

The Williams Committee and the Harm of Pornography

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レジュメ

1960年代半ばから1980年代半ばにかけての20年間に、イギリス、アメリカ合衆国、およびカナダにおいて、相次いでポルノグラフィーに関する政府の諮問委員会が作られ、それぞれの報告書が提出された。このうちイギリスでは、1977年7月に、「わいせつと映画検閲に関する内務省省内委員会」が任命された。委員長の名前により一般に「ウィリアムズ委員会」と呼ばれるこの委員会は、1979年10月までの約2年間活動し、その結果として270ページの報告書が提出された。13名のメンバーからなるこの委員会が結成された背景には、ポルノグラフィーをめぐる社会状況の変化があった。1960年代以降急激に進んだ性をめぐる価値観の変化の結果、既存のポルノグラフィーに関する規制に対して、一層の規制強化を望む保守派とあらゆる規制の撤廃を求める進歩派双方の間に大きな不満がつもっていたのであった。この委員会の報告書が発表されると、自由派、保守派、フェミニストといった立場を異にする多くの人々がこれを批判した。この委員会を任命したのは労働党政府であったが、報告書が提出されたのは新たに政権を担当ようになっていた保守党政府に対してであった。そのような政治状況のもとで、ウィリアムズ委員会の報告書は、具体的な政策立案に生かされることなく、文書庫の棚で眠ることとなった。

ウィリアムズ委員会の指針となったのは、ジョン・スチュアート・ミルの理論に基づいた、いわゆる「危害条件」であった。これは、「ある行為が法律によって規制されるのは、その行為によって誰かに危害が及ぶことが示された場合のみである」というものであった。この原則に従ったことによって、ポルノグラフィーに対する委員会の態度は、概して寛容なものとなった。それを簡単にまとめれば、子供を保護する一方、大人について

はそれぞれの個人の判断にゆだね、規制を課すのは極端な例の場合に限る、というものであった。

この原則に基づき、委員会では、ポルノグラフィーの流布とある種の行動、特に犯罪行為との結びつきについて、幅広く証拠を集めて検討した。様々な証拠を検討した結果、ウィリアムズ委員会の到達した結論は、ポルノグラフィーが広く普及したことによって害がもたらされたことがはっきりと認められるのは、その製作の過程で、参加者、特に子供に対して実際に危害が加えられる場合に限られる、というものであった。それゆえ、同委員会の見解では、子供への保護は必要であるが、大人については、ポルノグラフィーを観たり読んだりするかの判断は個人の自由に任せるべきだ、ということとなった。一方で、映画については、事前の検閲によって、6つのレベルに分けて年齢制限を行い、極端な例については上映を禁止する、ということが提唱された。

ポルノグラフィーに対する規制をどのようにするべきかについては、現在でも様々な議論がある。正反対の立場にたつ人々の間の対立は激しく、妥協点を見出すことは困難である。そうした中で、ウィリアムズ委員会の報告書の内容は、様々な証拠の詳細な検討に基づいた、やや寛容派の側に傾きながらも、きわめて現実的かつ常識的なものであった。

Introduction

In their book, *Pornography in a Free Society*, Hawkins and Zimring asserted that "The twenty years between the mid-1960's and the mid-1980's could, with justification, be called the Era of the Pornography Commissions"(Hawkins and Zimring 3). They may have exaggerated the historical importance of those governmental bodies. Yet, in fact, during those two decades, there were two federal commissions in the United States and one committee in the United Kingdom, and also one in Canada, which dealt with both pornography and prostitution. In this paper, I would like to trace the achievements of the Committee in the United Kingdom, which is generally known as the Williams Committee.

Brief History

The Home Office Departmental Committee on Obscenity and Film Censorship was formally appointed on 13 July 1977. It is usually called the Williams Committee after its chairman, Professor Bernard Williams, who was at that time provost of King's College, Cambridge. Their task assigned by the then Home Secretary was "to review the laws concerning obscenity, indecency and violence in publications, displays and entertainments [*sic*] in England and Wales, except in the field of broadcasting, and to review the arrangements for film censorship in England and Wales; and to make recommendations" (Williams 1).

Their first meeting was on Friday, 2 September 1977, and the last was on Wednesday, 31 October 1979. During these two years, they held thirty-five meetings. At the last meeting, they formally signed the 270-page report, "which was, almost incredibly, unanimous" (Simpson 23).

The Committee consisted of thirteen members, including the chairman. There were ten men and three women. All of them had some kind of professional credentials. Included among its members were three lawyers (a judge, a professor, and a solicitor), a film critic, a former chief constable, a

youth and community worker, a professor of French, a bishop, a psychotherapist, a member of the Equal Opportunities Committee, a journalist, and a headmistress. As one of the three lawyers on the Committee, Professor Simpson writes, "How quite we were selected remains a mystery" (Simpson 24), there seemed to have been no explanation concerning the reasons for the appointment of the personnel. Hawkins and Zimring noted, however, that, while the dominant role of the legal profession is one of the common elements in the selection of pornography commissions, the reliance on lawyers is less significant in this British committee than in the two American commissions (Hawkins and Zimring 17).

Then, why did the Williams Committee come into existence? Again, according to Simpson, there was no single incident that provoked the establishment of the Williams Committee. Instead, "there existed considerable dissatisfaction with the existing state of control and regulation of pornography." He continues:

Some critics were primarily concerned with the law, and objected to the form it took and the apparently arbitrary way in which it was enforced. Others were more concerned to criticise what might be called the end product -- a society in which real or supposed pornography was too readily, or not sufficiently readily obtainable. Virtually nobody seemed to be pleased with the way things were. ...

The general background to this dissatisfaction was no doubt the profound changes in public taste and acceptability (or some would say profound corruption of public morals and standards of public decency) associated with the rise of the permissive society in the 1960s and 1970s, and the sharp clash of attitudes between generations which this phenomenon produced. (Simpson 17-18)

It was in this social and political context that the Committee was established.

During the two years of its existence, the Committee spent "just under £100,000. The members' work seems to have been tremendous. Apart from attending the meetings, they, as Simpson writes, "were presented with a massive amount of homework, in the form of reading material circulated

postally [*sic*] by the secretariat. " Also there was "the tedious and at times extremely disagreeable process of familiarising ourselves with pornography, both that currently obtainable and some from the past" (Simpson 23, 25). After these strenuous efforts, the Report was what now remains in our hands as their only achievement.

After its publication, the Williams Report met criticism from various sections of society, namely, from liberals, conservatives, feminists and so on. Yet the government simply neglected it. "The Report of the Committee was shelved" (Easton 144). The Williams Committee was appointed by a Labour Home Secretary, but submitted its final report to a Conservative counterpart. This change of governments that happened during their term may explain this deliberate neglect. What happened, in the end, was that the Report "was simply allowed to fade away" (Hawkins and Zimring 12-13).

Harm

The guiding principle of the Williams Committee was what it called "the harm condition":

What sort of conduct may the law properly seek to suppress? An answer to that question which is widely accepted in our society, as in many other modern societies, is that no conduct should be suppressed by law unless it can be shown to harm someone. (Williams 50)

This idea derives mainly from the philosophical theory of John Stuart Mill in *On Liberty*. The Committee relied on this principle when they considered whether regulation was necessary. When it is applied to their actual task, "this meant that what, if anything, should be done about pornography should be determined by an investigation into the consequences of its existence or dissemination" (Hawkins and Zimring 89). Their approach is thought to have been "generally permissive in leaving adults to decide for themselves but seeking to protect children. It was willing to countenance restraints only if it could be shown that harm resulted from pornography. ...Where it did consider regulation necessary, it advocated restrictions and relied on

prohibition only in certain extreme cases" (Easton 142).

Relying on this "harm condition" principle, the Committee reviewed the range of evidence which might connect the availability of pornography and certain sorts of behaviour, particularly in the form of criminal offences of a sexual nature. The Committee dealt with three kinds of evidence:

First, it dealt with anecdotal and clinical evidence drawn from particular instances in which an association between crime and pornographic material had been observed and a causal connection was claimed, including in this category psychiatric evidence based on clinical experience. Second, it considered research studies involving experiments into, or observations of, human responses to pornographic material. Finally, it reviewed evidence drawn from statistical analysis of trends in known crime relative to the varying availability of pornography.

(Hawkins and Zimring 90)

As to the first category of evidence, the Committee came to the conclusion that "the cases in which a link between pornography and crime has even been suggested are remarkably few. Given the amount of explicit sexual material in circulation and the allegations often made about its effects, it is striking that one can study case after case of sex crimes and murder without finding any hint at all that pornography was present in the background" (Williams 63).

On the contrary, they even found that some of their psychiatric or psychological witnesses "felt that cases more frequently occurred in which the effects of pornography were beneficial rather than harmful." Dr P. L. Gallwey stressed "the sense of security that was sometimes generated, particularly through a lessening of the sense of exclusion and by assuaging the violent feelings associated with exclusion." And Professor H. J. Eysendk, "despite his serious reservations,... agreed that, depending on how it was portrayed, sexual material could reduce violent activity." Also Dr A. Hyatt Williams told them "that his experience was that the outlet provided by pornography could prevent the commission of offences and that an offence could result if a person dependent on that kind of satisfaction were deprived

of it" (Williams 63).

In regard to the second kind of evidence, those derived from research studies, the Committee expressed "serious reservations" and considerable doubt concerning the validity and reliability of their method. The Report concludes that "no very clear impression emerges from the results," and that "the only objective verdict must be one of 'not proven'" (Williams 65-68).

As for the third category of evidence, namely the statistical evidence, the Committee examined cases in England and Wales, and Denmark. Here they found that it was extremely difficult to find reliable and usable information about both the incidence of sexual crimes and the availability of pornography. The Report also points out that "The causes of crime are undoubtedly complex and elude isolation" (Williams 71). The judgement of the Committee on this kind of evidence is that "correlation studies are a weak research tool...it can never... 'prove' anything" (Williams 84).

Having finished with the examination of a possible link between sexual crime and the availability of pornography, the Committee moved on to consider other kinds of "harm" concerning pornography. These include the effect of pornography on sexual behaviour generally, deviant sexual practices in particular, or possible damage to the marital relationships. Here again, the Committee did not find strong evidence which testifies to the harm of pornography. They even "received evidence of how pornography had been of help in enabling married couples to overcome their sexual problems . . . such materials are also used in the clinical treatment of sexual dysfunction, to alleviate the problems of those whose relationship is suffering through impotence or frigidity." They sum up, "In short, the evidence in this area once again tends both ways and we came to the conclusion that the evidence of detrimental effects was too insubstantial to suggest overall that pornography was a significant cause of harm to marriage or other personal relationships" (Williams 88).

About the assertion that pornography is degradation of women, the Report says, "it degrades also the men it portrays as well as those who consume it." And while the Report admits that many of their women

correspondents wanted legal action against the degradation of women in pornography, it asserts that "the consensus of those parts of the Women's movement from which we heard tended to attach greater importance to freedom of expression than to the need to suppress pornography" (Williams 88).

With regard to the effects of pornography on children, the Report says, "most of our witnesses wished to see children and young persons protected." But as for the actual harm which might be done to the young, it says, "we heard no evidence of actual harm being caused to children." They are also left unsure "about the age at which the special protection of children is no longer necessary" because "Individual sexual maturation is so variable" (Williams 88-89).

Next the Committee turns to the question of the harm done to the participants in the production of pornography, both adults and children. As for adult participants, they "were not able to conclude that participation in these activities was a cause of harm." But in respect to children, they admit that "there are strong arguments that the prevention of this harm also requires the power to suppress the pornographic product as well as the original act" (Williams 90-91).

Finally, they consider the more indefinite and pervasive kinds of harm, such as "cultural pollution, moral deterioration, and the undermining of human compassion, social values, and basic institutions." As for this matter, the Report points out the historical fact that "the output of purely erotic pornography in England during the nineteenth century was prodigious." Did the society continue to decline? They say that the role of pornography in influencing the state of society is not very important. "To think anything else, and in particular to regard pornography as having a crucial or even a significant effect on essential social values, is to get the problem of pornography out of proportion with the many other problems that face our society today" (Williams 92-95).

To summarise the evaluation of evidence of possible harm done by the widespread availability of pornography, the Committee could find no

significant evidence of harm other than the actual harm to participants in the production of pornography, especially in the case of children. Therefore it came to the conclusion that "adults should be free to decide for themselves whether or not to read or view pornographic material, while special protection was needed for children." In other words, they "saw the best society as one where individuals make their own decisions about the kind of life to lead" (Easton 142).

Proposals

Based on its extended research and discussion, and using "the harm condition" as their guiding principle, the Williams Committee made their recommendations for the better regulation of pornography in society. The main points of the proposals are as follows:

- 1) Restrictions are recommended only when "its unrestricted availability is offensive to reasonable people."
- 2) Written works are excluded from the restrictions.
- 3) Prohibition should be limited to extreme cases, such as when its production involves "the exploitation for sexual purposes."

Under these guidelines, prohibition was recommended for photographs and films whose production involved the exploitation of a person under the age of 16, or when it is suggested that actual physical harm was inflicted on that person. The Committee also recommended that the sending restricted material by mail to a person under 16 or to anyone who did not request that material be prohibited. Any prohibited materials should not be sent by mail.

The Committee also "spent a great deal of time studying the workings of the existing system of film censorship" (Simpson 35). They had the notion that the cinema should be treated in a different way because it "is a more immediate and powerful medium than the printed word or still picture," and also because, although there is "no conclusive evidence . . . it seems entirely sensible to be cautious" (Simpson 37).

The Report recommended "the retention of pre-censorship and the

power in the censors to refuse certification entirely to films found by the censors to be 'unfit' for public exhibition." Under the system, films would be classified as:

#(U) Suitable for all ages

#(11A) Children under the age of eleven should be accompanied by a responsible adult

#(16) No person under the age of sixteen is to be admitted

#(18) No person under the age of eighteen is to be admitted

#(18R) For restricted exhibition only. No person under the age of eighteen is to be admitted

#Certificate refused (paragraphs 12.41-43)

18R films would be shown only under special conditions (Simpson, pp.36-37).

The Report was criticised on this matter for inconsistency with its principles.

The report, with perfect consistency concludes in general that it follows that pornographic material should not be banned, but merely restricted. But when it comes to consider the cinema, conceding that it has not been shown "beyond reasonable doubt" that films cause harm, it nevertheless recommends a new and effective system of pre-censorship which would enable a film to be banned entirely if it was judged by the censors to be "unfit for public exhibition." (Simpson 66)

As for this criticism, Professor Simpson writes, "The conclusion was reached, it is said, because the committee was shocked by seeing some very nasty films, and thereupon rationality went out of the window and emotion took over" (Simpson 66).

Conclusion

The Report presented by the Williams Committee was, as we have seen,

neglected by the government and kept on the shelves of libraries. Yet their extensive research and the well-thought-out recommendations still retain its value. It seems that, when compared with the other two instances in the United States, the Williams Report is more balanced and commonsensical in its consideration and assessment of the effects of pornography and the possible significance of its recommended policies. Its constant positioning on the side of the freedom of speech, tempered with the flexible manner shown in the case of its treatment of film censorship may be problematic. Yet there is no straightforward solution considering the complexity of the issue. In this sense, it can be rightly asserted that the Williams Committee succeeded in providing guidelines for the treatment of pornography in the modern society.

According to an article in *The Guardian* (13 August, 1998), the chief film censor, James Ferman, "launched a sustained attack on Britain's confused obscenity laws, warning that the problem of pornography 'will not go away.'" In his view, because of restrictions, "Pornography will once again be swept under the carpet where, in the name of the law, it will be mixed up with violence and degradation." He recommended the government to relax pornography laws, saying, "No regulation has the right to muzzle such a medium ... and therefore no subject matter should any longer be taboo." The debate continues. The future of film censorship in Britain remains uncertain. There seems to be no clear-cut answer that will satisfy all.

References

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