

EM9206: The Globe and Mail Editorial, Saturday, February 29, 1992, page D6

Pornography and violence

DOES pornography kill? Feminists have long argued that there is a link between certain types of violent pornography and certain acts of violence against women. Some contend that the link is quite direct. In one U.S. study, they note, 56 per cent of convicted rapists said pornography had played some role in their crime. They also point to cases such as that of Toronto lawyer Barbra Schlifer, whose killer admitted flipping through rape and bondage magazines just before stabbing her to death in 1980.

Others say that even if there is no direct, causal link – and a special federal government committee reported in 1985 that it could find no conclusive evidence of one – violent pornography, by degrading and dehumanizing women, contributes to a general atmosphere in which violence against women can flourish.

On Thursday, in a judgement that puts Canada in the vanguard of legal thinking on the issue, the Supreme Court appeared to accept this view. "If true equality between male and female persons is to be achieved," wrote Mr. Justice John Sopinka, "we cannot afford to ignore the threat to equality resulting from exposure to audiences of certain types of violent and degrading material. Materials portraying women as a class as objects for sexual exploitation and abuse have a negative impact on the individual's sense of self-worth and acceptance."

The ruling is important in three main respects. First, it confirms that it is the degree of violence in a work of pornography, not the degree of explicitness, that is the main measure of whether it should be considered obscene. This will please mainstream feminists, most of whom have no problem with explicit depictions of sex acts, as long as the depictions are not grossly demeaning to women. It should

also please judges. It was always next to impossible to determine what degree of explicitness "community standards" would tolerate.

Second, it establishes new guidelines to help judges decide what is "undue exploitation of sex" – guidelines that acknowledge the potential damage that pornography may do to women. The courts will now be directed to judge pornography "on the basis of the degree of harm that may flow" from exposure to it. "Harm in this context," wrote Judge Sopinka, "means that it predisposes persons to act in an anti-social manner as, for example, the physical or mental mistreatment of women by men, or what is debatable, the reverse."

Third, it establishes that the right to freedom of expression cannot be used as an excuse for spreading the most debasing forms of pornography – not when that right violates the right of women to equality, undermines their personal security or reduces them in a way that may leave them more exposed to violence. (Would we allow, on the basis of free expression, the distribution of hard-core material that degraded blacks or Jews?). As Judge Sopinka wrote: "The objective of avoiding the harm associated with the dissemination of pornography in this case is sufficiently pressing and substantial to warrant some restriction on the full exercise of the right of freedom of expression."

Twenty years ago, many liberal-minded Canadians would have rejected such a view. But rising awareness of the extent of male violence against women, combined with the seemingly unstoppable growth of the pornography industry – which boasts sales greater than that of the film and music industries combined – has forced them to re-examine their views. Today, most Canadians would accept that there must be a balance between the precious right to free expression and the equally precious right of women to freedom from violence and fear.

The article EM9206 reprinted above is used Part 9 of the STAT 220 Course Materials and in Chapter 10 of the STAT 231 Course Materials.