

Pornography:  
Personal vs. Public Preference

By Claire Andre and Manuel Velasquez

There is only one issue on which radical feminists find themselves aligned with Reverend Jerry Falwell and civil libertarians with Larry Flynt, the publisher of Hustler Magazine. The issue is pornography. The question: What, if anything, should be done to regulate this 8 to 10 billion dollar industry?

Pornography has become a booming business. No longer confined to sleazy downtown shops, it's made its way into small-town grocery stores. And, keeping pace with the new technologies, the industry has tapped the markets for x-rated video cassettes, cable TV offering "adult fare," erotic programs for home computers and tantalizing telephone services such as dial-a-porn, some of which promise a peep at sex with sadism and "kiddie porn."

The federal government recently unveiled legislation that, if enacted, would place bans on obscene language transmitted over cable TV and dial a-porn phone calls and prohibit the use of computers to advertise, distribute or receive child pornography. Elsewhere, systems are being designed that would permit homeowners to block access to dial-a-porn telephone services and to some cable TV stations. But the question of whether the public has a right to ban or regulate pornography continues to invoke heated debate, as the individual's "freedom to" is pitted against society's "freedom from."

The pornography industry and civil libertarians alike oppose any attempt to regulate or curb the production or distribution of pornographic materials. They argue that among the most inalienable rights an individual possesses is the right to freedom. Every person should be guaranteed the freedom to do what he or she chooses so long as no harm comes to others as a result. Just as we are free to live and work where we choose, so too should we be free to express ourselves in any manner we choose as long as we cause no harm to others. Pornographic literature, drama, paintings and pictures are all forms of self-expression. There is no evidence that a person's contemplation of "dirty" pictures or "dirty" words causes harm to others. Granted, some porn may be "offensive" to some people. But to ban pornography because it is merely offensive to some is to jeopardize everyone's freedom of expression, opening the door to wholesale censorship of any novel or nonconforming ideas or opinions--a situation which should repel us. Unless it can be factually demonstrated that pornography causes harm to others, society has no right to restrict this form of self-expression.

Those urging that pornography be banned, or at least regulated, argue that society is morally permitted to restrict the liberty of some persons in order to prevent harm to others. Freedom of expression in public, when it results in acts or things that are offensive to most people and are difficult to avoid, really is harmful to others. And, most people find pornography offensive. Furthermore, with the pornography industry now stocking the racks at supermarkets and bookstore chains, and feeding obscenity directly into our homes through cable TV and sex-by-phone services, it's too accessible to children. Children in elementary schools are already passing around porn-line numbers. No one has a right to affect children in this way.

The campaign against pornography is also fueled by those who claim that the dignity of human beings should be respected. Pornography is a blatant, public assault on the dignity of persons. It demeans, exploits, and degrades the human person. Even the "softest" porn portrays women and children (as young as three) as sexual objects or things, not as human beings. Society has a right to regulate and curb such visible and open assaults on human dignity.

Whether the personal or the public preference should prevail on the issue of pornography poses a difficult dilemma. It requires that we find the right balance between competing moral values--the values of free choice and self-expression--and those of preventing harm and respecting human dignity.

For further reading:

Jean Bethke Elshtain, "The New Porn Wars," *New Republic* (June 25, 1984) pp. 15-20.

Laura Lederer, Ed., *Take Back the Night: Women on Pornography* (New York: William Morrow and Company, Inc., 1980).

Mary Pellauer, "Pornography: An Agenda for the Churches," *Christian Century* (August 5, 1987), pp. 651-655.