

# Which is More of a Threat - Pornography or its Censorship?

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Hilary Kincaid was awarded the CAMLA Essay Award for 1997 for this paper on feminism, pornography and censorship

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Pornography is evil. It is violence against women; action rather than speech which maintains the current, sexism-saturated status quo<sup>1</sup>. As such it is indefensible under free speech statutes or the ideological values which underpin them. It reduces women to a collection of orifices, annihilating any form of selfhood that they might have<sup>2</sup>. They are purely functional creatures, real only in terms of their utility and valuable only until they are broken - like a cup<sup>3</sup>.

Pornography is good<sup>4</sup>. It satisfies basic human needs. It provides pleasure in the form of sexual stimulus, stripping away real world confusion, breaking cultural and political stereotypes and above all providing an opportunity to see many different ways of being. It also provides a rich source of inspiration and field for expression. To restrict pornography is to set a dangerous precedent, instituting machinery for the control of information 'for one's own good'.

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## WHAT IS PORNOGRAPHY?

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The most pertinent issue in reconciling these oppositional points of view is obviously to decide what "pornography" is. *The Oxford Reference English Dictionary* defines it as "the explicit description or exhibition of sexual subjects or activity in literature, films, etc, intended to stimulate erotic rather than aesthetic or emotional feelings. Literature etc. characterised by this." In order to understand this definition it is necessary to define erotic - "of or causing sexual love, esp. tending to arouse sexual love." Still rather circular.

This definition does not give us any distinguishing lines between the realms of pornography, erotica, the nude in art, performance art or any other sort of depiction of the sexual - though it is arguably impossible to find such separations.

For example, there is the photograph by German artist Doris Kloster on the facing page. Put it in a fashion magazine and BANG, it's haute couture. If it were in

*Penthouse*, then suddenly it is perverse and a fountain of prurience.

For the purposes of this essay I have adopted Wendy McElroy's definition of pornography as the "explicit artistic depiction of men and women as sexual beings"<sup>5</sup>, while keeping in mind the more generally held definition of pornography as the graphically sexual and 'unfiltered' visual or written depiction of the sex act.

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## ANTI-PORNOGRAPHY ARGUMENTS AND ASSUMPTIONS

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Arguments against pornography tend to veer towards the assertion that it maintains inequality between the sexes by reinforcing the commodification of women's bodies [Mackinnon] and is emblematic of the position of women at the bottom of the social, political, and economic hierarchy<sup>6</sup>. Another concern is that pornography - particularly that which involves violence, bestiality and the abuse of children - stimulates its consumers to commit such acts themselves.

In my own reading of Dworkin and Mackinnon, I found myself almost convinced by their arguments (particularly those of Dworkin). Perhaps the post-feminist and libertarian assumption of every individual, particularly every individual female, as 'free' was gruesomely naive. Perhaps 'we' are the oppressed after all.

And this, I think, is the point that punctures the antiporn feminists' argument. The writing of Catherine Mackinnon relies heavily upon the use of the word 'we'<sup>7</sup> - privileging her views as those of a renegade martyr-speaker, compelled to speak out over the knowledge that has been revealed to her. But who are 'we'? Such a term is as (un)specific as 'they' - powerful yet imprecise, able to expand and contract to fit the purposes of the argument at hand.

Mackinnon purports to speak for all women. If she claimed to speak for all

Americans or all Anglo-Saxons (both of which she is) her views would be stigmatised as bizarrely presumptuous. Mackinnon claims that she knows the *truth* about the real status of women. From the bulwark of education, wealth and relative fame she cries the message of the 'true believers.'

Yet this assumption of privileged knowledge reveals an encroaching moral materialism. On what authority does this woman speak? Why would she know more than the porn actress or the prostitute about the realities of their lives?<sup>8</sup> There is a certain arrogance in claiming to be the voice of the voiceless. Both Dworkin and Mackinnon also completely ignore the fields of gay and lesbian pornography, assuming that male dominance over women is the only possible or indeed plausible power relationship between the sexes.

What is the difference between 'erotica' and 'pornography'? Is it in the smear of vaseline on the lens? Or the length of the words? Why is explicit erotica such as the works of Anais Nin<sup>9</sup> and Alina Reyes<sup>10</sup> freely available whereas works that are substantially similar are draped in plastic and sold only to adults?

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## PORNOGRAPHY AND THE INTERNET

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One example of the pernicious possible effects of the censorship of pornography is on the Internet. The application of censorship may well lead to the restriction of a medium which is important precisely because of the broad access that 'ordinary' people may have to it, both as producers and consumers. Comparatively low initial costs and instant worldwide coverage provide an important opportunity for genuinely alternative voices not only to be heard, but to flourish.

The main reason cited for the censorship of the Internet is the protection of children. Pornography - whether visual or written (such as chat rooms) will allegedly taint young minds, giving them an impure perception of sex.

But what is pure? Is it monoracial? Heterosexual? The sexual curiosity of children will eventually find an avenue, whether it be a web site or a smut magazine. The Internet bears a stronger resemblance to a library than any sort of 'pushed' media like television. Information has to be actively sought<sup>11</sup>.

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### **PUBLIC HEALTH INFORMATION**

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Explicit, freely available images of the sexual are also necessary for maintaining public health. A pamphlet on the sexual health of gay men, recently published by the Aids Council of New South Wales, experienced many problems in even getting to publication stage due to its graphic photographs of men while having sex.<sup>12</sup>

Sexual health is an area where scruples or niggles over nudity or 'immorality' in general move from being faintly ridiculous into being extremely dangerous.

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### **PROBLEMS WITH ARCHETYPING WOMEN**

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I do not propose to argue that all pornography is wonderful. Some of it is simply abhorrent. But commercial pornography - namely, that which is consumed the most frequently and widely - predominantly features sexual activity between mutually consenting and willing adults<sup>13</sup>. To nullify the consent of women as many antiporn feminists do, arguing that consent is motivated by a fear of being raped and reinforced by *inherent* inequality, is to return to Victorian archetypes of women as absolutely asexual. This archetype also contains the assumption that women who enjoy sex - or, in this context pornography - are either immoral or muddled little pawns because they do not conform to a standard.

Rigid ordering of the sexual, or at least attempts to do so, ignore(s) the complex realities of everyday lives. Compartmentalising the pure and impure, the correct and the incorrect, may render experiences easier to categorise but it does not change their nature. Life is messy. Particularly when it comes to porn, it is important to make the distinction between fantasy and reality<sup>14</sup>. The world of sexual fantasy is a cloudy, murky beast.



Doris Kloster, *Laced* © Doris Kloster. Also reproduced in *Doris Kloster: PostcardBook*. Köln, Benedikt Taschen Verlag, 1995

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### **THE MYTH OF 'TRUE' FEMINISM**

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Another faultline in Mackinnon's arguments, evident in the essays 'Playboy's Money' and 'Not a Moral Issue', is her assumption that there are 'true' feminists (as distinguishable from 'so-called ones'). If, for example, she claimed to be more of a 'true' Marxist than another writer it might have some credence. Marxism has central, original texts which can be referred to. To an extent, one can determine degrees of purity.

But feminism - from the First Wave of suffragettes to the brave new world of

cyberpunk<sup>15</sup> - has so many disparate elements, antecedents, aims and practitioners that for one person to claim to be its standard bearer is both misleading and offensively presumptuous.

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### **THE BEAUTY INDUSTRY**

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It is also possible to argue that pornography creates images of women that are no more destructive than the international beauty industry<sup>16</sup> and the modern romance novel genre/industry. The stereotypes and norms which lie in these areas are perhaps more dangerous because they are codified as normal rather than perverse.

The former is a multi-billion dollar industry based upon the assumption that women are inadequate and need to be painted, plucked, and primed - in any case corrected, made whole and satisfying. It could not survive without this assumption of inadequacy and the objectification of women's bodies<sup>17</sup>. The beauty industry could not survive without the self-perpetuating idea that women exist to be looked at. This is put rather more elegantly in a scene from the popular television series, '3rd Rock From the Sun':

*"Speaking of bodies, why is mine [female] so much more high-maintenance than yours [male]?"*

*"I think the economy relies upon it."*<sup>18</sup>

Yet no-one proposes to restrict the access of young girls - or indeed young boys - to magazines such as *Cosmopolitan* and *Cleo* which propose a norm of womanhood as being white, heterosexual, lean and toned (as opposed to healthy), heavily made up, consuming fashion (rather than "buying clothes") and happy in a steady relationship with a square-jawed man who has "all-American bone structure hired or loaned for the occasion"<sup>19</sup>, naturally having lots and lots of perfect sex.

This bizarre prioritising of flesh over anything else is not stigmatised as much as porn (if at all). Pornography is the messy world of fluids and deviancy. Beauty is airbrushed and 'normal' - and thus immeasurably more insidious because it goes virtually unquestioned.

The other problem with women's magazines is that they put forward a view of sexuality as skill, as a science to be studied until one becomes an adept. If one does not know one hundred and one sexual tricks (regardless of personal taste) then one is quite obviously inadequate.<sup>20</sup> This myth is a damaging one. Women's magazines tell you that you ought to be trying out that new wheelbarrow-style sexual position. Porn shows you how.

Romance novels quite frequently posit women as sexually passive, and unable to separate sexual pleasure from romantic love. While this view is not wholly untrue, neither is it so true as to warrant its present hegemonic dominance. It reinforces myths of the essential feminine, which have only ever been used to the detriment of women.

As Holly Hughes, an American playwright and performance artist, puts it:

*"I've always resisted in feminism the notion that women are innately 'better' or more 'nurturing' or 'closer to Nature' because this shows signs of the Bambi mentality. First of all: is nature good?"*<sup>21</sup>

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## BODY PERCEPTIONS

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The protection of the bodies of women is a double-edged sword. The prevention of disrespect - maintained by, among other things state control as manifested in the OFLC<sup>22</sup> - can quite easily segue into the restriction of women's access to birth control, abortion, and consequently personal autonomy over sexual health and sexual activity, all in the name of sanctity and respect.

Historically, in my opinion, women's bodies have predominantly been seen or praised rather than used by them (with the exception of childbirth). They are used to represent various social qualities in an allegorical fashion - for example the traditional figure of Justice - carved, praised and prettified rather than enjoyed.

The bodies of men, however, have been seen and used by them as dynamic, active instruments which are used and enjoyed in their day to day lives for their own purposes. To once again create a standard of the bodies of women as 'pure' and something that can be disrespected and defiled is to deny women the opportunity to use their bodies for their own ends.

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## SELF-PERPETUATING ASSUMPTIONS ABOUT WOMEN

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The assumption of inequality and powerlessness is somewhat self-perpetuating. I do not intend to argue that complete equality between the sexes has been achieved, or that no woman is a victim of any sort of discrimination and violence any longer. That would be unaccountably naïve. On the other hand, if you think that you're a domino then it's fairly likely that you'll fall over.

Views which assume that women are incapable of using either their sexuality or their bodies for their own purposes essentially assume a lack of personal autonomy for women and infantilise them by shoving them headlong down a continuum of powerlessness and victimhood.

Another fallacious assumption that underpins arguments for the censorship of pornography is that women have an inherently more significant investment in being portrayed as passive than men do in being portrayed as dominating, controlling beasts. To assume that all men are the impulse for sexual dominance walking unadorned by any of the trappings of civilisation - like a personality - is surely a destructive stereotype. As Katie Roiphe puts it in her specific analysis of sexual relations upon American university campuses:

*"The idea that a male student can sexually harass a female professor, overturning social and institutional hierarchy, solely on the basis of some primal or socially conditioned power over women is insulting. The mere fact of being a man doesn't give the male student so much power that he can plow through social hierarchies, intimidating all the cowering female faculty in his path...Even if you argue, as many do, that in this society men are simply much more powerful than women, this is still a dangerous train of thought. It carries us someplace that we don't want to be. Rules and laws based on the premise that all women need protection from all men, because they are so much weaker, only serve to reinforce the image of women as powerless."*<sup>23</sup>

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## CONCLUSION

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Pornography, despite the fact that it may be a source of demeaning images and may reinforce stereotypes, must not be censored, due to the very slipperiness of its definitions and the important (negative) consequences which such censorship would have upon freedom of speech and expression, the representation of the plurality of sexual choices, and the autonomy of women. The censorship of pornography (under some standards) would also take away its ability to be used as a positive force for change. In the feminist novel *Dirty Weekend*<sup>24</sup> by Helen Zahavi, the heroine, Bella, kills six men before, during or after the act of sex. If obscenity and anti-pornography laws such as the Mackinnon-Dworkin Model Ordinance were adopted, the novel would have entirely lost its power as a feminist work.

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<sup>1</sup> Catherine Mackinnon, 'Not a Moral Issue' in *Feminism Unmodified: Discourses on Life and*

Law Cambridge:Harvard University Press, 1987.

2 Andrea Dworkin, "Pornography Happens To Women." <http://www.igc.org/Womensnet/dworkin/PornHappens.html>

3 P138 in "Playboy's Money" in Catherine Mackinnon, *Feminism Unmodified*, op.cit.

4 <http://www.spectacle.org/1195/McElroy.html>, among other theorists and writers.

5 <http://www.spectacle.org/1195/McElroy.html>

6 Andrea Dworkin, op.cit.

7 Refer to Mackinnon, *Feminism Unmodified*, op.cit.

8 "Many intelligent, self-confident women...have chosen to work in this lucrative industry. What sort of 'feminism' is this that tells me I need 'reforming' just because dancing buck naked on stage while people throw money at me is my idea of fun? By depicting sex workers as either too emotionally crippled or too stupid to escape a fate which apparently any decent woman would find unspeakably degrading, they help perpetuate the sorts of patronising stereotypes a true women's liberation movement should strive to eradicate", "Karen", (a law student who also works as a nude dancer in NYC clubs), quoted in the epigraph to Chapter 8 of *Defending Pornography: Free Speech, Sex, and the Fight*

for Women's Rights by Nadine Strossen. New York: Scribner, 1995.

9 Nin, Anais. *Delta of Venus* Harmondsworth:Penguin, 1994

10 Reyes, Alina (trans. David Watson) *The Sexual Labyrinth* London:Phoenix, 1996.

Reyes, Alina (trans. David Watson) *The Fatal Bodice* London: Minerva, 1994.

11 Mackenzie Wark, "Internet Porn Censorship" in *The Australian*, April 4, 1996 (p11)

12 A similar case occurred in Oklahoma City. It is cited on p 20 of Nadine Strossen. *Defending Pornography: Free Speech, Sex, And The Fight For Women's Rights* New York: Scribner. 1995.

13 Pp161-5 in *Defending Pornography*, op.cit.

14 "There isn't a part of the forest that doesn't have its particular meaning; not a clearing, not a thicket that doesn't have its mirror in the maze of the human mind."

Honore de Balzac, *Le Cure de Village*. Quoted in epigraph to Manguel, Alberto and Stephenson, Craig(eds). *The Flamingo Anthology of Gay Literature: in Another Part of the Forest*. London: Flamingo, 1994.

15 See-<http://www.bust.com>, <http://www.riotgirl.com>, <http://www.nrrdgirl.com>, <http://www.pfplayground.com>, and <http://www.geekgirl.com>, as well as countless other sites.

16 Cooke, Kaz. *Real Gorgeous: the truth about body and beauty*. Sydney, Allen and Unwin, 1994.

17 article 'Media Whore' by Lisa Jervis in *BUST* magazine, Fall/Winter 1996. Published by BUST Magazine Enterprises, New York, USA.

18 As quoted in article 'Media Whore' by Lisa Jervis in *BUST* magazine, Fall/Winter 1996. Published by BUST Magazine Enterprises, New York, USA.

19 Sylvia Plath, *The Bell Jar*. London: Signet, 1985.

20 "Blow him away" by Tracey Cox in *Cosmopolitan*, October 1996. Sydney:Australian Consolidated Press.

21 P103 in *Re/Search # 13: Angry Women* San Francisco:Re/Search Publications, 1991.

22 Office of Film and Literature Classification.

23 pp89-90 in Katie Roiphe, *The Morning After: Sex, Fear, and Feminism* New York: Little, Brown, 1994.

24 Zahavi, Helen. *Dirty Weekend* London: Flamingo, 1992.

## Meltdown to Liberalisation: Telecommunications in Asia

Chris Shine and Jacqui Brosnan look at the liberalisation of the telecommunications industry in Asia in the context of the WTO agreement and give a snapshot of current developments

Prior to the recent economic difficulties Asian economies had been progressing down the road toward telecommunication market liberalisation. Telecommunications is viewed by many Asian countries as a sector of great opportunity for development and foreign investment, particularly amongst those countries poorly served in the fields of basic telephony and value added services.

This article looks at Asian liberalisation in the context of the World Trade Organisation ("WTO") agreement to liberalise basic telecommunication services and provides a snapshot of current developments.

### WTO AGREEMENT

The WTO agreement signed on 15 February 1997, extended the General Agreement on Trade in Services ("GATS") to basic telecommunications

services. Central to the agreement was the acceptance of regulatory principles contained in the Reference Paper (in whole or in substantial part) by 69 WTO member countries.

The Reference Paper sets out the key regulatory requirements to ensure non-discriminatory market access. They include competitive safeguards, non-discriminatory interconnection, competitively neutral universal service obligations, public availability of licensing criteria, an independent regulator, and non-discriminatory procedures for the allocation and use of scarce resources. The purpose of the GATS agreement is not to force nations into one model or another, but rather to insure that, whichever path toward telecommunications competition is chosen, the regulatory structure will fairly protect users and competitors against abuse of dominance and ensure that, even in a competitive environment, the ability to communicate is not impaired.

### CHINA

Negotiations are currently on foot regarding the appropriate terms of China's membership of the WTO. These include the terms on which China will agree to liberalise its telecommunications sector.

There is no independent regulator of telecommunication services in China. The Ministry of Posts and Telecommunications is both the dominant provider and regulatory authority. Some limited competition is emerging in value added services. Although there is a general prohibition on foreign network management and operation, foreign investment is possible indirectly through joint venture structures.

China's current WTO telecommunications service offer is:

- Basic telecommunications: Foreign firms can form joint ventures to construct basic telecommunications