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## **UNEASY BEDFELLOWS: SOCIAL SCIENCE AND PORNOGRAPHY**

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# Pornography, Politics, and the Press: The U.S. Attorney General's Commission on Pornography

an essay review by David L. Paletz

***A close examination of the Commission's deliberations and Report shows selective use of evidence, without much light shed from more recent thinking and scholarship and with surprisingly little attention from the media.***

On May 21, 1984, President Reagan announced the creation of a new National Commission on Pornography. In this review essay I consider the commission's purposes, membership, activities, deliberations, recommendations, and *Final Report*; assess the resultant media coverage and its implications; and finally look at some of the latest scholarly literature on pornography to see if it is any more enlightening than the products of the commission and the media.<sup>1</sup>

For information about the commission and its actions, I rely on its *Final Report*, released on July 9, 1986. But, rather than the expensive and cumbersome two volumes issued by the U.S. Government Printing Office, I use the far cheaper and more readily available version published by Rutledge Hill Press, with its useful, pro-commission "introduction" by the syndicated columnist Michael J. McManus.<sup>2</sup>

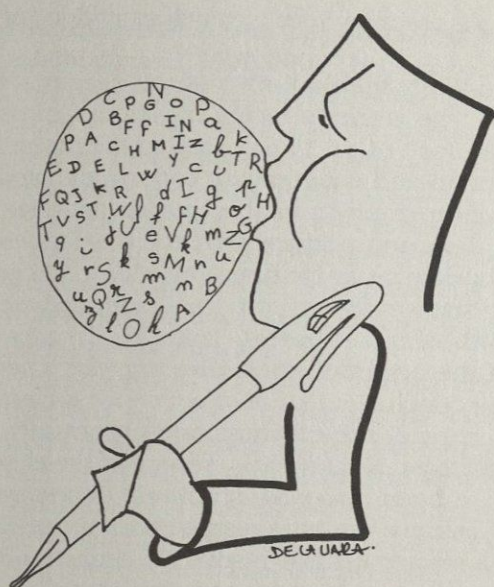
<sup>1</sup> In writing about pornography there is a temptation occasionally to slip in words of a slightly salacious connotation despite the availability of innocuous alternatives: for example, "revealing" instead of "enlightening" in the footnoted sentence. I have tried, not always successfully, to resist this inclination.

<sup>2</sup> According to McManus, Rutledge Hill Press issued the *Report* after better-known publishers declined the opportunity because "they don't want to publish opinions they don't agree with" (*Report*, p. xxxv). The two versions of the *Report* are not completely identical, however. The Rutledge Hill edition is better organized: it moves the commissioners' biographies and individual statements, and the acknowledgments and notes, from the beginning to the end of the document. Because the parts of its table of contents are labeled, readers can easily find the commissioners' recommendations; users of the Government Printing Office version receive no such guidance. On the other hand, the Rutledge Hill copy lacks some twenty pages of (murky) photographs of the commission and a few witnesses. More damagingly, "on the advice of counsel" (publisher's preface) it is marked by textual deletions (symbolized by a pair of scissors); and it replaces the exten-

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I have also drawn on the account of the commission by Philip Nobile and Eric Nadler. These two editors of the *Penthouse* publication *Forum* seem assiduously to have covered the commission around the country. In their book they snidely, and unabashedly polemically, characterize the commissioners and debunkingly recount their decisions and actions. Taking advantage of the law that all the commission's sessions and meetings be open, they also summarize and quote examples (no doubt selectively) of the commissioners' deliberations—valuable material absent from the *Report* itself.

Anyone trying to acquire an adequate understanding of the commission should consult both books in conjunction. Neither is complete or entirely trustworthy; together they are additive and mutually corrective.

**What were the purposes of the Attorney General's commission and who were its members?** There were two ostensible justifications for the new commission. First, pornography had become vastly more abundant and extreme in recent years. Second, the emergence of new evidence had cast into doubt the conclusion of the 1970 *Report* of the Commission on Obscenity and Pornography finding "no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior

sive appendixes to the organized crime chapter with a summary. In other words, material (especially the names of individuals and businesses) that might conceivably open the publisher to the possibility of law suits is omitted. Finally, because copyright permission was not obtained, the Rutledge Hill edition abbreviates the extensive quotations and detailed descriptions from allegedly pornographic books, movies, videos, and a tabloid to be found in the Government Printing Office original. It does contain the descriptions from magazines.



among youth or adults" (15, p. 32; see also 3 for a trenchant critique of the commission).

Creation of a new commission likely fulfilled other of the Reagan administration's objectives. It responded to "the active lobbying of various feminist anti-pornography and conservative groups" (4, p. 14); possessed the potential to bring to widespread public attention and concomitant concern the proliferation and ever-more-vicious kinds of pornography available; could encourage tougher enforcement of existing laws and perhaps pave the way for new legislation; and might make an appropriate issue for future elections. Add genuine horror and disgust by key administration figures at pornography and their view of the 1970 *Report* as, in the words of its dissenters, "a Magna Carta for the pornographer" (15, p. 456), and the powerful imperative to create a new commission that would repudiate the conclusions of its predecessor is clear.

It is not clear that all or even many of the commissioners necessarily shared or were aware of such likely objectives. Nonetheless, several of the eleven-member commission seem to have been opposed in advance to pornography and their selection calculated to achieve the administration's putative objectives. This majority consisted of a former Reagan Justice Department aide involved in the commission's creation; the founder and president of a publishing and broadcast organization dedicated to preserving traditional values, who also served on the National Advisory Commission for the Office of Juvenile Justice and Delinquency; a Reagan-appointed federal judge; a Franciscan priest who is executive director of an organization that rescues runaways in New York City's Times Square; and a councilwoman from Scottsdale, Arizona. A psychiatrist-sociologist from the University of Virginia who specialized in violent crime and disorders and was a consultant to the FBI was a likely addition to the majority. Another commissioner, a University of Michigan Law School professor who is one of America's leading constitutional scholars, had been described as believing that a First Amendment "protecting little but protecting what is truly important, is better than a First Amendment that is used to solve all issues of communication and communicators" (12, p. 25).

Other commissioners were the editor-in-chief of *Woman's Day*; the head of the California Consortium of Child Abuse Councils; and an Associate Professor of Clinical Psychology at Columbia University's College of Physicians and Surgeons, who was also the director of the Sexual Behavior Clinic at the New York State Psychiatric Institute. It might plausibly be assumed that these last three, all women, would not condone pornography either, although they proved to be among the dissenters.

Occupying the pivotal position of commission chairman was the Commonwealth Attorney for Arlington County, Virginia. Before the commission completed its work, he would be nominated for U.S. Attorney for Eastern District of Virginia by President Reagan. The commission's executive director was the federal prosecutor from Louisville, one of a small handful of U.S. attorneys to bring obscenity cases to trial during recent years. The bulk of the commission's staff appears to have been similarly hostile toward pornography.



**The commission was appointed in May 1985, with a relatively minuscule budget of \$500,000.** The size of the budget—one-sixteenth that of its predecessor in today's dollars—and the requirement that it submit a report within a year prevented the commission from sponsoring any new studies or, in my view, producing a comprehensive synthesis and analysis of the strengths, weaknesses, and gaps in extant research. Indeed, its staff included only one social scientist charged with the responsibility of canvassing research.

Despite (or perhaps because of) its limitations, the commission was quite active and controversial. It was sued by the American Civil Liberties Union for withholding its draft report and working papers, whereupon the Justice Department agreed to release them.

The commission's most notorious embroilment arose when its executive director wrote to 26 companies, including CBS, RCA, Ramada Inns, the Southland Corporation, and Warner Communications, informing them that they had been identified as being involved in the sale or distribution of pornography and that, unless they disavowed the accusation within thirty days, they would be so described in the commission's final report. The letter provoked considerable criticism and was ordered withdrawn by a federal court five months later. By that time, the Southland Corporation, a sizable sales outlet for the magazines in question, had announced that it would no longer sell *Forum*, *Penthouse*, and *Playboy* at its 7-Eleven stores. In turn, these last two organizations and the American Booksellers Association sued the commission seeking, among other things, to be indemnified for lost sales.

The commission held six public hearings around the country, each focusing on a specific topic: an overview of pornography, in Washington, D.C.; law enforcement, in Chicago; social science, in Houston; production and distribution, in Los Angeles; child pornography, in Miami; and organized crime, in New York. Approximately 225 witnesses testified at these hearings.<sup>3</sup> The largest number of these (some 17 percent) were government officials (national and state legislators, U.S. attorneys, customs and postal inspectors). Another 15 percent consisted of police officers. Roughly 11 percent each were activists, lawyers, and academics, 8 percent were victims (women describing their fate at the hands of men exposed to pornography, sex offenders themselves, etc.), 7 percent were doctors, and lesser percentages were religious figures, suppliers, consumers, and others.

More revealingly, based on their affiliations, ascriptions, and quotes from their testimony in the *Report*, plus comments by Nobile and Nadler, more than 75 percent of those testifying opposed pornography and/or were in favor of greater regulation. Roughly 16 percent expressed one or more of the following sentiments: opposition to any more regulation, support of people's right to consume pornography, defense of pornography itself. The remaining 9 percent did not present a clear-cut case for or against pornography or, based on the information available, could not be categorized.

<sup>3</sup> That is my count from pp. 465–470 of the *Report*.



**The commissioners held several lengthy sessions to clarify their views on pornography, react to the witnesses and testimony, and decide on their recommendations.** Although the *Report* does not contain a verbatim record, accounts of their deliberations are scattered throughout, especially in the "overview" and in the commissioners' individual statements. Moreover, McManus sympathetically, and Nobile and Nadler caustically, between them recount in detail, or summarily, some of the discussions and apparently all the votes and significant decisions.

The commission's charter required it "to determine the nature, extent and impact on society of pornography in the United States, and to make specific recommendations to the Attorney General concerning more effective ways in which the spread of pornography could be contained, consistent with constitutional guarantees" (p. li). As framed by the chairman and the executive director, and reinforced by the bulk of the testimony, the fundamental question before the commission, then, was what to do about pornography.

The problem, however, is that much pornography, defined by the commission as material that "is predominantly sexually explicit and intended primarily for the purpose of sexual arousal" (p. 7), is legal. Only if it is obscene does it violate the law.

The prevailing legal definition of obscenity, consisting of three basic guidelines, was enunciated by the Supreme Court in *Miller v. California* (413 U.S. 15 [1973]):

*(a) whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest. . . (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value* (p. 24).

As the *Report* observes, "only the most thoroughly explicit materials, overwhelmingly devoted to patently offensive and explicit representations, and unmitigated by any significant amount of anything else, can be and are in fact determined to be legally obscene" (p. 19). This leaves much pornography untouched.

So the commissioners turned to harm, justifying this approach on the grounds that some material can be constitutionally protected and yet still be harmful, and noting "that in some respects existing constitutional decisions permit non-prohibitory restrictions of material other than the legally obscene" (pp. 31-32). Based on the three criteria of social science data, the "totality of evidence" (meaning the testimony of witnesses plus common sense), and "moral and ethical considerations" (pp. 31-48 and Nobile and Nadler, pp. 161-178), they tried to determine the harmfulness of different types of pornography.

This approach is conceptually problematic. Harm is a protean term encompassing numerous direct and indirect attitudinal and behavioral effects ranging from extreme to negligible. What harms one individual may benefit or be harmless for another.



Nor are the commission's three criteria without difficulties. The laboratory experimental studies providing most of the social science data used by the commission may be innovative and provocative. Inevitably, though, their methodologies, interpretations, and applicability to real-world situations have been challenged (1; 2; 13, pp. 175–180; 16; 17; 18). Thus, most of the researchers who testified before the commission (and whose work is prominently cited in the "Social and Behavioral" section of the *Report's* bibliography) were appropriately cautious about generalizing from their data and even more reluctant about offering any policy recommendations. The commissioners would not be quite so circumspect.<sup>4</sup>

The witnesses were overwhelmingly opposed to pornography. The claims of government officials and law enforcement officers, not always devoid of self-interest, seem to have gone unchallenged, even unquestioned. Similarly taken at face value were the often emotional and affecting stories of the victims of pornography. It is possible, therefore, to be skeptical about the representativeness of the witnesses' assertions and arguments and their validity as a foundation for public policy decisions.

Asking the commissioners to apply moral and ethical considerations in deciding whether pornography causes harm is also tricky, particularly when several of the commission's members seem to have been viscerally opposed to pornography from the start.

**Nonetheless, the commissioners sedulously set about trying to distinguish types of pornography and assess the harm-causing effects of each.** They broke pornography into four not entirely analytically distinct classes (pp. 38–47; Nobile and Nadler, pp. 162–186).

Class I, "sexually violent material" (p. 39), consists of "sexual activity, actual or simulated, with violence, regardless of what else is present." The commission concluded "that the available evidence strongly supports the hypothesis that substantial exposure to sexually violent materials. . . bears a causal relationship to antisocial acts of sexual violence and, for some subgroups, possibly to unlawful acts of sexual violence" (p. 40). The members unanimously found the "totality of evidence" to show such harmful effects as "acceptance of rape myths," "degradation of status of women," and "societal harm."

Class II involves "nonviolent materials depicting degradation, domination, subordination, or humiliation" (p. 41). This "constitutes somewhere between the predominant and the overwhelming portion of what is currently standard fare heterosexual pornography, and is a significant theme in a broader range of

<sup>4</sup> See *The Question of Pornography* by Donnerstein, Linz, and Penrod, pp. 172–179, for a critical assessment of the commission's conclusions about the impact of pornography. The commission's analysis of public opinion data is similarly suspect. "It rested on a series of comparisons between variant wordings. . . ignored statistical tests for significance. . . either [was] unaware of or ignored relevant time series" (14, p. 265). Ironically, other data and better analysis would have led "to the conclusion that support for government regulation of pornography rose from the mid-seventies to the mid-eighties" (14, p. 265). Of course, pornography may be one of those subjects about which some people are unwilling to express their true feelings, at least to pollsters.



materials not commonly taken to be sexually explicit enough to be pornographic" (p. 42). The commission uncovered several kinds of harm in the social science evidence, including acceptance of rape myths and of violence against women, as well as family and societal harm.

Class III, "non-violent and non-degrading materials," is "quite small" (p. 43). According to the commission, other than its obviously harmful effects on children, "we are. . . unable to agree as to the extent to which making sex public and commercial should constitute a harm" (p. 44). The social science evidence (what there is of it) revealed predominantly no negative effects.

Class IV consists of "mere nudity" (p. 46). The commission essentially exonerated it while expressing concern "about the impact of such material on children, on attitudes towards women, on the relationship between the sexes, and on attitudes towards sex in general" (p. 47).

The commission concluded that "images are significant determinants of attitudes, and attitudes are significant determinants of human behavior" (p. 51). Such behavior involves the harms of "sexual violence, sexual aggression not involving violence, and sex discrimination" (p. 51).

In contrast to its focus on harm, the commission devoted little attention to any alleged benefits from pornography. Reducing the incidence of sex crimes through catharsis, serving as a therapeutic tool, and providing information about ways of enlivening people's sex lives were barely mentioned. Apparently, there are millions of satisfied consumers hardly any of whom were asked or were willing to testify on why they seek out pornography and what benefits they derive from it (see 6 and 11 for unusual "confessions" by a porn programmer and a porn consumer).

**What is the substance of the commission's 92 recommendations?** Inflated by exhortations and by repetition (the same recommendation for federal, state, and local governments is counted thrice by the commission), this output is less impressive than it seems. Moreover, 49 (over fifty percent) of the recommendations concern child pornography, a form of activity that has few defenders and is outside and therefore not protected by the *Miller* definition (but see 5, p. 165, for the legal distinctions between the production/sale/distribution and consumption of such material).

Most intriguingly, few of the recommendations seem related to the various classes of harm, especially graphic sexual violence (class I), to which the commission devoted so much attention. According to the chairman, "our mission dealt only with obscenity" (p. xxxi). However, as McManus observes, the commission's mandate was pornography, not just obscenity (p. xxxii).<sup>5</sup>

The recommendations are rather unrevealingly categorized in the *Report*, so I have reclassified them. Consonant with the commission's view that enforcement of existing laws against pornography has been sorely lacking, a leading category consists of exhortations to action. Other recommendations are designed to facilitate enforcement: these include such categories as improving

<sup>5</sup> I would note, however, that a chapter later in the *Report* offers suggestions for citizen and community actions against non-obscene but pornographic materials.



### Books discussed in this essay

*Dimensions of Television Violence* by Barrie Gunter. New York: St. Martin's Press, 1985. ix + 282 pages. \$31.95 (hard).

*Feminism Unmodified* by Catharine MacKinnon. Cambridge, Mass.: Harvard University Press, 1987. 315 pages. \$25.00 (hard).

*Final Report* by U.S. Attorney General's Commission on Pornography. Washington, D.C.: U.S. Government Printing Office, 1986. Vol. 1, 1960 pages; Vol. 2, 1035 pages. \$35.00 (soft).

*Final Report* by U.S. Attorney General's Commission on Pornography. Nashville, Tenn.: Rutledge Hill Press, 1986. xlix + 571 pages. \$9.95 (soft).

*Pornography* by Alan Soble. New Haven, Conn.: Yale University Press, 1986. x + 202 pages. \$21.50 (hard).

*The Pornography of Representation* by Susanne Kappeler. Minneapolis: University of Minnesota Press, 1986. 248 pages. \$35.00 (hard), \$12.95 (soft).

*The Question of Pornography* by Edward Donnerstein, Daniel Linz, and Steven Penrod. New York: Free Press, 1987. xiv + 274 pages. \$24.95 (hard).

*The Secret Museum* by Walter Kendrick. New York: Viking Press, 1987. xi + 288 pages. \$18.95 (hard).

*Smut* by Murray S. Davis. Chicago: University of Chicago Press, 1983. xxvi + 313 pages. \$22.50 (hard), \$10.95 (soft).

*United States of America vs. Sex* by Philip Nobile and Eric Nadler. New York: Minotaur Press, 1986. 370 pages. \$3.95 (soft).

*Women Against Censorship* edited by Varda Burstyn. Vancouver: Douglas & McIntyre, 1985. 210 pages. \$10.95 (soft).

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resources for combatting pornography (training, funding, establishing a data base on the pornography industry); creating programs (task forces, education, services for the victims of pornography and "for persons who are currently involved in the production or consumption of pornography and wish to discontinue this involvement" [p. 82]); gathering evidence (for example, through more extensive use of search warrants); assessing pornography's impact; and harsher criminal sentencing, including mandatory terms.

Four categories of recommendations focus specifically on laws and regulations. The commission calls (pleads) for the full enforcement of those already on the books. This is a species of the exhortation category referred to earlier but differs because the recommendations are specific. Thus, the commission



urges the Federal Communications Commission to "use its full regulatory powers and impose appropriate sanctions against providers of obscene Dial-A-Porn telephone services" and "against cable and satellite television programmers who transmit obscene programs" (p. 79). Similarly, the relevant governmental agencies are urged to ensure that they collect the taxes of firms dealing in pornographic material.

Relatedly, the commission urges the innovative (my word) application of laws against obscenity—for example, using pandering statutes against the producers of obscene material.

The commission proposes a few amendments to existing laws—for example, making the Mann Act gender-neutral, proscribing obscene cable television programming, and having the states make second offenses punishable as felonies.

Most of the recommendations for amendments, however, relate to child pornography. Some are quite tough: "make the knowing possession of child pornography a felony" (p. 80) and "create an offense for advertising, selling, purchasing, bartering, exchanging, *giving or receiving information* as to where sexually explicit materials depicting children can be found" (p. 80, emphasis added).

The commission recommends a few new laws not limited to child pornography: requiring the forfeiture of proceeds and instruments from offenses violating obscenity laws; making the hiring of individuals to participate in commercial sex performances unfair business and labor practices; prohibiting telephone or other common carrier transmission of obscene material; and using the Racketeer Influenced Corrupt Organization Act to prosecute major producers and distributors of obscene material.

Again, as with most of the other categories, child pornography is the commission's main concern. It proposes several new laws and regulations to try to put an end to that business. These include the aforementioned forfeiture statute as well as legislation requiring producers et al. of sexually explicit visual depictions to maintain records of performers' consent and proof of age; and a law defining the use of performers under 21 years of age in sexually explicit depictions as child pornography.

The commission made two decisions that must have surprised many of its antagonists. It voted six to five to recommend that material consisting solely of the printed word, even if it could be declared legally obscene under the *Miller* standard, not be prosecuted, unless it involved child pornography. By the same vote, it rejected a staff recommendation that "indecent" material be banned from cable television transmission, as it is from broadcast television.

**The *Final Report* of the commission, although confusingly arranged, lengthy, and often turgid, is well worth delving into, as long as caution is exercised about the evidence and documentation.** The *Report* footnotes most of its assertions, often citing its witnesses as sources. Despite occasional caveats in the *Report* about information limitations, these antiporn witnesses' statements are treated as accurate. Moreover, the footnotes usually give only the sources' names. Readers who want to know about affiliations, in order to try to assess the credibility and validity of the claims, have to go to the list of wit-



nesses, only to discover that names are listed by city and date of testimony rather than alphabetically.

The *Report* begins with an extensive "overview." Readers relying on this section to represent the *Report* as a whole are likely to be misled. Frederick Schauer, the First Amendment scholar from the University of Michigan Law School, was so dissatisfied with the version of the findings drawn up by the executive director and his staff that he wrote an eight-page letter of complaint to the other commissioners, concluding with his decision to draft "a document that will satisfy me, and my notions of minimally acceptable quality" (cited in Nobile and Nadler, p. 209). The commissioners subsequently voted to use his 192-page statement essentially as the "overview."

Consequently, the "overview" is not entirely consistent in tone, emphases, and content with the bulk of the *Report*. Its prose is restrained, arguments cautious and nuanced, conclusions often hedged.

The next section of the *Report* consists of the "recommendations" listed, then individually discussed and their justification attempted.

Much of the *Report* consists of the staff draft that caused Schauer to write the "overview." It devotes chapters to the aspects of pornography canvassed by the commission. The main ones are "victim testimony," "the use of performers in commercial pornography," "social and behavioral science research analysis," "production and distribution of sexually explicit materials," and "the imagery found among magazines, books, and films in 'adults only' pornographic outlets" (this the most graphic chapter but reduced, if not eviscerated, in the Rutledge Hill version; see footnote 2). Shorter chapters discuss "first amendment considerations" and the involvement of "organized crime" and, briefly, give "an historical perspective" on "regulation of pornography." Another chapter contains "sample forms" for search warrants, a forfeiture statute, and an obscenity statute.

This section of the *Report* is likely to convince an unaware, perhaps doubting, public of pornography's prevalence, pervasiveness, palpable harms, and probable dangers, and of the urgent need to regulate more effectively, to combat, to crack down on, what the *Report* views as this increasing menace to U.S. society. It also tends to blend together obscene with legally permissible pornographic materials. Thus, the chapter on the "production and distribution of sexually explicit material" recounts the history of the industry and then covers motion pictures (declining in number), videotape cassettes (abounding as video recorders become a common feature in U.S. homes), magazines, cable and satellite television, dial-a-porn, computer subscription services, sexual devices and sexually oriented paraphernalia, paperback books, tabloids, photo sets, audiotapes, and peep shows. It concludes with outlets, discussing the availability of pornography in "adults only" stores, military bases, and prisons.

The chapter on victim testimony is similarly provoking for readers who have not contemplated pornography's allegedly baleful effects. It categorizes and briefly gives instances (in no apparent logical order) of the physical, psychological, and social harms the witnesses had described. Under physical are included topics ranging from "rape," "forced sexual performance," and "torture" to "sexually transmitted diseases" and "prostitution." The "psychological



harms" subcategories range from "suicidal thoughts and behavior," "feelings of shame and guilt," and "nightmares" to "feelings of inferiority and degradation," "feelings of frustration with the legal system," and "abuse of alcohol and other drugs." The social harms include "loss of job or promotion/sexual harassment," "financial losses," "defamation and loss of status in the community," and "loss of trust within a family."

Given the litany of harms, people may want to take individual or collective action. The *Report* offers suggestions: organize, gather information, file complaints, monitor courts, assist and support public officials, picket and boycott. Nor, the *Report* makes clear, need these activities be confined to the legally obscene; they can also be directed at materials "harmful, offensive, and incompatible with certain community values" (p. 337).

The commissioners' individual statements, varying in focus, length, logic, values invoked, and vehemence, reveal the range of agreement and the divisions of opinion on the commission. Several members indicate satisfaction with the commission's decisions and recommendations. Other commissioners, for example the chairman, regret that pornography was not more forcefully condemned and deplore the suggestion that works limited to the printed word without imagery be exempted unless they are related to child abuse.

Two women commissioners, the Columbia University Associate Professor and director of the Sexual Behavior Clinic at the New York State Psychiatric Institute, and the editor-in-chief of *Woman's Day*, while sharing their colleagues' sense of offense at much pornography, disagree with many elements of the *Report*. They question the representativeness of the pornographic material viewed by the commission and the generalizability of the social science data. They complain that the commission focused on law enforcement at the expense of health and welfare issues. And they dissent from several of the recommendations (but not the ones on child pornography). They conclude with the admonition "that we face a complex social and legal problem that requires extensive study before realistic remedies can be recommended" (p. 546).

**Considering that the commission was controversial from its inception, held rather flamboyant hearings in major cities, and engaged in newsworthy activities, all the while tackling an incendiary social issue, we might expect it to have been the object of close scrutiny from the mass media.** The commission found much pornography harmful, especially to women, and described the benign conclusions of its predecessor commission as "starkly obsolete" (p. 6). Several of its recommendations are provocative. Moreover, the commission was carefully monitored by some of its antagonists, most notably the men from *Forum* and the legislative counsel for the American Civil Liberties Union, who publicized its activities. Depending on the media's coverage, the possible objectives of the Reagan administration in bringing pornography to public attention could be facilitated or undermined.

So, for the period May 1, 1985 through July 31, 1986, I examined coverage of the commission in the evening news shows of CBS, NBC, and ABC, the three national newswEEKlies, four leading newspapers (the *Los Angeles Times*, *New*



*York Times*, *Wall Street Journal*, and *Washington Post*), and a trade journal. Here the data will be briefly summarized.

The most revealing conclusion is the limited coverage. The trade publication *Publishers Weekly* assiduously followed the commission's activities. And virtually all the news media examined reported the formal submission of the *Final Report* to Attorney General Meese and his accompanying press conference. Meese inadvertently provided an irresistible tidbit for the coverage by appearing and being photographed in front of semi-naked statues ("The Spirit of Justice"). Also widely reported was the executive director's letter to several corporations asking about their alleged selling of pornography.

Otherwise, coverage was sporadic, even cursory. The newspapers each averaged less than one item (news stories, editorials, signed columns, letters to the editor) a month. Despite a *Time* cover story, the news magazines' coverage was also infrequent. Between them, the television networks' news shows devoted three news stories, approximately seven and a half minutes, directly to the commission. Far more extensively covered on television were the attempts of senatorial and cabinet members' wives to spur record companies voluntarily to affix warning labels and ratings on their rock records. I suspect that there are several reasons for the limited coverage, including the commission's apparently self-destructive actions; editors' decisions that its hearings and deliberations did not warrant comprehensive reporting; the organizational complexity of the commission's difficult-to-digest *Report*, compounded by its lack of a media-grabbing gimmick; and perhaps a reluctance to dignify what could be construed as an incipient attack on freedom of speech and the press.

As is to be expected, the media's treatment was often similar: the pornography issue was presented as a conflict of conservative moralists versus civil libertarians, with the former represented by the commission and such religious figures as the Reverend Jerry Falwell and the latter by the American Civil Liberties Union and its executive director Barry Lynn, as well as the dissenting commissioners.

But even when similar topics were reported, stories sometimes differed dramatically. In particular, the *Washington Post*'s coverage was more critical of the commission than that of the *New York Times*. For example, it headlined stories "Pornography Panel's Objectivity Disputed" (Oct. 15, 1985, p. A4), "ACLU Reports, Deplores Antipornography Drive" (Feb. 21, 1986, p. A12), "The Pornography Panel's Controversial Last Days" (Feb. 21, 1986, p. A13), and "Pornography Panel Ordered to Rescind 'Blacklist' Letter" (July 4, 1986, p. A1).

Despite its paucity of coverage, television news provided the most dramatic material, usually in its visuals. It showed adult magazines, the outsides of sex shops and burlesque houses, and witnesses giving testimony from behind screens. Television reporters, too, sometimes seemed less restrained than print reporters about expressing opinions. One described the commission as having been "formed simply as a political payoff to the administration's right wing fundamentalist supporters. . . the fix was in from the start" (CBS, June 11, 1986).

In sum, the sporadic media coverage, which ranged from bland to hostile toward the commission, probably made pornography a salient issue to some



people, although only temporarily. It also may have enhanced the public's approval of crackdowns on obscenity, particularly child pornography (for example, sting operations). But it does not appear to have alerted people to pornography's prevalence, engendered a sense of outrage, or encouraged widespread passage of new antipornography legislation. There has been no outburst of censorship. Nor has pornography yet become a significant political issue.

Neither the commission *Report*, the attacks of its antagonists, nor the concomitant media coverage, then, significantly advance the level of intellectual discourse about pornography. The issues are familiar, if not hoary: the public good, corruption of the young, freedom of speech, and individual choice (see 7 for a sensitive essay on these issues).

**During recent years, however, a vigorous, provocative literature about pornography has emanated from scholars—much of it polemical, even passionate—that elevates the intellectual quality of the pornography debate.** Here I briefly indicate its main concerns and mention some of the more prominent contributions. These works and their extensive bibliographies reveal the wealth of material available.

A useful start is Walter Kendrick's hop-skip-and-jump survey of the history of pornography in modern culture. In *The Secret Museum*, Kendrick, a professor of English at Fordham University, offers sprightly accounts of the activities of Anthony Comstock and the Bowdler family, the censorship of *Madame Bovary*, *Fanny Hill*, and *Tropic of Cancer*, the *Ulysses* decision, and many other events.

As befits a senior editor of the *Village Voice*, Kendrick espouses untrammelled free speech and opposes censorship. He seems to believe that words and pictures have little effect on people. These views infuse his accounts and are patently visible in his slams against those who disagree with him, particularly the Meese Commission *Report* and the organization Women Against Pornography.

*Smut* by Murray S. Davis views pornography from an unusual perspective. Despite the off-putting title, this is a subtle and clever volume, a pleasure to read. Actually, it is two books in one. The first is a revealing, insightful account, using a phenomenological approach, of the erotic reality created by intimate encounters. The second part is a structural analysis of reactions to that erotic reality. Davis identifies three sexual ideologies: "gnosticism," represented by the Marquis de Sade, "which sanctifies sex and all its associated phenomena" (p. 173); "Jehovanism," which "condemns them" (p. 173); and "naturalism," in which sex is regarded "as a part of everyday life, something without repercussions in higher spheres" (p. 183).

One can dispute the analytical and empirical validity of these categories without gainsaying their usefulness and appeal. This is an original work that stimulates understanding of the different responses to pornography of the two commissions and their members.

The experimental evidence about the effects of pornography (mainly on college students) in laboratory situations is surveyed, summarized, and evaluated in *The Question of Pornography* by Edward Donnerstein, Daniel Linz, and Steven Penrod. They point out that only when it is combined with violent images



does sexually explicit material induce negative reactions. They reject the commission's claim that sexually violent materials are the most prevalent forms of pornography (pp. 173–174). And they remind us that, rather than pornography, mainstream material is the commonest source of media sex and aggression. Barrie Gunter's work is relevant in this respect. In his *Dimensions of Television Violence*, he usefully shows that reactions to violence on television depend on the type of violence shown and the characteristics and attitudes of viewers (see especially pp. 243–262).

Rather than the increased regulation and stricter enforcement advocated by the commission, Donnerstein, Linz, and Penrod "call for large- and small-scale educational interventions aimed at grade schoolers, adolescents, and young and older aged adults." These proposals, however, insufficiently deal with such issues as who should do the educating; the interventions' content and effectiveness, especially on those most susceptible or prone to influence from dangerous content; and the feasibility of following harmful with educational material (e.g., with public service advertisements on television).

This brings us to the conflict among feminists, which literature has an intellectual intensity and combativeness barely acknowledged in the commission Report. Thus, in *The Pornography of Representation*, Susanne Kappeler, lecturer in English at the University of East Anglia, provocatively argues that, rather than a special case of sexuality, pornography is "a form of representation" (p. 2) and shows how it relates to men's power and domination over women. For her, pornography is only the most obvious example of the objectification of women in all areas of modern culture. Male-created scenarios of domination are ubiquitous.

This argument fructifies the views of Women Against Pornography (WAP) and of its best-known members, Andrea Dworkin and Catharine A. MacKinnon. Law professor MacKinnon devotes a substantial chunk of her *Feminism Unmodified* to tracing the evolution of her thinking about and opposition to pornography. For "pornography, cloaked as the essence of nature and the index of freedom, turn[s] the inequality between women and men into those twin icons of male supremacy, sex and speech, and a practice of sex discrimination into a legal entitlement" (p. 3).

MacKinnon describes and eloquently defends the nondiscrimination ordinances WAP proposed that would make pornography subject to civil rights remedies and penalties. One such ordinance was enacted in Indianapolis but subsequently declared unconstitutional by a federal district judge.

The other side is ably represented in *Women Against Censorship*, edited by Varda Burstyn.<sup>6</sup> Here nine North American feminists argue against the assumptions and proposals of WAP. They warn about the dangers of allying with anti-feminists and politicians to enact antipornography measures and caution that censorship is a dangerous weapon likely to be employed against women violating or even seeking to change prevalent sexual norms and societal relations. Of special note is the essay "False Promises. . ." (pp. 130–151) by Lisa Duggan,

<sup>6</sup> Also deserving attention are the writings of Thelma McCormack, a contributor to *Women Against Censorship* and Professor of Sociology at York University (e.g., 8, 9, 10).



Nan Hunter, and Carole S. Vance, a detailed critique of the Dworkin-MacKinnon antipornography ordinances.

Finally, in *Pornography*, Alan Soble, Assistant Professor of Philosophy at St. John's University in Minnesota, defends pornography from a Marxist perspective. He contends that it is not as harmful or degrading or inevitably sexist as some feminists claim, particularly if produced under noncapitalist conditions. And he concludes that in a communist society it could well be a positive aspect of human sexuality.

" 'Tis a consummation devoutly to be wished."

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- 178 *Briefly noted*