

PORN, FEMINISM, & THE CENSORSHIP DILEMMA:
A Discussion Paper

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There have, until recent years, generally been two sharply differing points of view regarding pornography: the liberal one, born in the "sexual revolution" of the 60's, which accepts and condones porn as an integral part of "sexual liberation", as "healthy" and "enlightened". This school sees the rejection of porn as the rejection of sexuality itself and is quick to label anyone who speaks out against it unliberated, up-tight, repressed, prudish, etc. Those who hold such a viewpoint will strongly defend the male right of access to pornography with arguments about "freedom of speech" and the rights of the individual.

The other viewpoint -- the conservative -- also equates porn with sex, but since these people (generally extremely right-wing politically) see sex as bad/immoral, therefore porn is viewed as bad/immoral. Conservative opposition to porn is usually expressed via pushing for censorship, and -- like their opposition to the ERA, homosexuality, abortion, sex education, daycare, welfare, etc. -- stems largely from concerns about its potential for undermining the primacy of the family by eroding "moral decency".

During recent years, a third -- feminist -- view has emerged, one on which there is widespread consensus in the movement: pornography is not about sex at all, but (like rape) about male power and control. It is a culturally-sanctioned vehicle for the expression of extreme misogyny; for the advocacy of female subjugation and the glorification of male power; for the incitement of rape, incest, and other forms of violence. Its images, of women being bound, beaten, raped, chained, whipped, and tortured, are brutal, degrading, horrifying. Its message is violence against women. On that feminists are agreed.

On strategy, however, on how to deploy our time/energy against porn, we are seriously divided. This paper is an attempt to share WAP's one brush with this issue (a learning experience which we feel should be shared widely); to explore the arguments on both sides of the censorship dilemma; and to stimulate discussion and deeper understanding of the real issues here.

The "Aching Nipple Bylaw" -- Learning from our Mistakes

Feminists who speak out against porn quickly discover just how central the issue of censorship is. Your stand on this issue will be one of the first questions asked -- that is, if automatic assumptions are not made that, in the very act of speaking out, you must be pro-censorship. "Not A Love Story" consistently provoked this response from hostile critics, even though the film made no statement on censorship.

WAP had an unpleasant brush with this issue, but one which has proven to be extremely educational for us. When Victoria city council was planning a prohibitive bylaw to deal with "Red Hot Video" locating on Douglas St. (our main street, and thus offensive to the mayor's sense of Victorian dignity and propriety), WAP members had concerns about its possible content.

With extreme naivete, and lacking clear policy on censorship and its implications, we went to council to provide feminist input into the wording of the proposed legislation. We did not consider the fact that this very action implied our condoning the concept of censorship. Thus, we found ourselves "supporting" the bylaw, in principle, because it seemed like a "good move" at the time. It was one way we could hit back, with tangible results. (How easy it is now, in retrospect, to identify our mistakes!)

Too often, passion obscures good judgment, particularly around this issue. We attempted a revision of council's bylaw, which was an effort to tighten up sloppy, problematic wording, remove inconsistency, and replace the morality focus with emphasis on degradation and violence. Only Pollyanna could say we were successful: we managed to get the word "violence" into the bylaw, and the word "promiscuity" out. Other than that, every recommendation we made was rejected, despite our best efforts. We chose reluctantly, at that point, to support council's flawed bylaw, because it was "better than nothing".

The price we paid for this quasi "victory" was high. We were idealistic, self-righteous, and unprepared for council's attitude, litigation fine points, media hostility, and the public reaction which ensued. In short, we got burned.

What resulted was a sloppy piece of legislation of very questionable legality, destined for a prompt court challenge as "unconstitutional"; and a predictable liberal panic reaction (which could have been avoided with our bylaw) extending to all the mainstream films envisioned as about to be banned (ie. Rocky III, French Lieutenant's Woman, Tarzan!!!) WAP was credited, by the media, as having initiated the bylaw (sarcastically deemed the "Aching Nipple Bylaw"), and presented as being allied with a "moral decency" council. We were -- depending on who you speak to -- both villified (as the "enemy of freedom of speech") and lionized (as "champions of moral values") in the public eye. Neither view, of course, was correct.

What somehow got lost, despite clear and frequent articulation, was feminist analysis. The public debate polarized around "freedom of speech" and "moral decency", with our feminist input unheard (or at least unacknowledged). Most of the vocal support, other than from feminists, was from groups and individuals with religious and/or right-wing views -- who of course shared our loathing of porn, but for very different reasons. Ironically, many of these people would oppose us on almost any other issue.

The degree to which feminist analysis could be ignored led to, perhaps, the most important lesson for us in this experience: the realization that censorship legislation cannot serve the interests of women. Because of society's power arrangements, such legislation will serve the interests of the powerful (men); of the status quo; of those who make the rules (men). Andrea Dworkin has called censorship laws a battle between different groups of men, to determine how much of their warped sexuality should be publicly revealed. As such, women's concerns are irrelevant. The question is, knowing this, do we opt for censorship anyway, seeing it as the lesser of two evils?

WAP is now identified with an absurd piece of censorship legislation which is not at all in the interests of women; which is poorly worded and has a moralistic tone; which is, in fact, in the interests of council's political ambitions and the right-wing element of society which would impose its morality on us all.

Porn Vs. Censorship -- Is There a Lesser Evil?

While considerable feminist debate has taken place in books and magazines, we hope to summarize here some of the concerns around censorship for those who may be new to this issue. Arguments on both sides are passionate and compelling:

Andrea Dworkin:

"In fighting pornography we have to do two things, and the first one has to do with every single area of feminist activism: we have to change the fact that women are basically acquiescent, sexually, intellectually, and politically acquiescent."

"Even in the very act of organizing around this issue we were constantly forced to confront our own powerlessness in relation to communication itself."

"I hope that whenever women approach any problem they'll think in terms of a whole continuum of possible actions and possible approaches with the understanding that the gains are going to be small, they're going to be slow, and if one expects immediate gratification, that's impossible, it's not going to be."

Cynthia Flood:

"There is no way to censor so that we may leave in safety the free exploration and expression of sexuality in print, film, paint, and sculpture media."

Debra Lewis:

"Pornography and moralism are no more than opposite sides of the same coin -- the one seeks to control women through overt violence and threats, while the other uses the more subtle approach of limiting the options available to us."

Nikki Craft (Preying Mantis Women's Brigade):

"I agree that censorship is a deadly menace. It silences us and destroys our spirit. When enforced, people live in fear of expressing themselves. But violence against women is the ultimate silencer -- it destroys women's lives. It makes us afraid, not only of expressing ourselves, but of being ourselves. And when night closes in, it comes like a prison."

Susan G. Cole:

"It is an industry and as such deserves no more special treatment than any other industry. There is no convincing reason why the pornography industry deserves a hands off policy, one which is accorded to no other capitalist venture."

"Bear in mind that the state has seen fit to regulate what comes out of the Inco smoke stack without preventing us from barbecuing in our own backyards."

"Yet instead of asking the pornographer to cede his right to exploit and propagandize, we grant to cold-blooded entrepreneurs the right to ply their trade even if in so doing we deny ourselves the right to walk the streets free from the fear of violence."

Thelma McCormack:

"Repugnant as pornography is, then, censoring it will not further the aspirations of the women's movement, and will only reinforce our sexist social structure."

"A convincing case can be made for censorship without falling into the patterns of traditional conservatism. An even stronger case can be made against censorship of pornography without the intellectual freight of civil libertarianism."

All of these statements articulate one of two arguments: they are either fiercely pro-censorship, or adamantly opposed to it. The rationales usually expressed for both pro and con positions are summarized below:

PRO

Pornography absolutely must be censored -- not to prevent moral corruption, protect society or the family, etc. -- but to protect women and children, who are the targets of its hate message. Because porn is a form of violent misogynist hate literature; because its causal relationship to actual violence can be amply demonstrated through recent social science research; and because both violent porn and crimes such as rape, battering and incest are increasing rapidly, pro-censorship feminists feel censorship -- repulsive as it is -- is nevertheless an absolute necessity. This is a matter of women's health, freedom, safety ... our very lives.

These feminists are aware of the dangers of censorship, and the fact that it is only a "band-aid" solution, not addressing the real problems creating the market for porn. But they believe it is possible for feminists to have input into censorship criteria; that a way can and must be found to differentiate between erotica and degrading and/or violent sexual materials, and applied to pornography. In this view, the urgency of the situation and the clear danger of porn justifies the risk to be taken in adopting a pro-censorship stance.

CON

Feminists absolutely must not advocate censorship, for one of several very compelling reasons, including who would do the censoring, what would be censored, and whose interests the censoring would serve:

1) Who would censor?

Anti-censorship feminists feel, and our experience with Victoria's bylaw seems to confirm this view, that it is near impossible for us to obtain feminist input into the censorship process, which is -- after all -- an institution of the patriarchy. They believe that for us to entertain illusions of a "feminist board of censors who would rule in the interests of women" is naive and unrealistic. None of society's institutions are set up to address the concerns of women, and we are currently in the grip of a right-wing backlash.

2) What would be censored?

These feminists believe that a workable distinction between erotica and degrading/violent sexual materials cannot be made which could not also be used against legitimate forms of literary and artistic expression. Even definitions based on violence/coercion can be applied to the works of Anais Nin, Margaret Laurence, Margaret Atwood, Doris Lessing, etc. Already, works by these and other authors are under attack by right-wing moralists in libraries all over the country. First pornography, then Our Bodies, Ourselves?? These feminists believe that for us to take a pro-censorship stand would give the right-wing a far greater advantage to exploit. And, they remind us, for us to suggest the creation of arbitrary exemptions for serious literary and artistic work -- to create in effect a distinction between material "intended for an elite of educated and cultivated people" and that aimed at a mass audience -- is elitist, and contravenes the principles of both feminism and socialism.

3) Whose interests would censorship serve?

Anti-censorship feminists will argue that women's interests cannot be served by censorship, as long as we live in a patriarchal culture. That those who benefit are those in power (men), those who have access to rule-making (men), who will interject their own ideologies into any censorship criteria.

Feminists have worked long and hard to undo the damage of sexual repression, myth and ignorance. We overcame the suppression of contraceptive information, information about our bodies, our sexuality, our sexual choices. Abortion was -- and remains -- a battleground.

The (male) status quo, however, has a vested interest in maintaining sexual repression, which -- to complicate matters -- the right-wing would dearly love to further. Thus, many feminists feel that for us to advocate censorship would be against our own best interests, and would be playing right into right-wing hands. These women believe the energies and power of the women's movement would be a huge boon to the right, and would create severe co-optation for feminists who formed such alliances. Again, our own experience -- despite the avoidance of such alliances -- seems to confirm this view.

- 4) Anti-censorship feminists also feel that censorship is sexist in structure. That, in "asking" the state to "protect" us via censorship, we are (a) placing power in the hands of men; (b) and perpetuating stereotypical behavior -- ie. women needing men to "take care of us". Thus, in so doing, we are reinforcing not only our "protected" status, but our subordinate one as well.
- 5) Another angle to consider is the fact that banning porn will not solve the problem. Yes, it will get it out of our sight and make it less accessible to men, but some argue that prohibition increases the desirability of the proscribed item, creating a "black market", etc. Thus, a pro-censorship stance aimed solely at removing porn from our sight can be likened to the anti-choice obsession with removing abortion from their sight, with indifference to the fact that fetuses will continue to die in illegal abortion. Both are simplistic, superficial "solutions", which do not address the underlying problems.
- 6) Feminists who oppose censorship all stress the importance of education -- of both women and men -- of working toward ending the conditions which create the market for porn. They also acknowledge that this is a long, slow process, with no immediate gratification. Education, as Andrea Dworkin points out, can encompass a wide spectrum of activities -- picketing, leafletting, writing, public-speaking, etc. She advocates "street activism" and "grass roots activity".

The foregoing arguments against censorship are convincing. But pro-censorship feminists are equally compelling. Susan Cole contends that porn is, in fact, a product; its producers/distributors comprise an industry. She maintains that all products are required to meet certain standards; all industries subject to regulation.

Similarly, she counters the "give the State an inch, it'll take a mile" argument, and exposes the hypocrisy of "freedom of speech" rhetoric. Feminists who share her view believe we can gain input into the censorship process. That working criteria can be established, which won't work against eroticism, and that they must be based on force/coercion.

"Freedom of Speech" -- Whose Freedom?

None of the foregoing anti-censorship arguments should be confused with civil libertarian arguments against censorship. Each of the above arguments is informed by feminist consciousness and is clearly in consideration of women's interests. The civil libertarian viewpoint is a liberal male one, centering around the seemingly noble concept of "freedom of speech". It originates with John Stuart Mill's model of an "open forum of ideas", and is considered a foundation of a democratic society. This concept, as embodied in the U.S. First Amendment, evolved to protect the right to political dissent. It is now used in defense of the right of male access to pornography, and now civil libertarians invoke the new Charter of Rights in support of their views. That Mill's model of a free market of ideas has come to mean carte blanche for men to slander, degrade, and incite violence against women and minorities is truly obscene.

Feminists must be excused a certain amount of sarcasm when civil libertarians begin rhapsodizing about freedom of speech. To most of us it is crystal clear that such freedom belongs to a privileged class: white males with the power to access communications media, not to women, not to minorities, not to the poor. For women, who do not yet have the freedom to walk the streets safe from the threat of violence, who do not yet have control over our bodies or our lives, who are silenced in countless ways, this argument is a joke. As Andrea Dworkin points out, we are being asked to protect rights that we are denied simultaneously because we are women. Free speech is closely connected with power and with money, neither of which we, as women, have access to. Any woman who has tried to speak out against porn quickly discovers this fact. The media are effectively self-censoring when women want to be heard.

Moreover, freedom is not a concept without limits. (Although those who invoke the Charter of Rights would like to have you think otherwise.) It has been pointed out that the basic tenet of our social contract is compromise, that we cede some of our rights in order to live in this world together. Society finds many things unacceptable, restricting or prohibiting them entirely in the best interests of society as a whole -- drugs, guns, the right to drive at 90 mph or assault people you don't like, for example.

Freedom of speech, itself, is subject to a host of restrictions, as any woman will find if she libels or slanders someone, yells "fire" in a crowded theatre, solicits another person to commit a crime, uses false or misleading advertising, incites a riot, distributes hate literature, etc. We believe the issue of "freedom of speech" is irrelevant to a feminist discussion of porn and censorship. It is possible to oppose censorship and not be a civil libertarian.

Towards Understanding

We believe that behind the powerful appeal, to feminists, of censorship as a means of dealing with porn is retaliation-type motivation. It is simple, quick, expedient. It is the one way we can strike back at the porn industry with tangible and immediate results. And we are deeply motivated by our sense of survival as women to obtain those results. The alternative -- education -- seems a depressingly long-term solution, one for which many of us may have neither time nor endurance. To demand censorship is almost an instinctive reaction when one first faces the horror and ugliness of porn. The alternative, to allow porn to proliferate all around us and focus on the long-term approach of education, pales beside the attractive option of ridding ourselves of it overnight.

But beneath this lies another conflict which a number of feminists have begun to articulate. A pro-censorship stance is basically a pessimistic one, placing little faith in the ability of human nature (specifically male human nature) to change, despairing of societal growth and enlightenment. The anti-censorship view, with its stress on education, is the opposite. It implies deep optimism in human nature and its ability to transform positively, and thus a deep commitment to working toward this goal. This is indeed the long-term solution, one which many of the more cynical feminists we know would view with skepticism and impatience. We believe this conflict -- based on individual personality -- underlies the difficulty of achieving consensus movement-wide. Perhaps we can begin to look at ways we can compromise on strategy.

We believe, though we lean toward the anti-censorship view, that few women we know have the patience and endurance to face a 20-year struggle on this issue. This is a rapid burn-out issue, like rape and incest. We also, at present, lack the woman-power to do the kind of education/activism which would be effective. Til our numbers are greater, and til we find ways to heal and strengthen each other for the battle, we cannot fully endorse the anti-censorship position. Any moves we make, however, to "play by the system" will be (we hope) carefully considered, and their primary purpose will be education/activism/awareness, not censorship. Thus, with very low expectations -- and not with censorship in mind -- we are bringing charges against Red Hot Video under the criminal code. This is a tactical move, designed to: 1) create the opportunity for public education/awareness; 2) force the courts to clarify vague wording and how much violence is considered "excessive"; 3) cost the porn industry money and inconvenience; 4) force them to be accountable to women. We do not expect to achieve a great deal, and are far more realistic about the implications than we were with the "Aching Nipple Bylaw".

In working toward movement-wide policy on censorship, we need to ask ourselves some very basic questions:

- Do we, knowing the implications, advocate censorship?
- If we do, how do we create bureaucratic acceptance for a feminist definition of porn?
- Who will do the decision-making?
- Can feminists realistically expect to have input into this process?
- Can this be made to serve women's interests?
- If we don't advocate censorship, what focus shall we take?
- Do we still possess the implicit belief in the human potential for enlightenment? How much endurance do we have?
- If we don't advocate censorship, does that mean we actively oppose it?
- Just ignore the pro-censorship forces?
- How do we justify "dealing with the system"? Can we successfully utilize existing legislation (such as the Criminal Code) as a tactical move?

These are just some of the questions that must be answered. We have attempted here to summarize the various arguments and to stimulate dialogue. We hope you will find this discussion paper useful, and are very interested in receiving comments or feedback. We are hopeful that this will be a step toward defining a movement-wide policy.