



COMMUNICATIONS
FORUM

TECHNOLOGY, PORNOGRAPHY
and FREE SPEECH

March 10, 1988

Seminar Notes

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This session of the Communications Forum focused on the topic of pornography and raised questions about how our society should deal with this controversial topic. The three speakers each represented a unique perspective: Harvey Silverglate represented the perspective of the Civil Liberties Union of Massachusetts and advocated a free speech approach to dealing with pornographic material; Neil Malamuth represented the social science approach to studying "violent sexual imagery," and while raising the hypothesis that exposure to such material may likely lead to sexual violence, he does not advocate media censorship; Dr. Michelle Harrison was invited to represent the "feminist" perspective, but she was very clear to state that feminists often differ in their views on the subject of dealing with pornography. It was apparent from the discussion that Attorney Silverglate and Dr. Harrison have strong interests in legal policy in contrast to Professor Malamuth's strong interests in social science research. This tension in viewpoints served to enliven this discussion of pornography.

Professor Malamuth, Director of the Communications Studies Program at UCLA, provided the audience with a review of the research with which he has been involved in the area of sexually explicit media. He explained the reasons, i.e. ethical and practical considerations, behind his choosing an "indirect effects" model, instead of a "direct incitement effects" model, to study this area. He acknowledged that some people would not feel this latter model helpful for policy reasons. Although his research is focused on the mass media, he admitted it might not be one of the greater influences on human behavior.

The major questions Malamuth raised in his research: "Is there evidence that some factors like mass media might cause people to have certain attitudes which lead them to behave in certain ways? Specifically, does exposure to mass media depictions change attitudes regarding aggression against women?" It was this link between cause and effects that Malamuth sought to address in his lab and field studies.

The following is an overview of a study conducted by Malamuth at the University of Manitoba, Canada:

Undergraduate psychology students were asked to volunteer to see free movies on campus in exchange for a brief review of the movies for which they would receive lab credit. The response was very enthusiastic. Students were randomly assigned to view four feature length films--half viewed films portraying violence to

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COMMUNICATIONS FORUM

women (e.g. "Swept Away"), while the other half watched movies with no violence to women. A control group was composed of all those in the class who did not volunteer to view films. A polling agency came to the class weeks later (no affiliation was announced between the original surveys and the later poll) asking questions about people's attitudes towards violence to women.

The dependent measures used in this study were (1.) rape myth acceptance (RMA) and (2.) acceptance of interpersonal violence scale. The first scale was originally developed in Minnesota and revolves around the premise that "many women have the unconscious wish to be raped." The second scale uses questions such as "a man is never justified in hitting his wife." Prof. Malamuth noted that the subjects were not pretested on their attitudes about many issues, including media use and people's attitudes towards violence to women, in order not to sensitize people about the nature of the study.

The findings of the study revealed that females were less accepting of violence against women than were men. However, there was no difference between the responses of females in the control group and those exposed to the experimental conditions. In contrast, it was found that men in the experimental group showed more acceptance of violence against women than men in the control groups. In reviewing these and other results, Malamuth noted that if under some circumstances sexually violent portrayals result in greater acceptance of violence against women, an important question arises--"How well do such attitudes predict various forms of 'anti-social' behavior." Malamuth presented other data showing that attitudes are one of several interacting factors that quite successfully predict (in a statistical sense) some anti-social behaviors against women. The data show that if a person is relatively high on all of these factors then there is considerable likelihood that he will engage in some antisocial forms of behavior, including, in some cases, sexually aggressive acts. However, by themselves, attitudes supportive of violence are unlikely to result in sexual aggression, just as other factors by themselves are unlikely to produce such antisocial behavior.

Next, Harvey Silverglate, President of the Board of Directors, the Civil Liberties Union of Massachusetts, focused on our right as americans to free speech. He stated that he is

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COMMUNICATIONS FORUM

basically a sceptic of studies like the one Prof. Malamuth described. Silverglate takes as a given that the media (literature, TV, etc.) exist to affect our attitudes. In his opinion this does not need to be proved experimentally. His major premise is that our society is better off in that it allows free expression, including pornography.

The main question raised by Attorney Silverglate is: "How do we deal with bad attitudes resulting from exposure to media?" According to Silverglate there are three issues of importance in addressin, this question:

- o the impact of pornography
- o the problem of voluntariness versus involuntariness
- o social interest and individual liberty

He is most interested in seeing the discussion of pornography focus on this second issue--voluntariness versus involuntariness. In this vein he recounted a case that Alan Dershowitz argued before the Court of Appeals regarding the right of a theatre to show the movie "I Am Curious Yellow." Silverglate agreed with Dershowitz's approach in arguing that the theatre was within its rights to show such a film as long as it meets three criteria: the film is to be shown inside a theatre, to an audience of adults, and with a "warning" posted outside the theatre. (These are also referred to as time, place and manner restrictions.) According to Silverglate there should be no limitations on what consenting adults should be able to see under their own volition.

Silverglate attributes Dershowitz's success in arguing the aforementioned case to one humorous parable: In the story, a person comes across a storefront displaying clocks which appear to be for sale. However, upon entering the shop and questioning the "clerk" the would be customer finds out that it is actually the office of a ritual circumcisor (or mohel). The stranger goes on to pose the obvious question to the shopkeeper--"Why then do you have clocks in the window?" Where upon the shopkeeper responds--"What do you expect me to display in the window?"

In addition, Silverglate argues that the first issue mentioned above, namely the impact of pornography, is an entirely irrelevant question. He argues that "we have to assume that pornography, like all written or verbal material, impacts upon attitudes and conduct." In commenting on the third issue,

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COMMUNICATIONS FORUM

regarding social interest and individual liberty, Silverglate finds it a difficult question to resolve since "individual freedom is a very important aspect of the social interest and they are not mutually antagonistic."

Attorney Silverglate acknowledges that the emergence of technological innovations has only made it more difficult to even have the three controls to which Dershowitz alludes. Silverglate uses the example of TV programming to illustrate how easy it is for children to be exposed to sexual stereotypes. More recently vague FCC rules/guidelines have made it difficult for stations to know what content is acceptable. Recently, several stations were afraid to air Alan Ginsburg's "HOWL" which contains strong language for fear they would lose their license. Silverglate believes that this FCC policy of intimidation should not be allowed since it goes against our constitutional right to free speech.

According to Silverglate it is the work of a select few like Edwin Meese, with the creation of the Meese commission, who have set out to limit pornography, as well as limit our exposure to radical material, e.g. feminist material. Silverglate voiced tremendous concern with any system which would compromise the idea of free speech.

In closing, Attorney Silverglate proposed that pornography be treated "like we have treated (successfully) the problem of tobacco use and addiction, and like we have recently begun to treat (with moderate success so far, but we're gaining) alcohol abuse." Silverglate advocates the use of public education and persuasion, rather than prohibition. As an aside, Silverglate mentioned that he also favors this approach for all currently-illicit drugs. In general, he views the handling of the tobacco problem in the United States to be a model of how to address the pornography issue.

The third speaker was Dr. Michelle Harrison an avowed feminist. She was quick to point out that in her opinion the Constitution was not designed to support women; pornography illustrates this point.

In highlighting her views of pornography, Dr. Harrison alluded to an ordinance which was proposed in 1985 in Minneapolis. This ordinance defined pornography as a form of sex discrimination and was designed to allow women to sue if she felt

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
COMMUNICATIONS FORUM

that an act of violence had been caused by pornography. Some instances in which a women could lay such claims included situations in which a women was presented as a sexual object, shown as an object of degradation, and portrayed as inferior. The ordinance treated the use of transsexuals in place of women as illegal. Dr. Harrison believes that the primary intent of this ordinance was to go after the distributors of pornography.

In general she believes this is important legislation, but does not have full confidence that such an ordinance would ever pass through the Courts. Dr. Harrison pointed to this legislation as an area on which feminists may differ in opinions. On the one hand, some feminists believe women's freedom depends the availability of pornography and any limitations placed on the distribution of such material might only limit women's freedom of sexuality. In contrast are women like herself who would rather limit the negative sexual imagery, e.g., prevent the display of a painting showing a carrot and a vagina," about women in order to prevent even one act of violence against a women. She feels that this type of "censorship" is only a small price to pay in hopes of making the world a better place. However, she is not in total agreement with how the Minneapolis Ordinance deals with the issue of pornography.

Dr. Harrison acknowledges that a lot of the debate about having such restrictive pornography legislation hinges around the question of "What causes choice?" Dr. Harrison believes that we cannot assume that people make the same choices for the same reasons. According to Dr. Harrison, in the past medical schools felt that if you barraged students with pornography it would serve to sensitize them and allow them to more easily deal with patients. She feels this approach only leads to more victimization against women.

In closing, Dr. Harrison believes there is not yet any perfect system to deal with the issue of pornography. In the case of the Minneapolis Ordinance it is interesting to note that it was intended to protect children and ended up splitting the feminist community about how to deal with gay literature. Dr. Harrison's talk also highlighted the problem of defining "pornography." Finally, in rebuttal to Attorney Silverglate's remarks about using education and not law to curb the drug and pornography problems in our country, Dr. Harrison stated that "there is something to be said for a rule that says rape is bad" even if it appears to be ineffective.