n'est artistiquement et politiquement, pour soutenir la philosophie post-porn qui cherche finalement à proposer une alternative crédible (professionnellement et économiquement) face au mainstream écrasant.

La niche post-porn semble se structurer, même si cela reste informel, et certaines de ses initiatives commerciales sont fructueuses. Cependant, le modèle économique de la post-porn, basé sur les réseaux d'entraide, les échanges symboliques et une monétisation le plus souvent rare, ne fait qu'exceptionnellement émerger des succès commerciaux, ce qui ne permet pas de consolider la niche en tant que véritable segment de marché. Concrètement, les vidéos post-porn sont très peu présentes sur les plateformes de partage de vidéos, et elles sont difficiles à trouver dans les moteurs de recherche tant les tubes sont omniprésents sur le web pornographique.

7.7. Conclusion du chapitre 7

Ainsi, derrière l'apparente gratuité de la production de vidéos pornographiques en ligne, se cachent en fait, soit des échanges commerciaux, soit des échanges symboliques. La gratuité n'est finalement qu'une illusion pour des consommateurs qui considèrent que l'objet pornographique, accessible en ligne sans contraintes, n'est pas un produit pour lequel l'usager doit à payer. Les quelques entreprises dominant le marché ont adapté leurs modèles d'affaires en y intégrant la gratuité de certains produits, et elles survivent notamment en attirant des utilisateurs friands de contenus mettant en scène des nouveaux visages, ou montrant des actes sexuels avec un réalisme et une spontanéité apparents, nourrissant l'image d'une industrie d'amateurs.

Une réponse créative des mouvements contre-culturels à cette industrialisation de la production des représentations de la sexualité se fait pourtant entendre, et elle se base sur des principes du don et de la fabrication par soi-même: le bénévolat et les échanges de bons procédés sont monnaie courante dans la niche post-pornographique. Le but ultime, pour ce genre né du mouvement féministe pro-sexe et des luttes LGBT est de rendre visible des sexualités et des esthétiques alternatives à la pornographie de masse, et, pour ce faire, les artistes et entrepreneurs de la niche se reposent sur une communauté qui prend à sa charge le fait de la diffuser et parfois de la financer. La pornographie n'est donc pas gratuite car elle a un coût que les producteurs parviennent tant bien que mal à monétiser, et qu'elle peut, dans le même temps, devenir chargée de sens étant un objet culturel porteur de valeur esthétiques et sociales comme dans le cas des contenus post-pornographiques.

CHAPTER 8. French summary - Résumé de la thèse

Considérée comme nécessitant des technologies de haut niveau (Benghozi et al. 2011), l'industrie audiovisuelle est touchée dans son ensemble par les innovations technologiques qui se développent à très grande vitesse depuis l'avènement d'Internet. Les perturbations provoquées par la numérisation ont montré que les entreprises développant de nouvelles technologies de l'informatique et de la communication (NTIC) prennent de plus en plus de poids sur le marché de l'audiovisuel, bouleversant ainsi les processus traditionnels de production et de distribution qui sont davantage tournés vers des modèles d'affaires basés sur la rentabilité économique (Benghozi et al. 2011). Par conséquent, la question est de savoir comment la création artistique peut encore être motivée, malgré le fait que l'industrie audiovisuelle se restructure progressivement autour d'acteurs souvent spécialisés dans les innovations technologiques et davantage motivés par le profit que par la pure création artistique.

La littérature portant sur les Industries Culturelles et Créatives (ICC) développe le plus souvent le dilemme classique l'art en opposition au commerce à la Caves (2000). Les changements apportés par la numérisation ne font qu'aggraver le problème. De nombreux secteurs culturels comme la peinture, la musique et le cinéma, ont en effet été étudiés pour comprendre l'impact de la numérisation sur le potentiel de création artistique de l'industrie, et sa compatibilité avec l'innovation technologique. Les industries culturelles et créatives sont souvent examinées en éludant certains secteurs également touchés par ce dilemme entre la création et la rentabilité. Cette thèse prend le parti d'étudier l'industrie pornographique en tant que cas inexploré dans le domaine des ICC représentant un marché bien particulier, soumis à des restrictions spécifiques dues au caractère "adulte" des contenus, tout en produisant des œuvres originales et commercialement exploitables. En analysant la coévolution de ses acteurs économiques, de ses institutions et de la numérisation, nous fournissons une étude sur la façon dont le secteur pornographique réorganise son processus créatif face aux changements technologiques et économiques.

La thèse est divisée en deux parties et cinq chapitres.

La première partie présente le cadre théorique sur lequel s'appuie cette thèse. Elle est subdivisée en trois chapitres, décrivant l'industrie pornographique comme un sous-ensemble des industries créatives. La deuxième partie de la thèse reprend cette définition dans la méthodologie utilisée pour l'analyse de cette industrie. En effet, en examinant la production de contenu créatif, j'écarte volontairement les jugements de valeurs ou l'aspect polémique des dangers potentiels pour la société que générerait la pornographie en tant qu'activité culturelle. Au lieu de cela, j'étudie la pornographie au même titre qu'une production culturelle tous publics.

La thèse se concentre spécifiquement sur les pornographies alternatives, avec une attention particulière aux contenus vidéographiques. Le pluriel, "pornographies", est délibérément utilisé ici car la pornographie existe dans des formats (littéraire, audiovisuel, etc.) et des sous-genres très divers. Le cas des pornographies alternatives permet de mettre en évidence certains mécanismes observés parmi un large éventail d'industries créatives, ainsi que celles spécifiques à la pornographie.

Le chapitre I donne une définition du terme "industrie créative" et offre une vue d'ensemble de l'innovation dans les industries créatives. Il examine la dynamique contemporaine de la création et de l'exploitation dans le secteur de l'audiovisuel, qui est sans doute le plus proche de la pornographie vidéo grand public. Ce chapitre nous permet d'introduire la pornographie en tant que cas particulier des ICC. Nous distinguons deux types de processus créatifs selon le segment de marché. D'une part, la pornographie commerciale, ou mainstream, est produite dans un contexte de marché stabilisé et d'innovation incrémentale à la Schumpeter Mark II. D'autre part, la pornographie dite "alternative", qui se veut plus artistique et exploratoire, est créée dans un contexte où les barrières à l'entrée du marché sont faibles, et l'innovation est foisonnante et plus radicale, à la Schumpeter Mark I (Fontana et al., 2012). Cette distinction nous permet d'étudier les deux segments séparément : la pornographie *mainstream* au chapitre II et la pornographie alternative au chapitre III.

Le chapitre II passe en revue la littérature sur la pornographie dans le but de donner une image générale et contemporaine du divertissement pour adultes. En contextualisant la pornographie vidéo dans le paysage plus large du divertissement pour adultes, nous obtenons une meilleure compréhension du secteur au niveau de sa diversité et des questions qui peuvent émerger en termes de problèmes d'éthique, de réglementation du travail, d'incitation à la créativité et de protection de l'innovation.

Le chapitre explore également les conditions d'exploitation des droits de propriété intellectuelle, une question-clé pour les ICC. Les stratégies d'appropriation dans le divertissement pour adultes diffèrent légèrement des autres industries de contenu, car les vidéos pornographiques relèvent d'un régime faible d'application des droits de propriété intellectuelle (Darling, 2014). Ceci a une incidence sur les possibilités d'exploitation des œuvres protégées par le droit d'auteur et modifie par conséquent les incitations à la création de contenu pornographique. Le cas de l'industrie pornographique *mainstream* a été notamment documenté par Kate Darling (2014). Cette thèse se concentrera davantage sur le segment alternatif.

Le chapitre III décrit la pornographie alternative en mettant l'accent sur deux types d'acteurs importants de son économie : les communautés et les entrepreneurs créatifs. Les communautés et les entrepreneurs de la pornographie diffèrent des autres en ce sens que leurs contributions à la création sont souvent fondées sur l'illégitimité du travail pornographique (Trachman, 2011) et l'amateurisme (deux caractéristiques qui se renforcent mutuellement).

À une époque de piratage généralisé et de manque de considération pour le travail et les œuvres pornographiques, comment la création de contenu numérique pour adultes est-elle encouragée, monétisée et valorisée ? La thèse souligne justement l'implication des communautés créatives et des initiatives entrepreneuriales dans la pornographie alternative comme une source de créativité alimentée par des motivations intrinsèques et subjectives. En effet, la pornographie alternative et ses communautés se distinguent par leur essence subculturelle, imprégnée d'activisme politique et d'idéaux sociétaux.

La deuxième partie de la thèse présente un travail de terrain qui documente la dynamique de la création dans un sous-genre de la pornographie alternative: la pornographie sex-positive. D'après la définition de la linguiste Marie-Anne Paveau, elle "défend la réappropriation de leur corps par les femmes qui pratiquent le sexe dans le cadre de la prostitution ou de la pornographie" (Paveau, 2014, p. 115). Cette partie empirique et qualitative analyse l'appropriation dans la pornographie sex-positive. Je montre que la valorisation dans cette branche de la pornographie est surtout symbolique et se fait par le biais de processus informels d'appropriation de la propriété intellectuelle.

Tandis que les entrepreneurs créatifs et les communautés se rencontrent dans des tiers-lieux connus pour galvaniser les échanges de connaissances et la collaboration (Cohendet et al, 2010), cette étude se concentre sur un de ces lieux, nous permettant ainsi d'être au cœur de la dynamique créative dans le domaine de la pornographie *sex-positive*. Les festivals en tant que tiers-lieux (Hawkins & Ryan, 2013) sont particulièrement appréciés en tant qu'espaces de rencontre pour les communautés pornographiques sexuellement positives. Par conséquent, la méthodologie de cette thèse est basée sur l'analyse d'un corpus de sources qui comprend des archives en ligne et des interviews (entre 2014 et 2017), et deux enquêtes de terrain (en 2016 et 2017) menées au Festival "La Fête du Slip" à Lausanne, en Suisse. La collecte de données de première main a été effectuée lors de cet événement multidisciplinaire, qui a accueilli une compétition de films alt-porn. Ce travail m'a permis d'accéder et d'observer l'activité communautaire en alt-porn, et d'être en contact avec des artistes-entrepreneurs à différentes étapes de leur carrière.

Les autres données d'entretien ont été recueillies principalement dans des livres et en ligne. Ces données supplémentaires m'ont aidé à identifier les incitations, les stratégies et les processus d'apprentissage supplémentaires d'une poignée de créateurs de contenu. Les deux derniers chapitres de la thèse présentent les résultats de l'analyse du corpus d'entretiens dans son ensemble.

Je montre d'abord comment les communautés à travers l'appropriation informelle contribuent à augmenter la valeur symbolique de la pornographie alternative. Bien qu'elles ne compensent pas à elles seules la perte potentielle de

revenus résultant du piratage et du manque de débouchés, les communautés de connaissances, ou *knowledge communities* (à la Harvey et al, 2015), contribuent à renforcer les mécanismes alternatifs aux incitations créées par les droits de propriété intellectuelle.
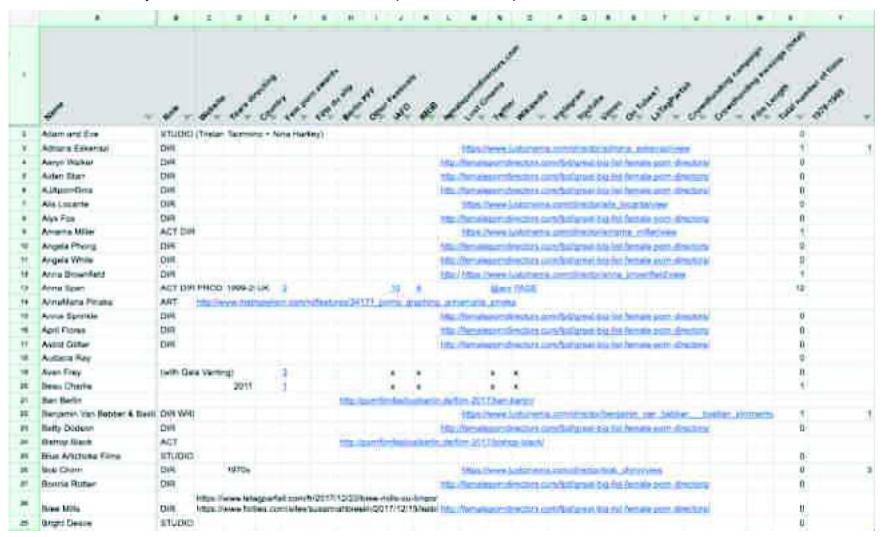
Deuxièmement, les modèles d'affaires de la pornographie *sex-positive* qui sont également basés sur l'appropriation informelle, sont exploités par des entrepreneurs qui cherchent à améliorer leur réputation sur le marché. Ils le font en construisant une image de marque de la pornographie alternative et indépendante (*indie*) en tant que segment différencié (basé sur une production dite « éthique ») et avec un fort soutien des communautés environnantes (qui voient l'entrepreneur comme un représentant de leur activisme et porteur de leur message).

Le chapitre VII, écrit en français, est une extension du travail de thèse sur la notion de « gratuité » dans la pornographie en ligne. Ce chapitre explique pourquoi la pornographie est considérée comme gratuite au sens économique comme au sens moral du terme. A la fois illégitime comme occupation professionnelle et comme objet de cinéma, la production pornographique semble être créée par des amateurs et des passionnées sans rémunération. Elle est aussi consommée la plupart du temps sur les agrégateurs de contenus (*tubes)* qui ont la capacité d'offrir des millions de vidéos gratuites. Je montre cependant que face à l'évidence de cette gratuité de la pornographie en ligne, se cachent à la fois des échanges commerciaux et des échanges symboliques. Enfin, le chapitre VIII est un résumé de la thèse en français.

Dans l'ensemble, la thèse contribue à la compréhension de la pornographie en tant que secteur créatif sous un régime de propriété intellectuelle distinct. Cet ouvrage défend la possibilité d'adopter un autre point de vue sur le secteur, en le considérant comme une production artistique et culturelle. Au lieu de se concentrer sur la présomption que la pornographie est intrinsèquement mauvaise, cette approche examine son fonctionnement en tant qu'industrie, et s'intéresse à ses communautés et à ses initiatives entrepreneuriales sur le terrain de la pornographie *sex-positive*.

APPENDIXES

APPENDIX 1 - Alt-porn network database - Extract (29 on 225 lines)

APPENDIX 2 - Exploratory questionnaire - mainstream

(questionnaire A)

Answers should be personal and spontaneous; we do not expect a professional or economic analysis.

1) Which sites are you using and why?
2) Can you give me three names of sites that are, in your opinion, the most popular?
3) Do you search contents by keywords? If so, are you looking for specific things? If not, how do you search for contents?
4) When you search for contents, do you care about a) actresses, b) the producer, c) recommendations?
5) Do you watch free content only? Or do you sometimes pay for porn too?
6) Could you name porn producers?
7) Do you choose porn based on the nationality of the production or of actresses?
8) To your opinion, who are the market leaders of online porn? Who are the best? (always in terms of nationality)
9) The most common type of online consumption of porn is free content. But some people do pay as the industry still generates revenue. But who pays and what do you think they pay for?
10) How has the internet changed porn?

Les réponses doivent être personnelles et spontanées, on ne demande pas une analyse professionnelle ni économique.

1) Vers quels sites tu te diriges et pourquoi ?
2) Peux tu me donner trois noms de sites qui sont, à ton avis, les plus fréquentés?
3) Est ce qu'il t'arrive de faire des recherches par mots-clés? Si oui, cherches tu des choses précises? Si non, comment recherches tu les contenus?
4) Fais tu attention a) aux actrices, b) au producteur, c) aux recommandations ?
5) Est ce que tu consommes seulement du gratuit, du payant, les deux?
6) Est ce que tu as des noms de producteurs/boîte de production en tête?
7) Choisis tu les contenus en fonction de la nationalité de la production ou des actrices ?
8) A ton avis, quels sont les leaders sur le marché du porno en ligne? Quels sont les meilleurs ? (toujours en terme de nationalité)
9) Le mode de consommation le plus fréquent est basé sur du gratuit. Y'en a qui payent pourtant si ça continue de marcher. Mais qui paye et qu'est ce qu'ils payent ?
10) En quoi internet a changé le porno?

APPENDIX 3 - Field questionnaires - Communities

Appendix 3.1. User communities (questionnaire D)

1. Why are you coming to the festival? Were you advised? Out of conviction?
   We can suggest: curiosity, representativeness, informational, educational, equality, meeting people with the same interests/community members, activism, aesthetics

2. Do you have a preference for niche films (e.g. lesbian, feminist)? If so, why?

3. Would you recommend any of these films to your friends? If so, why?

   a. To members of your community? If so, why?

   b. To strangers? If so, why?

4. Do you use social networks? Frequency?

   a. Do you share content? Do you give your opinion on networks?

   b. If yes, opinion on contents (or prescription, criticism)

5. Do you consult movie review sites? Do you consult "community" sites? (what types of service/information are you looking for?)

6. Do you participate in the life of these sites? If so, how?

   - Prescription?
   - Distribution ?
   - - Production?

7. Do you consider yourself part of a community? If so, which one?

8. How has the Internet changed the consumption of pornographic films? (piracy has increased but has community activity also increased?)

9. Attitude as a spectator:
   - in front of the copy (ex. on a site different from the producer)
   - in the face of plagiarism
   - Do you know whether it happens? Is it "serious"?
   - Does copying contribute to creativity?
   - Does copying contribute to the distribution? of rare content? of "quality" content?

10. Do you watch porn? If yes, what is your overall budget for pornography?

    a. Can you detail what type of goods and services you buy and in what proportions (e.g. a movie theatre ticket; VOD; DVD; literature/magazines; subscriptions on sites, festivals)?

    b. If zero, why should it be free?

11. What's your opinion about amateur porn movies? Are there many? Are you watching? Are they wanted? (open-ended question)

12. How did you hear about the festival?

Appendix 3.2. Producer communities (questionnaire E)

1. What are your motivations to direct/produce/program/distribute a film? What are the obstacles (If necessary, suggest the extrinsic, intrinsic and mixed motivations of the table)?

2. Are you aware of copyright issues? (give ex. if necessary: illegal copying, plagiarism, censorship, etc.)

3. How do you make money? What is your business model? How sustainable is your business?

4. What is the impact of digital on your sales/attendance?

5. Are you addressing a community? If so, which one?

6. Do you belong to a community? If so, which one?

7. What is the role of communities in your business model?

8. Do communities have a key role in terms of:

    a. content production?

    b. prescription?

    c. distribution (Tumblr, specialized platforms, forums)?

    d. advertising?

    e. Do you have any examples?

9. In a world where piracy is a very common practice, do you think there are standards that govern the behaviour of members of a community in the face of copying, plagiarism, censorship of films addressed to them?

APPENDIX 4 - Field questionnaire - Community space

(questionnaire H)

1. ORGANISATIONAL
1.1. MISSION

What was your motivation to create and organise the festival? (artistic? activism?)
Why do you work for the festival? Are you paid? If yes how much? If not, what do you benefit from working here?

1.2. BACKGROUND/HISTORY

Can you tell us how did the first festival go? How did you find funding and did you break even?
Did you ask for subsidies? Did you meet any difficulties in getting them?
In which proportion do you get subsidies and how do you make extra revenues? ex. catering + off-season concerts
In which proportion do you have to rely on revenues outside tickets?

1.3. BUSINESS MODEL/SUSTAINABILITY/ ORGANISATIONAL SKILLS

How is the situation today? How did you manage to make the festival sustainable?
Has the festival's growing success changed your relationship with the public? With the guests?
What issues might arise as a result of the festival's growth? Is there a threshold effect?
Has the financial structure changed? What is your business model now?
Did you learn something out of this experience? Learn new (organisational or other) skills?
How do you maintain a family-friendly atmosphere?

2. PLACE
2.1. LOCAL CONTEXT

What is the local context of the city? of the country? concerning sex education, sex work, and pornography?
Is the festival involved in the local context? If yes, how? e.g. relationship with other associations and companies in adult or porn or art ...?

2.2. VENUE

What is your relationship to venues?
Has/ Could this festival take place in another venue? Why?

2.3. OTHER FESTIVALS

Did you attend other festivals?
What is your relation to other local/national festivals? other foreign festivals? Berlin Fest?
Do you position themselves in comparison to them? do you try to differentiate?

3. PEOPLE
3.1. AUDIENCE

What relationship do you have with your audience?
Do you aim at a particular audience? Do you and how do you cater for them?

3.2. COMMUNITY
Provide a definition of community, then: Do you aim at a particular community/ creators?
How do you cater for them?
Do communities play a particular role in the festival? i.e. in the business model?
Do you belong to a community?

4. INNOVATION
4.1. CREATIVITY
Do you think your festival fosters projects (ex. films, performances) indirectly? directly? How?
Do you pro-actively support creativity at your festival? How?
4.2. COLLECTIVE INVENTION
Do you think collective dynamics take place at you festival? which?
Do you foster for them? how?
4.3. CREATIVE ENTREPRENEURSHIP
What is an "entrepreneur" to you? Have you met any during your festival?
What relationship do you have with such profile?
Do you think they are particular? particularly (politically) engaged? creative?
Do you aim to attract them? Do you support their projects? How?
Have you seen people getting more entrepreneurial? In what ways?

APPENDIX 5 - Field questionnaires - Entrepreneurship

(questionnaire I)

PROFESSIONAL EXPERIENCE
1. Can you tell us about you, how you started in pornography?
2. Have you always worked in the sex industry?
3. What is your professional experience? outside and in the sector
4. Do you own a company? Or do you have your own projects?
5. Can you talk to me about your experience as an activist and working for a union?

BARRIERS and OPPORTUNITIES IN THE INDUSTRY (BUSINESS MODEL)
6. What type of difficulties did you meet during your career? (legal, financial, moral)
7. As a director and actress, you have rights on contents. Do you have any trouble enforcing your rights? Do you earn money from this content? Do you pay attention to piracy, plagiarism, unauthorised use of your content?
8. How do you earn money? What is your business model? How is your company sustainable?
9. What is the impact of technology (especially digitisation) on your business?
10. How has your consideration of IP evolved throughout your entrepreneurial process?

INFORMATION, COMMUNICATION
11. How do you collect the information you need for your business?
12. Do you have problems accessing information?
13. Do you have issues diffusing information/ communicating about your projects and business?
14. Do you have formal or informal information sources? (friends? papers?)
15. Do you feel you belong to a community? do you formally/officially/publicly belong to a network? (artistic, professional, activist)
16. Do you target a specific audience with you content? with your projects?
17. What relationship do you have with your audience? your communities? your networks?
18. Do you have exchanges with them, and if so which sort of exchange do you have? (personal/emotional, focused on project/objectives, professional, financial)
19. Do you go to festivals? Why? Which information are you looking for there?

MOTIVATION and LEARNING
20. What is your motivation? Why do you work in this business? (profit vs not for profit)
21. How do you choose a project?
22. Do you go for similar projects, strengthening knowledge (exploitation)? or for new projects (exploration)?
23. When do you decide to commit to a project? When did you decide to start a company?
24. What can be your definition of opportunity (in porn, in your projects)?
25. What is a risky project in porn? What is an acceptable risk?
26. What is your vision of success and failure? And in porn?
27. What type of difficulties do you particularly pay attention to in a project?
28. Do you feel you have learned something during your career? What did you learn?
29. How did you learn (process)? by yourself? Training? Observing? Doing? Errors?
30. Would you say your network has a role in your learning process? If so, to what extent? Can you give examples?

APPENDIX 6 - List of cases

Appendix 6.1. Second hand documented cases

Case n°	Name	Area
A001	Erika Lust	EU
A002	Shine Louise Houston / Pink and White	AM
A003	Owen Gray	AM
A004	Kayden Kross / TrenchcoatX	EU
A005	Ovidie	EU
A006	Amarna Miller	EU/AM
A007	Candida Royalle	AM
A008	Buck Angel	AM
A009	Madison Young	EU
A010	Four Chambers / Vex Ashley	EU
A011	Pandora Blake	EU
A012	Stoya	AM
A013	Bruce Labruce	EU
A014	Jiz Lee / Pink and White	AM
A015	Bruce Labruce	EU
A016	Anoushka	EU
A017	Lina Bembe	EU
A018	Gala Vanting	AU
A019	Nina Hartley	US

Appendix 6.2. Festival cases

Type	Continent	Country	City	Name	Created	Closed	Website
art	EU	Switzerland	Lausanne	Fête du Slip	2012	-	http://www.lafeteduslip.ch/
art	EU	Switzerland	Zurich	Porny Days	2012	-	https://www.pornydays.ch/
art	EU	Germany	Berlin	Berlin Porn Film Festival	2006	-	http://pornfilmfestivalberlin.de/
art	EU	Netherlands	Amsterdam	Holy Fuck	2015	2015	n/a
art	EU	Austria	Vienna	Vienna Porn Film Festival	2018	-	http://pornfilmfestivalvienna.at/
art	EU	France	Paris	What The Fuck Fest	2016	-	http://whatthefuckfestparis.fr/
art	EU	France	Montpellier	Explicit	2013	2015	http://festival-explicit.fr/wpexplicit/
art	EU	UK	London	London PFF	2017	-	http://www.londonpff.com/
art	EU	Italy	Torino	Fish and Chips	2016	-	http://fishandchipsfilmfestival.com/index.php/en/
sex	EU	Finland	Helsinki	Wonderlust	2015 and 2018	2015 and -	https://www.wonderlust.fi/
art	EU	Spain	Valencia	Valencia	2015?		n/a
art	AM	USA	New York	Cinekink	2003		http://www.cinekink.com/
art	AM	Canada	Toronto	Toronto International Porn Festival	2006 and 2017	2015 and 2017	http://www.feministpornawards.com/
art	EU	Italy	Rome	Hacker Porn Film Fest		-	https://www.hackerpornfest.com/
art	EU	France	Paris	Festival du Film de Fesses		-	https://www.lefff.fr/
art	EU	Spain		La boca erotica		-	http://www.labocaerotica.com/
sex	EU	France	Paris	Erosphere		-	http://www.erosticratie.fr/
sex	EU	Sweden		Sexibility-festival			n/a
sex	EU	Germany	Berlin	Xplore			https://xplore-festival.com/

APPENDIX 7 - Manifestos and "about" pages

Appendix 7.1. Good For Her presents The Feminist Porn Awards - "What is feminist porn"? (source: http://www.feministpornawards.com/what-is-feminist-porn-2/)

image removed due to legal rights

Feminism and porn make interesting bedfellows, so to speak. There are as many different opinions on feminist porn as there are on feminism and porn combined! Some find the term an oxymoron: there cannot possibly a feminist answer to porn. What could possibly make porn feminist?

Here is our interpretation of the term "feminist porn". Since this is a growing field with increasing interest and controversy, the following are elements of this complex and diverse film genre:

- Actors are treated with respect, paid fairly, given choice and ethical working conditions, empowered in their work
- Directors collaborate with and incorporate the actor's own sexual desires and fantasies (makes for better scenes too!)
- It expands the boundaries of sexual representation on film and challenges stereotypes especially of women and marginalized communities
- Realistic pleasure is depicted

Feminist porn can be:

- Edgy or soft

- High production or low

- Storyline or none

- Straight, queer, cis, trans, bi or a combination thereof

- Made by, for and includes people of any gender/ sex, size, age, race and ethnicity, ability, orientation, and desires (including men)

- And of course it is **hot**!

We recognize that there are many varied perspectives on feminism and porn in our audience. We believe that everyone deserves a sexy movie regardless of their feminist interpretation or ideology.

Some common misconceptions about feminist porn:

– Only lesbian: Feminist Porn celebrates the diversity of sexuality, including straight films too!

– Man-hating: Everyone deserves pleasure the way they like it, men included.

– Hugging and kissing: Styles of all kinds of porn -including the feminist variety-range from mild to wild

– Only appeals to women: People of all genders, sexes and orientations enjoy feminist porn!

– Tattoos and hairy armpits: Performers reflect the diversity of people in the world: some do, many don't!

Another Definition

Tristan Taormino is a sex educator, feminist pornographer, and co-editor of The Feminist Porn Book. She defines feminist pornography as "dedicated to gender equality and social justice. Feminist pornography is porn that is generated in a fair manner, signifying that performers are paid a reasonable salary and most

importantly treated with care and esteem; their approval, security, and well-being are vital, and what they bring to the production is appreciated. Feminist porn searches to expand the ideas about desire, beauty, gratification, and power through unconventional representations, aesthetics, and film making styles. The overall aim of feminist porn is to empower the performers who produce it and the people who view it."

01. La Fête du Slip conveys a positive and celebratory approach to sexualities. Sex is meant to be enjoyed, so let's do just that! There are three elements that must be taken seriously when considering sexualities: consent, health and the potential procreation that can result from certain genital combinations. All of the following declarations draw from these three fundaments.

02. There is no better or worse way to have sex. To each his/her own way. One cannot have too much, or not enough sex. One cannot have too many partners, nor too few. There is no more valid partner than another. The possibility or impossibility of procreation is not a criterion for the validity or morality of a sexual relationship.

03. There is no limit to human creativity and to the possibilities of identity and sexuality.

04. Gender is only as important as you make it. Gender is whatever you want it to be. Human biology offers such diversity that the single binary man-woman concept can only be simplistic and inadequate. Gender is a sex-toy.

05. Every body is valid, whether thought to be beautiful or ugly. Health is not a valid criterion to judge the legitimacy of a body. Body modification is not a criterion for the validity or morality of a body either, no matter the extent of the transformation.

06. Every way of dressing is valid, the rest is a question of taste and aesthetics. In no way is there a way of dressing, or even a degree of absence of clothing that expresses implicit consent.

07. The biggest obstacles to a healthy approach to sexualities are taboo, censorship and prudishness. You cannot talk about sex too much or in too much detail. When it comes to sex, everyone is concerned. The cultural expression of sexualities is essential and La Fête du Slip dreams of it as participative, free and collective rather than exploitative, normative and elitist.

08. The perspective offered by the mise-en-scène of bodies and sexualities is a central issue that must be addressed. La Fête du Slip intends to show an array of cultural expressions around sexualities, and go beyond the over-representation of audio-visual media and male-gaze.

09. Sex is never obscene in itself. It is violence, hate, abuse, de-humanization and exploitation that are obscene. The creation of an alternative to destructive porn industry is necessary.

10. Sex-work is work.

11. Everyone has a fundamental and inalienable right to corporeal autonomy.

12. None of the declarations above describes the reality of the majority of human beings regarding the practical experience of their sexuality and of gender. We recognize the privilege it implies. The negative relation of these expressions with social reality means that resistance is both unavoidable and necessary. It also requires respect, awareness and humility in respect to the persons who do not have access to all the aspects of sex positivity.

13. The creation of alternatives is the positive foundation of resistance. The celebration of alternatives is an implemented reproduction of resistance.

14. We do not wish to lay down a new morality. This manifesto expresses the basis of a practical minimal ethics that is ours today, and that is relevant only for us, here and now. All those who make it theirs, are accountable only to themselves.

Appendix 7.3. Erika Lust's Care Package Webpage[75]
(https://erikalust.com/we-care/)

image removed due to legal rights

Ten years ago, I could never have imagined in my wildest dreams that I would be where I am now. I started by Directing a small number of indie films and then launching XConfessions.com. We now release 2 films per month on that site, moving up to 1 per week this year – we have an amazing headquarters in Barcelona with 20 (mainly female) employees; plus I also run LustCinema.com, EroticFilms.com, Store.erikalust.com and ThePornConversation.org, and I'm working on a tonne of other projects you'll soon hear about…

This growth is because of people like you, who appreciate and support, through paying for memberships and buying individual films, a new wave of adult cinema made with love, passion, quality and strong moral values.

But this growth is only possible with a growth in Production too. You like the content, which means you want more! And more often. This path is complex, because with more productions in place we need to be even more careful and alert. So we started to commission films from Guest Directors from different countries and

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[75] The webpage was formatted for clarity

backgrounds, therefore now I am not the only director directing films for the XConfessions series. You can read more about the amazingly successful Open Call here and updates here.

I cared about the wellbeing of performers and crew on my production sets way before the #metoo revolution. A long time ago, from the set of my first films, we were pioneering by being one of the few adult production companies publicly stating our values. Try and find something similar on a regular free porn tube or mainstream site…

In the last 18 months we have commissioned over 15 short erotic films with directors Adriana Eskenazi, Bruce LaBruce, Olympe de G., Sally Fenaux Barleycorn, Paulita Pappel, Florence Barkway & Reed Amber, Travis Matthews, Lidia Ravviso, Goodyn Green, Julia Patey, Luna Kuu, Laura Rämö & Martin Jäger, Nuria Monferrer & Carolina Wallace, Nuria Nia, Poppy Sanchez, Hadas Hinkis, The Madame and Alicia Hansen and Zara Kjellner plus many more to come. We carefully select who we trust to embark with us on this amazing project of creating new, relevant, and ethical erotic films.

But I acknowledge that both on those externalized productions and sometimes on my own filming sets there might be undesired situations happening, and as a woman, a film producer and entrepreneur, I want to be constantly awake and aware, creating the best possible working conditions for everyone.

In the past , we have dealt with situations during the production of We Are The Fucking World, Mud Dance, Don't Call Me a Dick, ENTRACTE, Madly In Love With My Best Friend, BitchHiker and Can Vampires Smell My Period.

To resolve and give closure to some of the situations, wrongdoings and issues happening during those films, we have worked to obtain apologies from performers to performers, from directors to performers, from members of crew to performers…. Even I have had to apologise just yesterday for not seeing something happening during a lap dance scene, and when I noticed I've talked things through with the performers involved.

My production team, my Talent Manager Kali, myself, and all the staff in Erika Lust Films, including our Guest Directors, will from now on be in compliance of a new

"CARE PACKAGE / BILL OF RIGHTS OF THE PERFORMERS" that we are developing.

Here some of the points we are addressing in this new document:

- Performer's Transportation and Accommodation
- Performer's fees
- Sexual Health Testing
- What To Bring To Set (items for the safety and comfort of performers)
- Before The Sex Scene considerations
- During The Sex Scene instructions
- After The Sex Scene considerations
- Social Media and stage names, how to avoid OUTING
- Etc…

In the past few months we have been carefully listening to performers in order to write this document. Some performers have been actively participating, together with Kali Sudhra who is my Talent Manager but also a performer, in the writing of this document.

I want Erika Lust Films to have the highest possible standards of care and quality during the production process, and that is why I encourage everyone involved in our productions (cast, crew, production team), to email me at erikalust@gmail.com if anything has gone wrong in any way, and I'll personally look into the events. If you want to tell me something, but you want to remain anonymous , go here.

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Kim-Marlène LE

The Role of Creative Communities and Entrepreneurs in Producing Digital Content without Formal Intellectual Property

The Case of Alternative Pornography

Résumé

Le rôle des communautés a été intentionnellement négligé dans l'analyse les modèles d'affaires de la pornographie mainstream (Darling, 2014), nous soutenons cependant qu'il est essentiel à la production de pornographie alternative. Le but de cette thèse consiste alors à comprendre le rôle des communautés et des entrepreneurs dans la production de pornographie sex-positive dans un contexte où le régime de propriété intellectuelle est faible. Nous utilisons une méthodologie qualitative pour aborder cette question, afin de documenter l'activité communautaire et entrepreneuriale de cette niche. Nous concluons que le contenu pornographique sex-pos est exploité principalement par des moyens informels, fondés sur des motivations intrinsèques et des mécanismes de réputation. Plus précisément, ces communautés jouent un rôle central dans la création de contenu protégé par le droit d'auteur, car ils agissent comme des instruments d'exploitation et d'appropriation de la propriété intellectuelle.

Mots-clés : propriété intellectuelle ; droit d'auteur ; industries créatives ; divertissement pour adultes ; pornographie en ligne ; communautés ; entrepreneuriat ; contenu numérique

Summary

Business models for mainstream porn were extensively explained by Darling (2014). While the role of communities was intentionally overlooked for this segment of the industry, I argue that it is central to the production of alternative pornographies. The research question, then, consists in investigating the role of creative communities and entrepreneurs in producing digital sex-positive pornography in a context of a weak intellectual property regime. I used a qualitative method to tackle this question, in order to document community and entrepreneurial activity in the sex-positive niche. As a conclusion, I find that sex-pos pornographic content is specifically exploited mostly through informal means, based on intrinsic motivation and reputational mechanisms. More specifically, these communities and entrepreneurs are central to the creation of copyrighted content, as they act as informal instruments of intellectual property exploitation and appropriation.

Keywords: intellectual property; copyright; creative industries; adult entertainment; online pornography; communities; entrepreneurship; digital content