THE PORNOGRAPHY DEBATE: HISTORICAL REFLECTIONS ON THE LEGALISATION OF PORNOGRAPHY IN SOUTH AFRICAN COMMUNITIES

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ABSTRACT

The 1996 Films and Publications Act marked a dramatic turnabout, if not a fundamental circumvolution, in South Africa's all too flagging contemporary history of freedom of speech. Brought about by an unprecedented wave of readily available sexually explicit material and apparent discrepancies between the new constitution and the censorship system that prevailed, its drafting took place amidst intense nationwide debate. The debate was dominated by the question of whether pornography ought to be legalised, or whether the strict censorship thereof should be sustained. This article will comment on basic differences between the historical contexts of the 1990s debate and previous debates. It also examines three main arguments that dominated the debate: Morality, harm and sexual hate speech, and creating an equilibrium. In each instance the relevant concluding findings of the Task Group, charged with drafting the above-mentioned act, will be noted. The conclusion reflects on the character of the debate and its main shortcomings, as well as the overriding importance of sustained multidisciplinary research into the topic. Due to obvious constraints on space the article is an abridged historical review but is, nonetheless, indicative of the overriding sentiments and dominant features characterising the topic at hand.

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INTRODUCTION

47. (2) For the purposes of this Act any publication or object, film, public entertainment or intended public entertainment shall be deemed undesirable if it or any part of it – is indecent or obscene or is offensive or harmful to public morals...

- Publications Act, no. 42, 1974.

"Wat soek daai blerrie ou fools nog daar!" satirist Pieter-Dirk Uys exclaimed in an interview with the writer in 1996, "Dis 'n mors van tyd en geld. Dis ou apartheid nonsens wat ons uit ons lewens moes gekry het. Dit maak my die hel in." The *fools* he was referring to were the members of the Publications Control Board, and the *old apartheid nonsense* was the 1974 Publications Act, which had empowered them and was, by 1996, still very much in operation. Uys's outspokenness was indicative of a national debate that had flamed up around the Act during the mid-1990s.

Although its political bite had been muzzled prior to the 1994 elections, the rest of the law remained intact. However, this important and infamous law governing the country's non-political freedom of expression now stood in diametrical opposition to the new constitution (Department of Home Affairs 1995: 24). It would have to be replaced - and the question of exactly by what sparked an intense and drawn-out debate. Political censorship was a thing of the past, and the most contentious issue now was that of pornography (De Lange 1997: 166). The ensuing debate focused on the issue of pornography and the censorship thereof. The anti-porn lobbies were concerned that the ANC regime, in its apparent drive to change everything that had existed in the apartheid era, was - as a matter of principle - going to eliminate all forms of control over pornography. The anti-censorship lobbies were concerned that the government, in a possible attempt to appease conservative constituents, was going to retain strict control so as to appear just as *moralistic* as its predecessors. These qualms were not alleviated by the fact that the state's Task Group, appointed to draft a new law, was led by the former chairperson of the Publications Appeals Board, Prof. Kobus van Rooyen, and included censors such as hardliner Dr Braam Coetzee.

In correspondence with Dr Braam Coetzee, he argued that it was incorrect to speak of South African censorship per se, as the laws in this regard had changed many times over the decades. For the purpose of this article, however, two points are important: Irrespective of the period or the law, in the apartheid state porn was always outlawed and censorship had jurisdiction over all sexual speech and expression.

Although pornography and the censorship thereof had periodically been debated throughout most of South Africa's contemporary history, certain factors made the debate of the 1990s historically unique. These will be examined so as to broadly illustrate the differences in historical contexts between the 1990s debate and previous ones. Secondly, the three main points that emerged in the debate will be reflected on. These are the issues of morality vs. porn; harm and hate speech vs. porn; and creating an equilibrium between those opposed to, and those in favour of, porn (the relevant defining conclusions of the Task Group's Report will be noted in each case). The conclusion will reflect on the nature of the debate and its possible lessons for the future.

A note on defining terminology is important. Despite the abundance of definitions of pornography, there is no universally accepted definition of pornography apart from the vague notion of *I will know it when I see it.* Although this article is concerned with the debate surrounding porn, it will not seek to define it. The focus is placed on the sentiments this undefined and yet over-defined phenomenon elicits, rather than on the semantics of its definition. However, the definitions of porn formulated by the different groups that took part in the debate will be noted where relevant.

BASIC DIFFERENCES IN HISTORICAL CONTEXTS BETWEEN THE 1990S DEBATE AND PREVIOUS DEBATES

Although nudity per se wasn't illegal, officially no pornography whatsoever was legal in the apartheid state. In addition, censorship did not begin and end with material that was *blatantly created to incite lust,* but encompassed any and all sexual speech and expression. Censorship was, in essence, thematically open-ended.

Even by the supposedly more enlightened 1980s, sexuality essentially remained a risqué topic for the censors. Discourse on sexuality per se, let alone pornography, took place within an environment where, for instance: the issue of premarital sex in general was highly contentious; any positive discussion about homosexuality was branded as support and promotion thereof and as such prohibited, and sex education of any type had to be void of explanatory specifics; a society in which suggesting that fellatio and cunnilingus are normal sexual practices among consenting adult lovers could lead to a banning (Van Rooyen 1987: 71).

One example of the censors' thoroughness can be found in 1986. The censors established that the instructional video *A guide to making love* had scientific merit and could be used educationally by psychotherapists and sexologists, but then argued that medical professionals could not be trusted to use the video for legitimate professional purposes only – and proceeded to ban it (South Africa. Appeals Board 1986). Apartheid South Africa's sprawling censorship laws had always been, according to Kobus van Rooyen (Vorster 1989: 10), the "strictest form of censorship in the Western hemisphere". During his term as chairperson of the Appeals Board during the 1980s, however, Kobus van Rooyen (pers. comm.) did place greater emphasis on the merit of material. Thus, instead of banning or even cutting raunchy – for that time – films such as *9½ Weeks,* the highest possible age restriction (2-21) was imposed and the film was allowed on the strength of its artistic credentials. Even bawdy material of the *naughty-but-nice* type could be passed (Van Rooyen 1987: 73).

Van Rooyen's approach was to allow freedom to the greatest possible extent, "and yet not to open the way to pornography..." (Vorster 1989: 11). He cautioned that "the more intimate the activity, the more likely it is that a cut will be made"(Van Rooyen 1987: 75), and even work that the censors found had merit could be outlawed if considered too graphic. Genital and pubic exposure was to be avoided, and with regard to "the representation" of the sex act, "copulation movements", as well as the touching of breasts or "the pubic area", were to be steered clear of (South Africa. Appeals Board 1984).

The Appeals Board (1984) stated that, as far as it was concerned, the prominent display of male and female genitals would never be allowed. This made even soft erotica contentious (South Africa. Appeals Board 1985, 1988, 1989), and hard-core porn even more so, with its close-ups of actual full-penetrative sex and so-called money shots. Although – comparatively – more daring material than previously was allowed in the 1980s, the censors always reiterated that the 1974 Act's "strict normative nature" ensured that porn would be kept out of the country (Department of Home Affairs 1985: 34). Although there were certain individuals in the old South Africa who possessed porn, it existed on the periphery of South African society. Meticulous censors, stiff fines and a possible jail sentence of six months, accompanied by the assured stigma of scandal, acted as tough deterrents (South Africa, 1974).

Pornography may have flourished in South Africa during the early 1990s, but it remained very much illegal, right up to the inception of the new 1996 Films and Publications Act. As such, previous debates on porn concerned the imagined spectre of pornography, whereas this debate revolved around the reality of actual porn.

As there was a permanent blanket ban on pornography throughout the apartheid years, there was, of course, no organised local porn industry. Aspiring South African pornographers and foreign porn companies believed, erroneously, that the 1993 Interim Constitution's guarantees of freedom of speech and expression automatically nullified or at least diluted the ban on porn, and that its official legalisation would be a mere technicality.

Local entrepreneurs seized the opportunity to negotiate the importation, distribution or publishing rights of pornography with overseas porn conglomerates. After decades of stringent censorship, pornographers accurately assessed South Africa as virgin territory. Between January and June 1994 alone, *Scope* and *Hustler SA*, *Playboy SA* and *Penthouse SA* combined sold 444 995 copies (Mark vir die tydskrifte, *Beeld* 26 August 1994: 24). By 1995, the South African porn industry was estimated to be raking in R25 000 000 per month. Joe Theron, who controlled *Hustler SA*, also published or imported a variety of other porn magazines, and was selling an average of 500 000 copies per month by 1995 (Smith 1995: 25). He also created the first Afrikaans skin magazine - *Loslyf* - in 1995, and soon sold 100 000 copies (Swart 1995). Porn stores mushroomed, internet porn was burgeoning and M-NET started showing soft porn (Roos 1995: 2; Greyling 1994: 2).

From 1993 onwards, despite endless clashes with the censors, South Africa had a thriving and highly competitive local porn industry (Smith 1995: 25-29; Findlay 1993: 35, 37). In the debate of the 1990s, unlike previous debates, pornographers and their clientele could argue their own case on material that was open to all, and not just to the censors.

Previous debates, as noted, took place in the restrictive milieu of apartheid. By the 1980s, the state had a wide and varied range of laws, regulations and proclamations governing all speech and expression, irrespective of media. In commenting on the

cumulative effect of this all-enveloping censorship, Dene Smuts (pers. comm.) prolific DA MP and former editor of *Sarie*, wrote that it was essentially about "control of every aspect of society...Once people discover new ideas and the right to think or see things differently, they aren't going to stop at one category of thought and expression."

The scope of the Publications Act of 1974 alone encompassed "any newspaper, any book, periodical, pamphlet, poster, or other printed matter...any writing...which has in any manner been duplicated...any drawing, picture, illustration, woodcut or similar representation; any print, photograph, engraving or lithograph; any figure, cast, carving, statute or model; and any record or other object in or on which sound has been recorded for reproduction...any entertainment given or to be given in public..." The result was a culture of total restrictiveness.

Although discourse, debate and arguments surrounding pornography did take place, this occurred within a restrictive environment. The illustrious magazine proprietor Jane Raphaely (pers. comm.) summed up the result in three words: "Inhibition, ignorance and sexual poverty." Barry Ronge (pers. comm.) concurs: "It made the public ignorant. It demonised sex...It restricted the freedom of artists and writers to explore the full range of the human body, human emotion and human sexual experience."

The 1990s debate took place while South Africa was experiencing a socio-political circumvolution, including the inception of an exceedingly liberal constitution. This was naturally conducive to open discussion and frank debate. JE Nel and PC van der Westhuizen (1998) referred to South Africans' apparent progressiveness regarding sexuality, as evident in the 1990s, as "provocative enlightenment", and the *Christian Science Monitor* (Matloff 1997) referred to the country's "new permissiveness." Furthermore, this debate took place while South Africans were coming to grips with their past and were beginning to assess the multifaceted magnitude of decades of apartheid censorship.

THE 1990S DEBATE

The moral argument

This section of the anti-porn lobby wanted pornography banned as being essentially *immoral*. These activists were characteristically religious and conservative cultural groups, ranging from the Junior Rapportryers and the International Fellowship of Christian Churches to the African Muslim Party and former DP MP Horace van Rensburg's Stop Pornography Campaign (12 000 Christene betoog...1995: 1; Junior Rapportryers... 1995: 10; Stuart 1996; and SA shedding its prudish ...1996).

They argued, in essence, that the majority of South Africans were "decent, upright people", and therefore supported them in their campaign for the new law to uphold the ban on porn. For them, it was a case of *majority rules*, and if the majority wanted it, then the state had to respect its wishes. Their activism was marked by a number of campaigns to boycott the sale of - as Rev Ken Paynter put it - "anti-family literature" (Archival doc. JT Publications). Their arguments, emotionally charged in many, if not most, cases were marked by a definite morally normative approach (Van Heerden 1994: 4).

Statements such as the following encapsulated the group's basic views: "Ons kinders het nie net skoon lug nodig nie, hulle het ook 'n skoon morele atmosfeer nodig," Prof. Kobus Smit (1995) of the Free State University's Philosophy Department maintained in his ample argumentation against porn that "Seksualiteit en liefde word geskei. En dit is nie hoe dit hoort nie", and added his widely quoted statement, "Mense word gereduseer tot niks anders as organe nie..." Rev. Peter Hammond of the United Christian Action argued that any type of porn was against all moral standards: "We do not pump raw sewage into our drinking water. Why should we do it with pornography?"(Stuart 1996). Prof. Etienne de Villiers of the University of Pretoria's Faculty of Theology argued that the state should protect its citizens, not only against physical threats, but also against pornography's "bedreiging van sedelike norme" (*Te min beskerm, sê teoloë* 1995: 12).

Essentially, these groups believed that the majority of South African communities in general were opposed to porn and regarded it as dangerous immorality. They therefore wanted the lawmakers to side with the supposed majority of South Africans in opposing the constitutional freedoms of the individual. This implied that they essentially wanted the basis of the 1974 Act's approach to be sustained. In its 1979 Guidelines, the censors' Appeals Board defined the latter: "Die Wet beskerm nie die individu nie: dit gaan om die hele volk..." (South Africa, 1979). However, the new constitution nullified the importance of the majority's morality, as well as the implied expectation that the individual had to conform to certain criteria in order to be regarded as moral. If the state was to revert back to the types of restrictions imposed in the past, this would amount to an unconstitutional infringement on a fundamental right of the individual (Venter 1996: 80). Prof. Hennie Strydom of the Free State University's Law Faculty argued that the state had to protect people against harm, "maar in dieselfde asem kan die staat nie aan die individu voorskryf wat sy morele kode moet wees nie. Dit is 'n oortreding van staatsbevoegdheid" (Ellis 1995b: 21).

This view was supported by Stefan Sonderling (1996), quoting Nietzsche, when he argued against censorship on moral grounds because "there are no moral facts, only moral judgments..."; in other words, one man's morality cannot be argued to be better than the other's. Prescribing a moral code for all becomes inherently biased, and amounts to discrimination. It is logically impossible to argue that individuals all possess or should adhere to the same moral code. Prof. Kobus van Rooyen, in correspondence with the writer, stated: "In the end, private morality is within the domain of the individual."

When the censors and moralists condemned the sexually explicit *Hustler SA* for supposedly offending the average, reasonable South African, its publisher, Joe Theron, argued that it was impossible for one group to speak on behalf of the entire country's morality. Secondly, the fact that his graphic publications had a combined readership in excess of 250 000 proved that not all South Africans subscribed to the same set of ethical principles (Archival doc. JT Publications). In *Marketing Mix* (1996: 38), Tatjana von Bormann argued, tongue-in-cheek: "It is perfectly possible that people are immoral and depraved, and there is no point in trying to control impulses natural to us."

Prof. Denise Meyerson (Westra1994, 16-17) of the University of Cape Town's Philosophy Department argued against moralistic reasoning. She contended that, for the same reason that homosexuality could arguably be banned, porn should be allowed: "Activities which cause no harm but are disapproved of by the majority ought not to be criminalized by the law...the same applies to activities which are immoral, again as they cause no harm."

Stefan Sonderling, who wrote extensively on the porn censorship issue, already argued in 1990 that morally inspired arguments were becoming passé. In no uncertain terms, he described the moralists as a "redundant moral category that has lost its place in the modern technological society...and would like a return to 'stone age' morality." In 1994, the Task Group (South Africa 1994) found that the religious inspiration of the 1974 Act was unconstitutional. Furthermore, concepts such as "offensive", "obscene", etc. were vague, and their interpretation lent itself to unconstitutional infringements on the individual's liberties. South African censorship's preconceived moralistic spirit was subsequently exorcised.

The argument on hate speech and harm

Having determined that moral apprehension is not a justifiable reason to ban porn and as such make inroads into fundamental rights, the Task Group (South Africa 1994) asserted that only "if it could be shown that harm is likely to result from such distribution", could it be outlawed. That was exactly what the anti-porn feminist lobbyists in particular wanted to prove.

The anti-porn feminists vocally separated themselves from the moral brigade. Although both groups strove to have porn banned, their basic motivations differed. Although the two groups may have shared a disdain for porn, they were diametrically opposed on other burning, relevant issues, including gay rights and abortion – with regard to which the moral groups denounced the feminist stance as immoral. As such, the arguments of the anti-porn feminists steered clear of porn's supposed immorality. In fact, the anti-porn feminists, in an attempt to prove that they were not prudishly anti-sex or actually just conservatively anti-free speech, distinguished between erotica and porn (Duncan 1996: 51).

The latter is defined as "the graphic, sexually explicit subordination of women, whether in pictures or in words..." (Lötter 1997: 428), and as material that "promotes the idea that women are dirty, disgusting vessels to be used for male gratification."(Duncan 1996: 56). Conversely, erotica - which may or may not be explicit - "is free of sexism, racism and homophobia, and is respectful to all the human beings and animals portrayed" (Jagwanth, Grant & Schwikkard 1994: 287), and "depicts parties in a situation of equality"(Lange 1995: 52). The anti-porn feminists embraced erotica, whereas they regarded porn as anti-women hate speech, as well as mind-altering; as inspiring extremist chauvinistic attitudes and as inciting violent crime against women (Lötter 1997: 428).

"It is not even hate speech. It is pure unadulterated hatred", exclaimed Joanne Feddler, a prolific feminist anti-porn activist, in the debate of the 1990s (Mdhlela 1996). Karin van Marle (1994: 438) noted that a possible type of harm to women caused by porn is the "legitimising of sex and gender discrimination and oppression, which reinforces the sexual subordination of women as a group". Diana Russel, a noted hardcore anti-porn feminist, argued in 1994 that pornography: "Predisposes some males to want to rape women and intensifies the predisposition in other males already so predisposed" and "undermines some males' internal inhibitions against acting out their desire to rape". In addition, it "undermines some males' social inhibitions against acting out their desire to rape."(Jagwanth, Grant & Schwikkard 1994: 302-303).

If they could convince the authorities that porn clearly led to actual violence or at least undoubtedly amounted to hate speech hostile to a whole gender, then the constitutional protection enabling its availability would be nullified. Pornography would then fall outside the realm of free speech and would be dealt with in the same way as racial discrimination, or be criminalised in the same way as illicit drugs. In other words, it would not be regarded as a form of victimless, harmless immorality. Consenting adults' constitutional rights to freedom of speech, choice and privacy would be superseded by the harmful threat pornography posed to them and the community.

These arguments faced strong opposition. The feminist definition of porn lends itself (as was the case with moralistic terminology such as *offensive*) to arguably boundless interpretations. Material that allegedly caricaturises women as obtusely inferior and addicted to the gratification of men or being rescued by them, is not confined to porn. James Bond movies, romantic pulp fiction, a vast range of advertisements, a plethora of popular music and probably all horror films could, theoretically, also be included in this category of material that directly or indirectly degrades or at least stereotypes women.

The vague definitions distinguishing porn (of which, as noted, there is no universally accepted description) and erotica further complicated the rationale. For would-be censors to distinguish porn from erotica on the basis of *equality* in the sex act and *respectful* sexual scenarios would be a throwback to the former censors making distinctions between *titillating*, *sexual stimulation* and *lust-provoking*. Meyerson contemplated that, if the law was invoked to manage perceptions, there would be "no non-arbitrary point at which it will seem rational to stop" (Westra 1994: 21).

Raymond Louw of the Freedom of Expression Institute was opposed to empowering the state to demarcate the phenomenon of porn, since implicitly people would then be "surrendering their right to make use of their own critical faculties to decide what is pornographic and what they find acceptable and what they don't" (Duncan 1996: 19).

Prof. S. Lötter (1997) of UNISA's Department of Criminal and Procedural Law examined investigations ostensibly proving a link between porn and harm against women. He found that there was no justification for accepting a correlation between exposure to porn and violence against women: "Society is too complex to attribute

these attitudes and behaviour to pornography alone." Furthermore, women should not believe that censorship is used to promote gender equality and thus welcome infringements of free speech. "If the government is not able to protect women against rape and other violent crime, how is it going to protect women against an offence as vague as degradation?" Prof. Lötter concluded: "Removing criminal law from the sphere of pornography will enable the criminal justice system to concentrate on and prevent real violence against women..."

Arguing that porn, in the hands of someone already mentally unbalanced, could trigger violent behaviour, JE Nel and PC van der Westhuizen (1998) pointed out: "Fiction does not possess the ability to bring about an awesome metamorphosis in an individual...Cause and effect are not related with such facility." Moreover, the ostensibly noble concept of censorship as a crime controller is underpinned by a desire to "establish patterns of behaviour considered acceptable by an elitist minority..." Ursula Owen, executive editor of *Index on Censorship,* who entered the local debate in 1996, echoed this sentiment. Quoting Elizabeth Wilson, she argued that these groups "constitute a form of secular fundamentalism... which insists that the individual lives by narrowly prescribed rules...Those who don't believe must either be destroyed or saved" (Duncan 1996: 19.) Furthermore, she alleges that the anti-porn feminists "recreate a fantasy world" where women are inherently "passive victims of male lust – while themselves having no lust or desire at all." Owen argued that feminists "need to challenge and alter sexism as a representation of male power, rather than attacking sexually explicit material as a representation of male sexuality."

A culture of openness is therefore required. Karin van Marle (1996: 580) argued against the narrowness of anti-porn feminist theory, stating that such a censorship system would be "absolutisties en sal 'n geslote sisteem tot gevolg hê", which contradicts the cornerstone of democracy.

Ultimately, the Task Group (South Africa 1994), having studied local and international research about an alleged link between violent crimes against women and porn, found: "[T]here is no clear proof of harm, in other words, no clear casual connection between pornography and violent behaviour...[W]e have been able to find neither sufficient consensus on the subject nor sufficient evidence to show that legislation in this area would be reasonable and justifiable as required by Section 33 of the Constitution." However, it did ban extremely violent sex and sex which "degrades." In legal terms, the latter means to "advocate a particular form of hatred which is based on gender" (South Africa 1996).

Finding equilibrium

"An extra-judicial limitation to the freedom of expression lies in market forces," wrote Prof. Kobus van Rooyen in 1996, and "I believe that these forces in a community should not be underestimated. The solution for a social problem does not always lie in law or stricter law." A senior editorial staff member of *Hustler SA* (pers. comm.), who wished to remain anonymous, concurred: "In the porn industry, as in all others, business

rules and people won't bother with stuff that breaks the law or won't sell." This was, to a large extent, the crux of the anti-censorship lobby's stance, most vocally the Freedom of Expression Institute.

Raymond Louw, who headed the Institute during the 1990s, argued that instead of state-controlled censorship, communities ought to address these issues through mobilisation and campaigns. Arguing that free speech is an *all or nothing* concept, Louw warned against people relinquishing this fundamental right in order to vanquish pornography. He cautioned that, in the hands of politicians, morally undesirable "before long can become the politically undesirable." On the other hand, activism implies that "the material is not banned by some faceless government committee, but dealt with intelligently by the community and the seller" (Duncan 1996: 19). Indeed, as noted above, scores of people from communities across the country actively engaged in vigorous, successful anti-porn campaigns organised by a wide variety of groups.

These strategies usually took the form of boycotts of corner shops and retailers selling porn. The small independent corner shops simply could not take the financial blow from the boycotts, and dropped the skin magazines. National retailers such as Pick & Pay, CNA and Spar are imaged as family stores, and did not want to blemish their marketing personas over something as tawdry as girlie magazines. By 1998, *Scope*, *Penthouse SA* and *Playboy SA* had all collapsed. *Scope*'s last editor, David Mullany, placed the blame for the magazine's demise squarely on the shoulders of the moral lobbyists: "The vociferous fire and brimstone fundamentalists have made it impossible for *Scope* to sell" (Archival doc. JT Publications).

The Freedom of Expression Institute applauded the communities for taking responsibility through organised action – claiming this proved that state intervention, in the form of censorship, was unnecessary. Irrespective of whether the big retailers and corner shops stocked it, pornography would no longer be illegal in South Africa. Although certain communities took an organised stand against porn, they would ultimately have to learn to tolerate the constitutional rights of those adults who did consume pornography – in the same way that porn consumers had to accept that people had a right not to be unwillingly confronted with porn (Westra 1994: 19).

The most practical option was to allow hardcore porn, but to confine its availability to regulated porn stores restricted to specified areas (outside residential suburbs). This would ensure that those opposed to porn would not be confronted with it and that those who enjoyed it could still acquire it, while minors would be denied access. At the same time, the fundamental rights of both groups remained essentially unaffected (Van Marle 1996: 581; Venter 1996: 72).

The Task Group (South Africa 1994) found: "A necessary corollary to freedom of choice by adults is that certain materials which, despite their explicit sexual nature, are not harmful, should be available. Yet they should be available in such a fashion that opportunity for children to exercise that choice is negated. Although the concept of adult bookshops, theatres and video shops has been subjected to severe criticism they

should be managed rather than prohibited in a freedom-of-choice-for-adults-democracy."

CONCLUSION

2005 saw the opening of Kink in Cape Town. Selling designer lingerie and a range of soft and hard porn, as well as the latest in vogue vibrators and sex toys, Kink – according to *Cosmopolitan*'s (2005,27) promotion thereof – is an "erotic boutique" aimed exclusively at women. Cell phone porn, which entails sending or receiving homemade or professional very soft or very hardcore pornography via SMS, is currently the most prolific porn venue. What probably makes it an even more problematic phenomenon than Internet pornography is that, due to the very nature of cell phone technology, there is no way to regulate it at present. Even common cell phones make provision for the taking of colour photos and even mini movies that can be sent via SMS to cell phones anywhere. This form of pornography cannot be monitored nor, as with the Internet, firewalled.

These comments serve to illustrate that the multi-faceted phenomenon of pornography is consistent in its evolution. Whether by changing attitudes or effortlessly adopting new technology, pornography seems to have an endless potential for reinventing itself. It appears that local research into the South African situation largely depends on the issue being brought to the fore by heated national debate. For that debate to effect meaningful results, however, it must draw on readily available current research findings regarding the local arena.

South Africa's debate on porn censorship during the 1990s was not so much a debate as salvos of heated arguments shot between diametrically opposing sides. An intellectual ping-pong game soon emerged, with predictable intellectual serves. There was little chance of a true debate, implying the exchanging of insights and the reaching of new conclusions. The various groups and their views were polarised and their arguments and counter-arguments were all too familiar, since they echoed the content of similar historical debates abroad.

The reasons are clear enough. Censorship, morality, equality and the human rights of the individual with regard to sexuality, as well as freedom of speech, are issues that inherently and necessarily give rise to intense emotions. As the issue of pornography is interwoven with all these issues, any discussion or debate on it will automatically also be heated.

The viewpoints of the debaters are entrenched in a bigger conviction, in other words they are debating porn because it connects with their bigger set of beliefs or greater cause – be it feminist rights, moral purity, religious motivation, freedom of speech activism, etc. All participants were motivated by their greater causes and as such, irrespective of their vantage point, were convinced that they were right.

This absolute conviction, derived from their belief in the greater cause, pre-programmed them to differ. They could not accept their opponents' views without

inadvertently jeopardising the greater cause that motivated their participation - thus, a moral crusader would not conclude that porn was only harmless fun after all, and an advocate of freedom of speech would not agree to censorship on moral grounds.

What the debate did illustrate was that porn and censorship are connected, both directly and indirectly, to a variety of essential core issues crucial to a plethora of groups, and are also relevant to a variety of communities. It is unclear why this multi-faceted issue, which as a historical rule always re-emerges as a matter of pressing importance, is not accorded protracted interdisciplinary research. What is needed is a prolonged and consistent interdisciplinary investigation into the issue of pornography and censorship, specifically the South African experience thereof. A holistic study that bears testimony to a profusion of approaches is needed.

In order to ensure that, in future, a debate on the matter does not degenerate into a mere rehashing of clichéd arguments, porn and censorship need to be studied on a permanent basis instead of a few heated salvos being exchanged periodically when the issue resurfaces.

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