

## Notes

Les commentaires de Clémence Gemme ont été forts utiles.

- 1 P.G. Québec c. Quebec Association of Protestant School Boards, 1984, 2 R.C.S., 66.

## Bibliographie

## Arrêts

- P.G. Québec c. Quebec Association of Protestant School Boards  
1984 2 R.C.S. 66.  
P.G. Québec c. Devine  
1988 2 R.C.S. 790.  
P.G. Québec c. Ford  
1988 2 R.C.S. 712.

## Articles et livres:

- Greene, I.  
1989 *The Charter of Rights*. Toronto: James Lorimer and Company.  
Lapierre, J. W.  
1988 *Le pouvoir politique et les langues*. Paris: Presses Universitaires de France.

- Laponce, J.A.  
1984 *Langue et territoire*. Québec: Les Presses de l'Université Laval.  
Laponce, J.A.  
1989 "Pour réduire les tensions nées des contacts interlinguistiques: solutions personnelles ou territoriales?". Texte présenté au colloque, "Vers la réconciliation: droits et politiques linguistiques", à l'Université Queens, Kingston, Ontario, 8 décembre, 1989, mimeo.  
McRoberts, K.  
1989 "Making Canada Bilingual: Illusions and Delusions of Federal Language Policy," in Shugarman, D.P. et Whitaker, R. co-directeurs, *Federalism and Political Community: Essays in Honour of Donald Smiley*. Peterborough: Broadview Press, 141-171.  
Woehrling, J.  
1987 "La réglementation linguistique de l'affichage et la liberté d'expression." *L'Avenir du français au Québec*. Montréal: Québec/Amérique, 82-97.  
Woehrling, J.  
1989 "Le jugement de la Cour suprême sur la langue de l'affichage." *Langue et Société* 26, printemps, 12-13.

## Censorship and Pornography in Canada: Perspectives for the Feminist Regulation of Pornography

Dawn H. Currie  
Department of Anthropology and Sociology  
University of British Columbia

*I would like to thank Francis Adu-Febiri, University of British Columbia, for his assistance in the research necessary for the preparation of this paper and Jillian Ridington for generously sharing materials, as well as Arlene McLaren and Chrystal Saunders, Simon Fraser University, and Brian MacLean, University of British Columbia, and two anonymous reviewers for their comments on earlier drafts.*

## Abstract

*Reflecting a growing concern over the availability of pornography, the 1980s have witnessed growing demands for censorship through anti-pornography legislation. As appealing as this strategy may appear, however, it has divided feminists. While radical feminists advocate censorship on the grounds that pornography encourages violence against women, others emphasize that freedom of expression is central to the struggle for new definitions of*

*sexuality and forms of sexual expression. In exploring these debates, Currie puts the question of whether we should have censorship put aside in order to explore whether we can have censorship as a meaningful feminist practice. Drawing upon her experience on the British Columbia Periodical Review Board, the author uses a semiotic approach to identify the ways in which censorship is often unable to produce the intended effect. Currie argues that this is because the problem of pornography does not lie simply in the consumption of pornography, but also in the conditions and relations of its production. She thus discusses how censorship can be viewed as a symptom of, rather than a solution to, the problem of pornography. Implications which this approach has for the way in which we currently think about "freedom of expression" versus the (potential) harm of pornography are outlined.*

As in many countries, a sense of growing concern over pornography has been a feature of the 1980s in Canada. In part, this concern reflects the availability of pornography during this period: Chester and Dickey (1988:273) estimate that the pornography industry grosses \$10 billion a year. More importantly, however, the politicization of the Women's Movement has placed pornography on the policy agenda. In contrast to the 'sexual liberationists' who endorse pornography as the depiction of natural self-expression, feminists have contextualized pornographic texts within the social reality of gender inequality. In doing so, what they identify is not natural pleasure, but the expression of male power and violence against women. It is from this perspective that the call for more stringent regulation through censorship<sup>1</sup>

has become an increasingly vocal demand, one which has divided feminists along irreconcilable lines. On the one hand, supporters of censorship maintain that the violence depicted in pornography directly fosters acts of hostility and aggression against women: on the other hand, those against censorship contest this claim, agreeing with Diamond (1985:3) that "porn's magic is that it gives permission to fantasize what cannot be enacted." These analytical differences have led to a political impasse; the implication is that we can have censorship and no pornography or, alternatively, freedom of ideas and expression which necessarily includes pornography. When presented in this way, the feminist discourse on pornography is for the large part framed in terms of whether we should (or should not) lobby for censorship to restrict the availability of pornographic imagery and texts. Such an emphasis has narrowed political debates and discouraged the development of alternative approaches to the analysis of porn. The purpose of this paper is to raise new questions for old answers to the problem of pornography.

After beginning with an overview of current pornography debates, the question of whether we should have censorship will be put aside in order to ask whether we can exercise censorship as a meaningful feminist practice. Drawing upon my experience on the British Columbia Periodical Review Board, this paper explores the limitation of censorship in purely technical terms. From a socialist feminist perspective, a semiotic analysis of pornographic advertisements reveals that censorship can have unanticipated and contradictory effects for feminists. This is because the call for censorship is itself a symptom of the problem of pornography and therefore can never be its solution. Through attention to the way in which pornography readings are made possible, an analysis is outlined which highlights the production of pornography, and not simply its consumption, as being the primary problematic. Implications which this approach has for the way in which we currently think about "freedom of expression" versus the (potential) harm of pornography are outlined.

### **Patriarchal Precedents and Feminist Resistance: Regulating Pornography Through Criminal Law**

Like other liberal democracies of the 'free' world, the Canadian constitution is founded upon the principle that society benefits from "an open marketplace of ideas and opinions." Following philosopher J.S. Mill, liberals contend that it is impossible to determine whether an opinion that is suppressed is a false one and that "even if it were a false opinion it would still be evil to stifle it." On this basis, Section 2(b) of

the Canadian *Charter of Rights and Freedoms* enshrines "freedom of thought, belief, opinion and expression including the freedom of the press and other media of communication" (Beckton, 1982). As McCormack (1987:294) notes, even though we may no longer share classical liberalism's confidence in reason and the rationality of human nature which underlies this principle, we do continue to value civil liberties and the rights of minority dissent.

Since there is no infallible source of knowledge, Mill pointed out that we cannot know in advance what social, moral, or intellectual developments might be possible or necessary for human development and societal advancement. Through a literal interpretation of this position, defenders of pornography argue that pornography celebrates diversity and thus makes possible dissent capable of challenging the sexual repression of Western cultures. However, even Mill noted that liberal principles, in reality, require modification. According to him, the only purpose for which power should be exercised over any member of a civilized community against their will is to prevent harm to others. This 'harm principle,' therefore, transgresses the otherwise inviolable distinction between the rights of the private citizen and those which protect the public realm. The basic tenet of a free society is control of behaviour and not thought, regardless how offensive the latter might be: individuals are accountable for their actions but surely not for their ideas.

Reflecting this legacy of liberal philosophy, in Canada pornography has been legally regulated since 1727 (see Cole, 1989:68) under the rubric of offence in the public realm. Harm has not been seen to be constituted as the private consumption of pornography but as the consequence of spillover into the public realm. As such, distributors of pornography have been prosecuted under the rather ambiguous and emotionally-laden charges of 'obscenity,' 'depravity,' and 'moral corruption.' What constitutes 'obscenity' has never been specified but taken to mean any action which expresses deep offense to the established standards of decency. Although pornography has never been specifically defined in the *Criminal Code*, following a number of Special Committees, "Offences Tending to Corrupt Morals" was legislated in 1959. Section 159 states that every one commits an offence who "makes, prints, publishes, distributes, circulates, or possesses for the purposes of publication, distribution or circulation any obscene written matter, picture, model, phonograph record, or thing whatsoever." Subsections 3 and 4 allow defense of serving the public good. Within Subsection 8 "obscene" is stipulated as:

... any publication a dominant characteristic of which is the undue exploitation of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene (in Beckett, 1982).

In this way, the meaning remains vague, largely a result of reference to the "undue exploitation of sex." Exploitation has been deemed "undue" if it exceeds the standard of tolerance of the Canadian community so that applying obscenity provisions has become a test of community tolerance. In order to determine what the community will tolerate, there have been several legislative enquiries and public actions undertaken during the past 30 years. Case law has established that 'undueness' is measured in accordance to community standards, that the 'community' means the aggregation of all Canadians, and that the 'standards' may change over time (Rhodes, 1988:133). The court has emphasized that the test is tolerance, not taste: the issue is what Canadians would not abide other Canadians seeing because it would go against the contemporary tolerance of the community. Historically, these standards have been based upon the desirability of the monogamous heterosexual family.

Along with sexual liberationists, the emergence of feminism during the 1960s presented major challenges to this application of 'community standards.' In contrast to the liberals who endorse pornography and reject any regulation of sexual acts between consenting adults, feminists locate pornographic texts and practices within their social context. In doing so, what they identify in pornography is not the depiction of natural pleasure, but male power and violence against women. Linking sexuality and misogyny to the maintenance of patriarchy, Millett (1969:42-45) argued that the sexual permissiveness and self-expression encouraged during the twentieth century have simply given greater latitude to the expression of male hostility towards women. Pornography, in particular, represents the eroticization of patriarchal sexual relations which are characterized by men's control over women's bodies and sexual expression. Against the dominant liberal view of pornography as erotic fantasy, Dworkin (1974, 1981) claims that porn depicts the reality of patriarchal oppression throughout the ages, encapsulating the tenets of male supremacy: "the power of self, physical power over and against others, the power of terror, the power of naming, the power of owning, the power of money and the power of sex" (1981:24). While these themes are easily identified in pornography, she also links them to women's roles as housewife, sexual slave, prostitute, low-waged employee, or rape victim. According to Dworkin (1981:224), pornography reveals the extent to which

male pleasure is inextricably tied to victimizing, hurting, exploiting; that sexual fun and sexual passion in the privacy of the male imagination are inseparable from the brutality of male history.

Defining pornography as "the undiluted essence of anti-female propaganda" Brownmiller (1975) maintains that the open display of pornography in American culture actively promotes a climate within which acts of sexual hostility are not only tolerated, but ideologically encouraged. Both Dworkin and Brownmiller, therefore, encouraged general acceptance of the slogan that "pornography is the theory and rape the practice" of patriarchy.

From the 1970s onward, feminists have challenged the liberal distinctions between pornography as fantasy and pornography as the reality of women's lives. Radical feminists in particular maintain that

Pornography ... is a form of forced sex, a practice of sexual politics, an institution of gender inequality. In this perspective, pornography is not harmless fantasy or a corrupt and confused misrepresentation of an otherwise natural and healthy sexuality. Along with rape and prostitution in which it participates, pornography institutionalizes the sexuality of male supremacy, which fuses the eroticization of dominance and submission with the social construction of male and female. (MacKinnon, 1983, 1987:148)

Along these lines, Lorene Clark argues

On the theory that it is justified to prohibit whatever causes harm to others, either through the direct infliction or threat of physical harm, or through violation of their rights, it follows that it is justified to prohibit actions, and materials which display actions, which bring about harms of either of these types, whether or not they bring about a pleasurable sexual response. ... And it must also be acknowledged that that if one gets sexually aroused from things which create a clear and substantial risk to the safety and/or rights of others, then one can justifiably be prohibited from getting ones' responses that way. (1980:4)

By linking the ideas expressed by pornography to the practice of male violence against women, this position became the basis for consciousness raising through feminist readings of pornography. Organized tours of porn districts dramatized the exploitation of women by the sex industry and "take back the night" marches drew attention to the way in which violence against women curtails their personal autonomy. While beginning as part of the broader struggle against sexism and women's oppression, however, the outrage sparked by pornography increasingly focussed upon pornography as the ultimate source of women's oppression and masculine sexual violence. For example, representatives of feminist organizations attending a Symposium on Media Violence and Pornography held in Toronto during 1984 signed a "feminist statement" containing the claim that

In, by, through and *because* of pornography, women are objectified, subordinated, tortured, raped, killed and silenced. In, by, through and *because* of pornography, our bodies and

our minds are stolen and sold, as they are in prostitution and rape. (quoted in Lacombe, 1989:26, emphasis by Lacombe)

In this way, censorship was identified as the potential means to control a force identified as capable of influencing child molesters and rapists.

Since the 1980s a feminist lobby against pornography has been a visible political challenge to libertarian discourses, in both Canada and the United States. In summary, there is considerable agreement among feminists that pornography depicts patriarchal relations which eroticize domination and subordination. However, not all agree that pornography causes the ill-treatment of women or that increased censorship is the solution. In Canada, a number of writers (see Snider, 1988, 1990; Lacombe, 1989; Burstyn, 1985; Diamond, 1985) complain that censorship and other "law and order" campaigns encourage feminists to work with the state and form alliances with the politically conservative. Opponents to censorship note that, historically, restrictive legislation has impeded the liberation of women, for example, by preventing the circulation of information on birth control. More recently, the owner of Pages Bookstore in Toronto was taken to court when a group of feminist artists displayed a variety of "obscene" objects in his store window.<sup>2</sup> Reflecting the deepening splits on the issue of pornography and strategies to combat it, a number of feminists have identified themselves as specifically "against censorship" (see Burstyn, 1985). These writers emphasize that there is no clear and incontrovertible evidence that pornography leads to violence against women or that pornography is central to creating and maintaining inequality between the sexes. They point to an underlying structure of unequal remuneration for paid employment, lack of opportunity for the career advancement of women, the absence of suitable daycare, cutbacks in abortion, and a host of other factors which give real meaning to the depictions of women as subservient to men. On these grounds it is maintained that while pornography depicts women as sex objects which contributes to their cultural devaluation, it reflects the societal status of women: censoring images of women's subordination will not alter the material reality of women's lives. In the final analysis, anti-censors share with civil libertarians the view that pornography belongs to the realm of ideas: given the lack of evidence which links these ideas to actions against women, freedom of expression should override personal feelings of repulsion by pornographic imagery.

## Redefining "Community Standards": The Feminist Regulation of Pornography

As part of the American Lobby against pornography, feminists MacKinnon and Dworkin outline a strategy, the Minneapolis Ordinance, which focuses upon the notion that pornography violates women's civil rights and the right not to be sexually discriminated against (see Cole, 1989; Chester and Dickey, 1988). This approach has been adopted by Canadian activists such as Cole (1989) who see it as affording women the opportunity to define the harm of pornography. She advocates a civil remedy for damages incurred in the practice of pornography. The problem is, however, that although taking us beyond the Criminal Code this remains an individualistic and case-by-case approach, unlikely to be accessible to the majority of women. From this perspective, the shift toward community-based regulation through feminist agencies like the BC Periodical Review Board is a progressive development. The next two sections will explore the activities of this Board as a potentially progressive alternative to strictly legal regulation.

The context of the British Columbia Periodical Review Board (PRB) is a series of controversial reports on pornography commissioned by the Canadian, American, and British governments. In Canada, the Special Committee on Pornography and Prostitution in Canada (Fraser Commission) was set up under the auspices of the Liberal government in 1983 to carry out a program of socio-legal research and conduct hearings across Canada concerning the problem of pornography and prostitution. Accountable to the Minister of Justice, its purpose was to determine the national consensus on pornography as the basis for policy-making. The Commission maintained that although pornography "has existed throughout the curse of civilization," the new technologies of communication [which] give urgency to the contemporary problem of pornography: home videos, satellite relays, live stage shows, telephone sex lines, and the like. The Commission accepted the claim by feminists and others that violence within these materials is becoming more common (from *Issues Paper*, 1983).

As Lacombe (1989:20) indicates, reports from this Commission couched the debate entirely in legalistic terms, relating it to the defense of liberal principles, such as individual liberty, equality, responsibility, human dignity, and appreciation of sexuality which are said to constitute fundamental values to which Canadians adhere. While the Commission thus began from the liberal position that rights and freedoms should be subject only to "such reasonable limits prescribed by law as can be demonstrably justified in

a free and democratic society" (*Issues Paper*, 1983:7), recommendations reflect the influence of procensorship forces, particularly the strength of feminism within this alliance. It is the effect that pornography has on the right to equality which provides the rationale for its recommendations, not pornography's immoral content or link to violence. Overall, the Commission reasoned that while there is no demonstrable evidence of harm caused by pornography, it is not necessary to show such evidence in order to apply criminal sanctions. Accepting the tenet that pornography causes diffuse and inferential harm to the equality rights of women, the Commission argued that in the event of conflict between the principles of freedom of expression (Section 2(b)) and equality rights (Section 15), the latter shall prevail, on the grounds that

there are magazines, films, and videos produced solely for the purpose of entertainment whose depiction of women in particular, but also, in some cases, men and young people, demeans them, perpetuates lies about aspects of their humanity and denies the validity of their aspirations to be treated as full equal citizens within the community. (1985:103)

At the same time that the Report embodies the anti-pornography pro-censorship position, it does make concessions to the civil libertarian position. Total censorship is recommended only in two cases: when the material portrays children (people under 18) in explicit sexual conduct and when sexual relations are portrayed in such a way that actual physical harm is caused to any participant. Reflecting liberal arguments that extensions of criminal law will lead to further encroachments on individual freedom, the Report recommends that sexually explicit material which is not violent and which does not constitute an assault on people's right to equality and dignity should be classified rather than censored and that such materials should not be subject to criminal sanction except where displayed without proper warnings or if made accessible to people under 18 years of age.

The British Columbia Periodical Review Board was formed following the Vancouver hearings of the Fraser Committee, in April 1984. Together with magazine wholesalers, a number of women's and church groups<sup>3</sup> pressed the then Attorney General Brian Smith, to implement a review process which would ensure that "adult publications"<sup>4</sup> do not contravene the *Criminal Code* and that they meet "community standards." This review process would be independent of industry (although funded in part by distributors), and begin from the Attorney General's guidelines to Crown Counsels which state that material depicting or describing sex with force, coercion, bodily harm or possibility of bodily harm, sex involving children or young persons under the age of

18, incest, sex involving excreta, necrophilia and bestiality may be subject to prosecution. In addition to strictly legalistic criteria, materials are to be judged against "community standards" by taking into account current case law, the context within which the material appears, artistic or literary merit, the producer's intent, and the concerns of the Canadian public as reflected in the Fraser Commission. Ridington (1987) emphasizes the feminist influence on both the Steering Committee and the Review Board. Reviewers (male and female) sympathetic to feminist concerns are hired from the community and trained to distinguish between pornography, explicit sexuality, and erotica. As a consequence, Ridington claims that criteria for review reflect the most common concerns of the major women's groups, including the National Action Committee on the Status of Women, several National Association of Women and Law caucuses, Media Watch, and many of the teachers' organizations and community groups which appeared before the Fraser Commission. She describes the "feminist perspective" endorsed by the Board as accepting the argument "developed by activists and theoreticians that violent pornography is a form of violence against women and children, and promotes and encourages acceptance of other violence." In short, the Fraser Commission acted to redefine what is currently understood by the notion of "community standards," while the Periodical Review Board provided an extra legal procedure through which these could be adjudicated.

From the above it should be clear that the PRB is not a censorship board *per se*. While operating within the parameters of the current Canadian Criminal Code, the Board itself has no legal mandate. The purpose of the PRB is to review pornographic periodicals prior to their distribution to retailers in order to determine whether, in the opinion of the Board, any of the written or pictorial texts "violate community standards" and therefore should be voluntarily withheld from circulation by distributors. During its existence, most distributors voluntarily complied to recommendations of the PRB which can be viewed as a 'watchdog' of community standards through the exercise of community rather than state censorship.

### **The Struggle Over Meaning: The Limitations of Censorship as Feminist Practice**

In terms of the everyday activities of the PRB, the majority of magazines recommended against (either in whole or part) are small "digests" that contain material advocating sexual abuse of women and children. The Board also advises against the distribu-

tion of a high number of magazines featuring personal advertisements for sadomasochism and other activities which associate sex with violence and coercion. In her assessment of the Board's activities, Ridington believes that the Board has had a positive impact, although the exact extent is hard to determine. In a recent review of decisions by the Board, Ridington and Currie<sup>5</sup> note that except for the category of sex involving young people, the relative numbers of magazine recommended against on other criteria (force, bestiality, incest, excreta and necrophilia) have decreased during the period of the Board's existence. Ridington (1989) notes that because virtually all distributors in the province comply with Board recommendations, the availability of materials which link sexual pleasure with the overt abuse of women has necessarily been reduced. On the surface, therefore, it might appear that the Board successfully fulfills the central goal of its mandate.

It is not the purpose of this discussion to assess the success of the PRB in these terms. While accepting the principle of community regulation as a desirable one, my experience as reviewer for the Board has led me to conclude that this process of 'community censorship' will necessarily ensure that liberal principles of freedom of thought and expression override feminist claims to justice. The problem is that the 'obscene' acts which are the major target of censorship—physical violence, incest or intercourse with children or animals—are not literally depicted. Consider advertisements for erotic videos and magazines which are a central feature of 'soft porn' publications. While it is true that censorship prevents circulation of materials which use children as models or make direct reference to sexual acts between parents and children, for example, these acts are implied through titles which are somewhat ambiguously titled, for example, "Sis's Bath Time," "Daddy's Darling" or "Family Lovers." Clearly, no direct reference appears to incest or bestiality, despite the fact that appeal rests on the forbidden acts. And yet this material can never be "pulled." In the final analysis, the effect of the Review Board might well be seen as providing feminist support for the type of eroticism which it identified as problematic in the first place. For this reason, it seemed to me that the practice of the Review Board was a contradictory one for feminists and that the effect of censorship has not been unambiguously positive for women. What interested me about censorship, therefore, was how this contradiction arises.

The examples outlined above indicate that the problem of censorship is not the result of inadequate criteria or lack of rigor in their application. Rather, as noted by Diamond (1985), the limitations of censorship lie in processes through which meaning is con-

structed. The way in which any reader interprets images is informed by their individual consciousness through culturally coded meanings inherent in the text or image. From this, Diamond (1985:3) argues that because it is the act of reading that imparts meaning to an ideological product such as pornography, it is the consciousness of the reader or viewer which must be changed. As a language of images, pornography draws upon a set of stereotypes that limit the extent to which pornography can be said to represent reality. In the final analysis, she argues that although pornography tells us a great deal about the way in which sexuality is thought about in our culture and about real power imbalances between men and women, no matter how depressing an image which pornography may present, we must remember that it is fantasy and not reality. She rejects censorship on these grounds.

While I share Diamond's claim that pornographic readings are constructed by the viewer rather than the text and images themselves and that this represents the major limitation of censorship, I do not agree that recognition of the importance of subjectivity necessarily bring us to the libertarian position that pornography exists entirely as an abstraction or as ideas. As the study of how meaning is constructed, semiology emphasizes that within any system of meaning, the sign as the object of analysis consists of two components, one concrete and one abstract. The sign as the effect or message and which is the object of inquiry here represents the unity of these two elements: the signifier as material vehicle of meaning and an abstraction which is signified. Roland Barthes (1973) gives the example of roses which on their own are merely "a flower," a signifier devoid of necessary meaning. In the Western cultural setting, however, the giving of roses signals romance. This is because as a sign they bring together the concrete object or signifier—the roses—and the abstract meaning shared in this culture of that which is signified—erotic passion. In another culture and another system of meaning, the act of giving roses could mean something totally different, perhaps even the opposite of romance. The point is that meaning is not constructed through abstraction alone: it is the coming together, in a specific way, of the signifier and the signified. By exploring the interrelationship of these two elements can we understand why censorship is bound to fail.

As I discovered as reviewer/censor, while we can remove the signifier which acts as the vehicle of meaning which is found offensive—and possibly harmful—censorship cannot effect the referent system necessary for pornographic readings. Let us consider an everyday example taken from an



advertisement which appears regularly in the magazines reviewed but which does not violate criteria for restriction used by the Periodical Review Board. This ad is for a video entitled *Play With Me*. As a string of words, the meanings suggested by the title are sufficiently ambiguous to pass unnoticed. When accompanied by a pictorial layout it is quite another matter: this illustration is a woman wearing pigtails and surrounded by children's toys. Clearly, the allusion is to sexual innocence and youthfulness as being attractive to the (male) viewer. In terms of the construction of this message, what we see is the substitution of one signifier—pre-pubescent girl, for example—for another—an adult woman juxtaposed with symbols of childhood. The resulting process has not been substantively altered: arousal for the viewer is due to the idea/fantasy that the subject is a child. Otherwise the 'props' to sustain this imagery would be redundant, or alternatively, the props themselves would be erotic and the human subject unnecessary. The credibility for this system of meaning which is created rests upon cultural stereotyping which equates femininity with physical and social immaturity, otherwise the meaning could be quite comical or repugnant. This belief about femininity, however, reflects the actual absence of women from political decision-making and their association with secondary 'support' work in the economic realm. For example, imagine whether the erotic meaning could be sustained if a woman is substituted by a man. There is no referent system which would render the image of a naked adult male playing, for example, with a train set as an object of desire. On the contrary, the symbols of masculinity are those of both physical and social maturity: well-developed physique, athletic competence, greying hair as long as the other status indicators are in place—the three piece suit and brief case or expensive car/boat/commodity. These are the things which both symbolically and literally given men their traditional sex appeal—just check out any romance novel or afternoon soap. This furthermore explains why depictions or texts about men in subservient or vulnerable positions in relationship to women do not conjure widespread fear about female violence against men: there is no pattern of female violence against men to sustain this meaning as threatening for either male (or female) viewers. The same cannot be said, however, when the gender of the subjects is reversed.

In short, while acknowledging that abstractions are central to the construction of meaning, this does not imply that pornography is simply fiction or that meaning rests entirely with the individual viewer. Even though meaning itself does not exist on the page but must be actively constructed by the viewer, the

way in which imagery is employed effects the way in which images are read. Specific readings can be assisted through a number of techniques: by associating an object with a person who is culturally symbolic; through the social situation or context within which the object is placed; by the association of two objects; or by the association with feelings and objects (Leiss, Kline and Jhally, 1986). Thus, technique imposed upon the signified directs the way in which meaning will be constructed for the viewer. In order to affect a pornographic reading, pornography separates cultural objects—literally, the bodies of women—from a complexity of meanings—as signifier the female form can represent procreativity, maternal warmth, physical beauty or desire, to give but a few examples—in order to re-impose a specific reading which draws upon a narrowed referent system. It is true that pornography draws upon the personal realm of fantasy, desire, and past experience: however, individual viewers are unlikely to complete idiosyncratic readings of the same imagery when that imagery self-consciously draws upon *a priori* referent systems, a point readily discernable in advertising (see Williamson, 1978).<sup>6</sup> The problematic of pornography, therefore, is what censorship takes for granted but semiotics reveals: the separation of cultural objects and their potential meanings. The harm and insult of pornography for women occurs during the production of pornography, not simply its consumption. Paradoxically, the abstractions necessary for pornographic readings reflect in a real and not imaginary way the material conditions necessary for the production of pornography. From this perspective both pornography and censorship emerge as problems because of the production and not consumption of pornography. The next section explores the conditions which make the production of pornography possible as the conditions which necessarily give rise to demands for censorship.

### Shifting Regulation from the Consumption to the Production of Pornography

Like the production of other sexual services and commodities, pornography as a material object is produced through the physical labour of women: as models—or 'porn queens' to use the industry's jargon—as workers in the print industry, and as sales clerks in "convenience" stores where the bulk of soft porn is sold. While women thus play an active role in both the production and the circulation of pornography, as feminists have noted, the content of pornographic culture is not about the sexuality, sexual needs or desires of these women. Rather, pornography concerns the sexual desires of men. Thus, the

production of pornography illustrates what Marx<sup>7</sup> writing in the nineteenth century observed about the production of commodities under capitalist relations: when labourers no longer exercise control over what objects they produce (or how they produce them), the objects created through human labour no longer embody the needs and desires of their makers. To Marx, labour is an exercise in creativity as a distinctly human potential when it transforms the subjectivity of workers into concrete objects which satisfy expressed needs. This is why he argued that commodity production under capitalist relations of production robs workers of creative self-expression and reduces them to appendages of machines. This does not arise through the techniques of production, but as a consequence of relations of ownership: it is the owners of the means of production and not the workers employed solely for their bodily labour who determine what is produced, how production will take place, and what the products will be used for. This is what Marx meant by "alienation" which he identified as the basis of capitalist production of commodities. In his time he observed that although the labour of the working class produced the material affluence associated with industrialization, workers do not benefit equally in its consumption. Rather, the material affluence (including commodified culture) produced by workers is accessible to them only in the sphere of circulation through consumption. Understanding the production of pornography in this way, we can see that women's labours are likewise appropriated in the production of a commodified sexual culture which is linked to and perpetuates the conditions of their oppression. This paradox reflects patriarchal nature of capitalist relations within the spheres of both production and consumption. In this way, the feminist practice of monitoring "community standards" through concerned groups such as the BCPRB is a symptom of the problem of pornography and therefore can never be its solution. Both pornography as an industry and censorship as a response to that industry have in common the separation of the consuming public from the means of producing a sexual culture. The notion of "community standards" that can be applied after production arises only because of this separation of the community from "culture" as a commodity for mass consumption; as such, it is a contradictory solution.

From this perspective, it is not the behaviour of individual consumers which should be targeted by feminists as the primary problematic, but rather the production of sexual culture for mass consumption. In this context pornography is a struggle over the appropriation of the female body as cultural signifier and its presentation for the (economic) benefit of

those who own and therefore control the means of producing this culture. Thus, I agree with Cole (1989:59) that pornography proves that there is no freedom of speech for women. This point is obscured by libertarians who equate the consumption of culture rather than its production with self expression. Further, from the analysis presented here I am not advocating alternative or "women's" publication of pornography. The production of pornography by women might be informed by women's experiences of sexuality and thereby endorse an entirely different set of inter-personal values; however, under current economic conditions it could not claim to represent the 'community' of women. This will only occur when the hierarchies (of all kinds including race, class and gender) which make possible the production of commodified culture disappear. Clearly, the point for feminists is not to make sexual culture accountable only in terms of its content or images, but rather in terms of the conditions of its production. Given that sexuality is culturally and historically constituted, we cannot speculate *a priori* on the context of a sexually egalitarian culture. Furthermore, regardless of the intentions of producers, all sexually explicit materials are presently located within the context of gender inequalities and sexism which will act as the referent system for their reading: the struggle is for the realization of material conditions which would produce nonsexist culture. This cannot be accomplished through the censorship of images and texts, but only the elimination in both imaginary and real terms of this referent system which makes pornographic readings possible.

## Conclusion

As outlined above, the thrust of the pro-censorship position is that pornography gives rise to actions against individual women which further create a threatening environment for all women, while feminists against censorship maintain the distinction between thought and action in order to uphold the fundamental liberal principle of freedom in thought and self-expression. When expressed in this way, feminist debates on pornography have reached an impasse so that a number of sociologists are beginning to identify the debate itself as the phenomenon of interest (see Miller, 1987; Jarvie, 1987; Lacombe, 1989). This paper has taken the position that this choice between censorship and pornography is a false one, constructed by problematic associations between thought and action. Whether for or against censorship, both positions focus upon thoughts and actions of individuals in relationship to the consumption of pornography. Further, both take pornography as an object of investigation, leaving censorship un-



examined. In contrast, the investigation here suggests that analyses of censorship can tell us a lot about pornography. Specifically, semiotics reveals the shared nature of the ideas which give meaning to pornography and the way in which this meaning is made possible during the production, not simply consumption, of pornography. From this perspective, the behaviours and actions deemed problematic are those which separate women's claims to sexual meanings from presentation of the female body as the cultural signifier of sex. The struggle to reclaim the cultural presentation of women's bodies, while beginning in images and texts, lies beyond the purely cultural realm of ideas to include processes through which ideas are given concrete form. Thus, the position developed here is that we can be against pornography and for freedom of expression; that we can reject censorship but recognize why it appears, paradoxically, as necessary. We should not be fooled by writers who claim that the censorship of culture is a universal and inevitable aspect of human existence (see Tribe, 1973; Widmer and Widmer, 1961; McCormick and MacInnes, 1962, for example). It may be true that we have a lengthy record of societies which have restricted the dissemination of ideas; however, it is misleading to lump all forms of censorship—artistic, political, academic, etc.—under the same banner as freedom of thought and expression. I have argued that the contemporary form of censorship which has so preoccupied pornography debates arises specifically within the context of the commodification of culture for mass consumption. Clearly, this is a different issue than the advocacy of freedom of speech within the political forum or the freedom of expression which makes possible research, writings, or artistic endeavour. While it is beyond the scope of this paper to speculate upon the variable forms which censorship might be seen to take, I have suggested that the context of the production of ideas is an important distinguishing criterion. Citing all these cases of self expression as equivalent arguments against censorship of any kind obscures the processes and social relationships which underlie the production of all forms of knowledge. In my opinion, we confuse these types of issues at our own peril.

In the final analysis, even though the equation of pornography with "violence against women" has helped to generate public indignation, this formulation does not foster the search for alternatives which transcend the call for more "law and order." As noted by a number of writers (see Burstyn, 1985), the danger is that once coercive representations have been eradicated, it may appear that the struggle against pornography has been won. At the same time, very little of

the "soft porn" which I review deals directly and explicitly with physical abuse.<sup>8</sup> However, this does not mean that pornography is not problematic. Rather, it suggests that we need public discussions about pornography which reflect the 'everyday' messages and harms of pornography but which move beyond pornographic readings as constituting the harm of porn. While analyses of the literal content of pornography are important to the Women's Movement, I believe that this approach has limited usefulness in public campaigns. This is because there is truth to the notion that "beauty is in the eye of the beholder," given that the reading of pornographic texts relies upon the predisposition of the subject. Readings of pornography may politically mobilize individuals who recognize the subordinate status of women, but not those who fail to share this referent system. Since this system is the beginning point for both the production and consumption of pornography, clearly the challenge is to promote discourses which explicate, rather than presuppose, the societal position of women as necessary for both the material and the symbolic elements of pornography. While this may make the problem of pornography appear more difficult to address, in my opinion, this cannot be avoided if our goal is to change the real and not simply the cultural position of women.

## Endnotes

- 1 Historically, the regulation of pornography in Canada occurs through federal legislation against obscenity, Canada Customs which denies entry to materials considered "immoral or indecent," provincial censor boards which classify materials, and municipal licensing and by-laws which regulate businesses (see Ridington, 1987). Alternatives which have been advanced by feminists include amendments to the Criminal Code through legislation against pornography, the development of remedies through civil law (see Cole, 1989), and the monitoring of community standards through non-governmental bodies (such as the British Columbia Periodical Review Board and the Ontario Periodical Advisory Committee).
- 2 Because this analysis grows out of experience rather than established theories of women's oppression, it cannot be characterized *a priori* as fitting any school of feminist thought, although the author is a socialist feminist.
- 3 The meeting included representatives of the Vancouver Council of Women, North Shore Women's Centre, the BC Conference of the United Church of Canada, and the Vancouver Diocese of the Roman Catholic Church.
- 4 The BCPRB concerns itself with printed matter only, which includes both heterosexual and gay magazines, small textual magazines called "digests," film and video review guides, and pulp newsletter which carry personal advertisements.
- 5 Research in progress, not yet published.
- 6 In her analysis of advertisements, Williamson (1978) notes that these messages contain two levels of meaning: what is said explicitly on the surface and what is conveyed implicitly. While an ad which visually links two objects—such as a car draped with a sexy woman, for example—implies that ownership of the product will make the consumer more sexually attractive to women, this is not stated anywhere in the ad. We interpret it in this way through internal and external transfer of significance. The message above relies upon a system in which ownership of

commodities is valued and within which the viewer/potential owner is male.

- 7 Marx developed his theory of alienation over a twenty year period in a variety of published sources. For a good discussion see Chapter 23, in MacLean (1986).
- 8 Which is not to say that it does not exist. The likelihood is that its distribution merely circumvents the processes which bring it under scrutiny of the BCPRB—another danger of this type of intervention.

## References

- Barthes, Roland  
1973 Mythologies. London: Paladin.
- Beckton, Clare  
1982 "Freedom of Expression," in Tarnopolsky and Beaudon (eds.) *Canadian Charter of Rights and Freedoms Commentary*.
- Brownmiller, Susan  
1975 *Against Our Will: Men, Women, and Rape*. New York: Simon and Schuster.
- Burstyn, Varda  
1985 "Beyond Despair: Positive Strategies," in Burstyn (ed.) *Women Against Censorship*. Vancouver: Douglas and McIntyre.
- Burstyn, Varda  
1985 *Women Against Censorship*. Vancouver: Douglas and McIntyre.
- Canada, Minister of Supply and Services  
1985 *Pornography and Prostitution in Canada: Report of the Special Committee on Pornography and Prostitution*. Ottawa: Minister of Supplies and Services.
- Chester, Gail and Julianne Dickey  
1988 *Feminism and Censorship: The Current Debate*. Bridport, Dorset: Prism Press.
- Clark, Lorenne  
1980 "Pornography's Challenge to Liberal Ideology," *Canadian Forum* (March):9-12.
- Cole, Susan  
1989 *Pornography and the Sex Crisis*. Toronto: Amanita Enterprises.
- Diamond, Irene  
1980 "Pornography and Repression: A Reconsideration," *Signs* 5(4):686-701.
- Diamond, Sara  
1985 "Against Censorship," discussions on Pornography. Winnipeg: Society for Socialist Studies.
- Dworkin, Andrea  
1974 *Woman Hating*. New York: E.P. Dutton.
- Dworkin, Andrea  
1979/1980 *Pornography: Men Possessing Women*. New York: Perigee Books.
- Jarvie, I.C.  
1987 "The Sociology of the Pornography Debate," *Philosophy of the Social Sciences* 17:257-275.
- Lacombe, Dany  
1989 "Feminism and Pornography: Towards an Understanding of Repressive State Policies." An unpublished paper presented at the British Criminology Meetings, Bristol, England, July.
- Leiss, William; Kline, Stephen and Jhally, Sut  
1986 *Social Communication in Advertising: Persons, Products and Images of Well-being*. Toronto: Methuen.
- MacKinnon, Catharine  
1987 *Feminism Unmodified: Discourses on Life and Law*. Harvard: Harvard University Press.
- MacLean, Brian D.  
1986 *The Political Economy of Crime: Readings for a Critical Criminology*. Scarborough, Ontario: Prentice-Hall.
- McCormack, Thelma  
1980 "Passionate Protests: Feminists and Censorship," *Canadian Forum* (March):6-8.
- McCormack, Thelma  
1985 "Deregulating the Economy and Regulating Morality: The Political Economy of Censorship," *Studies in Political Economy* 18 (Autumn):173-85.
- McCormack, Thelma  
1987 "Feminism, Women's Studies and the New Academic Freedom," in Gaskell and McLaren (eds.) *Women and Education: A Canadian Perspective*. Calgary, Alberta: Detselig Enterprises Limited.
- McCormack, Thelma  
1988 "The Censorship of Pornography: Catharsis or Learning?" *American Journal of Orthopsychiatry* 58(4):492-504.
- McCormick, John and MacInnes, Mairi  
1962 *Versions of Censorship*. Chicago: Aldine Publishing Company.
- Miller, Leslie J.  
1987 "Uneasy Alliance: Women as Agents of Social Control," *Canadian Journal of Sociology* 12(4):345-361.
- Millet, Kate  
1969 *Sexual Politics*. New York: Double Day Inc.
- Padon, Roger  
1984 "On the Discourse of Pornography," *Philosophy and Social Criticism* 1(10) (Summer):17-38.
- Rhodes, Jane  
1988 "Silencing Ourselves? Pornography, Censorship and Feminism in Canada," *Resources for Feminist Research* 17(3):133-135.
- Ridington, Jillian  
1983 "Freedom from Harm or Freedom of Speech? A Feminist Perspective on the Regulation of Pornography," a discussion paper for the National Association of Women and Law. Ottawa.
- Ridington, Jillian  
1987 "Perspective on Pornography," *Legal Services Newsletter* (June).
- Ridington, Jillian  
1989 "Confronting Pornography: A Feminist on the Front Lines," an unpublished paper. Vancouver, British Columbia.
- Snider, Laureen  
1988 "The Potential of the Criminal Justice System to Promote Feminist Concerns," a paper presented at the Annual Meetings of the American Society of Criminology, Chicago, 9-12 November. Published in *Studies in Law and Politics* 10:141-169.
- Special Committee on Pornography and Prostitution  
1983 "Pornography and Prostitution: Issues Paper," a discussion paper prepared by the Special Committee on Pornography and Prostitution. Ottawa: Department of Justice.
- Thornton, Neil  
1986 "The Politics of Pornography: A Critique of Liberalism and Radical Feminism," *The Australian and New Zealand Journal of Sociology* 22(1) (March):25-45.
- Tribe, David  
1973 *Questions of Censorship*. London: George Allen and Unwin.
- Valverde, Mariana  
1985 *Sex, Power and Pleasure*. Toronto: The Women's Press.
- Widmer, Kingsley and Widmer, Eleanor  
1961 *Literary Censorship: Principles, Cases, Problems*. Belmont, CA.: Wadsworth Publishing Company.
- Williamson, Judith  
1978 *Decoding Advertisements*. London: Marion Boyars.