

# FREEDOM OF SPEECH AS MYTHOLOGY, OR "QUILL PEN AND PARCHMENT THINKING" IN AN ELECTRONIC ENVIRONMENT

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This article deals with the reality underlying a popular American myth—the myth that freedom of speech and of the press exist in this country. I contend that they do not exist, but are cleverly scripted into contemporary folk mythology; freedom of speech is a media illusion. Extensive research into censorship and mass media controls, into the "language" of sexual pornography, and into the impact of that language upon women, children, and men has forced me to reach this unequivocal conclusion. The following discussion does not concern itself with an evaluation of the pornographic language; that evaluation must be postponed for another time. This discussion instead focuses upon the manipulation of communication and persuasion in modern society; the control of ideas and expression by the "Fourth Estate" in the service of the corporate oligarchy. I suggest that this control has become so powerful as to constitute censorship; I suggest that this control has become so powerful that freedom of speech and of the press have been consumed by it, and now only exist as part of our contemporary mythology. With regard to pornography, I maintain that distorted and injurious images of women and children are commonly exploited to suit the private purposes of those corporate interests controlling the mass media. I assert, moreover, that a pornographic environment by its very nature is undemocratic and antidemocratic and a threat to free speech and to humane survival.

## I WHAT ARE "SPEECH" AND "FREEDOM"?

Before we can begin to understand the freedom of speech mythology, we first must understand the meaning of the words "freedom of speech." Twenty-three centuries ago, Aristotle defined "speech" both as the spoken symbols that characterize mental experience and as print, which symbolizes speech.<sup>1</sup> *Webster's New World Dictionary* defines "freedom" as "the ability to act, use, etc., without hindrance; ease of movement; exemption from a specified obliga-

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1. ARISTOTLE, *THE WORKS OF ARISTOTLE* 16(a) (W. Ross ed. 1928).

tion; a political liberty."<sup>2</sup> Aristotle said that the function of speech is persuasion and the function of persuasion is to promote the realization of a certain decision, "for when we know a thing, and have reached a decision about it, there is no need of further argument."<sup>3</sup> In examining the meaning of the first amendment right, we must conclude that "ease of movement without hindrance," as a component of freedom of speech and of the press, implies an equality of persuasion opportunities, or an equal opportunity to communicate and be heard, for all citizens. Similarly, "exemption from a special obligation" implies a principle of equality, without which first amendment freedoms would be limited to members of a certain ruling class or profession, or to those of the ruling color or sex.

Freedom of speech, therefore, may be defined as the equitable, unhindered opportunity of each citizen to persuade others in a "free marketplace of ideas." The goal of such equality of opportunity is a well informed citizenry which makes decisions based upon "knowing" a thing, upon informed debate resulting in appropriate, fully considered citizen action. As John Dewey stated, "The foundation of democracy is faith in the capacities of human nature; faith in human intelligence and in the power of pooled and cooperative experience."<sup>4</sup> Pooled and cooperative experience thus should be realized through free speech and free press. But does such "pooling" take place in today's sophisticated electronic environment? Is speech really free? Or is certain speech "permitted" by a ruling commercial oligarchy which carefully limits the reach and effectiveness of its opposition?

In hindsight, it is easy to recognize the vested interests of past ruling classes. It seems extremely difficult, however, to examine the present power structure vis-a-vis freedom of speech and of the press. I assert, however, that the vested interests of a gargantuan, moneyed, male power structure today define the scope of free speech. Speech is "permitted" by a wealthy oligarchy that controls and directs a media monopoly through various techniques, one of which is censorship. Ours is an image-addicted environment in which the consumer public tends to respond to classical Pavlovian conditioning, that is, continuous repetition of stimuli coupled with promises of emotional rewards or punishment. Through a successful public relations effort conducted by this corporate oligarchy, censored and controlled communications have been used to paralyze freedom of speech and of the press, causing these to become mere illusions, a part of a mythology the oligarchy strives to perpetuate.

## II

### THE OLIGARCHY

In speaking of the abuse of freedom of speech, Wilbur Schramm, senior statesman in the mass media communications field, warned:

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2. WEBSTER'S NEW WORLD DICTIONARY 174 (1967).
  3. ARISTOTLE, *THE RHETORIC OF ARISTOTLE* 141 (L. Cooper trans. 1932).
  4. Address by J. Dewey, *Democracy* (1937), reprinted in *READINGS IN PHILOSOPHY* 348 (2d rev. ed. J. Randall, Jr., J. Buchler & E. Shirk eds. 1950).

By the late nineteenth and twentieth centuries . . . [p]sychology cast doubt on the ability of "rational man" to sort out truth from error, given the ability of one side to say more and say it better. Concentration of ownership in the media raised the question of whether a truly free "marketplace of ideas" existed and whether all viewpoints, popular or unpopular, would be represented.<sup>5</sup>

Columbia sociologists Lazarsfeld and Merton, writing in 1948, had this to say regarding those who belonged to North America's controlling oligarchy:

Increasingly, the chief power groups, among which organized business occupies the most spectacular place, have come to adopt techniques for manipulating mass publics through propaganda in place of more direct means of control . . . . Economic power seems to have reduced direct exploitation and turned to a subtler type of psychological exploitation, achieved largely by disseminating propaganda through the mass media of communication.<sup>6</sup>

Recalling Plato's admonition that knowledge is power, we must seriously ponder the observation of commentators such as Merton, Lazarsfeld, and Schramm that the mass media do not simply reflect reality, but, in fact, shape reality. Industrial organizations buy advertisers who, in turn, buy *people* and, in so doing, shape these people's notion of what reality is.<sup>7</sup> If knowledge is power and if the mainsprings of knowledge, such as information about subjects like human character, human psychosexuality, and women's identity are controlled by special interest groups, is this not likely to preserve the power of those special interest groups? Aleksandr Solzhenitsyn, in his Harvard commencement address in June 1978, echoed this thought:

The press can both stimulate public opinion and miseducate it . . . . Hastiness and superficiality are the psychic disease of the twentieth century, and more than anywhere else this disease is reflected in the press . . . . [T]he press has become the greatest power within the Western countries, more powerful than the legislature, the executive, and the judiciary. One would then like to ask: By what law has it been elected and to whom is it responsible?<sup>8</sup>

All powerful and all pervasive, the mass media have come virtually to control our attitudes, opinions, and imaginations.

To understand the fantasy of freedom of speech in the late twentieth century is to understand the reality of money, and the people and equipment that

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5. W. SCHRAMM, *MEN, MESSAGES & MEDIA: A LOOK AT HUMAN COMMUNICATION* 154 (1973).

6. P. Lazarsfeld & R. Merton, *Mass Communication, Popular Taste, and Organized Social Action*, in *THE PROCESS AND EFFECTS OF MASS COMMUNICATION* 555-56 (W. Schramm & D. Roberts eds. 1971).

7. R. HIEBERT, D. UNGERAIT & T. BOHN, *MASS MEDIA: AN INTRODUCTION TO MODERN COMMUNICATION* 39 (1974).

8. Address by Aleksandr Solzhenitsyn, Harvard University Commencement Address (June 1978), *reprinted in NATIONAL REVIEW*, July 7, 1978, at 838.

money can buy. The reality of freedom of speech in contemporary communications is the 6.1 billion dollars spent by the one hundred major advertising companies in 1977.<sup>9</sup> A significant percentage of this investment was spent on patently sexist advertisement information, in addition to the billions invested in blatant pornography and its dissemination. In the attempt to counter such imagery, Women Against Violence in Pornography and the Media was able to spend, perhaps, two thousand dollars last year. If pornography represents the legalized and misogynistic destruction of women and children, what defense have these women and children against it? We are shut out of the expensive, competitive, "free" marketplace, since we are unable to afford the financial weapons necessary to do battle with these communications giants.

Why then does the legal community so vigorously defend the pornographer? Why judicial privileges for the pornography industry while its opponents are denied freedom of speech? In large part, it is because pornography is very big business. Pornographers are part of the corporate oligarchy. They are among the newer robber barons to enter their corporations on the lists of those with the highest annual net profits. Their great funds buy a substantial legal stable with the capability to pontificate about the sacredness of the freedom of speech.

### III

#### THE IMAGE WORLD—INSTANT ICONS

Pornography is not simply about sex or sexual hatred; it is about the meaning of life. Pornography is "about" everything we still do not understand—much of which we may not wish to understand. A full grasp of the effect of pornography upon society involves knowledge not only of government and law, but of the historical relationships between the sexes, of human psychology, philosophy, and religion, of the role of art and symbolism, inclusive of its sexist perspectives, in human experience and social evolution. A real analysis of pornography must also include a comprehension of the roles of models in gender identification and their use by mass media to direct behavior, of the nature and existence of subliminal messages, and an awareness of artistic, economic, and psychological advertising techniques. *It must consider, in short, the methods of persuasion and propaganda employed in today's mass media.*

The title of this article, "'Quill Pen and Parchment Thinking' in an Electronic Environment," refers to the process of perception and retention experienced through noncommercial print. Prior to the age of print, ideas were aurally experienced and orally shared. This created, among other things, an environment of veneration for the elders of the community. Once ideas were experienced through print, however, the entire social fabric was altered irrevocably. The elders were no longer irreplaceable and invaluable; veneration began to pass instead to those who possessed new knowledge, those who had communication power. In much the same way, the newer forms of communication

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9. ADVERTISING AGE, August 28, 1978, at 144-45.

technology are altering our perceptions and our way of life. The printed word no longer has the power that it once did; it has been supplanted by the electronic media. The modern process of human perception has become an "industrialization of the mind,"<sup>10</sup> an industrialization of perceptions shaped by mass media, causing us to respond to the messages of these media in the very terms that they prescribe. Photography, for example, "changes the terms of . . . our world. In teaching us a new visual code, photographs alter and enlarge [or restrict] . . . our notions of what is worth looking at and what we have a right to observe."<sup>11</sup> The mass media thus shape the parameters within which we perceive the world around us.

It is quite difficult for most of us to understand the almost omnipotent and revelational nature of the mass media in their delivery of information; the media establish "what is worth looking at and what we have a right to observe" by creating contemporary symbols. Prescribing new paradigms of behavior for entire societies, the media can be viewed as fulfilling a quasi-religious function. They guide our lives and beliefs. They have become so pervasive and powerful that they exercise a control over our value systems equal in magnitude to that which religion does, or did at one time, exercise. In brief, the media now define the symbols that we must worship.

As the media gained the ability to establish our common symbols, many of the "ground rules" by which our culture functioned were changed. One of these rules was that there existed a free marketplace of ideas in which good words battled bad words, and in which truth was expected to triumph. If such a marketplace ever did exist, however, it has long since lost its national virility due to the speed and nature of technological and social change. Accompanying this free marketplace concept into oblivion in recent years was the belief that noncommercial printed ideas, once influential within our culture, could compete for believers with ideas conveyed through today's technologically advanced communications system. Mass media research and experience have proved, however, that the noncommercial print media are no longer competitive with the mass media of image and color in terms of their ability to reach and to affect the public imagination.

Contemporary mass media techniques have made the "free marketplace" into American folk mythology. Mass persuasion is now effected primarily through the electronic media supplemented by "electronic look-alikes": films; glossy magazines with simplistic print, such as *Playboy*, *Penthouse*, *Us*, and *Time*; sizzling record jackets; and large bright billboards. The mass media industry has supplanted the influence of the print medium and the remaining influence of the community elders by controlling the dissemination of information that can shape public attitudes and behavior. With this control of the dissemination of information has come the control of society.

Print bearing an intellectual message cannot compete in today's electronic-visual, mass media world because the world of ideas, by its very nature, is not

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10. H. ENZENSBERGER, *THE CONSCIOUSNESS INDUSTRY* 3 (1974).

11. S. SONTAG, *ON PHOTOGRAPHY* 3 (1977).

showy. The world of ideas is not a world of "instant gratification"; it is by nature slow and contemplative. The world of print consequently is slow. When eighteenth-century language tools try to compete for votes in a futuristic electronic "free market," they are doomed to failure. Glossy magazines and bright billboards simply are much more appealing, now, to the general public's taste. The deeper world of ideas, moral sentiment, and values largely has been usurped by advertisement supported print, or "sponsored print." The profound arenas of human contemplation have been appropriated, rescripted, and recast, and now are directed by the instant gratification methods of the mass media monopoly.

The power of modern methods of propaganda and the addictive, distortive nature of images are vitally important realities within which to address the issue of freedom of speech. An understanding of this power and the distortion it engenders will permit us to grasp the threat to survival that lies inherent in pornography: that threat is the sexual fascism of iconography. "The modern methods of propaganda . . .," according to Ludwig van Bertalanffy, "force upon [man] certain ways of behavior by means of a continuous repetition of stimuli coupled with emotional rewards or punishments. If a slogan, however insipid, is repeated a sufficient number of times and is emotionally coupled with the promise of a reward or the menace of punishment, it is nearly unavoidable that the human animal . . . reacts as desired."<sup>12</sup> This simple, but powerful tool wielded by the contemporary media is compounded by the addictive effect of modern modes of communication. The addictiveness of the visual media in particular is related to their "hotness," suggests McLuhan;<sup>13</sup> that is, their appeal is due to the fact that imagery *involves* the viewer whereas a book *contains* the reader. "The logic of the photograph," says McLuhan, "is neither verbal nor syntactical, a condition which renders literary culture [the print culture] quite helpless to cope with the photograph."<sup>14</sup>

Susan Sontag has observed that photographs give a false sense of "knowing."<sup>15</sup> A photograph, offering a visual experience, has a greater tendency to mislead than print narration. At the same time, however, it is incapable of describing human reality in a complex form. Photography beautifies all it records, despite the often real tragedy of its subject matter. Constant exposure to television, film, and magazines has radically altered public response to photographs, although public fascination and belief levels have remained constant and in many cases have even increased. This exposure has deadened the viewer's emotional reaction to upsetting subjects. Narrative print, in contrast, can elicit deep, caring sentiments when it describes human reality. Narrative print, however, is not the stuff to which the public is exposed; glossy photographs with sexy poses have usurped narrative print's place in terms of possessing the ability to reach and affect public perceptions and opinions.

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12. Ludwig van Bertalanffy, *Human Values in a Changing World*, in *NEW KNOWLEDGE IN HUMAN VALUES* 71-72 (A. Maslow ed. 1959).

13. M. McLuhan, *UNDERSTANDING MEDIA: THE EXTENSIONS OF MAN* 36-45 (1964).

14. *Id.* at 197.

15. S. SONTAG, *ON PHOTOGRAPHY* 23 (1977).

Despite the ability of photography and other forms of electronic mass media to alter perceptions, an illusion of freedom of speech has been maintained because of the abundance and availability of the older form of knowledge, print publications. Books, magazines, and newspapers may disseminate freely "serious" (and not so serious) information to those among the isolated elite interested enough to support them; but, to a visually hypnotized and generally apathetic society, such print materials are inadequate in terms of color, redundancy, and publicity. They therefore are not sufficiently experienced by a repetition addicted public to gain a widespread readership. Neither sexy enough nor sensational enough, the print publications that could maintain our freedom of speech now serve only to support the myth that these freedoms have become.

Aristotle said that to participate or to compete in the speech or persuasion process, one must have language skills and techniques with which to address the citizenry. Today these skills are *owned* by the mass media. To publish books written by a deviant is harmless enough, because leaflets, picket signs, and books no longer are adequate tools of intellectual evolution or revolution. The pen can only be mightier than the sword if it produces flashing colors and plunging necklines and is capable of reaching five to ten million readers each month with the same message. This is no longer the day of *The Jungle*.<sup>16</sup> Upton Sinclair's book could not have had the powerful impact upon the polity, and thus upon the meat industry, in today's controlled environment that it had when it was written. Other "jungles" similarly have been exposed in other industries, but they pass unnoticed now except by a few diligent and tenacious gadflies. While "jiggle shows" proliferate on television, the free marketplace of ideas is not to be found for any price on any television station, and remains fossilized only in a few isolated newspapers, radio stations, or magazines. Even in the "intellectual" marketplace, moreover, politically and commercially controversial materials are censored with evangelical diligence.<sup>17</sup>

#### IV

#### ART IN THE PORNOGRAPHIC ENVIRONMENT

A central element of the freedom of speech mythology is the "slippery slope" concept. This concept holds that the prohibition of pornography will cause a serious erosion of creative freedom. The history of art and literature in periods when censorship was more prevalent, however, hardly testifies to such erosion. Despite such censorship, art and literature would appear to have flourished in the United States. A far more pertinent question, therefore, is what the pornographic environment *itself* has done to erode art and literature. The bulk of poetic symbology has been usurped by a media monopoly that now supports pornographic expression in all areas of communica-

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16. U. SINCLAIR, *THE JUNGLE* (1906).

17. Such diligence has not yet yielded absolute efficacy. Some independent voices survive. The magazine, *Mother Jones*, for example, seems to be an exceptional Don Quixote in the free speech arena.

tion. The advertising industry world devours poetic symbols of love, motherhood, nature, and spirituality to sell more stockings, lipstick, cigarettes, whiskey, and drugs. This commercialization of all human experience has become art—the art of the pornographic environment. It stimulates, it teaches, and it mirrors, but *it does not enlighten*. All around us we see secretiveness, suspicion, callous indifference, cheating, theft, millions of youthful runaways, the decay and pain of our city streets, increased physical and psychosexual child abuse, wife battery, incest, rape, the neglect and abuse of the elderly, the poisoning of our bodies, very young girls parenting fatherless children, drunkenness, and drug dependence. Where is the art that recreates this story? Where are the artists to deepen our grasp, to portray this hell, and to help to restore our reservoirs of strength? Such is the reality of the pornographic environment. It may be that *The Story of O*, *Playboy*, and *Hustler* are indeed authentic artistic expressions of the mental experience of the leaders of our times and thus forecasts of the future. If so, these dismal expressions are the result of the censorship of ideas, not of the censorship of pornography.

The slippery slope concept is used by first amendment absolutists whose defense of pornography is based on the spurious notion that freedom of speech actually exists. Freedom of speech, however, does *not* exist; and thus the premise on which the slippery slope concept rests must fall, bringing with it the concept itself. Once this concept has been disproved, the pornographic business community's virtual monopoly of the dissemination of psychosexual information can be challenged without raising cries of censorship. The notion that pornographers should not be allowed to continue this control of dissemination, and, in fact, must be controlled themselves, no longer contradicts the message of the first amendment. The pornographers themselves must be attacked as censors—forcing us to experience their environment, coloring our perceptions and shaping our attitudes with their own warped portrayals of women, children, love, sex, and yes, men.

## V

### THE REALITY OF TODAY'S CONDITION

If we are even to approach the obtainment of democracy and free speech, equal access to the mass media first must be obtained by the citizenry. Aristotle noted that the function of speech is to enable us to "know a thing" that we may take proper, democratic action regarding what we now know of the thing. If this is so, then the public must share equally in the use of mass media forms of communication. If this were happening today, if we were, in fact, able to "know the thing,"—to truly know pornography—it is doubtful that pornography would be much more than a minor problem. Were we, those of us who oppose pornography, able to present our case as fully as pornographers present theirs, the pornography industry would be in a precarious position. What data we could produce with a research budget bolstered with a small fraction of the billions spent by the media! Pornography receives the support it does, however, because in reality we who oppose it do not have even freedom of speech. The pornographic environment is so profitable that we are, in



effect, barred from access to the public through mass media communication forums. The slippery slope concept is a lie; it is the opponents of pornography who are censored by the mass media monopoly. Every sponsor, therefore, of every page of magazine copy, foot of movie film, inch of videotape, second of recording time, of each billboard, of every ad which uses a female as a sexual object, should be required to provide equal time and space for uncensored responses. Ridiculous? If uncensored response is not practical, then such media abuse of psychosexuality must cease immediately—even if some lose money and others lose sleep.

Given the long history of abuse women have suffered because of their sex, due to the rather odd phenomenon of male hatred or fear, women's rights should outweigh those of their contemporary sexploiters—the sex industry. Women must have the right to: (1) respectful, honest portrayals of women and children as people by the media—not as sex objects or objects of ridicule; (2) protection by law of the psychological sense of privacy that now is violated by displays of female sexual privacy in public forums; (3) a healthy, non-exploitive environment conducive to personal growth; and (4) *the presumption that a causal relationship exists between the pornographic environment and the incidence of physical and psychological rape, unless proven otherwise*. These rights must be weighed against the relative right of the sex industries to produce pornography for profit and the relative “right” of the captive consumer to consume misogynistic, anti-human propaganda. Denial of these human rights can only be seen as a reflection of personal prejudice and contempt for the lives of all women and, ultimately, of all children as well.

James Madison wrote in 1832 that “[a] popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both.”<sup>18</sup> I doubt he realized that his language would accurately describe the contemporary condition of the United States one hundred forty-seven years later, when billions of dollars are spent—not on public access to popular information, but on media access to the public for the growing oligarchy and its newer members: the pornographic industries. Seen in this light, “freedom of speech” is now the freedom of the corporately controlled media, “the people shapers,” to purchase the national mind.

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18. Letter from James Madison to W.T. Barry (August 4, 1832), reprinted in *THE COMPLETE MADISON* 337 (S. Padower ed. 1953).

