

# **Pornography in cinema and provincial film and video classification in Canada**

*Gerald S. Horne*  
1997

---

## **Abstract**

Moral standards in film and video have been the subject of debate since the early years of motion pictures. In both the United States and Britain these standards are regulated by a system devised by the motion picture industry. In Canada, regulation of film and video has been a responsibility of provincial governments.

In recent times the debate about regulation has focussed on the issue of violence, but there are similarities between this current debate and an earlier one dealing with pornography.

The crux of the debate appears to be (1) basic tenets of liberalism regarding the free expression of ideas and (2) the need for protection of the "moral fabric" of society, which often focuses on the protection of children.

This paper considers the role of provincial film and video classification boards in light of changing community standards and pressure from the motion picture industry.

---

## **Introduction**

Today provincial film and video classification systems in Canada, once known as "censorship" boards, face pressures to change, or to amalgamate under a national or inter-provincial system.<sup>1</sup> Change is resisted for a number of reasons, most notably because in at least four jurisdictions, Quebec, Ontario, Alberta, and British Columbia, film and video classification is a source of revenue for provincial governments of between \$100,000 and \$2.7 million.<sup>2</sup>

---

<sup>1</sup> Saskatchewan's film and video classification system is currently being integrated with British Columbia's.

<sup>2</sup> In its Annual Report, the Ontario Film Review Board noted that 1994-95 revenue from Film and Video classification fees was \$1,092,064. Board expenditures were \$377,800, leaving a margin for the Government of Ontario of \$714,264 (Ontario Film Review Board Annual Report, 1994-95).

In 1994-95 Manitoba board realized revenue of \$117,800 and cost \$185,200. Saskatchewan realized \$80,000 and cost \$90,000. Alberta realized \$385,000 and cost \$184,000. British Columbia realized \$1,161,720 (includes \$341,397 for exhibition and \$820,323 for adult video) and cost \$905,617 (unofficial statistics).

Quebec's Régie du cinéma has the most lucrative system of all, with revenues of \$6.9 million and expenditures of \$4.14 million, leaving a margin for the Government of \$2,767,727. The Régie du cinéma employs 60 people (Régie du cinéma, Rapport annuel, 1994-95).

Public opinion about pornography and censorship issues changes frequently, but legislation on film and video classification only changes when politicians perceive a “critical mass” of public opinion, or if another political jurisdiction is making changes which are attracting media attention.

The resistance to change is due in part to the failure of the polity to deal constructively with representations of sex and violence in entertainment media, and with censorship. Some have tended to overreact to issues which would lead to a public discussion of film and video regulation. Those who step forward in the public arena to discuss censorship are attacked, sometimes on a personal level. Media also tend to be biased on the issues. Politicians are reluctant to institute changes under these conditions.

Public discussion is curtailed by public ignorance of the laws and issues. This ignorance is capitalized upon by those who would use the opportunity to produce rhetoric in support of self interest – whether it be to advance moralistic arguments, or to generate profits. The latter applies to the mainstream motion picture industry as well as to the purveyors of hard core pornography.

Recently public discussion has centred on violence in film and on television. In the 1980s and ‘90s violent crime in North America has been on the rise (Canada, 1993:5). Since media representation of violence in movies and on television is also increasing, it is not unreasonable to assign some blame to the entertainment media. Some media leaders respond by saying that media is not to blame because it is merely a reflection of society.

When public discourse about pornography and violence reached a fever pitch in the mid 1980s, a polarization developed which created, in the public’s mind, some strange alliances. On one side of the debate were conservatives and feminists arguing for censorship, on the other side were free speech advocates, artists, and the producers of pornographic materials arguing against censorship. These alliances were only an illusion, for the issue of censorship and pornography has since been debated to a point where there is a wide spectrum of opinion even within the feminist community. The superficial take on these issues was fed and supported by the mass media, whose apparent desire is often not to clarify the issues but to capitalize on the public’s and politicians’ embarrassment by producing reportage which merely amplifies the controversial aspects of the issues.

An uninformed politician who wishes to appear in support of a liberal view of free expression might respond as Saskatchewan Justice Minister Bob Mitchell did when asked if he supported the decision by the Saskatchewan Film Classification Board to disapprove a mainstream film depicting bondage. Without committing himself to examine the issues more closely, he said “I hate censorship” (in a scrum interview). Later in the same media piece he was quoted as saying that he enjoys movies, and that he was looking forward to seeing this one – presupposing by several days the decision by the Film and Video Classification Appeal Board to revoke the ban on the film (CBC Television, October 1994).

The mass public, led by the popular press and statements by politicians, remains embarrassed by pornography because for the most part people are still uneasy about public discussions about sexuality.

Through the recent history of Western culture, sex has been reserved for the private realm, within heterosexual marriage; but sex has become a public issue over the past thirty years. The discourse began with the “sexual revolution” of the 1960s, accompanied by increased access to the contraceptive pill for women and mass media exploitation of a “new morality”. The new morality was characterized by increased affluence, the generation gap, availability of recreational drugs, the anti-war movement, and other anti-establishment political movements. These moral and political

trends begat a discourse about sex roles. This era also saw the revival of the women's liberation movement which in itself has motivated social and political changes. The women's movement raised issues about violence against women within heterosexual relationships. By the late 1980s AIDS had surfaced as a major problem, which in turn turned attention to the homosexual community.

Through all of these social and political upheavals, there remains a reluctance in the political realm to deal constructively with pornography.

A similar bashfulness seems to be evident when there is discussion of sex education in the schools. This is a serious problem because failing to discuss issues related to sexuality and its depiction in media may be a contributing factor to a growing teen pregnancy rate and the spread of AIDS and other sexually transmitted diseases. By failing to discuss pornography, the polity is also repressing its capacity to discuss another problem in the private realm – sexual violence against women and children of both genders. While repression of pornography is criticized by the media, many communities still treat domestic violence as a taboo subject for discussion. Sexual violence in the home remains a social ill.

The current structure of film and video classification systems represents another block to discussing formal regulation of the media. There is an inherent resistance to change due to the force of tradition, which prevents individuals from addressing issues which could upset the current system upon which their job security is based. This is a manifestation of the structure of all bureaucratic systems.

In this paper I begin by exploring the current state of debate about the regulation of film and video in Canada. I then argue for more public information about violence and obscenity, which an informed public debate could facilitate. As a specific prescription I argue for a well-funded program of media literacy for school children especially, which also includes more public information about pornography and media representations of violence. Such a system could come about with political will at the provincial level, and could easily be paid for with revenues raised through film and video classification.

## **History of film and video regulation**

The debate about the regulation of motion pictures is as old as the medium of motion pictures itself. As soon as the movies achieved popular appeal – and this may have occurred when the first cinemas appeared in New York City in 1908 – local church and community leaders spoke about the need to monitor visual representations which are motivated by profit and consequently un beholden to local traditions and culture. Films of the early era depicted dancing girls, a man flexing his muscles, and a one-reeler called *The Kiss*, which showed a man and woman kissing passionately. Particularly disturbing to moralistic community leaders were films of boxing matches. That year George McClellan, Mayor of New York, pressured by the Catholic church and others, ordered police to close every cinema in the city. Fearing a loss in revenue, the movie industry approached the city with the idea of setting up a mechanism for approving films before public exhibition (Dean, 1981:14).

In 1911 the Canadian provinces of Manitoba, Ontario, and Quebec passed Acts to licence theatres and censor films displayed to the public in their jurisdiction (Dean, 1981:20). These provincial laws, complete with a moralistic component, were also concerned with the safety of theatres given the explosiveness of early nitrate film stocks. After several fatal fires in theatres, provincial theatre legislation aimed to licence projectionists and regulate the construction and maintenance of theatres.

By the 1920s the centre of the new industry had moved from New York to Hollywood and was under the control of a handful of studios. These studios were each developing vertically-integrated systems – including production, distribution, and exhibition – combined with a massive publicity machine generating news events, news releases, and mass circulation fan magazines.

Leaders of the Hollywood industry perceived a need to curtail the influence of local censors. They created the Motion Picture Producers Association of America (later the Motion Picture Association of America) in 1922. The MPAA was set up as the public relations vehicle for the industry, and included a self-censorship body funded by the major studios and distributors. Their first president was Will Hays, a former national Republican fundraiser who had been Postmaster General of the United States.

The Hollywood producers readily accepted Hays and the MPAA in order to prevent the loss of revenue due to the influence of religious and moral lobbies on municipal and state governments. Catholics had already threatened to boycott theatres in several states.

“Omens were everywhere. During the first six months of the year state and municipal boards ordered a record number of deletions, over two thousand for crime and violence alone. ‘More than fifty percent of the United States, as far as attendance goes, is under censorship,’ Hays learned in April 1929. ‘More than sixty percent of the revenue derived from the sale of motion pictures comes from states and municipalities that have censor boards.’ Foreign censors are equally active.” (Leff and Simmons, 1990:8).

The Hays office was successful at influencing the moral direction of movies. Hollywood had become known as a latter day Sodom or Gomorrah, with lavish parties and little regard for the institution of marriage. This morality was reflected in the movies themselves and was fueled by Hollywood’s own publicity machine which created the fan magazines and fed news releases into the growing yellow press across the country. Meanwhile, America was still living under a strict moral code left over from the 19th century, and was still strongly influenced by the church.

The moral contrasts between the images on the screen and real life were a kind of a symbiosis. The images of sin on the screen and in the fan magazines succeeded at raising revenues for film distributors as long as they continued to tweak the strict moral codes to which the American public subscribed. At the same time, moralists had a highly visible enemy against which to mount their attacks on the dangerous slippage of values.

Hollywood after the opening of the Hays Office began to produce Biblical epics such as Cecil B. DeMille’s *The Ten Commandments*, and in the years that followed, most Hollywood’s movies began to look more like a reflection of mainstream America than Sodom or Gomorrah.

British film distributors, fearing censorship by local councils still firmly committed to Victorian values, aped the MPAA with the creation of the British Board of Film Censors to monitor the British production industry as well as the Hollywood films which were starting to break into its domestic market. In Canada provincial classification boards were formed and continued to snip scenes out of mainstream Hollywood movies until as late as 1980.

Though Hays was successful at affecting the direction of Hollywood production, the goal of curtailing the influence of local censor boards across the US had not achieved a level of success until the 1970s.

The primary purpose of the MPAA has been to improve the public image of the studios, but it had other goals.

“Currently, its major activities involve lobbying the federal government in the interests of the industry and protecting its members’ copyrights. “Our mission in life,” says MPAA president Jack Valenti, “Is to make sure the American movie can move freely and unhobbled around the world” (Klein, 1992:3 12).

The MPAA lobbied state legislatures to eliminate state and local regulation of the motion picture industry. The Canadian arm of the MPAA, led by Millard Roth, tried to do the same in Canada, but, recognizing the complexity of Canadian politics, the best it has been able to do is to propose a national classification system which would eliminate the need for provincial boards. This national system has failed to materialize. In 1995 Roth quit his work with the MPAA after 29 years. The reason he gave was that his other business interests were seen as conflicting with the interests of the MPAA. Recently the MPAA appointed former federal cabinet minister Douglas Frith as their chief Canadian lobbyist.

The debate over Film and Video regulation has waxed and waned over the years since the birth of the motion picture industry. Occasionally a film has been banned by a local authority. The Hollywood publicity machinery has sprung into action crying “censorship” and attempting to paint the local authorities as hayseeds, to which the local authorities either capitulated or stood their ground – supported on occasion by church and community leaders.

In the early 1980s Louis Malle’s *Pretty Baby* was banned in both Ontario and Saskatchewan for its depiction of an underage prostitute. Another example occurred in 1994 in Saskatchewan, when the film *Exit to Eden* was “disapproved” by that province’s Film Classification Board. The distributor of the film, Savoy Pictures, immediately issued a news release decrying censorship and pointing out that their film, starring Dan Ackroyd and Rosie O’Donnell, was a mainstream comedy and should not be subject to the strict rules meant for “adult” movies and videos. Local and national media followed with numerous headline articles.

“Disapproval” of hardcore pornography is not an unusual occurrence in Saskatchewan and other provinces, but mainstream theatrical films have seldom been disapproved in Canada since the 1960s. Within a week a three-member appeal board overturned the Saskatchewan decision, but not soon enough to risk embarrassment of the Government, which refused to discuss the issue of media representation of bondage – making the statement that the Film Classification Board is a quasi-judicial body which must deliberate in private. The Justice Minister vowed to examine the powers of the Film Classification Board and media attention soon faded.

Recently President Bill Clinton helped to raise the concept of self-regulation by producers. In Canada the CRTC has been promoting voluntary censorship by broadcasters. The public focus of the Canadian Radio-Television and Telecommunications Commission’s (CRTC’s) deliberations is not necessarily on pornography but on violence in television, and the discussion is not about mass censorship, but of restricting access to certain programming by children. Most of the discourse currently emerging in this regard was considered in a 1995 federal study of media representations of violence, which was reported in *Television violence: fraying our social fabric* (Canada, 1993).

It is not the purpose of this essay to examine the current debate about television violence. Rather we wish to consider the changing role of film and video classification boards. Some of the dimensions of the current debate, however, can be understood by looking back a few years to discussions surrounding the issues of pornography and the regulation of film and video.

## The end of movie censorship

The 60s and 70s saw the rise of adult film theatres, sex shops, and other kinds of commercial exploitation of a new morality which came about with the maturing of post war baby boomers.

Mainstream Hollywood, ever ready to respond to a popular trend, began to support the work of young directors who were themselves a part of the baby boom generation. As the adult pornography industry began to import exotic varieties from Europe, Hollywood producers began to import European mainstream movies as well. The French “New Wave” and British “kitchen sink” realist dramas were among the favorites. This was also the era of a growing interest in popular music from Britain, which opened the door for the import of British fashions and music, and with it an antagonism toward the upper classes, as manifest in a revolution against Victorian morality. North American youth, who had not felt the restrictions of an institutionalized class system, nonetheless embraced the revolutionary language of the British invasion, seeing it as part of their own protest against mainstream culture.

So significant was the growth of new morality, and the exponential growth in the “adult” motion picture industry – once a back-room phenomenon catering to a small clientele, which was becoming more acceptable within mainstream culture – that the issue of private morality made its way into the public sphere. The “adult” industries also came under the scrutiny of law enforcement institutions, who saw a direct link with organized crime. United States President Lyndon B. Johnson commissioned a study of the pornography industry in 1970. In Britain, the Williams Commission was formed to examine the growth of pornography. In Canada the Fraser Commission issued a report on its study, *Pornography and prostitution in Canada* (Canada, 1985).

The 1970 U.S. report received little publicity, and little recognition by President Richard Nixon, who received the finished version. Though the multi-volume report contains detailed psychological and statistical analyses, police studies of the industry and reports from a range of experts, it did not point to many viable solutions. Contrasting the 1970 report was a 1984 study initiated by Ronald Reagan and conducted by the office of U.S. Attorney General Edwin Meese. The latter report reflects the conservative morality professed by many of Reagan’s supporters. The authors of the latter report were “Virtually unanimous” that “there is a causal relationship between exposure to sexually violent materials and an increase in aggressive behavior directed toward women” (McManis, 1984). Though strong in its conclusions, the Meese Report was largely ignored by the Reagan administration.

Most Canadian provincial film classification boards did not worry about the explosion of sexually explicit films because there were virtually no adult cinemas outside of Toronto, Montreal and Vancouver. The Ontario and BC film classification boards began screening adult films but treated them much like the mainstream product, cutting what they deemed to be overly-explicit scenes and creating a new classification “special X” to augment their classifications of *adult, mature, adult accompaniment and restricted adult (18 plus)*.

Even with the preponderance of home video players, whose early popularity is due in large measure to the availability of adult materials in video form, classification boards have been slow to respond and few have moved beyond the legislative and administrative procedures set up for mainstream theatrical films.

Canadian classification boards have come to eschew cutting or disapproval of “mainstream” Hollywood films, although the ability to censor films and videos is still present in the acts and regulations of most of the provincial boards.<sup>3</sup> The influence of the MPAA, through its Canadian

arm, has been both overt and covert. For the most part Canadian provincial classification boards have mirrored the attitude developed by the MPAA rating system, best represented by a pamphlet produced by the MPAA's third president, Jack Valenti.

Valenti was faced with a classification system left over from the Hays office, half a century old.

“There was about this stern, forbidding catalogue of dos and don'ts the odious smell of censorship. I determined to junk it at the first opportune moment” (Valenti, 1986:2).

“. . . the slippage of Hollywood studio authority over the content of films collided with an avalanching revision of American mores and customs. By summer of 1966, the national scene was marked by insurrection on the campus, riots in the streets, rise in women's liberation, protest of the young, doubts about the institution of marriage, abandonment of old guiding slogans, and the crumbling of social traditions. It would have been foolish to believe that movies, that most creative of art forms, could have remained unaffected by the change and torment in our society. The result of all this was the emergence of a new kind of American movie – frank and open, and made by filmmakers subject to very few self imposed restraints. Almost within weeks of my new duties I was confronted with controversy, neither amiable nor fixable. The first issue was the film *Who's Afraid of Virginia Woolf*, in which, for the first time on the screen, the word screw and the phrase hump the hostess were heard. In company with the MPAA's general counsel, Louis Nizer, I met with Jack Warner, the legendary chieftain of Warner Bros. and his top aide, Ben Kalmenson. We talked for three hours, and the result was deletion of screw and the retention of hump the hostess, but I was uneasy over the meeting. It seemed wrong that grown men should be sitting around discussing such matters. Moreover, I was uncomfortable with the thought that this was just the beginning of an unsettling new era in film, in which we would lurch from crisis to crisis, without any suitable solution in sight” (Ibid, 1986:2).

It was clear that a new era had begun in Hollywood.

“Less than a month after the Virginia Woolf appeal, Jack Valenti showed three hundred studio executives, directors, and performers the new Production Code. General Hays had sold the wild West moguls a Production Code that tamed them; now Valenti offered them one that favored the schoolmarm no more than the dance-hall girl. The old principles had ruled that “no picture shall be produced which will lower the moral standards of those who see it.” The new one recommended that movies “keep in closer harmony with the mores, the culture, the moral sense and the expectation of our society” (Leonard J. Leff et. al., 1987:264).

The MPAA still exerts a great influence on the Hollywood industry through a kind of self censorship followed by producers who want their films to reap the kind of profits only a mainstream film could expect. The system is voluntary, but producers believe in the importance of maintaining community standards, and the code provides them with a reading of the changing values of the audiences. Producers know that a NP-17 rating, which restricts admission to those 17 years and older, would significantly limit a film's audience. Consequently very few films are produced by mainstream Hollywood which fit into this category. Producers have been willing to cut scenes from a film to avoid the NP-17 rating. Films which are refused a rating, or which the

<sup>3</sup> Manitoba has given up the ability to cut or censor films.

MPAA does not have an opportunity to vet, seldom receive the attention of the large distributors and studios. This phenomenon further exemplifies the control of the film industry and all its elements (including the MPAA) by a few large media corporations.

In Canada, almost all provinces have the authority to ban or alter films, though this authority is seldom exercised on mainstream Hollywood films. In the early days Hollywood films, which had already been subject to the Hays code, were further snipped by provincial censorship boards. Today this practise has virtually disappeared. The Canadian boards today see their role mainly as providing consumer information in the form of “ratings” such as *General*, *Parental Guidance* and *Restricted Adult*.

## Classification in Canada

The basis of Canadian law regarding the regulation of film and video is the Criminal Code, though provinces and municipalities are allowed a level of authority regarding the regulation of media. The courts, rather than the legislature, determine these “community standards”.<sup>4</sup>

The law in the United States is similar. The US law defines obscenity according to a ruling enunciated in *Miller v. California*:

“...whether “the average person, applying the contemporary community standards” would find that the work taken as a whole, appeals to the prurient interests, . . . whether the work depicts or describes in a patently offensive way, sexual conduct specifically defined by the applicable state law; and . . . whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value” (Canada, 1985:47).

In Canada the test of obscenity had its earliest manifestation in 1868, *R. v. Hicklin*. That test asked:

“whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to immoral influences, and into whose hands a publication of this sort may fall” (Canada, 1985:111).

---

<sup>4</sup> “The Criminal Code contains a number of provisions governing pornography, although the word pornography itself is never used. These provisions generally refer instead to material which is obscene, indecent, immoral or scurrilous, or some combination thereof. Under Section 159, it is an offence to publish or distribute obscene matter, although subsection 159(3) permits the defence of serving the public good. Section 160 permits the seizure, forfeiture and disposal of obscene material. Section 161 prohibits distributors from requiring retailers to accept, for sale, obscene materials along with non-pornographic materials (so-called tied sales). Section 163 prohibits the presentation of or participation in an immoral, indecent or obscene theatrical performance. Finally, Section 164 makes it an offence to use the mails to send obscene, indecent or scurrilous material. An obscene publication is defined in Subsection 159(8) as any publication a dominant characteristic of which is the undue exploitation of sex, or any one or more of the following subjects, namely, crime, horror, cruelty and violence. The words immoral, indecent and scurrilous, used in the other sections noted above, have been left to the courts to define. In determining the dominant characteristic of a publication and whether the exploitation is undue, the courts consider the work as a whole, the author’s or artist’s purpose, and the literary or artistic merit of the work (*R. v. Brodie, Dansky and Rubin*). However, the key factor in determining whether a work is obscene is whether the work offends against community standards of decency. Community standards reflect a general average of thinking and are neither the most prurient nor the most puritan tastes (*R. v. Dominion News and Gifts Ltd.*). Furthermore, community standards are not static, but evolve with society. . . . Hate literature discussed in the Criminal Code Section 281.2” (Canada, 1983: 13).

Since the first treatment of section 159(8) by the Supreme Court of Canada in *R. v. Brodie* in 1962, the test of obscenity has been divided into two major elements:

“Whether a *dominant characteristic* of the representation amounts to exploitation of sex or of sex and crime, horror, cruelty or violence.

“Whether this exploitation is *undue* in the sense that exceeds the contemporary Canadian community standard of tolerance” (Canada, 1985: 113).

The obscenity standard is flexible – it responds to shifts in public acceptance of explicit material. The Canadian law is national in application, but there is potential for considerable variation, since the criminal law is administered by the provinces, which may set different prosecution standards. In magazines or films, where there is little likelihood that those unwilling to view the material will be exposed to it, there is considerable leeway; in other, less discretionary, forms of expression, such as television, tolerance is lower (Robertson, 1995: 6).

A ruling about a Winnipeg pornography store has helped to bring Canada’s response to the pornography industry into focus.

“The Supreme Court of Canada handed down its decision in the case of *R. v. Butler* on 27 February 1992. The Court unanimously upheld the constitutionality of the obscenity provision of the *Criminal Code*, holding that, although the prohibition against pornography contravened the freedom of expression guarantee in section 2(b) of the *Charter of Rights and Freedoms*, it could be justified under section 1 of the Charter as a reasonable limit prescribed by law. Mr. Justice Sopinka, writing on behalf of the Court, said that, while a direct link between obscenity and harm to society may be difficult, if not impossible, to establish, there was nevertheless sufficient evidence that depictions of degrading and dehumanizing sex do harm to society, and in particular, adversely affect attitudes towards women. He held that the overriding objective of law was not moral disapprobation but the avoidance of harm to society, and that the threat to equality resulting from exposure to certain types of violent and degrading material cannot be ignored” (Robertson, 1995:13,14).

Banning or prohibiting films is allowed in Nova Scotia, New Brunswick, Ontario, Alberta, Saskatchewan and British Columbia. This right had been tested in 1978.

“In a case involving the Nova Scotia Board of Censors, predecessor to the present Amusements Regulation Board, the Supreme Court of Canada held in a five to four decision that the provinces do have the constitutional authority to permit these authorities to prohibit exhibition of films” (*Re Nova Scotia Board of Censors et al and McNeil*, (1978) 2 S.C.R. 662, (1978 84 D.L.R.(3d)1) (Canada, 1985:204).

Ontario’s ability to censor a film or video was called into question in 1984 in an action by the Ontario Film and Video Appreciation Society.

“The Ontario Court of Appeal held that the power to censor and prohibit was a restriction on the right to freedom of expression guaranteed by the *Charter of Rights*” (Canada, 1985:205).

Following this challenge, Ontario added sections 21(2) and 21(3) to its regulations specifying the grounds on which a film could be banned. Other provinces, including Saskatchewan, followed,

amending their regulations accordingly. Manitoba and Quebec do not have the power to prohibit the showing of films.

The Fraser Commission had recommended that this provincial power be removed

“Of course, one way of ensuring compliance with the *Charter* is to remove from the provincial boards the power to cut or to ban films. We prefer this approach. If the provincial board is of the view that the film is caught by the prohibitions against first and second tier material, then presumably the board does not need any additional power to prohibit or to cut it. For greater certainty, the statute may provide that the board may decline to classify a film which, in its view, contravenes the *Criminal Code*, but there would be no power to cut, and no power to prohibit the showing of anything not prohibited by the *Criminal Code*. If material is not prohibited by the *Code*, then we believe that it should be shown, at least to those who wish to view it” (Canada, 1985:333).

At the same time, The Fraser Commission suggested that provinces maintain a limited power to regulate through issuance or refusal to issue a certificate of classification.

“Recommendation 49

Each province should establish a system of review and classification for video recordings intended for private use in the province. Under such a system, the review board should be given an explicit statutory mandate to refuse to classify video recordings which are contrary to the Criminal Code but not be empowered to prohibit or cut video recordings which are not contrary to the Criminal Code” (Canada, 1985:338).

Regulation in Britain has been more severe. The Video Recordings Act, 1984 allows that supplying a video work in respect of which no certificate has been issued can attract a fine not exceeding £20,000 (Canada, 1985:339).

## **Arguments for and against censorship**

Lawmaking is a long and complex process which is only made more difficult by politicians’ own reluctance to get into the heat of public debate and criticism that occurs whenever issues of pornography and censorship are raised.

Public consultation is a safe route for the government to follow if the budget can be raised or if another government somewhere in the western world has opened the debate. The last round of public consultation about pornography occurred in the heart of the Reagan-Thatcher-Mulroney neo-conservative era of western politics. In spite of the apparent public furor which accompanies any discussion of censorship, the reports produced have been largely ignored by the liberal-leaning governments that were subsequently elected in two of the three English speaking nations, though some of the reports’ suggestions were deemed worth considering even by the most ardent liberal.

In fact, much of the furor against censorship of pornography is a construct of the liberal press. What do a majority of people feel? Perhaps some light can be cast on some ideas about morality which are part of the culture, and therefore responsible for private views on the subject which may be held by a majority of the citizenry of Western nations.

First, however, considering the realm of *public* discourse, several views have achieved some prominence in the past thirty years. These can be identified as the liberal view, the feminist views, and a variation of the liberal view, as articulated by supporters of the artistic community.

### **Liberal view**

The liberal argument holds that although pornography may be repugnant and possibly harmful, the regulation of pornography creates a situation which is even more repugnant – the curtailing of free speech, which can act as a deterrent to any writer or artist seeking to explain his or her feelings. Censorship of any expression might deprive society of the opportunity to hear a voice which may eventually be deemed worthwhile to society (Dyzenhaus, 1992 and Poole, 1992).

Ontario Film and Video Appreciation Society (OFAVAS), a lobby of mostly commercial enterprises, outlined its reasons for opposing censorship.

“We fear that if we cannot broach certain subjects or use particular images or words or ideas, that our effectiveness in giving expression to the complex range of human experience will be severely curtailed” (Canada, 1985:78,9).

Canada’s Fraser Commission adopted the liberal view, even after hearing strong arguments about the harm pornography causes to individuals and society.

“Against these arguments, it is maintained that pornography has not been demonstrably and systematically linked to individual, group or social harms. Until such a linkage is demonstrated and supported by reasonable evidence, the dangers of invoking strict control of the material or of censorship, outweigh the potential, but unproven, harmful impacts of pornographic material. It is suggested that those who consume pornography are, like consumers of other mass media, only too well aware of the fantasy involved in pornography. Thus pornography does not cause or encourage people to act in inhuman ways. Indeed, the argument is also made that the material has a cathartic effect, allowing individuals to vent their anger and hostility vicariously. To the extent that such is the case, then pornography is not only harmless but actually beneficial to individuals and society” (Canada, 1985:96).

The libertarian argument is subject to misuse. A number of pornographic videos produced in the US begin with a short statement against censorship, complete with patriotic music, shots of the statue of Lincoln in Washington DC and the American flag unfurling in the wind. These images suggest that the value of free expression, entrenched in the Constitution, is celebrated by the very act of expressing ideas that run counter to mainstream sensibilities. Viewers of pornography are told that they can take pride that their use of the materials helps to support American values. This view has recently been articulated in Milos Forman’s mainstream film *The People versus Larry Flynt*, which celebrates the publisher of *Hustler* magazine as a First Amendment hero.

Journalists have taken the extreme view of regulation, and have used the debate about classification as an opportunity to speak out against censorship. A Canadian journalist takes this view:

“Censorship is a hang-over from pre-scientific society, a harmful burden to society with its repressive and criminal consequences. It is Victorian fantasy, supported through tax funds possibly for the sake of votes. It is a symptom of the bad taste and ignorance of Canada’s politicians. Censorship is not saving us from anything.

But it may well be contributing to our debilitated cultural climate. Canadians have a right to demand unfettered media. If the country is ever to become a mature society, its citizens must be prepared to cast off the mawkish veil of adolescent innocence and face the world as adults. If we are willing to come to terms with evil, violence, and sexuality on the screen – a voluntarily entertained illusion of limited duration – how will it learn to cope with it in real life?

“Censorship is the problem, not the solution” (Dean, 1981:226).

Malcolm Dean’s book presents a detailed history of censor boards in Canada, but in presenting an argument against the role of government in film and video regulation he fails to mention the influence of the Hays office in the regulation of motion picture production in the US – the Hays office being a creature of the producers themselves. He also fails to mention the still powerful role of the British Board of Film Censors in Britain, nor the cries raised even among the press in Britain for increased censorship of pornography and violence.

Created by the British film industry, the British Board of Film Censors employs 68 people and views 370 films and over 4,000 videos per year. Chairman James Furman joined the board in 1975 after 17 years as a TV producer in New York.

Unlike the North American media, the British press, led by the conservative *London Times* and numerous tabloids, is quick to criticize movies and television as a cause of violence and declining moral values.

An example is the “video nasties” debate that erupted in the British press. The term “video nasties” came from a statement by Conservative MP Mary Whitehouse when she showed a compilation of highlights from horror videos to Conservative MPs at their party conference in the summer of 1983 (Mathews, 1994:240) and the subsequent creation of a Bill for the regulation of the home video marketplace (The Video Recordings Act) in 1994. In Britain a film may be passed for exhibition with or without cuts by the Board of Film Censors, but the video version of the same film is re-classified and possibly cut or disapproved for the marketplace. Video retailers selling a video without an approved certificate could be liable for a £20,000 fine. Though the film versions were approved, video versions of Friedkins *The Exorcist* and Sam Peckinpah’s *Straw Dogs* are still prohibited in Britain, while videos of recent films such as *The Bad Detective* and Quentin Terantino’s *Reservoir Dogs* have also been prohibited.

While in Britain journalists appear to applaud efforts by leaders to regulate film and video, Canadian journalists have taken the opposite tack.

Critics of existing classification systems have been prone to lapses of memory when it comes to mentioning regulator’s and the public’s reactions to some of the most controversial or problematic productions. Instead they focus their attention on some of the milder forms of pornography and violent representations one might find in mainstream movies.

British society shows its contrast to North America by the reaction of the mainstream and tabloid media to questions of censorship. When two year old James Bulger was kidnapped, brutalized and murdered by two ten year olds, the British press was quick to point out that the murderers had identified the movie *Childs Play II* as one of their favourite. *Childs Play II* is about children who, suffering a kind of “demonic possession”, torture and kill other children. The British press used the incident as reason to clamour for more regulation – playing up the observation that the killers of the two-year-old may had gotten their ideas from the video. When a very similar child murder case occurred in northern Saskatchewan, some Canadian media tried to make something of the testimony that the accused, twelve year old Sandy Charles, had been copying satanic rituals shown

in videos he had been renting from a local store. The news story disappeared within a few days.

In Canada and the US, media tend to criticize censorship, and have even attacked the industry-funded MPAA's voluntary rating system, saying that producers' creativity is hamstrung by self censorship as they fear loss of audience due to an overly sensitive classification.

Armed with a journalism school version of libertarian political philosophy, North American journalists continue to rage the battle for freedom of speech with attacks on any body which could use the authority of law to restrict access to the creative impulses of artists or journalists. Film and video regulation in North America continues to face strong opposition from mainstream media.

## **Feminist arguments**

Pornography became a rallying point for feminists in the early 1980s. Initially the dominant voice from within the feminist movement sounded on the surface like that of the moral conservatives: Both called for censorship of pornography in all its forms. The difference, however, was significant. Conservatives saw pornography as a threat to mainstream values, including chastity before marriage and monogamy – which for some meant a double standard, or at least a solidifying of male-female roles within marriage. Feminist authors saw pornography as demeaning to women as a class of people, and drew particular attention to the kind of pornography that links sex with violence against women.<sup>5</sup>

Though not arguing for censorship, Susan Cole has articulated the feminist complaint against pornography and those who use it, pointing out that it is the pornographer who must be blamed.

“Whereas it could be true that a random male, may, if left to his own devices and fantasies, develop a sense that his proclivities are peculiar, that something is not quite right, the pornography presented in mass quantity serves the function it would in any mass medium. It legitimizes the consumer's disease. Far from bringing the consumer to terms with who he really is, the pornographer absolves him of his guilt” (Cole, 1995:55).

Some feminists have cast their net even further, to include images of women alone, posing provocatively for the camera. Images of this sort, which have been refined to a high craft by *Playboy* magazine, came under attack for promoting traditional attitudes toward women as submissive to men's will and desires. These images were seen as symptomatic of sexism in society, and it was argued that they should be eschewed if not fought on the level of legislation by a society that claims to believe in equality.

Aside from their effects on the culture as a whole, pornographic images could be linked to oppression and even violence in the sphere of interpersonal relationships, because men would demand more of their girlfriends and spouses based on the proclamations of Hugh Hefner and the so called girl-next-door who appeared, in different guises, each month's issue of *Playboy*. Feminists also pointed to the unfortunate conditions faced by women who appeared, voluntarily or under coercion, in photographic images destined for the pornography trade.

---

<sup>5</sup> See Andrea Dworkin *Pornography: Men Possessing Women* for a pro-censorship argument and Carol Vance *Pleasure and Danger: Exploring Female Sexuality* for an anti-censorship argument.

The most significant response to the traditional way of representing women in pornography was not one of censorship, but instead involves support for the individual woman's power to prosecute pornographers for personal injury. The Minneapolis Ordinance was introduced by author Andrea Dworkin and University of Minnesota law professor Catherine MacKinnon in 1983, and received widespread support by feminists. Although it was defeated by the Mayor of Minneapolis, a similar bylaw was passed in Indianapolis. The premise underlying the amendment was that pornography is a discriminatory practice because its effect is to deny women equal opportunities in society. Pornography promotes bigotry and contempt for women, fosters acts of aggression against woman, and harms women's opportunities for equal employment and education, and full participation in society.

This view sought to avoid the issue of censorship by bringing the regulation of pornography to the realm of basic human rights. It takes the discourse from the public realm, which has been problematic for activists and legislators, into the private realm, where an individual's rights are defended by the Constitution of the United States.

“According to MacKinnon, whether or not something is obscene is a social value judgment, whereas the effects wrought on society from pornography are indisputable facts” (Donnerstein et. al., 1987:140).

Elements of this approach range from giving women additional powers to prosecute pornographers who used their photographs without adequate consent, to suing a pornographer if a particular piece of pornography can be shown to have been a factor in a sex crime against the person, to bringing suit against a corner store proprietor who displays pornographic materials for sale where they can be seen by an individual who has no intention of buying them.<sup>6</sup>

Susan Cole considered the possibility of regulation in Canada using something akin to the Minneapolis Ordinance, and argues that the courts could sort out the unacceptable levels of dehumanization portrayed in pornographic images. The courts would also determine that difficult line between acceptable eroticism, where subjects would be treated as equals, and outright pornography in which the subjects are objectified. As contributor to the feminist journal *Broadside*, Cole does not feel that her publication would be “threatened by a clear guideline proscribing the celebration of violence against women in film or anything else” (Cole: 1995:60).

<sup>6</sup> The Indianapolis by-law defines “pornography” as follows:

“Pornography shall mean the sexually explicit subordination of women, graphically depicted, whether in pictures or in words, that includes one or more of the following:

1. women are presented as sexual objects who enjoy pain or humiliation; or
2. women are presented as sexual objects who experience sexual pleasure in being raped; or
3. women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or as dismembered or truncated or fragmented or severed into body parts; or
4. women are presented being penetrated by objects or animals; or
5. women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy and inferior, bleeding bruised, or hurt in a context that makes these conditions sexual.”

Minneapolis by-law, which was passed by Council but not approved by the Mayor, added the following:

1. women are presented dehumanized as sexual objects, things or commodities;
2. women are presented as postures of sexual submission;
3. women's body parts – including but not limited to vaginas, breasts and buttocks – are exhibited, such that women are reduced to those parts;
4. women are presented as whores by nature” (Canada, 1985:55).

Writing in favour of the “human rights” approach manifest by the Minneapolis Ordinance, Cole says:

“For one thing, the human rights approach reduces the dichotomy between public and private that is nurtured by obscenity and censorship law. Obscenity and censorship are fashioned to deal with the public face of pornography, the business going on in the public realm, and not the private acting out of pornography going on in the bedroom. The civil libertarian likes to insist on this and spends a great deal of his energy fighting for the individual’s right to privacy. This public/private line is not unlike the civil libertarian’s freedom of speech approach in that it tends not to take into account women’s experience. Women know that the greater part of violence against women takes place in private, away from the jurisdictions of official censorship, and wonder whose privacy the civil libertarian is trying to defend. If we take the route of human rights as we’ve outlined them here, women could redress the damages done to them even if they occurred away from the public sphere” (Cole: 1995:86).

The conventional approach of obscenity law constantly runs the risk of capturing as “illegal” those images which are not intended to be obscene because they contain elements which the legislation proscribes as obscene. For example, images of gay sex could be judged obscene under present obscenity legislation even though the subjects are over 18 and in compliance with the photographer’s intentions. On the other hand, an image in which a woman’s body was subjected to violence may not be determined to be obscene under the Criminal Code.

“Obscenity and censorship are fashioned to deal with the public face of pornography, the business going on in the public realm, and not the private acting out of pornography going on in the bedroom” (Cole, 1995:86).

The problem with leaving definitions of obscenity to the human rights approach described here is that Canadians may have come to expect that government will work to maintain a level of decency in their communities. The Dworkan/McKinnon approach was conceived and instituted in the United States, where the public has consistently vied for a hands-off approach on the part of government. The Dworkan/McKinnon approach has been rejected by Canadian lawmakers.

“We think that a lot of the interest in the Indianapolis by-law approach really derives from Canadians’ dissatisfaction with the administration of the criminal law relating to pornography. The ability of any private citizen to set in motion the legal process was frequently mentioned as an attractive feature of the by-law approach. To the extent that deficiencies in the criminal law, be it administrative or substance, have prompted the recommendation to emulate the Indianapolis approach, we prefer to address directly the deficiencies in the criminal law rather than create a new form of civil action to redress a public wrong” (Canada, 1985:309).

Perhaps individual Canadians would prefer not to expend the effort or take the time or face public scrutiny by bringing a personal suit against a pornographer. It is true that there are civil rights organizations which may be willing to take on this burden, but in today’s fiscal climate they don’t have the resources to do so. Instituting action under provincial human rights legislation could take months or years, and perhaps victims of sexual abuse would rather get on with their lives.

Canadians may support a system of censorship in order to ensure prior restraint on the part of pornographers and users of pornography. One could argue that if enough pornographers are taken to task through prosecution through human rights violations they may as a group exercise a level of

self censorship, or perhaps enough of them would be put out of business so as to make pornography less available, but this is wishful thinking.

The human rights machinery is slow. Human rights commissions cannot give "interim relief" while a complaint is being dealt with, so the pornographer can continue producing objectionable materials for the duration of the Human Rights process (Canada, 1985: 310).

The answer may be a mix of remedies – offering individuals an opportunity to sue pornographers if they can prove personal damages, but at the same time maintaining a level of vigilance on the part of provincial film and video classification boards in order to capture materials which might offend community standards and/or cause personal damages to victims of pornography.

The frameworks for justice are already present within liberal democracy, what remains to be worked out is a greater public consensus regarding the need to support the regulation of pornography and the political will needed to hammer out the legal frameworks which would make regulation possible. Regulation would have to be flexible enough to take into account the changing level of public tolerance of pornographic and violent images.

### **Censorship and art**

Regulators have become increasingly sensitive to the sometimes blurry distinction between art and pornography created for the marketplace. It has been the artistic films which have drawn the most attention. They have become the rallying point for the anti-censorship sentiments. The 1929 film *un Chien Andalou* by surrealist artist Salvador Dali and filmmaker Louis Buñuel included scenes which are disturbing even by today's standards. The film contains a scene where a man slices a woman's eye with a straight razor. It was Buñuel and Dali's intention to shock the audience, and they succeeded. Throughout the history of motion pictures, indeed the history of art, certain artists have considered the shock value of their work as having an aesthetic value. Others have tried to taunt and push society's definitions of obscenity as a political statement. In cases such as these the rules which govern the censor's task have come into question.

The works of fiction or artistic expression which receive most attention from anti-censorship elements are often the works that would later be identified as great masterpieces. Often it is the media itself that stirs public outrage, leading regulators to react by invoking their standards, actually meant for the sleazier variety of violent pornography, on these artistic works, in order to maintain a reputation of consistency. Examples of artistic works which have raised the hackles of censors include Henry Miller's *Tropic of Cancer* and the 1980s homosexual erotic photography of Robert Mapplethorpe.

In the late 1970s photographer Helmut Newton produced images of children in erotic poses which received wide attention by mainstream photography journals. Largely considered by today's standards to be in bad taste, these images have none the less made their way into mass-circulation pornography and eventually into provocative advertisements such as those of pubescent boys and girls used by the Calvin Klein Jeans company.

Later, art photographer Larry Clark's images of young teenagers, posed provocatively in what appear to be suburban rumpus rooms – imitating low budget kiddie porn – have received wide attention from New York art critics. Clark was apparently trying to make a statement about society's tolerance of pornography, but this style of photography has been appropriated by Calvin Klein, who uses similar images in billboards and bus panel advertisements.

Louis Malle's 1978 film *Pretty Baby* raised the ire of regulators in Ontario and Saskatchewan, and was disapproved in Saskatchewan. The film, set in the 1800s, portrayed Brooke Shields as a 12 year old daughter of a prostitute, who is sold to a high bidder. The film is not visually explicit but violates the rule in both provinces prohibiting scenes portraying or suggesting sex with a child.

Regulators are compelled to try to draw the distinction between works by serious artists with a clear aesthetic or political intention, and works which began as commercial exploitation and later achieve some notoriety among the smart urban crowd who also patronize the arts. The 1970s film *Deep Throat* is an example. From its humble beginnings as a \$25,000 porn film, *Deep Throat* achieved international notoriety thanks to the wide attention of the mainstream media. It turned out to be the top grossing hard core pornographic film of all time.

Later the hapless star of the film, Linda Marchiano, wrote an exposé (*Ordeal*, New York: Citadel, 1980) of her experience of abuse prior to and during the production of the film (Cole, 1995:76). It is probably fair to say that *Deep Throat* became famous among urbanites because it gave some of them an opportunity to view hard core pornography in a more acceptable "art film" setting – thus adding to the discourse about the so-called sexual revolution – and not because of any special aesthetic or erotic merits of the film itself.

Anyone who believes that standards for feature films are becoming less rigid should look at the early work of Roman Polanski, notably a film called *Diary of Forbidden Dreams* (1973), which has a lengthy scene of a young woman being beaten by her older lover, and seeming to concur with this treatment as part of lovemaking. This film reflects the 1970s ambivalence toward representations which degrade women. By the 1990s, mainstream feature film producers have come to recognize that such representations would be unacceptable, although the treatment of women in current cinema is not immune from criticism.

A typical view of producers is that censorship should be avoided because it may place restrictions on the artist's freedom to express ideas which may ultimately prove to be beneficial to society. An example of this view is one articulated by *Natural Born Killers* director Oliver Stone. *Natural Born Killers*, which portrays a kind of love affair between a couple of serial killers, is perhaps the most explicitly violent mainstream film ever made.

"I'm not denying that movies can be dangerous, and subversive to the thinking process," Stone says. "That's part of their power as art."

"There are certain people who want to make everything a PG-13 movie, right? And when you start to legislate that out, you're into an area of abridging the artist's free speech. And I think that's very, very important in movies, to be allowed to exercise a subversive effect" (Article, Canadian Press, June 5, 1996).

## **Regulation as a remedy**

Any kind of regulation is a blunt instrument meant to use the power of law to maintain community standards (often defined by the self-same law). Regulators, if they have any sensitivity at all to artistic and media freedom, often overlook or bend their rules in the case of artistic works. Unfortunately their credibility as regulators wanes if their apparent double standards are found out by a journalist eager for a headline.

The instrument of regulation, like most laws dealing with a changing societal standards, must be sharpened regularly with public consultations, new laws and the relaxing or cancelling of older

laws. Regulation boards often interpret their role as bell weathers for the public's tastes and moral standards and find it hard to constantly question outdated laws and standards in order to make them fit contemporary standards.

“One might see in that an easy handle for the censors, who simply want an excuse to impose their will. They can pretend that their decisions represent the greatest good for the greatest number of people (pornography is dangerous), but also that imposing them does not in any way constitute an abuse of authority (pornography is insignificant). One could also contend that pornography offends because it must, being a product of the imagination, depart dangerously from reality by suggesting, for example, that ugly and miserable people can contemplate the private parts of the beautiful and the seductive. Such things do not happen in real life, and it could be dangerous to dream too much. One could even argue that pornography stains everything that comes into contact with it, which would explain why so many obscenity trials have fixed their attention on works by recognized, serious authors (de Sade, Miller, Roth) while the kind of pornography that really could stain the court, the real, gross, and brutal pornography, was often sold next door, and not even under the table” (Arcand, 116).

Censorship in Canada has had a long and covert history. This is not because regulators work under a veil of secrecy but simply because of limited funds for public education about their role, and by journalists' inability to deal with the issues around regulation.

Many journalists have taken the view that film classification of any kind is akin to censorship and that censorship is an outmoded concept. Many seem to subscribe to the idea that it is best to just do away with censorship altogether – it is less messy from the point of view of liberal ideology. Journalists' condemnation of regulation seems to strike a chord with the popular mind which would reject any kind of paternalism on the part of government, church leaders, academics or anyone else. The discourse about censorship immediately gets clouded with notions about freedom of expression. It becomes an emotional issue, and from that point on it is difficult to draw the distinctions between publicly acceptable and unacceptable representations in films and television.

The reaction to pornographic images changes when pornography is decontextualized – taken out of the dark alleys or “adult” video stores and brought to the attention of a wider public through mass circulation magazine and newspaper articles. When confronted with specific examples of pornographic and violent images and series of images, ambivalence immediately turns to disgust, and a call swells up to take some kind of stand against perpetrators of such representations. As an example there is the BC judge who ordered a number of videos seized by the British Columbia Film and Video Classification board to be smashed and burned. It is normally the case that the Board de-gauzes, or bulk erases the video tapes, then makes them available for re-recording by the province's educational institutions (Interview, Jeremy Fraser, British Columbia Film and Video Classification Board, May, 1996). Ironically videos can be duplicated by anyone with two videocassette recorders.

There seems to be a pivotal point in everyone's level of tolerance. The following descriptions might illustrate this:

In *NekRomantic*, a German production, and its sequel *NekRomantic II*, the life of the necrophiliac is explored lyrically and in explicit detail. *NekRomantic II* begins with a man lying naked in bed, with an erection, stabbing himself with a butcher knife in the stomach and chest. He ejaculates. Then the camera shifts to his face, which is showered with blood. Later a woman, supposedly a lover, exhumes his corpse from the grave and brings it to her bedroom. Long,

sensuous scenes are shown of her kissing and licking the rotting corpse. Then we see her vomit into the toilet.

Later in the film the woman takes a lover, and in the finale scene they are having sex. While on top of him, she hacks off his head with a meat cleaver, hurriedly ties off his penis while still in erection, and replaces the now-dead partner's head with the rotting head of her former lover. The film fades out as the woman continues to ride the corpse made up of her two former partners.

*Henry: Portrait of a Serial Killer* is probably one of the most explicitly brutal films ever made. The film is saved from lapsing into a kind of exploitation film by some excellent performances and shrewd directing. The resulting film raises some important questions about audience reaction to violence. The British Board of Film Censors had particular problems with a long scene in which the two killers torture and eventually murder an entire family. During one part the mother is held down struggling by one of the killers, she is fondled and her clothing is torn. She is then forced to watch the brutal murder of her husband and son. What makes this scene particularly disturbing is that we see the two killers watching their own videotape of the event and note their rather blasé reactions to their own brutal handiwork.

### **The moral bases of censorship decisions**

Almost everyone at some time will run into a piece of pornography that they would regard as utterly objectionable. Occasionally you will hear someone say that such a depiction is unacceptable for himself, but might be okay for someone else. On surface, such a position seems reasonable, particularly given the popular definitions of liberalism, however, this kind of thinking is problematic because it mixes a moral with an ethical way of thinking. The moral one is the kind of disgust one feels when confronted with something which is degrading to human beings or other beings (ie animals) and has no redeeming qualities whatever. The ethical one has to do with the basic tenet of liberalism which holds that one should not judge or restrict access to an idea or object from any other person. The exception would be in protecting children from something which may be harmful to their development.

Poole (1993) argues that it is rational that one should try to impose censorship with regard to children.

“Although people differ in what they regard as obscene, there seems to be substantial agreement on the need to protect children from obscene pornography. This argument is not just a coincidence. It follows from the fact that once a person has seriously judged a piece of pornography to be obscene he has thereby committed himself to favoring a restriction on its circulation to children. . . . there is a rational necessity linking negative attributes to pornography with a readiness to impose censorship” (Poole, 1993:39).

“In controversies over censorship and book selection, therefore, verdicts about what is obscene and proposals regarding censorship cannot normally be treated as separable aspects of a person's viewpoint” (Poole, 1993:44)

We want to restrict access, because it is illogical to say that one considers something obscene while maintaining that it may not be obscene for someone else. Obscenity is a moral judgment; therefore it has a social dimension. Film classification regulators have the ability and the obligation to do something about a representation they believe to be obscene. If the law says they may censor or cut, the censors is compelled to do so, because they are empowered to do so. Only a legal

framework which separates the moral from the ethical by prescribing an objective set of ethical standards can avoid this dilemma.

Today many film and video classification boards in Canada are empowered to classify, but not to cut or censor. Others see their role mainly as an information function, although censorship is an option in their provincial acts and regulations. The classifications are intended to inform consumers about the content of motion pictures.

Movie theatre managers are required to restrict access to certain age groups in the case of *Restricted Adult* or *Adult Accompaniment* classifications.

It seems to be a universal rule, upon examining censorship and regulation texts from a number of jurisdictions, that protection of children is a prime reason for regulation. Even the most libertarian critic of censorship would agree that pornography or violent depictions should not be allowed to get into the hands of children.

Liberals might then argue that adults must be responsible for the morals of children, but that no amount of state sanctioned censorship can be justified. For them, the moral imperative is tempered by a libertarian ideology.

Arcand (1996) points out that universality of the child protection rule has something to do with people's fear that pornography threatens the fabric of society. Texts about pornography of all kinds mention the innocence of children, but they actually mean an idealized innocence civilized peoples all wish to maintain within themselves. In practise pornography does not threaten children because children seldom show any interest in pornography. Their world, as yet unshaped by the numerous hangups that rule the adult world, are not shocked by naked bodies or bodily functions.

“Again, society feels the need to protect itself, and its self-defence mechanism takes the form of protection imposed on someone else. It pretends to be protecting children from adult sexuality, but it is the civilized world that needs to guard itself against the sexuality of children. This is because child sexuality, like that of women, the poor, and native peoples in former times, represents a defence that has the power to demystify sex, or explode the repressive nature of adult sexuality, and soon, perhaps, to place the family, school, religion, and all possibility of an orderly life in utter peril. So nothing is new, and that same pornography that has no effect on us must be prohibited from others who could react badly to it, especially those others who are our most significant sources of worry” (Arcand, 1995:121).

Arcand's argument, elegant though it may be in following the anthropologist's creed of showing the homology of civilizations past and present, suffers, as do many anti-censorship texts, from selective memory. Most pornography is just naked bodies in various configurations, but some pornography articulates the pornographer's intention to hate-mongering against women, against children, or against the prevailing societal values in general. We fear the effect of pornography on children not because of our hangups about sexuality, but because of the Kantian moral imperative to commit no act, nor to allow through our own inaction, something which we would not want to become a universal rule for human behavior.

It is their innate longing to be worthy mentors for the younger generation that motivates people to take extra care in what they say in front of children, or in determining the kinds of images they would allow children to see. Most adults desire to be good role models. They believe that their

response to a piece of literature or an image may have some effect on the child, even though they would not have substantive problems with adults viewing the same image.

Social psychologists say that child molesters may act the way they do because they themselves were molested, and at a subconscious level they have justified their behaviour as normal. Once the cycle of abuse is broken, and the molester sees the behaviour as abnormal, he may be able to resume his relationship with children as a mentor and a protector.

There appears to be a moral imperative to protect adults from certain images as well as children. But how can we reconcile this impulse with the basic tenets of liberalism?

French existentialist philosopher and author Jean-Paul Sartre suggested a way of sorting this out. To Sartre, the distinction can be drawn in the way subjects of pornography are treated, and also in the way pornographers use pornography. If one considers people as subjects, or beings-in-themselves, rather than objects, one has drawn the distinction. The rapist is not a rapist if he first asks a person if she wishes to have intercourse, and then complies with her wishes, and does not try to coerce her. In other words, there must be an intention to consider people as equals, and not as objects for our manipulation.

The user of pornography is obligated by the moral imperative to recognize that he is shaping his own personality with the images to which he exposes himself, and the attitude he holds toward those images. This is because he knows that he is then responsible for the way he treats other people based on those attitudes.

There is, however, the problem of *bad faith* – where private morality may be warped and the individual has no way of knowing that his views are perverse. Open debate and a reasonable amount of public scrutiny must play a role in determining moral standards (Sartre, 1957).

It may be reasonable to impose censorship with regard to children, but not always possible. In the case of adult cinema, one can make it a crime to admit children to a pornographic movie. With the advent of home video, all one can do is post some kind of warning so that parents or guardians can restrict access to the video in the home. Anything beyond this prescription immediately violates the rights of parents in the home.

Since the “video nasties” debate, Britain has taken the home video revolution very seriously with strong regulation. Canadian classification boards have been far more lenient with regard to videos. This is not because of a particular policy decision, but because of the inability and lack of funding to keep up with the amount of video material on the market due to the rapid deployment home video recorders over the past fifteen years.

Alberta does not classify videos as a matter of policy. BC regulates only “adult” videos, Manitoba regulates videos, but does so with no fee to distributors, and is thus facing an enormous backlog. Ontario and Saskatchewan try to regulate videos, but have not committed the resources to publicize their policies or to enforce the laws. Great Britain requires that all videos display classifications, and has endeavored to prosecute video distributors and retailers who break the laws.

The debate over the role of government classification is mitigated by the the fact that large revenues are collected by the classification boards at the expense of distributors. Distributors have paid these fees without fuss, and many consider it a cost of doing business and a way of keeping competition at bay. In Saskatchewan and some other provinces, however, this source of revenue has been overlooked, and bringing video distributors and retailers into line would require a major initiative

of publicity and enforcement. How would one begin such a gargantuan task? A solution may materialize as the current debate about the protection of children unfolds.

The imperative to protect children will perhaps be one that even free speech advocates would embrace, but what of the argument that pornography and violent media must be somehow curtailed in order to protect the “social fabric”, which supports both children and impressionable adults? This argument has often hinged on the need to provide some objective evidence of harm, either to individuals or to society at large.

Many, many studies on the subject have been done in the fields of psychology and social psychology. In *The Question of Pornography* (1987), for example, researchers Donnerstein et. al. point to studies showing a strong correlation between violent pornography and attitudinal change.

“This reduced anxiety about violence, particularly violence against women – even if it does not lead to increases in violent behavior – may make viewers less sensitive to female victims of violence. We have shown these effects on judgments about the victims of sexual assault, and it would be reasonable to expect similar effects for judgments about female victims in other situations, such as an incidence of wife battering” (Donnerstein et. al.,1987:135).

The authors conclude that the concerns raised by feminists that exposure to pornography is harmful, are founded.

“...we can be fairly confident that exposure to violent pornography may have negative effects on attitudes about women, and appears to increase behavior against women – at least in the laboratory” (Ibid, 1987:144).

In spite of numerous studies to the contrary, film producers and others with a vested interest continue to deny the influence of media on morality and behaviour. They do this in light of the fact that the media in North America depends upon advertising, which in itself is the greatest argument for the influence of media on public behaviour. Although the censorship debate may continue to rage, the economic argument may be the one that settles the debate for producers and distributors.

Critic Michael Medved (1992) argues that the film and video industries are inexplicably cutting off their own source of income by continuing to produce products which go against mainstream morality, however, at the present stage there seems to be little willingness to recognize the obvious. Ironically, when faced with a mountain of research showing the negative impact of violent and obscene images in the media, producers claim that that images have no influence whatsoever.

“In a stunning display of corporate arrogance, the major entertainment conglomerates disregard the conclusions of all the leading researchers and continue to insist that their work has no harmful impact on society.

“With almost ritualized regularity, their official representatives repeat the claim that scientific investigations show “mixed” results on the question of media influence. “There are so many yesses and nos in the literature that it’s confusing,” declared CBS vice president David Blank in one typical statement in 1978. In a striking demonstration of wishful thinking, he then added, “I’m not sure anyone will ever solve the problem” (Medved, 1978:249).

If one is concerned with the general breakdown of moral standards in society, the blame must lie with the advertising industry and with the mainstream movie industry as well as the adult film industry. In recent years at least three mainstream films have appeared, *Exit to Eden*, *Showgirls* and *Striptease*, which glorify the sex show industry to an extent that exceeds earlier representations in Hollywood movies. Most mainstream films and television programs represent strip clubs or adult movie theatres as being on the seedy side of town – often run by gangsters and frequented by individuals from the lower margins of society.

The appearance of strip clubs in *Striptease* (1995) and other mainstream movies may tend to validate these enterprises in the viewer's minds. One of the strippers, played by Demi Moore, fights for the rights of employees in the club like a latter day *Norma Rae*. The manager of the club is a soft hearted figure, who talks about "the business" as if it were like any other. Customers in the club are well-dressed, the club is integrated and "classy" enough to warrant a covert visit by a US senator (Burt Reynolds) and his aide.

Upon viewing *Striptease* and other films of this type, one may conclude that the adult film industry and mainstream Hollywood are merging. There appears to be a will on the part of some producers to push the limits of public acceptance. The pornography business is gaining credibility even as mainstream producers seem to be seen as having responsibility only to their bottom line. This attitude continues to challenge regulators who must work with an inflexible set of rules. On the other hand, too flexible a standard could lead to even more problems.

“. . . while a changing standard has some value to it in that it ensures that the law does not become completely out of tune with current realities, it does give rise to what some people at the public hearings referred to as "creeping gradualism." (In the minds of some it was not so much creeping as galloping.) That is, the most extreme material which is allowed becomes the standard against which everything else is measured. The technique of publishers, therefore, who do not want any restraints on what they can produce is to constantly push the boundary of what is considered to be outside the law" (Canada, 1985: 269).

With these changing standards, regulators face an increasingly difficult task. Not only are there a wide variety of types of opinion about these matters among the polity, standards of acceptability shift daily. CRTC chairman Keith Spicer may have said it best.

"The thing about being a regulator, one day everyone says 'don't do anything', the next day they say 'do everything'" (*Pamela Wallen Live*, CBC Newsworld, May 30, 1996).

## **Conclusion**

As that early 20th century icon of the limits of scientific knowledge Albert Einstein was reputed to say, there is an element of the jungle in human nature. Perhaps the best society can do is try to control destructive behaviour with publicity and with laws. The problem for the polity is to determine how much control to exercise and how to exercise it.

Is censorship necessary? Perhaps highway speed limits are not necessary either. But most North Americans agree that without speed limits, and without a measure of enforcement for speed limits, the one in a thousand drivers who would drive excessively fast would be a danger to the rest of us, or at least himself.

The analogy may be imperfect, since it is difficult to believe that an abuser of obscene videos would pose the same danger to the rest of society as a speeder. However, there are those who benefit monetarily from the production, promotion and distribution of “obscene” materials, so there is always the danger that damage may be done to innocent members of society who are not prepared to recognize obscenity as taboo and unable to put it into perspective.

For some years to come, society may deem that some level of government censorship is necessary. Leaving the regulation of childrens’ viewing to individual families may not be sufficient given that some families do not care to regulate the viewing habits of their younger members. If we are heading toward a society in which the state will exert less influence, then a system of self censorship, instituted by producers, producer’s organizations or others in the marketplace, may yet emerge as a viable answer to the problem. Such a system with regard to television networks seems to be receiving more acceptance. Desiring to maintain profits, networks appear willing to consider a system in which parents and other consumers might be able to exercise a level of control over family TV viewing habits. It is the same desire for profits, however, which is causing them to hesitate. Advertisers might balk at any means by which the potential audience for their TV commercials is in any way restricted.

Also, there will always be the “renegade” pornography producer whose handiwork is intended for a select audience, but which may find its way into the hands of children or impressionable adults. There is also the problem of artistic freedom. No censor, nor anybody else for that matter, can say conclusively what distinguishes the “erotic” from the “obscene”.

What is missing at this point is a level of public understanding and debate. The motion picture industry is given a voice with government because its lobbyists demand it, while the public is often manipulated and not consulted. In the mean time, members of provincial classification boards labour under the assumption that their role is an important part of the system to maintain a level of vigilance over a very influential industry.

In her later essay *Sensationalizing Censorship*, Susan Cole defends those in government charged with the thankless task of applying outdated rules to the increasing flood of pornographic material, much of which would today fall within many people’s definition of acceptable, but nonetheless violates some rule on the censor’s list. She is critical of those journalists and others, many of them feminists, who seek to advance their own argument by attacking institutions which are only trying to represent public opinion and community standards using some very imperfect instruments.

“Aside from wreaking havoc with reality, anti-censorship hyperbole gets in the way of our understanding the complexities of these issues” (Cole, 1995:101).

A balance must somehow be struck.

“I think we can value personal expression without defending pornography. I think we can say that prostitutes deserve to work in dignity without saying that prostitution is just like any other job. I think we can worry about censorship *and* about exploitation in the sex trade” (Cole, 1995:102).

Pornography, or “erotica” of all kinds, from “playmate of the month” to lesbian and gay erotic art to the most disturbing representations of sadism and fetishism, may be owed in essence to the same human impulse for control through sexual domination. Many people lack the kind of control they desire in their sex lives, just as they lack control in other realms of their lives. Denied a measure of control, people seek some form of fantasy escapism in which they can assume the role

of controller, whether it be action adventure movies where the hero is a super hero, or whether it be an extreme form of pornography.

If this is the case, no amount of censorship will change the human beast nor eliminate obscene pornography in an age of mechanical reproduction. If change is desired and possible, it must be achieved person to person in the arena of human interaction. Society may also be changed at the institutional level through changes in the basic power relationships of society, be they at base economic or cultural or both. If erotic representations exist after such an ideal society is achieved, they would have the effect of liberating the viewer (as well as the producer and subjects of erotica) without creating new relations of dominance (Cole,1989:142).

There is another point of view on this issue. Pornography as a general concept may be seen as ethically neutral, although particular cases of violent pornography would certainly be judged by most viewers as dangerous. Feminists can add to this debate, particularly as feminist pornography and some gay pornography is seen by some as serving a liberating effect – validating alternative sexuality, and thus giving individuals a measure of empowerment or self-respect.

Arcand's thesis is that pornography has always existed in some form, and is a manifestation of the human need to seek pleasure – or spiritual enlightenment. Like many human activities, pornography only becomes dangerous if it is used in the extreme. And like most human vices – alcohol, drugs, gambling – pornography has been capitalized upon by entrepreneurs willing to work in the grey area between the legal and illegal.

The debate about pornography is not just a moral or cultural one, it is also tied to economics – the laws of supply and demand – and the rights of entrepreneurs to supply a public demand.

For these many reasons, pornography will always be a challenge to society at large. It will always, therefore, be for institutions in society to determine what is and what is not acceptable. The present era may see an increase in pornography because there is an increased tendency for individuals to isolate themselves from society's constraints and obligations.

At the same time everyone faces a social obligation to monitor his or her own behaviour to reflect the greater needs of society to maintain order over chaos.

“Every human society must settle the question of its own survival by assuring that its members are reproductive. To do this, it situates the individual in a time and a place that reaches far enough beyond him that it convinces him of his own insignificance; he must be able to believe that he can disappear without serious consequence, that the world will survive him. To be able to die confident that his life was given to him, and that he fulfilled a purpose, that is the securing restraint of sociability, which demands in return that one conform to such things as politeness, good manners, respect, and modesty” (Arcand, 1993:235).

## **The legislative solution**

In Canada, the dominant view among many senior governments is toward some kind of regulation, the locus of which would be federal law, with the provinces maintaining limited powers (Canada, 1985:271). The system does require a level of vigilance by regulators at all levels given both the changing public standards and the tendency for producers to try to test the standards at every opportunity. But along with this power, provinces must also be willing and able to communicate their decisions to the public, and to listen to what the public has to tell them.

“We think that most Canadians want to be able to hold any classifier to account for the decisions that are made. The reasons a classifier may give are perhaps better appreciated when explained in the specific locality where a film or video recording is actually to be shown or sold” (Canada, 1985:295).

Legitimate business normally welcomes fair and uniformly administered regulation. It provides a level playing field on which to compete with other businesses. Licencing adult video establishments forces all of them to follow rules regarding advertising and with regard to the product they have on their shelves. They don't have to worry that the establishment across the street is going to steal their customers through advertisements or by renting product which they themselves would reject. In addition, by licencing establishments and classifying their product, provincial government is providing video retailers with a list of videos which they, as a board which purports to reflect community standards, deems acceptable, thus saving businesses from the expense (to both them and the Crown) of prosecution under the Canadian Criminal Code. Distributors and retailers fear federal prosecution, which could in effect seize all of their products and close down their establishments. It is in their interest to have a provincial body regulating their industry in order to avoid federal prosecution. Not surprisingly, few see it this way.

As individuals claiming to be legitimate business establishments, video retailers are given the opportunity to play by the rules set out under provincial consumer and commercial affairs legislation, and are given the commercial protection that ensues. Provinces in Canada have the right, entrenched in the constitution, to regulate the adult video industry, and the right also to collect fees and taxes to help them to administer their system. It would not be unreasonable to use some of these fees collected to help the victims of the abuse of pornography, just as governments which collect taxes from other vice such as tobacco, liquor and gambling, consider it their duty to help those who find themselves victims of said vices.

With all of this said, what would be the role of regulator? In many cases it remains a task of attempting to reflect community standards in order to keep the heat off politicians who might occasionally be asked by some of their more vocal constituents to do something about pornography and representations of violence in commercial film, while at the same time maintaining and preserving the entrenched right of artists and writers (and film makers) to make their statements in the public arena – statements that may sometimes offend some members of the public.

As always, these standards appear to be shifting, and regulators must be willing and able to respond to these changes.

It is a thankless task, this rapid construction and public justification of very precise definitions of obscenity, which seem destined to have no other future than that of being continuously called into question. . . . When it is done well, the censor's work is an actual and faithful depiction of the state of society, which at times means that it represents the opinions of the majority of its citizens.” (Arcand, 1993:53, 54).

What is needed, and what is seriously lacking, is an ongoing program of media education and public consultation about moral standards in film and video. There a growing support for such an intervention, particularly where it relates to the issue of violence. This idea is not new – every study thus far undertaken by governments throughout the English speaking world recommend more public education. A group of US media researchers, which include both a media theorist and a psychologist, has shown the relevance of media education as a means to stem the influence of pornography and violence in popular media.

“Recently, there has been interest among mass-media violence researchers in teaching children skills to enable them to understand and evaluate what is being

presented on television. The underlying premise has been, in general, that the media can teach behaviors, but the behaviors can also be unlearned. Of the studies undertaken, the majority have been directed at modifying children's beliefs about television, particularly beliefs about the unrealistic nature of much of what is presented.

"Huesmann et. al. reasoned that there may be three factors contributing to the likelihood that a child would behave more aggressively as a result of viewing violence: (1) its perception of the violence as realistic; (2) its identification with the TV character; and (3) its belief about society's acceptance of aggression. Huesmann et. al. have devised a successful intervention program based on these three factors" (Donnerstein et. al.,1987:192).

Huesmann, L. R., Eron, L., Klein, R., Brice, P., & Fischer, P. (1983). have shown the positive results of mitigating the imitation of aggressive behavior by changing children's attitudes about media violence.

Interventions similar to those devised by Huesmann et. al. could be devised for older students with regard to attitudes toward violence and sexually violent behaviors as represented in the media. The authors also point to the value of interventions conducted by gatekeepers of the media themselves, including public service announcements preceding violent and explicit TV programs. They also suggest that grade schools could introduce instruction dealing with mass media representations of male-female relations as part of sex education curriculums.

Even the 1984 Fraser commission recommended education as a remedy:

"We are, therefore, in need of extensive educational and informational programs to address the concern that some have about general media content and its portrayal of people. The use of the criminal law is neither an appropriate nor a practicable means for counteracting such a pervasive problem" (Canada, 1985: 264).

In Canada media literacy movement is at present a grass-roots movement supported by some parent and teacher groups or explored by some education boards with special exploratory funding from Departments of Education. For the most part media education is left to the individual teacher, who tries to fit it into the existing school curriculum. Some examples include art or literature teachers who might include the screening of a dramatic film and the subsequent discussion of film as representation, or of the conditions of the film's production and distribution.

### **A practical solution**

"If the notion of regulation either by the courts or by the 'artist's' peers or by the censor cannot be made palatable to the public, then perhaps we should allow the pornography industry to run amok and then tax it to death, both at the consumer's and the manufacturer's ends. The goal would be to take some of the profits out of the industry and back into the hands of those battling the industry's influence. It would be a new kind of reconstruction program" (Cole, 1995:62).

It is my contention that provincial government, not the federal government or the film and video industry, should fund media education through fees collected in classifying mainstream and adult films and videos.

The MPAA's Canadian counterpart at one time proposed funding CAMEO, a national media literacy centre led by the Jesuit Communication Project, as part of a national classification system administered by the industry itself. Though greeted enthusiastically by CAMEO founder Fr. John Pungente S.J., this concept has failed to receive the support of the provincial classification boards.

A national media education initiative would not be practical because education is under the purview of the provinces, and few provinces would be willing to use materials from a national clearinghouse without the political will to fund media literacy or to allocate class time or curriculum support. Some provinces, such as Saskatchewan, are doing so to a limited degree, but lack the ability to show videos in the schools because of lack of funds to secure public performance rights to the films. The National Film Board of Canada has a series of media literacy, which it makes available at a nominal fee. The Alliance for Children and Television (with Health Canada) has also put out a package.<sup>7</sup>

Unfortunately it is difficult for a teacher to discuss the latest representations of violence in *Child's Play*, *The Crow*, or some other popular film with violent or explicit content, while lacking the ability to screen the film in the classroom. K-12 students are less enthusiastic about engaging a discussion of media in reference to an NFB documentary on the subject of violence in the media. The films and TV shows they watch most enthusiastically with their peers outside of class time are the ones that should be discussed in the classroom.<sup>8</sup>

If media literacy is to be supported, there must be cooperation between departments of education and the departments responsible for film classification – normally departments of justice or consumer affairs.

The money to undertake a major program of media literacy in the provinces can be raised, but the political will to bring it about is still lacking.

---

<sup>7</sup> *Prime Time Parent*, Alliance for Children and Television, 1995, 205 - 344 Dupont Street, Toronto M5R 1V9.

<sup>8</sup> Schools do not have the budget to obtain the rights to show popular films in the classroom (Informal discussion with Lynda Arnusch, Consultant, Curriculum and Instruction Branch, Arts Education, Saskatchewan Education, Training and Employment, March 1996).

## References

- Arcand, Bernard (1993). *The jaguar and the anteater: pornography and the modern world*. Translated by Wayne Grady. Toronto: McClelland and Stewart Inc.
- Canada (1985). *Pornography and prostitution in Canada - report of the special committee on pornography and prostitution*. Ottawa: Minister of Supply and Services Canada.
- Canada (1993). *Television violence: fraying our social fabric*. Report of the Standing Committee on Communications and Culture. Third Session of the Thirty-Fourth Parliament. Ottawa: Minister of Supply and Services Canada.
- CBC Newshour*. CBC Regina (October, 1994).
- Cole, Susan G. (1989). *Pornography and the sex crisis*. Toronto: Amanita Enterprises.
- Cole, Susan G. (1995). *Power surge: sex, violence and pornography*. Toronto: Second Story Press.
- Dean, Malcolm (1981) *Censored! Only in Canada, the history of film censorship – the scandal off the screen*. Toronto: Virgo Press.
- Donnerstein, Edward, Daniel Linz, Steven Penrod (1987). *The question of pornography: research findings and policy implications*. New York: The Free Press.
- Dyzenhaus, David (1992). John Stuart Mill and the harm of pornography. *Ethics* 102 (April 1992), 534-551.
- Huesmann, L. R., Eron, L., Klein, R., Brice, P., and Fischer, P. (1983). *Journal of personality and social psychology*, 44, 899-910.
- Klein, Andy (1992). *Censorship and self-regulation*. Peter Keough (Ed.), *Flesh and Blood - The national society of film critics on sex, violence, and censorship*. 307-314. Reprinted from *Hollywood Reporter*, 62nd Anniversary Issue, (1992). San Francisco: Mercury House.
- Leff, Leonard J. and Jerold L. Simmons (1990). *The dame in the kimono – Hollywood, censorship, and the production code from the 1920s to the 1960s*. New York: Grove Weidenfeld.
- Mathews, Tom Dewe (1994). *Censored - what they didn't allow you to see, and why: the story of film censorship in Britain*. London: Frome, Somerset: Butler and Tanner Ltd.
- Medved, Michael. *Hollywood vs. America: popular culture and the war on traditional values*. New York: Harper Collins, 1992)
- Ontario (1996). *Ontario Film Review Board annual report. (1995-96)*. Toronto: The Queen's Printer.
- Pamela Wallen Live*, CBC Newsworld. (May 30, 1996).
- Poole, Howard (1992). Obscenity and censorship. *Ethics*, 93(Oct. 82), 39-44.

Quebec (1995). *Régie du cinéma, rapport annuel 1994-95*. Ste. Foy: Les Publication du Québec.

Robertson, James R. (1995). *Current issue review 84-3e: pornography*. Canada, law and government division, Library of Parliament Research Branch, 15 February 1984. Revised 1 August 1995. Ottawa: Minister of Supply and Services Canada.

Sartre, Jean Paul. *Being and nothingness: an essay on phenomenological ontology*. Translated by Hazel E. Barnes. Hampshire: Methuen, 1957

Stone, Oliver. Quoted in article. Canadian Press, June 5, 1996.

United States (1986). *Final report of the Attorney General's commission on pornography*. Introduction by Michael J. McManus. Nashville, Tenn. :Waco, TX: Rutledge Hill Press, Distributed by Word Books.

Valenti, Jack (1994). *The voluntary movie rating system: how it began. its purpose, the public's response*. Pamphlet. Los Angeles: Motion Picture Association of America.