

## Strategies against Pornography

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### **Abstract**

The debate about pornography has been a debate about censorship as a way of reducing circulation. Three waves of anti-pornography thinking have reached for censorship. The First Wave invoked the Family Values familiar from religious rhetoric, the Second and Third Waves were both motivated by feminist considerations. All thought they could justify the imposition of censorship. But even if such an imposition could be justified, should we want censorship anyway? I argue that censorship does not reduce the circulation of pornography. Instead, I propose developing an alternative, informed by the Second and Third Waves, which relies on educating consumers in order to reduce the circulation of pornography. This could be the basis for a Fourth, truly effective, Wave.

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### **1. Circulating Pornography**

In 2008 police entered an art gallery and seized artworks of Australian photographer Bill Henson. The photographer had portrayed adolescents in various states of undress, and a newly elected Australian government claimed his work was dangerously pornographic. I will argue that advocating this kind of censorship remains the uncritical mainstay of the anti-pornography movement. In practice it is also a response quite specific to pornography. We might more readily criticise Henson for disempowering adolescents by misleadingly portraying them as marginal and passive. Suddenly censorship would cease to be an issue, and we would have returned to the genteel sphere of art criticism. But despite the intense interest around banning and seizing pornography, I will argue censorship does not reduce circulation. My aim is to suggest an alternative that shifts the emphasis to rational self-regulation. To gesture at the main point of what follows, it is unlikely that the salability of Henson's works at the center of the scandal decreased.

This is not to agree Henson's material is pornographic, though the debate that ensued on that matter raises a preliminary difficulty. 'Pornography' is much like 'art' — at

least in being hard-to-define. For what follows it will be adequate to understand pornography as explicit representations primarily intended to sexually arouse. (Though, perhaps the description ‘pornography’ always also has some negative moral or esthetic force.) We can begin by acknowledging that due to the growth of interest groups who have bypassed certain issues as well as pushed back the frontiers of what is acceptable, much pornography no longer meets significant disapproval. Gay pornography may not raise issues of ‘gender oppression.’ It now seems odd that anyone ever thought that *Last Tango in Paris* was even ‘soft-core.’ If it was indeed shown to be explicit in the right way to make the grade, more relaxed attitudes to sex mean few if any would care enough to undertake a serious public response.

So what kind of pornography would be more likely to prompt the anti-pornography movement to demand censorship? To give one answer to this question, arguably with some statistical justification, from now on I will assume that the consumer of pornography is an adult male identifying as heterosexual. Weiland (2007, 440-443) identifies a sub-class of pornography, pornography<sub>(sub)</sub>, in which such persons consume images of women being physically harmed, degraded or (enjoying) being deprived of liberty. In the coming sections I will use ‘pornography’ to stand in for ‘pornography<sub>(sub)</sub>,’ extending the category to cover child pornography if need be. Thinking of pornography as pornography<sub>(sub)</sub> isolates ‘the Core Belief’ of the anti-pornography movement. This is that at least one type of pornography is seriously harmful. All sorts of issues have been raised around the consumption of pornography, from religious beliefs to feminist activism. Notwithstanding, without the Core Belief the consumption of pornography could be considered merely self-indulgent and the ‘anti’ threatens to fall out of ‘anti-pornography.’ At this point it should be noted that were we to grant the Core Belief is true, this would not be tantamount to unqualified support for the existing anti-pornography movement. Here I will begin (section 1) by following how different Waves of this movement have relied uncritically on censorship.

‘Censorship’ is easier to define than ‘pornography.’ It is the use of legal means to attempt to prevent the publishing and distribution of material. Censorship is assumed to be able to reduce circulation of the material in question, since circulation *is just* publishing and distribution. Consider the demand that no pornographic material be aired in public spaces. Seeking to ameliorate harm by decreasing the amount of pornography overall, this demand is pro-censorship. Yet, ostensibly, censorship is in this instance intended to keep the publication and distribution of pornography out of public space rather than out of circulation. But though, for example, images on billboards usually retain a single location, consumers circulate. The billboard circulates in so far as it is exposed to many such consumers. Circulation is still what the law is worded to prevent.

It is not just the pro-censorship position that must seek to reduce circulation. As the example of public space also indicates, to be anti-pornography is to desire circulation be reduced. True, someone who is anti-pornography might agree that in some cases access to pornography is necessary in order to realize the goal of demonstrating and inculcating the “negative” character of pornography. Access by the anti-pornography researchers that will be mentioned in this paper would provide clear examples. However there can be little doubt that thoughtful reading of pornography occurs on a far smaller scale than commercialised consumption. Scale is important because the Core Belief posits a causal relation between consumption and harm (Feinberg 1985, 153, Calvert 2008, 190). Reducing circulation reduces instances of the cause of the harm (the consumption of pornography).<sup>i</sup> While it would be odd to deny a causal role to consumption, this is dependant upon circulation. Circulation is the cause of the cause. So, in practice, circulation must be the target.

Where the need to reduce circulation is unstated, confusion can arise about the aims of the anti-pornography movement. Steinem (1991, 88ff) rails against pornography while celebrating ‘erotica’ (i.e. explicit material not primarily intended to arouse). The subtext remains that circulation should be reduced by censorship. This is plain when she worries about a ‘chill’: the possible adverse effect censorship has on the

circulation of erotica. Steinem, like many writers, is uneasy about censorship. Feminists might not want police forces, often regarded as patriarchal organizations, to be provided with more powers. Perhaps the importance of censorship discussed in Section 1 has been obscured by a reticence to forthrightly endorse censoring because of doubts about the end results. The most serious such doubt is around whether censorship actually reduces circulation, and in Section 2 I will find good reasons for such a doubt.

A liberal position that people should be legally free to purchase pornography for consumption in the privacy of their own home gives us the main alternative to censorship in the debate of recent decades. It does not propose a way to reduce circulation. So, a less invasive way that reduces circulation could have some appeal, as is suggested in the third section below. This alternative is reliant on education. What we will now find is that, generally, the anti-pornography movement assumes that no such alternative is necessary. At best those who are anti-pornography rely on a civil modification of the censorial position. It is after discussing doubts that censorship works that I reach for this alternative. I propose that the anti-pornography movement should, as the Stoics believed should be done in the face of suffering, adopt a more philosophical approach. This is the development of an anti-pornography education initiative as an alternative to censorship, already occasionally found in the literature. For the most part this has not only taken a legal form with censorship, it has taken an unhelpful moralistic form as well. Instead, by advocating an education option, I will argue that the problems of enforcement and invoking the ‘Family Values’ found most prominently in religious rhetoric can be avoided by rational self-regulation. In what follows I describe the three waves of anti-pornography thinking.<sup>ii</sup> I conclude with a call for a fourth.

## **2. Censorship and the Three Waves of anti-pornography thinking: an intimate coupling**

This section will show that anti-pornography writers have tended to uncritically depend upon censorship to achieve their goal. They began by arguing it should be a crime to circulate certain pornographic material, just as it can be a crime to circulate drugs such as cannabis or ecstasy, or other prohibited items such as certain weapons. In these instances circulation is more serious than possession. Feinberg (1985, 179) mentions how the use of postal services to distribute pornography is taken very seriously in legal circles. Those who circulate pornography would be subject to criminal sanction: fines, imprisonment, community service and so on. Individual possession, while also usually culpable, is secondary. Censorship enforced via criminal law is supposed to be effective in reducing the circulation of pornography when legal measures a) deter circulation, and b) physically prevent circulation. The seizure of Henson's photography could be considered "b)" in action.

The first anti-pornography movement opposed permissive attitudes popularized in the 1960s. Those involved promoted 'Family Values' such as those we find in Christian discourse and vigorously stressed in fundamentalism and TV evangelism. These values are violated by the explicit representation of sex, usually outside marriage, and by states of sexual arousal resulting from this representation, also mainly outside matrimony. This 'First Wave' gestured at dire outcomes such as broken homes.<sup>iii</sup> First Wavers include Birkett, Read, Gorer, Soper, Gosling, Rutledge and Rolph (see Rolph 1961), as well as Devlin and later Sandel (see West 2005, 2.1). Indeed, the movement had influence in the 1980s with figures like Tipper Gore (Zappa and Occhiogrosso 1989, ch15). The Henson incident is an indicator that its influence on governments is ongoing.

First Wavers fall back on censorship enforced by criminal law to reduce the circulation of pornography (Feinberg 1985, 139 ff). So, as Frank Zappa recounts, Tipper Gore allowed for a voluntary ratings system to reduce the circulation of supposedly pornographic music, but it is clear she thought the best outcome was state enforcement. The First Wave position is that, since moral harm is occasioned by pornography, censorship enforced by criminal law is required. The harm plus the need

to reduce it would speak to Millian argument that an individual should be free to consume pornographic in the privacy of his home. A Millian defense of pornography requires that the consumption causes no harm. Against this defense, the harm to Family Values would mandate the censorship:

Liberal, Millian anti-censorship arguments ... have turned on two aspects of Mill's *On Liberty*: first, that thought, speech, and discussion should be free and protected; and second, that the state should not interfere with individuals' actions *just as long as those actions do not harm others*. (Weiland 2007, 448, my italics)

The Second Wave of the anti-pornography movement gained influence beginning in the mid-1970s with the high-profile work of Andrea Dworkin and her colleague Catharine MacKinnon. For Feinberg (1985, 143), who references lower profile authors, "1970 or so," is a better date for the emergence of the Second Wave. However Feinberg is more concerned with the arrival of a central idea than with the public influence of a Wave of thinking about pornography. According to this central idea, the harm occasioned by pornography should not be understood in terms of Family Values. Instead the Second Wave postulated harms of 'gender oppression' specific to women and resulting from the production and consumption of pornography. These include poor conditions and coercion for female workers in the industry, as well as increased rape, etc. Pornography reinforces the idea that women are primarily objects of male sexual satisfaction. The Second Wave relied more on empirical claims to trump Millian argument. There is some evidence to support these claims (e.g. Lovejoy and Perkins 2007).

There is another salient difference between First and Second Waves. The Second Wave did not necessarily put its faith in censorship enforced via criminal law to reduce circulation. Andrea Dworkin claimed that such censorship created a "revivified black market" (Dworkin 1985, 22). She believed that if it was subject to such censorship, pornography took on extra allure and circulation was not reduced. To draw out Dworkin's point, note how circulation might even be *increased*. The Sex Pistols (1977) and manager Malcom McClaren timed the release of a single to

coincide with a royal event so that it would be banned. The song then went to number one (Temple 2000). If pornographers could achieve a parallel result, they could bank on resorts to criminal law.

Andrea Dworkin had forced the anti-pornography and pro-censorship positions apart, but only initially. Mason-Grant (2004) thinks that Andrea Dworkin's public profile obscured the concern with a revived black market. At the time high-profile anti-censorship campaigner Ronald Dworkin popularised the false view that Andrea Dworkin and Catharine MacKinnon advocated censorship without reservations. Mason-Grant thinks thereafter the Second Wave was taken to be pro-censorship *simpliciter* by the greater public and their anti-censorship opponents (Mason-Grant 2004, 51). There were some grounds for this. Andrea Dworkin queried the efficacy of censorship enforced by criminal law only to embrace censorship enforced by civil means. Her hope was that the use of civil law could avoid market revivification. Civil law pays damages to the victims of gender oppression when pornographers are sued. Circulation is reduced when prices are raised to make good on civil legal overheads. The demand for over-priced pornographic commodities tapers off.

If we doubt the capacities of criminal law to reduce the circulation of pornography, we might also doubt that civil law can any more easily effect a reduction. It is a doubt Andrea Dworkin acknowledges having without ever really addressing it (Dworkin 1985, 21). Market revivification resulting from censorship enforced by criminal law requires that legal fees, fines and loss of earnings due to jail time, etc be offset by the sale of an alluring and illegal pornographic commodity. But what grounds do we have to believe that civil legal costs cannot be diffused on the market, or for that matter, that pornography subject to civil law attention has any less allure? A lower standard of proof in civil cases is meant to mean higher overheads, but it is dubious that the penalties are any more crippling (Calvert 2008, 173 and 178, Kohler 2008, 46). Andrea Dworkin herself is suspicious of placing too much hope in differing standards of proof (Dworkin 1985, 20). Russell (1993, 263) editorializes on a claim that resorting to civil law is not censorship. But civil law actions *are* legal attempts to

prohibit the publishing and distribution of material, not simply recompense for aggrieved women. Renaming the attempt does not address concerns regarding efficacy.

A brief survey of the Second Wave after Andrea Dworkin's work came to public notice shows continuing uncritical reliance on some form of censorial law. Kappeler (1986) is pro-censorship, and in Guber and Hoff's collection (1989), Hoff, Robin West, Burton, Miller, Pritchard and Roblel are pro-censorship. Berger, Searles and Cottle (1991) document the path of a number of Second Wavers into censorship, mostly along lines of Andrea Dworkin's trajectory. In Baird and Rosenbaum (1991) all five Second Wave contributors are pro-censorship; in the 1992 work edited by Itzin, the following Second Wave campaigners conclude with calls for censorship: Itzin herself, Tate, Elliott, Wyre, Hynes and Russell. In Russell (1993), almost all are pro-censorship: Jas, Craft, Brannon, and Russell herself; Easton (1994) is pro-censorship; while in Dines, Jensen and Ruso (1998), Ruso is pro-censorship; and finally, as late as 2004, the predominantly Second Wave collection edited by Whisnant and Stark reveals the same trend.

Faith in censorship is not mitigated by a 'null alternative' pervading the Second Wave. Though this alternative seems motivated by doubts about the efficacy of censorship, it refrains from explicit criticism. The conclusion seems to be that if we are unwilling to reach for censorship, then there is no way to reduce circulation. Assiter (1989) adopts such a conclusion, as do Weaver and Check and Cameron and Fraser (both the latter articles in Itzin [1992]). In Dines, Jensen and Ruso (1998), Jensen and Dines separately take it up. Almost as lackluster is the 'feminist activist' alternative which has a strong presence in earlier Second Wave scholarship (e.g. several contributors to Lederer 1980). Later in the literature this theme gives way to parallels between the harm done to women and that done to others (though activism is still touted by Baxter as late as Russell's [1993] collection). This shift is unsurprising. We were never told how specifically anti-pornography community activism (e.g. Rush's contribution to Lederer's collection) or consumer boycotts can reduce

circulation. Logistical problems involved in picketing black market distributors are ignored. Activism sometimes simply means agitation for censorship.

More promising is the 'education' alternative that also has Second Wave presence. Einsiedel, Williams and Inton-Petersen and Roskos-Ewoldsen all advocate it in Guber and Hoff's (1989) *For Adult Users Only: The Dilemma of Violent Pornography* and Einsiedel again in Itzin's *Pornography: Women, Violence and Civil Liberties* (1992). In examining it in the third section below, I will argue that the education alternative can be developed to reduce circulation. But in the Second Wave we find it relatively infrequently with little convincing indication of how it will work.

With the wider recognition in the late 1990s of Jennifer Hornsby's groundbreaking article "Speech Acts and Pornography" (1993), the 'Third Wave' begins in earnest. The Third Wave offers a distinctive advance by making ingenious use of Millian concerns. Previously these had been invoked to trump both traditional moral values and women's oppression, indemnifying the legal right of pornographers to vend and consumers to purchase. However, pornography can be argued to also raise Millian concerns when women are both silenced and ignored. Pornography sets up conventions in which "no" cannot be effectively uttered by a woman in a sexual context, leading to rape, etc. Those who are pro-pornography can no longer appeal to the Millian concerns since these are more readily applied to women's right to say no (Hornsby 1993, Langton 1999). Several approaches to making this point have been explored. For instance, Langton and West (1999) argue that pornography conditions rather than establishes conclusions, and does so in such a devious and harmful way that it is outside Millian protection. On the other hand, women's ability to say 'no' in natural language, incompatible with the consumption of pornography, must be protected.

This is not the place to go too far into Third Wave literature. Some sympathetic writers think refinement is required (e.g. Wieland 2007), while others consider Hornsby's understanding of language still more problematic (e.g. Bird 2002). But, at

the very least the Third Wave offers us a theory of why some of the harms raised by the Second Wave occur. The prospects for Third Wave research are promising — work on how pornography silences continues to be investigative (McGowan 2009a and 2009b). The real problem with the Third Wave remains even if we follow its members' arguments to their conclusions. In arguing that the usual legal protection should not be granted to pornography, the Third Wave does not discuss the efficacy of censorship. It is censorship enforced by criminal law that is at issue in the Third Wave. While Hornsby (1993, 38) herself was interested in civil compensation for the victims of pornography, Millian concerns protect less against aggrieved fellow citizens filing civil law suits than against authority. Censorship then becomes the whole point of the debate for a number of Third Wavers (Langton and West 1999; Wieland 2007). Langton (1999, 110) finds the controversy to be whether or not pornography should be censored. West's (2005) important online summary of the pornography debate finishes with the Third Wave and begins with:

Can a government legitimately prohibit citizens from publishing or viewing pornography, or would this be an unjustified violation of basic freedoms?

This question lies at the heart of a debate that raises fundamental issues about just when, and on what grounds, the state is justified in using its coercive powers to limit the freedom of individuals.

The pornography debate becomes a high-gloss illustration of problems around the exercise of state power.

The Third Wave could have tried to show that women are silenced in a special, pernicious way by pornography. They could have elaborated on ideas of the harm caused. They still need not have recommended censorship. Arguments about silencing can come apart from Millian concerns. Instead, though, Third Wave writers failed to acknowledge Andrea Dworkin's concern with market revivification, and we have gone in a circle. The First Wave promoted criminal law because its members simply assumed it was efficacious. The Second Wave did not automatically make the same assumption, but overall remained uncritical of censorship. Despite ingenious

argument around Millian concerns, the Third Wave then reverted back to faith in criminal law. The lack of critical appraisal of the efficacy of censorship found in the three waves does not, of course, prove that censorship cannot reduce circulation. It proves only that the question of whether it can or not must be examined in more depth.

### **3. The Inefficacy of Censorship**

At this point, to assess skepticism about the efficacy of censorship, it would be useful to consult empirical studies. However, there have been no adequate correlations established between the circulation of pornography and the introduction of censorship. Even before the internet explosion, no one even knew whether circulation of the type of pornography of concern is increasing or decreasing relative to other less invidious forms (Donnerstein *et al* 1987, 949). More recently, Calvert (2008, 186-190) has argued the lack of empirical studies correlating circulation to the introduction of censorial measures has not, and is unlikely to be, remedied. The continual advent of new electronic media makes it additionally difficult to determine just how much pornography is out there — other than a great deal. Another factor making accurate measurement of the efficacy of censorship difficult is that often laws do not stand for long enough to produce measurable results. In a hotly contested debate involving opposed interest groups and media attention, politicians often introduce censorship, only to have it revoked or watered down before studies of its efficacy can be put in place. In lieu of the required studies though, we might test the idea that censorship reduces circulation, using certain background assumptions. In this section I will conclude such a “cenoscopic”<sup>iv</sup> method does not save censorship from a negative verdict.

We certainly should not overestimate what has been accomplished by censorship to date. For instance, if public places are relatively free of pornography, this does not give fresh reason to think censorship is effective. Imagery in public space cannot be directly profitable *qua* pornography. Nor should we draw too hard and fast

conclusions about compulsory rating systems. Certainly, as a legal effort to impede product circulation these could be classified as censorship. But rating systems are better understood, as in the film industry, as a rough guide to market niches — of which, incidentally, the adult categories (such as ‘R’ and ‘X’) are the most viable (Vany and Walls [2002]). It has long been known that due to subterfuge and commercial pressures there is no country in which these rating systems reduce circulation (Bauchard/U.N.E.S.C.O 1952, 119).

Another interesting argument is that since we know that censorship chills, it must reach beyond its intended target. Therefore censorship hits that target, reducing the circulation of pornography. The chill shows that, if anything, censorship is *too* effective, and its effect needs to be contained (the argument is alluded to by Dworkin 1985, 2ff.). The problem with this argument is that censorship may well work only against certain non-pornographic material. The allure that accompanies banned pornography may ensure that its circulation continues unabated, without that allure rubbing off on erotica or propaganda. Indeed it seems highly likely that only pornography would be perceived as ‘hard-core’ enough to attain the allure, and that censoring would create worries and bureaucratic barriers preventing the circulation of literary or philosophical works. Mainstream vendors worried about complications refuse to stock the Marquis De Sade or Kathy Acker. A few doors down the X-rated bookshop do a roaring trade under the counter.

Calvert (2008) contends that, if censorship could once reduce the circulation of pornography, it no longer can. Censorship tends to be medium-specific, and content unavailable in a given media can be accessed elsewhere from a different media platform. It is impossible for the law to cover all media, because legal precedent and enforcement infrastructure does not exist to regulate content on newer platforms, turning the law into a paper tiger. By the time the legal neglect of new technologies has been felt, technology has moved on (see also Holohan 2008, 49-52). Kohler’s (2008) contention that it is legally possible to have overarching laws misses the full force of Calvert’s point. Enforcing censorship laws across the internet would be a

Herculean labour. Calvert's point can be better brought out if we paraphrase Larry Flynt: the info-tech avatar is out of the bottle

There is an older problem as well: namely, conflict of interest. Returning to the complex relationship the Australian public has with banned material, Queensland's Fitzgerald Inquiry (1987-1989) found that commissioner Terry Lewis had not read the earlier Sturgess report into allegations of police circulating child pornography. Here, neglect of so serious a charge against police is a striking way to raise the possibility of a crucial conflict of interest. According to reports like the Fitzgerald Inquiry and the Wood Royal Commission if we ban pornography, police, who may be seeking to supplement what they regard as only a moderate income, can become compromised when enforcing censorship of expensive pornographic products. Justice Fitzgerald's findings helped make this a popular concern as well as a worry for legal academics (e.g. Coaldrake 2007). The Wood Royal Commission into the New South Wales (NSW) Police Service (1994-1997) likewise found not just the trafficking of child pornography in NSW, but a systematic problem. Police have access to underworld vendors and tend to work unsupervised. Justice Wood concluded that, as things stand, police would inevitably circulate highly-priced censored pornography themselves (McGuinness [1996] and Munroe [2003] for topical summaries of Wood's findings). Seizures, which give censorship enforced by criminal law initial appeal, are, under such circumstances, no longer so attractive. Politicians who advocate censorship could even be read as courting the favour of police by handing them a lucrative market. This reading is relevant to the Queensland 1980s example in which the police service was shown to be strongly allied to the interests of colourful identities in state government.

The problems are too deep to be solved by following Andrea Dworkin into civil law. To be sued, vendors have to be identified, or have a business entity that can be identified. They must be returned to the ambit of the law, so the enforcement problems we find in criminal law would trouble civil law as well. Andrea Dworkin and MacKinnon drafted model civil laws reproduced as Appendix A in Dworkin

(1985). The editor's note (p.1) informs us that "[t]hese ordinances declare pornography to be a form of discrimination against women and provide a civil remedy for its harms." The enacted ordinances were short lived. Neither achieved any discernible success.

As has already been suggested, higher profile legal attention, including civil legal attention, functions as advertising. It brings commodities to public notice in a way conducive to purchase. A rebellious sheen made Larry Flynt into a folk hero. Pornography subject to any legal attention takes on the malic allure of the forbidden; it becomes "extra sexy." Censorship just does not seem able to combat these tendencies. It must already counteract the mass fungability and egalitarian consumerism of pornography. The Marquis de Sade as well 'Joe Sixpack' can, at least occasionally, afford it. This is recognized by entrepreneurs like Flynt and the authorities alike (Calvert 2008, 190-191). One way to understand this market is to take pornography to be a 'commodity fetish' with Pavlovian selling power. It is now widely accepted that pornography can be associated with pleasure via a Pavlovian mechanism. This is what Third Wavers Langton and West mean by conditioning (1999, 303-304). The commodity fetish idea is that the pleasure is also associated with purchase since it is dependant upon exchange of monies at this point. 'Fetish pornography' profits on just this basis; sexual pleasure is associated with the purchase of an expensive object.

In the preceding section we found no support for the claim that a lower, civil standard of proof will fix problems with criminal law censorship. More constructively, standards of proof can be considered from the perspective of getting censorship off the ground. The seriousness of pursuing censorship might be such that we must prove beyond reasonable doubt that censorship works. But if we test ideas of enforcement against our knowledge of the black market, there is reasonable doubt that censorship works. If the harm occasioned by pornography is in such urgent need of redress that it is sufficient to be convinced on the balance of probabilities that censorship works, still the required benchmark is allusive. It is improbable that, in addition to overcoming

enforcement problems, censorship can counteract the abiding attractions of pornography. If content to act on outside chance, perhaps the anti-pornography movement can recommend censorship. The idea would be that there is nothing to lose by trying censorship, even if it is unlikely to work. The problem is that there is something to lose. The anti-pornography movement only has finite resources. It should use these resources to recommend a strategy that is maximally effective.

#### **4. Education: A Decent Proposal**

The argument to date does not mean that there is nowhere for those who oppose pornography to go. The incapacity of censorship to reduce circulation leaves the Core Belief itself untouched. So, for instance, the Third Wave interpretation of the Core Belief is not jeopardised by argument that censorship is ineffective. We simply have grounds on which to resist the traditional Millian move from the valorisation of certain freedoms to a sketch of the legal apparatus. It is not hard to understand why. The utility of the traditional way of putting the Core Belief into practice, found in all Three Waves, has been queried. The Core Belief still mandates a reduction in the circulation of pornography.

We have already encountered a promising alternative way to reduce circulation: namely, through education. In her section summarizing the education alternative to date, West (2005) writes

if there are reasons to think that pornography is not good for the individual who consumes it... public education campaigns to warn consumers of these dangers may be justified. Indeed this — education and debate — is precisely the solution that liberals typically recommend.

Educating consumers not to purchase need not concern liberals, especially if not administered by the state. Education need not fall prey to enforcement problems or increase the allure of pornography. It may even attract writers who, partly because they find censorship so abhorrent (such as *Feminists Against Censorship 1991* and

Strossen 1995), have in the past sided with those who have a vested interest in pornography. The education alternative emphasises self-regulation and invites broader ethical awareness. The appeal can be to rational self-interest, enlightened about more satisfying (and cheaper) ways to live. So far, though, this alternative has not been developed to offer a concrete alternative to censorship. Andrea Dworkin, for instance, (1985, 23-24) thinks of education as an adjunct to censorship undertaken through civil suits. For her alone it cannot reduce circulation, or cannot do so significantly.

To assess the background to such pessimism, and find the reason liberal incitements to education and debate have not had more presence on the dialectical landscape, let us take a typical proposal concerning education.

To be effective such teaching should be frank and direct, not totally reliant on general moral platitudes. Advertising firms and film companies should be ... pressured (if necessary) to co-operate .... Fewer exploitation films should be made that provide attractive models of youths...‘tossing’ girls [out of cars after sex]. Materials (especially [educational] films) should be made available to clergymen as well as teachers, youth counselors, and parole officers. A strong part of the emphasis of these materials should be on the harm that bondage to the cult of macho does to men too. (Feinberg 1985, 154)

The first thing to observe is that this proposal owes much to First Wave rhetoric. Certainly the involvement of clergymen suggests education be supplemented by, if not “totally reliant” upon, Family Values. Insofar as Feinberg touts the same values as the First Wave, his education alternative is no advance: he carelessly assumes a reduction in production and, hence, circulation (“Fewer exploitation films should be made...”). Since pornography will at least match Sunday school material in terms of marketability, just how are “advertising and film companies” to be “pressured”? By threats of legal action? Feinberg mentions “parole officers” and returns us once more to censorship.

Strangely, the education alternative is often thought in terms of sermonizing about Family Values instead of providing reasons as to eschew pornography. So, for

instance, Donnerstein *et al* (1987, 5) promisingly suggest evidence for the Core Belief be used to convince men not to consume. But on closer reading the suggestion is more akin to confronting women seeking abortions with pictures of fetuses. It reaches back to First Wave Family Values. Instead of being argument-based, it is compulsory conditioning. The Second Wave collective “Men against Pornography” (1990) is also promising at first, mentioning how it is important to understand that sexual dysfunction linkable to pornographic tropes (impotence with partners who do not resemble sex industry stereotypes, distaste for foreplay, etc) can be explained by reference to Pavlovian conditioning. But they conclude with a distinct gesture at men’s moral duty not to consume pornography, and the default interpretation of such moralism revolves around Family Values. Langton (1999, 118) is disappointed with the argumentative poverty of Andrea Dworkin’s similar slide into sermonising.

A proposal like Feinberg’s could be improved by discarding First Wave trimmings in favour of Second and Third Wave ideas of harm suffered first and foremost by real women. This is certainly easier to observe than harm to a perhaps Platonistic moral value. First Wave values usually rely on fideism of some sort; the education alternative could be less didactic. An education campaign that offered instead to convince and then improve the ideas of participants could have more of the appeal of a seminar. Indeed, to fully understand how a developed education alternative would promote *rational* self-regulation, we should turn to the philosophical consideration of how it is not in the interests of the men consuming pornography that women suffer.

Mary Wollstonecraft ([1792] 1992) partly set out to convince men that, as rational agents, they should prefer the company of accomplished, empowered women to those usually forced to play a decorative role (see Green [1993] for Wollstonecraft, and Langton [1993], Plumwood [1993] and Lovibond [1994] for the more general idea philosophical argument can convince all persons they should prefer women be empowered). So, the education alternative could argue that encounters, including sexual encounters, with consenting independent women are more fulfilling than oppressing women. Emphasis would be on how women are oppressed through the

consumption of pornography, and the conclusion would be that it is not in an enlightened agent's interest to consume it. Exact details of such education for good living would depend on the exact understanding of the Core Belief.

Beside Wollstonecraft's text there could be additional 'satellite' arguments dependant on further commitments. One could be that sexual satisfaction obtained commercially or solely through masturbation is inferior, and that it is rational to thoughtfully seek something better. This does not have to assume an ongoing or regular sexual "relationship." It could allow single men to accept partners including those markedly different to the actresses and models used in pornography. A more successful attitude to casual encounters would be wary of treating partners as free prostitutes and of exploitative attitudes such as were found in some sectors of the 1960s free love movement (for background argument see Betzhold 1977 Reich 1969, Kollontai 1977, ch.6). In all cases circulation is reduced when potential buyers gain the confidence to challenge the regime of consumption that, especially given "the cult of macho," is presented to them as a default. Education would be an alternative not just to censorship.

The mass appeal of pornography directly confronts the alternative. For Marx ([1887] 1978 ch.1 s.4), 'commodity fetishism' prevents rational thought about superior social relations. The fetish fixes our attention on the movement of things (money, commodities) at the moment of purchase, distracting from improving the ongoing interaction of persons. Marx indicated the fixation happens in a variety of ways. Understanding pornography as a Pavlovian mechanism is one.<sup>v</sup> Rather than thinking about the ramifications of purchasing pornography, men compulsively buy. Arguably though, the education alternative could point out that while it is rational to subject oneself to certain types of conditioning, such as hypnotherapy to give up smoking, the same is not true for the conditioning found in pornography (similarly see *Men Against Pornography* 1990 and Betzhold 1977).

Still, an existing mass appeal makes itself felt when we return to the idea, compatible with both rational self-regulation and liberalism, that any reconditioning be undertaken voluntarily. (This also avoids dystopian scenarios such as in *A Clockwork Orange*). Willing entry into a program suggests a circularity — only already reformed or already reforming consumers would become involved. The circle could be broken by a public relations excersise, perhaps similar to the way the universities today appeal to individual gain to sell their courses. Of course, increasingly universities pay for advertisements as profit-making institutions, whereas the proposed pornography education campaign must be available to those financially limited by the consumption of expensive pornographic commodities. An education alternative would require funding, including (following my arguments) for psychological and public relations personnel. State funding seems most likely, though this need not mean state administration. As concerns the difficulties obtaining such funding, we should not forget education is an alternative to prisons and policing, and the latter are extremely costly.

With these prospects in mind, an interim conclusion is possible. The developed education alternative does not depend on enforcement to reduce circulation, and avoids legalities as potential advertisements for top-shelf pornography. Nor does it corrupt police services by involving officers in a world of highly sought-after illegal products. Instead it reduces circulation by shifting the locus of the debate firmly onto the consumer. The developed education alternative encourages consumers to think not just about their consumption but also to think ethically, that is, about how they might generally relate to others.

### **5. Concluding Suggestion: a Fourth Wave?**

The very real worry for the education alternative is that the mass attraction of pornography can override the kind of arguments presented here. If the attraction dominates then the education alternative will, as some commentators have suggested, be ineffectual or no more effective than censorship. We are, as the internet shows,

confronting an immense amount of pornographic material. In order to give the education alternative the most chance of affecting a redress, alongside better articulations of the Core Belief, attention will have to be paid to what satellite arguments should be deployed. While the developed alternative could counter the Pavlovian attraction of pornography, the variety of forms the commodity fetish can assume (see f.n.3 above) means a mass market could be achieved by other means, including brand fetishes or false advertising. If so, these too will have to be counteracted.

While the challenge is immense, the proposal here should not be compared too closely with certain already-existing less successful measures. In the developed alternative presented above, reconditioning is an adjunct to be used only if a participant in an education program thoughtfully arrives at the conclusion it is needed. Undirected reconditioning would not be as effective. Not only prone to still further (counter) reconditioning, it is not necessarily clear what conditioning techniques are trying to accomplish in these instances. Aversion is not adequately focused. Reconditioning directed by thought-out commitment must be more carefully used and only as the assessment of sexual dysfunction (as understood in section 4 above) demands. In traffic safety cases targeting speeding or mobile phone use while driving, campaigns sometimes revert to threats of penalties or stand alone. In the education alternative to censorship presented above, such campaigns must publicise an educational option.

We must nevertheless remain circumspect. The empirical evidence regarding the inefficacy of censorship and the efficacy of an education alternative is not “in.” Here we have only considered what an anti-pornography movement should recommend. It should prefer to begin in earnest on a burgeoning counter-literature with arguably a better chance of success than punishments. If the claims tabled regarding the inefficacy of censorship are one day conclusively falsified, and recommending education shown to be the wrong approach, then a Hegelian consolation is that the movement would return to the demand for censorship on firmer ground.

In the meantime, there could be a Fourth Wave anti-pornography movement concerned not just with the quality of life of women as a result of the industry, but also of male consumers. As argued by Wollstencraft, default ways of living can be challenged by critical reflection. Philosophers have in the past differentiated themselves by championing just such an examined life. If these philosophers have ignored the life issues later taken up by feminist thinkers, then by their own lights it is time the neglect was redressed. If the Fourth Wave does succeed, philosophers would have made significant progress in carrying out their long-held aim of making the everyday man more philosophical.

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## NOTES

<sup>i</sup> In a system such as society involving many parallelograms of forces, the anti-pornography movement usually agrees other causes must also be removed to prevent the harms (Assiter 1989; Dines, Jensen and Ruso 1998; Calvert 2008, 190).

<sup>ii</sup> Correctly suggesting that the successive Waves of the anti-pornography movement are not to be confused with the (very roughly) conterminous waves of feminist thinking. I leave it to the reader to pick the influences of different feminist waves on the anti-pornography movement.

<sup>iii</sup> The “marriage porn” genre can then be read as an attempt to address First Wave concerns. To do so successfully it would also have to be consumed within marriage. In any case it may not be the pornography (sub) that came to be of more serious concern, and it is safe to assume it occupies a relatively small market niche.

<sup>iv</sup> I use this Peircian term to mean skilful observation of what surrounds us in daily life for the purpose of making explicit arguments as to how we should best understand the world, even in the absence of evidence from other sources such as surveys.

<sup>v</sup> As suggested towards the end of section 3 above. Marx died the decade before Pavlov’s experiments, and long before the full gamut of advertising techniques deployed against the public today. He also neither detailed nor ruled out the ways the commodity fetish could produce its false perspective.

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