

DISCUSSION

Martin Williams

I would like to ask the final speaker how she would apply her theory of pornography, as it is defined by her, to current legislation, for example with respect to films at present 'refused classification' - films involving gratuitous sexual violence. Do you agree with the material that that term covers, and if not what changes would you suggest as being appropriate? Also, I would like to express my thought that her theory as to harm will not restrict itself to the upper categories but could also be defined in the G and PG categories for example and unrestricted literature. How would you react to that as well please?

Margaret Thornton

Well I think the degrading effect that I was focusing upon goes much beyond the present classifications, for example things like *Playboy* and so on are readily available and much of that sort of depiction of women is extremely degrading, but I also mentioned sexist advertising, soapies on television and so on which may also be extremely degrading, so the particular focus that I was endeavouring to bring out really doesn't coincide with the present categories. Mr Dickie might like to speak about that because I wasn't talking about just violence - those particular videos with the woman going through the meatgrinder or something like that. I think there is a whole category of lesser activity which also serves to demean and to degrade women.

Janet Strickland

My question, to Ms Thornton. You appear to fall into the same sort of trap that Dr Wilson was outlining when he talked about the irresponsible media confusing violence and pornography, and it occurs to me that you may not have seen any X-rated video tapes. I was wondering whether you in fact do equate pornography with violence and think the two terms are interchangeable.

Margaret Thornton

Not at all. I was hoping that I made that clear that I was talking about the exercise of power and not just those violent acts. I think that there are many depictions that we have that are degrading and demeaning to women but I don't agree that much of the material is about intimacy and desire and love and so on at all.

Dr Paul Wilson

I would like to make an observation and clarify the problem I have with Margaret's paper. I am not quite sure what Margaret's definition of pornography encompasses. I mean are X-rated videos, for example, pornography in the way in which you are using the term? I'd say they are not but on the other hand I would certainly say that some of the forms of behaviour that you described are, but that these do not come under the classifications. I also worry about what you do about, for example, the feminist writers like Betty Freidan. You talk about feminism as though there was one unified view of this issue. I don't think that there is. What do you do about the writings of Anais Nin or the feminist film maker Bette Gordon, or the feminist explicit photographer Barbara Kruger? All of these show what some people might call pornographic but others wouldn't. I suppose what I am really saying is that it is the difficulty which you stress of defining what is erotica and what is

pornographic is just enormous. My own view is that in Australia we have a system which really does try to come to grips with this in a legislative fashion and does it, on balance, pretty well even though clearly it makes mistakes but I just comment on the question and your response to it.

Margaret Thornton

I certainly didn't wish to be seen to be presenting the feminist response. Certainly some feminist writers come out very strongly in favour of proscription and a very broad notion of pornography. I am simply asking some questions at this stage.

Janet Strickland

I wanted to ask Mr Dickie a question. I was interested to hear and to read that you say "we no longer censor material in this country" and yet in your paper you mention several times that material is refused classification or refused registration and I wonder whether this is a saying you don't censor material is a classic Orwellian case of doublespeak. I was wondering whether you could comment on that?

John Dickie

Well I suppose what I was thinking of was that the refused material was in a special category in itself. That it wasn't arbitrarily arrived at. That there were legislative proscriptions setting out the refused material and the job of the Board was to slot it into that category if the cap fitted. I think that is all I was trying to say.

John Swan

I specialise in fraud, not in sex. Perhaps one analogy between the type of crime I prosecute and perhaps some other Crown Prosecutors who are experienced in violence against children and sex is that it is very difficult, I find, from a government point of view to legislate against gullibility and greed on the one hand and against naivety and depravity on the other but be that as it may I think that the government still has a duty to legislate for the welfare of all of society and not just for a particular sector of it, and that, as Ms Thornton has very clearly delineated, is the sector that is making billions of dollars from pornography. What good has it done to the people of Australia or the United States or Denmark? No-one has been able to tell us yet. The experts here say that research of psychologists and other people hasn't been able to find a link between the activities of criminals who abuse children or women and pornography or explicitly violent depictions of such things on videos or films. I have an extract from *The Sydney Morning Herald* on the 27th of January which talks about one such interview, and of course that is obviously not enough from Canberra's point of view, but it is an interview with a killer called Theodore Bundy. In a video-taped interview made just hours before being electrocuted in a Florida gaol on Tuesday, Bundy told Dobson that hardcore porn had "fuelled his fantasies and led to his crimes". Now have we in Australia had any surveys conducted of convicted criminals, that is people who have abused children, who have abused women, violated their sanctity - do we know what their reactions are? This is the sort of instance where you would get direct evidence, not just the clinical evidence of people who come up with theories. There is the means available to the government to go to the gaols and carry out these surveys of those people who have been convicted. It may not flush out the whole spectrum of the effect that pornography or videos may

have on people, but I want to congratulate Ms Thornton on her paper and the way she has presented it. I think she is the only one, correct me if I am wrong, who has presented the possible, at least the potential effect of pornography on the dignity of the human person. Now whether pornography is directed against women or children it is an attack, a violent attack, on the dignity of the human being. Now if anyone here doesn't regard the human person as meriting dignity, as something requiring some protection then I don't think we need to conduct any further seminars on it. But I think every reasonable human being would tell you that people, whether they are black or white, young or old, require some acceptance of the dignity of the person and this is where the attack is.

Now we come to the question of censorship and as I understand the people who are against censorship say "Well we don't want censorship in our society because it is a violation of our freedoms" including the freedom of speech mentioned by Ms Thornton. Ms Thornton has made it quite clear that that is a very weak argument. The freedoms that we enjoy, as any young university student will tell you, must be balanced by essential responsibility. Now we would not imagine anyone, for example, whether he from Hong Kong or from Paris coming out to Australia and saying "Well look I am used to driving my car on the right hand side and blow your rules and regulations of the road. I am a man with my own freedom I want to drive my car on the right hand side". That is not on. Similarly with freedom of speech and expression. How would you or anybody else like to have your name defamed, and this is why we have the laws against defamation and we accept that. What about people who stand up and speak with regard to matters that are in court? We had a very good example of that when our former Premier was prosecuted because of contempt. Now society accepts all this and if we do, then it is about time that the dignity of the human person was respected.

Marnie Jull

To Ms Thornton, on the distinction between pornography and erotica, your point on the limitation of free speech seemed to some extent to be really illustrated by the recent campaign "Men who like women like Penthouse" which caused a lot of furore and was offensive to many women and I was wondering if you could comment on that and also Mr Dickie then on the adequacy of the Censorship Board to address power imbalances between men and women and also then the relationship between capitalism, pornography and upholding the power of men.

Margaret Thornton

I agree with the campaign and perhaps it illustrates my point about how difficult it is to have a category labelled pornography, one labelled erotica, one obscenity, and one sexist advertising if you like, because there is some conflation then between them all. In that case I suppose it was interesting because women themselves engaged in an act of self-help, I suppose, and really lobbied then to have that advertisement withdrawn. That is certainly one tactic and it has been very big in the U.S. where groups of women spend their time actually going around destroying videos and things like this, and going into pornography parlours and doing what they can in that sense because they are not getting anywhere through the formal channels because of this free speech argument is that strong.

John Dickie

In relation to what you were saying about the power balance. To some extent there is not much that we can do about that in that we have to accept the material as it comes and make decisions upon it but I suppose if we are talking about films in the 'X' category and the 'refused' category, the Board is very conscious of it, in terms of translation of the power to any sort of coercion or something which is shown to be exerted over women, or any attempt to commit acts against women when it is patently against their will - sexual violence or violence of any kind in that explicit sexual activity category we automatically knock out and refuse classification. That is how I think we address it. Whether we address it sufficiently to come up to your standards I am not quite sure.

Marnie Jull

Well do you think that body then is adequate to begin to redress the power balance or should we look to a completely different body? Is there a regulatory mechanism that we can look to or is it really basically then up to individual groups of women to start trying to regulate what is being shown?

John Dickie

I don't know - perhaps the Human Rights Commission. I think this sex discrimination legislation was a great start myself. I think that a lot of the consciousness about sexual violence and the heightened perception that the community has of sexual violence owes a lot to the sex discrimination Act and probably some of the earlier anti-discrimination legislation but I think as a weapon in raising perception it has been very effective.

Reverend Nile, MP

Three brief points. I resist the temptation to contribute my own point of view but I think these three questions perhaps highlight areas of concern.

First, Ms Thornton endeavoured to represent, she thought, the views of crusading groups and so on and I think it was an inaccurate representation when she used the term simply "moral pollution". If (and maybe she has done this) she reads any material published by the Festival of Light or similar groups she will see one of the strongest arguments used against pornography is the degradation of women and one of our classic points is that pornography is anti-woman and it is made very strongly and has actually been published in our literature and also Dr Court's books as well and many of our supporters and organizers are women too so that is something that they feel very strongly about. So that is my comment if you wish to respond to it.

The second is to Dr Wilson in view of your approach which seems to be opposed to any kind of censorship. Would you not agree that the fact that everybody has agreed, and I hope you have agreed, on the total prohibition of child pornography has proven our case, that a line has to be drawn. Even the Australian Democrats support the prohibition on child pornography. Does Dr Paul Wilson support that prohibition and then if you accept that point then obviously I can push

you on and say "Other categories and so on". In other words would it help to try to identify, as I think they are doing in America now, more accurately the types of things that we are talking about rather than just saying pornography? One person thinks we are discussing *Post* magazine or *Playboy*, others think we are discussing X-rated material.

The third point, then I will sit down and leave you to it, is for Mr Dickie. Would it help if, and I know that Dr Wilson made this point in his paper when he says that the onus is on us, those who oppose pornography, to prove that it is harmful. Why is this the case? Why could not we say, and the Film Censorship Board say, that groups who want to publish and distribute this material have to prove that it is harmless? Why has the onus of proof been reversed in this case?

Dr Paul Wilson

Well I can say very clearly that I support the current system of regulation relating to, for example, 'X'-rated videos which ban child pornography and other forms of what is called sexual deviation which John Dickie outlined. He was very careful to say what 'X' was and what it was not. My point really is, for a whole variety of reasons, I see very real social problems with having even stricter guidelines than we have now yet specifically, as you know Fred, I oppose the banning of 'X'-rated videos but in terms of your specific question I hope I have answered it clearly for you.

John Dickie

I suppose I can answer my part best by quoting from the preamble to our guidelines, as set out in our Ordinance that "as a basic proposition people should be allowed to see, read, and hear what they wish provided that there are safeguards for children and provided they don't have the material thrust on them." That is the way the legislation puts it at the moment and that is the way we operate. I mean there are all the strictures that you drew attention to about refused classification, 'X' classification, and as much as possible we try and interpret the law as it is at the moment.

Margaret Thornton

I apologise for misrepresenting your view Reverend Nile I didn't realise you were in the audience. I stand reprimanded.

Paul Smith

This comment is directed to Dr Wilson. The Meese Commission concluded that depictions of violence in a sexually explicit context were likely to increase the incidence of sexually violent behaviour. Now you put down the Meese Commission that says most other Commissions found a case against the pornography and I thought of this analogy. It is like when you have a board of medical practitioners saying when a new drug comes out "Sure it gives a good effect and seems to do the job but when you study the side effects". They are very wary and weigh up all the evidence and if there is any doubt that that drug is going to harm people then there is no way they will release that drug and that is the principle that we are working with here.

Dr Paul Wilson

Again it is like the economic argument. We have heard mention that pornography is billions of dollars more than the record and film industry combined. I mean I think that is just an absurd proposition, but that is another point that we can take up. Even if it is a huge amount of money, economy and social harm have never been the bases in our society for banning anything. Alcohol clearly kills - more harm than anything else is caused and yet we don't have strict objections against that. But to get to your philosophical point the onus being on people who say that it is harmful my personal, political, ideological view is that in a society that professes to be democratic and which says that human rights are important the onus is on those to show pretty well unequivocally that social harm is caused by a material factor before that society can take away any rights. I respect your right to disagree with me but that is my philosophical position.

Paul Smith

I have got a few other points. One of them is Mr Dickie raised just in his notes that we have got here apparently there is a second Board for classification so I'll just read this out. "After the Board has classified a film it may well be that the distributor usually for economic reasons requires a lower classification. There are two options open to the distributor. One to delete stronger elements - for example, those elements which justify an 'R' classification. The second is to appeal to the Films Board of Review". Now the point there is that you have economic criteria. A distributor for only economic reasons says he wants a lower classification and it is granted by the Film Review Board.

John Dickie

What I was saying there is probably that the most number of appeals that we get are on the 'M'/'R' border, and there are very real economic considerations that have to be taken there because if you have a film in the restricted category that automatically limits entrance in cinemas to people 18 years and over, and it may be when the distributor gets the 'R' classification we have assigned he thinks that that certificate may not be warranted. There are two options. He can ask us for reasons and we will tell him, or he can say we think you are wrong and *appeal* to the Film Board of Review and that is an independent body that looks at the film again and makes a decision that either knocks us over or sticks with the same classification.

Paul Smith

But the Film Board of Review is using the same classification system. How can one minute one Board classify it 'R' and the next minute classify 'M'?

John Dickie

It is a different Board, but the same criteria are used, yes. That is the same as any appeal.

Paul Smith

That is the whole point. The Board should be more scientific. They should be more analytical in their approach. Not the whim of one Board and then there is all

these other factors. Can I just make one final comment. Someone mentioned what is happening in America and I think this is one of the main issues in Australia - that is imperative to Australia that we clean up this pornography or whatever or we will go down the same road as America in this area, and there are people in this room deciding that and I think they should.

Sandy Sharp

I listened to Professor Waters yesterday on Andrew Olle's programme and he said that very little change was necessary to the classification program, as I recall. I presume it is in the paper. Today he said that self-regulation was an abject failure and the medium was not responsible for its decisions. Could you explain why it is an abject failure please?

Professor Brent Waters

Yes. What I am talking about is the way in which the medium applies the current regulations. The ways in which they interpret them and self-regulate using those guidelines. I think that they often don't behave in a responsible way. If I could just give you an example. The Hillsborough tragedy in Britain the other night was obviously a matter of great public concern and the ways in which that was covered in the news was sometimes, I think, just downright irresponsible. For example, for the particular channel that I watched, it wasn't yours, it was an opportunity not only to show the people's faces being crushed against the wire but to go over in detail people going up in flames, to actually distil the most horrific scenes. Now I think that it is well known in the industry that the news is the great opportunity of the night. That is when you grab your audience and you follow it up with the night's programs, so they want to rivet people to the medium at that time. Now there are a huge number of kids watching then. I don't believe the regulations as they stand at the moment can reasonably be interpreted to include that kind of stuff. That gratuitous violence is being shown in the medium at that particular time is a gross example of the media not exercising the responsibilities which have been placed in its hands. I do believe they need to take those sorts of responsibilities much more seriously than they are at the moment. They are commercial, they have got their advertisers breathing down their necks, they have to catch the audience early on in the night. To use the news to do that is an extraordinarily cynical exercise.

Kathy Sherry

My name is Kathy Sherry and I am a law student from Sydney University I am also from Sydney University Womens Collective. I would like to just make the comment that I think that a lot of what we are talking about today - censorship, is really just a bandaid and I think Ms Thornton might agree with me here that it is a much deeper social problem. Having Boards that just decide this is acceptable, this isn't, isn't really enough and we must really look into the problem. I would like to ask Dr Wilson as he seems to know a lot about surveys, are there any surveys that explore why men like pornography, why they want to watch it in the first place.?

Dr Paul Wilson

Well you would also have to ask why women watch pornography because some of the surveys show that increasingly the percentage of people (about 40%)

who are watching what presumably you would call pornography are women. Now you would have to ask that question as well as about men and the answer is there are studies which are done which often show some of the men who are watching are not necessarily particularly adequate in terms of their self esteem. On the other hand, it is very complex you see there are surveys which show that it is married couples who are watching pornography more than others. You also have the problem that, as I said in my speech, what is defined as erotica, let us call it erotica not pornography, is changing. There are far more female directors, females are being more assertive in terms of their roles and that I think complicates the whole issue of how men and women are reacting to pornography. I agree with your original proposition, that it goes far deeper than questions of censorship and if I can just make this observation. When the Meese Commission in the United States came down heavily against erotica and wanted tighter controls I think one of the reasons why many of the feminists and many of the black leaders objected strongly to the Meese recommendations was that they knew that the very people who were calling for tighter controls, who wanted more laws, were the very people who did not care about political action, or any other action, for women particularly. They did nothing about the position of black women, about women in poverty, and single women generally but used regulation and control as a way of saying "We are protecting women" when in fact they were doing nothing about the social conditions and the economic quality which was probably leading to more discrimination against women than anything else.

Stafford Sanders

My name is Stafford Sanders I am a producer at Radio 2SER-FM, Educational Radio, and also a failed law student.

Since the Reverend Nile is among us tonight, and I am sure other supporters of Reverend Nile, I wanted to raise the touchy issue of censorship with regard to people's religious views. I think there is a splendid irony in the situation where I think it was the year before last we had massive protests outside the State Theatre where *Hail Mary* was being shown at the Sydney Film Festival while around the corner and down the road *Rambo* was on with, by all accounts, not a single protester outside. Some people commented if Jesus Christ had come into Sydney probably he would be marching up and down outside *Rambo* with his placard, all alone. I wondered, though, to what extent the panel can comment on whether we are still victims of a system which elevates people's religious views to a special status - "no touchee" - you know "don't step on, don't seriously challenge", because of restrictions (I feel, as a broadcaster) with regard to blasphemy and things like that. In other words, in some situations, you are not allowed to satirise or attack religious views, whereas other people who might have views that they might say are equally moral and equally valid but are not religious views can have their viewpoints attacked all the time. To what extent are we still the victims of a special status for religious views over other moral views?

John Dickie

Could I just talk about the role blasphemy has in the registration of films. In the Customs Cinematic Films Regulations there is still a provision which attaches to blasphemy in films. It doesn't apply in videos, it applies only to films. That issue has

come up a couple of times in the last couple of years. The most recent one was *The Last Temptation of Christ* last year. I don't want to get too deeply into this, but the only blasphemy that is covered by the legal definition is the Christian religion. It doesn't apply to any other religions and as I understand it, as it was explained to me by learned counsel, it derived from the Christian religion being the established religion in England and that an attack on the established religion in England was an attack on the government. That was the reason that prohibitions was made against it. I think it is for the legislators to decide. It seems to me to be a rather strange business where there is still a provision about blasphemy which applies only to Christianity when there are many other religions other than Christianity which are alive and well in Australia.

Margaret Thornton

I suppose that the point really just illustrates the fact that it is the dominant values in society that are privileged above others who are less powerful, and I think that if we can see that as we talked about in pornography that applies also in religion or whatever else. We might be looking at political views or whatever. That is simply another manifestation.

Dr Paul Wilson

I just agree with the comment. The way we use words is important in this context. We can call people Christians: if you disagree with a point of view you are a non-Christian, which has connotations of badness. Instead of using the word erotica we use pornography. You can be a supporter of pornography which has negative connotations. I mean, one could turn that around and say one is a supporter of loving sexual relationships but we don't use those terms. Tonight we have used the word pornography about 100 times even when we are defining with what we would all agree as being erotica. So, yes, dominant groups and dominant words in language can dictate the way in which society argues about particular social issues, but I am appalled in Australia often about priorities, about saying what really is important and what does social harm and what doesn't. I would have argued that there are a lot more important issues than 'X'-rated videos for example that we in Australia have to consider in terms of social harm.