

Pornography's Perceived Value for Homosexual and Heterosexual Consumers

MARK CENITE

ANDREA Y. GOH

MELISSA M. SAY

GERALD W.J. TAN

FREDERICK K.T. TONG

Nanyang Technological University

Laws of many nations require consideration of certain kinds of value of sexually explicit material in determinations of whether it is legally actionable. In-depth interviews were conducted with 41 Singaporeans aged 21-29, with a balance of heterosexual men and women, gay men, and lesbians, to seek their views on the types of value they perceived for themselves and their communities in sexually explicit material. Respondents perceived the types of value legally recognized in Singapore and other nations' laws to varying degrees. Though not intended to be representative of public opinion, the findings suggest that consideration of the value of sexually explicit material is warranted in ongoing policy debates about its regulation, and that sexually explicit material may contribute to individual self-realization, particularly for members of sexual minorities.

Do consumers of pornography perceive it as having value beyond sexual gratification? "Nobody thinks about pornography that way," radio host Terry Gross commented when interviewing Garrison Keillor, who wrote a novel about a teenage boy awakened to the powers of language by pornographic novels of laughable literary merit (Gross & Miller, 2001). Indeed, few defend the value of the full range of explicit sexual material.

Many nations' laws require consideration of whether sexually explicit material has certain kinds of value in determining whether it is legally actionable. For example, among other laws regulating sexual

Mark Cenite: tmark@ntu.edu.sg

Date submitted: 2008-11-16

Copyright © 2009 (Mark Cenite, Andrea Y. Goh, Melissa M. Say, Gerald W.J. Tan, & Frederick K.T. Tong). Licensed under the Creative Commons Attribution Non-commercial No Derivatives (by-nc-nd). Available at <http://ijoc.org>.

content, American obscenity law requires consideration of whether material has "serious literary, artistic, political, or scientific value" (*Miller v. California*, 1973, p. 24), commonly known as "SLAPS value," for the reasonable person (*Pope v. Illinois*, 1987). The United Kingdom's Obscene Publications Act (1959) includes a "defence of public good," requiring consideration of whether a publication is "justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of other objects of general concern" (§ 4[1]). Other Commonwealth nations are among those that require such considerations of value, as discussed below.

What is the perceived value of sexually explicit material to its consumers? Is it compatible with types of legally recognized value? These are questions this study focuses on. What is the relevance of citizens' views on sexual content regulation? At the very least, few would dispute that, in a democracy, citizens' views on laws to which they are subject, and on policy underlying those laws, are of interest to concerned citizens and their elected representatives. Further relevance of citizen views, beyond feedback about particular laws and underlying policy, is somewhat specific to the legal system. In democracies, those who interpret and apply the law are not obliged to track public opinion perfectly and render their decisions accordingly, but in many nations, laws, including those governing sexual content, are constructed to incorporate citizen views in ways discussed below. Though the results of this exploratory study using qualitative methods cannot and are not intended to yield representative public opinion data, such methods can yield findings that are indicative of what some people feel about the value of sexually explicit material.

Literature Review

Many commentators and judges are so far from recognizing value of sexual content that they express reluctance even when they argue to protect it, and assert that they protect it only to avoid a chilling effect on expression they truly value. Legal scholar Lee Bollinger (1986, p. 77) has termed this the "fortress model" of free speech protection, under which authorities "secure the boundary of protected speech at some considerable distance from the speech activity we truly prize." The "contemporary liberal defense of pornography," one commentator observed, "disparage[s] such material with a patronizing if indulgent sniff" and then "defend[s] it with abstract invocations of supposed First Amendment values" (Sherman, 1995, p. 662). U.S. Supreme Court Justice Potter Stewart wrote in a dissent that tolerance of valueless speech is a price of freedom: "Much speech that seems to be of little or no value will enter the marketplace of ideas, threatening the quality of our social discourse and, more generally, the serenity of our lives. But that is the price to be paid for constitutional freedom" (*Young v. American Mini Theatres, Inc.*, 1976, p. 88). But if sexual content is not just "trash" and has value for consumers in making life choices and realizing identity, then the case for protecting it is stronger.

In recent decades, commentators have articulated the beginnings of a new rationale for protecting free speech, distinct from the usual rationales, such as advancing truth-telling, checking government and powerful institutions, or being an inalienable human right (Greenawalt, 1989). Several American legal scholars have argued for protecting free expression because of its value for self-realization and individual autonomy. Martin Redish (1982, p. 593) argued that free speech serves the underlying value of "individual self-realization": "development of [an] individual's abilities and power or one's control

over his or her destiny through life affecting decisions." Comparing value for individual self-realization to the media's watchdog role, Redish (1982, p. 604) contended, "Just as individuals need an open flow of information and opinion to aid them in making their electoral and government decisions, they similarly need a free flow of information and opinion to guide them in making other life-affecting decisions." Because decisions related to sexuality are potentially profoundly life-affecting, with consequences for health, reproduction, relationships, and emotional life, it seems to follow from Redish's argument that the "free flow of information and opinion" (1982, p. 604) on sexuality should be protected. Though he did not treat sexually explicit material extensively, Redish (1984, pp. 4-5) rejected as "artificial" any approaches that place obscenity outside American First Amendment protections. Redish's argument for self-realization value was the culmination of other similar arguments for the value of free speech for "individual self-fulfillment" (Baker, 1978, p. 992; Emerson, 1963, p. 879; see also Schauer, 1982, p. 55).

Some scholars have argued for the potential value of sexually explicit material for self-realization. Though some feminists have criticized pornography as sexist, others have argued for its value. Nadine Strossen (1995) suggested pornography may beckon women to explore all kinds of sexual fantasies and acts, or at the very least, have value in raising questions about human sexuality, including gender roles. Diverse responses exist, argued Strossen:

Pro-censorship feminists may well view a woman's apparent welcoming of sex with a man as degrading, but this is because of their negative attitudes toward women's ability to make sexual choices. Other viewers are likely to see such a scene as positive and healthy. (1995, p. 162)

Wendy McElroy (1995) argued that pornography has self-realization value because it strips away emotional confusion and shame that often surrounds real-world sex, particularly for women who already are marginalized because of gender. The anti-pornography feminist position contributes to women's oppression by "promoting legislation that would suppress materials through which women can discover different views of an authentic sexuality and, indeed, different ways of being sexual," Georgia Warnke argued (1999, p. 124). Kathleen Sullivan (1992) suggested that even material some feminists condemn as sexist may have political value for those who find the portrayals liberating:

[I]f social convention, backed by religion and law, confines sexuality to the heterosexual, monogamous, marital, familial, and reproductive, then the ambisexual, promiscuous, adulterous, selfish and gratification-centered world of pornography is a charter of a sexual revolution that is potentially liberating rather than confining for women. (p. 39)

Some have argued that such pornography actually portrays "sexual egalitarianism" by showing women's enthusiasm for sex with men (Strossen, 1995, p. 162). Psychologist Sherry Turkle (1995) researched how online sexual activity affects identity construction. Some of her interviewees used online resources and interaction to gather information about sexual matters, including sexual orientation, and to experiment more safely with roles and situations that, offline, may create "enormous practical and emotional confusion" (p. 224).

In recent years, a handful of legal scholars have argued that pornography has particular value for gay men and lesbians. Edward Stein (2003) argued that the Internet has changed the process of growing up gay, in part due to the availability of gay pornography, which aids self-realization and coming out, and is a "virtual lifeline" for homosexuals (p. 189). Amy Adler (1996) argued that portrayals of homosexual sex challenge notions that these images and people represented in them are unacceptable. By "[a]ppropriating the language of heterosexual pornography and inserting gay imagery into that language," homosexual pornography highlights the lack of representations of homosexual desire in the mainstream (Adler, 1996, p. 1533). Jeffrey Sherman (1995, p. 669) argued that sexuality must be integrated with the rest of one's life for sexual interaction to be a component of happiness, well-being, and self-realization; only then will "one's character [be] fulfilled." Sherman saw pornography as potentially important for exploring sexuality and fulfilling one's character, particularly for sexual minorities. Focusing on gay men and gay male pornography, but acknowledging that others may extend his arguments to lesbians, Sherman argued that pornography is a "social good," important for gay men's self-realization (p. 662). He argued that taboos about sexual acts may be obstacles for a gay man's self-acceptance, and that gay men experience difficulty integrating their sexual and nonsexual lives because dominant heterosexual ideals deny them routinely available contexts, such as mainstream mass media images, within which to frame their sexuality. Sherman observed that mainstream media, even if willing to present gay characters, are unlikely to provide images of physical affection between men (p. 682). Defining heterocentrism as the ideology that holds heterosexuality to be "the only suitable context for overt sexual or romantic expression" (p. 676), Sherman said explicit images of gay sex "possess the liberatory power to counteract society's heterocentrism and homophobia" (p. 685).

Even among scholars who defend the value of sexually explicit content, few have argued that such value corresponds to legally recognized categories of value in any legal system, perhaps in part because authoritative definitions of the different kinds of value are largely absent. However, in America, scholars espousing feminist and gay and lesbian perspectives have suggested that some sexual content may have a component of SLAPS value — political value. Among those who have observed that the sexual and political are intertwined, Strossen argues that "the sexual is political," and "no coherent line can be drawn" between political and sexual speech (Strossen, 1995, p. xlvi). Cultural studies scholar Gayle Rubin (1993, p. 4) argues that "sex is always political." This position is supported in American case law. In *American Booksellers Association v. Hudnut* (1985), a court overturned Indianapolis's ban on pornography that subordinates women, rejecting the city's argument that such material is "low value speech," and less deserving of protection than other kinds. Upholding a characterization of sexual speech as having value, the court cited its impact on "social relations and politics": Indianapolis "prohibits certain speech because it believes this speech influences social relations and politics on a grand scale, that it controls attitudes at home and in the legislature. This precludes a characterization of the speech as low value" (*American Booksellers Association v. Hudnut*, p. 331). In Singapore, as in many jurisdictions, including several American states before the U.S. Supreme Court overturned sodomy laws (*Lawrence v. Texas*, 2003), pornography showing sodomy showed illegal acts. Could such portrayals be deemed to have political value? In a comparison with the celebrated Soviet underground distribution of banned literature, Sullivan suggested (1992, p. 39) that "in a world where sodomy may still be made a crime, gay pornography is the samizdat of the oppressed."

The scholars who have explored the value of sexually explicit content as not only a cultural but a legal issue are mostly American, but the issue has potential legal relevance elsewhere, in the many nations where various kinds of value are considerations in sexual content regulation. British Commonwealth nations have law that is derived from or informed by UK law. Under the UK public good defense, which protects work if "publication of the article in question is justified as being for the public good" (meaning "in the interests of science, literature, art or learning, or other objects of general concern"), the UK courts have recognized journalism, humor, politics, philosophy, history, education, and entertainment as "objects of general concern" (Robertson & Nicol, § 4-021, p. 212). The House of Lords rejected the defense that an object of general concern was that pornography was therapeutic because of sexual release provided (*DPP v. Jordan*, 1977, p. 719; Robertson & Nicol, § 4-021, p. 212). It said the phrase had a "mobile" meaning that changes with society, but that the objects of general concern were similar to science, arts of learning. Not surprisingly, several Commonwealth nations also consider specific kinds of value or recognize versions of the British public good defense.

Interviews for this research were conducted in Singapore, a Commonwealth nation whose government has often proclaimed its conservatism about sexual matters. Some Singapore leaders and scholars claim this conservatism is rooted in prioritizing the common good over rights, and prioritizing communitarianism over individualism, through, for example, limiting certain kinds of behavior and expression out of respect for conservative traditions of its Chinese, Malay-Muslim, and Indian cultures and multiple religions (Lee, 2008). Singapore prohibits sexual activity between men, and at the time the data for this study were collected, on sodomy between heterosexuals (Penal Code, 2008, § 377). Singapore bans much sexually explicit material available in other nations, including "soft-core" works such as *Playboy* magazine (Censorship Review Committee, 2003). Singapore's Undesirable Publications Act (1967) restricts distribution of "objectionable" material, which is "likely to be injurious to the public good" (§ 4[1][a]) with consideration for "standards of morality, decency, and propriety that are generally accepted by reasonable members of the community," (§ 4[2][d]), though "any merit, value or importance . . . in relation to literary, artistic, social, cultural, educational, scientific or other matters" (§ 4[2][c]) weighs against a determination that it is objectionable. The Singapore courts have rarely decided cases involving sexually explicit material. Contemporary cases are instead decided by the Ministry of Information, Communication & the Arts and the Media Development Authority, which do not issue detailed opinions explaining their decisions and offer only a limited, internal channel for appeal, for example, to the relevant Minister (Cenite, 2006). Thus, discussion of the basis for censorship decisions is very limited. Occasionally, the authorities make statements to the press when censorship of a work that is well known, more mainstream, and less explicit gains attention. For example, when Janet Jackson's album "All for You" (2001) was prohibited because of explicit lyrics in the song "Would You Mind," the Publications Appeal Committee, a citizen committee that advises the Minister on appeals of censored work, issued a statement saying simply that it was "not acceptable to our society" (Lee, June 5, 2001). When Singapore censored the Taiwanese film *Formula 17*, a romantic comedy portraying gay teenagers, the justification from the Film Appeals Committee was that the film "creates an illusion of a homosexual utopia, where everyone, including passersby, is homosexual and no ills or problems are reflected" and "[i]t conveys the message that homosexuality is normal, and a natural progression of society" ("Singapore Bans," July 22, 2004). However, statements about rationales are not offered when, for example, explicit pornographic

works are confiscated. The authorities seem to regard such works as generally understood to be prohibited in Singapore, so that no explanation is offered on a case-by-case basis. Thus, though the law allows exceptions for material with various kinds of value, in practice there is little transparency about if and how this and other factors are weighed in determinations of how materials are regulated.

Constitutional litigation is a typical route for challenging censorship decisions in nations with constitutional guarantees of expressive freedom. However, in nations like Singapore and Malaysia that constitutionally guarantee expressive freedom, but in practice restrict it heavily and have limited constitutional litigation (Cenite, 2006), few have raised legal challenges to censorship of sexual content, and the jurisprudence on such fine points as exemptions for various kinds of material remains undeveloped. The same is true for India and South Africa, which also guarantee freedom of expression and have stronger constitutional law traditions; nonetheless, censorship of sexual content, and challenges to it, have not yet been a focus. Australia, with a complex federal, state, and territorial legal system, lacks express federal constitutional protection of freedom of expression (Commonwealth of Australia Constitution Act, 1900). Australian courts have protected a rather limited scope of political expression, such as expression regarding elections, but Australia has relatively undeveloped law regarding the precise boundaries of sexual expression, despite some high-profile obscenity trials, including that of the satirical magazine *Oz* in the 1960s. Commentators have said that Australian constitutional protection is "focused on facilitating representative government for the good of the community rather than on allowing individuals to develop personal autonomy or self-fulfilment through speech" (Voon, 2001, para. 65; Procida & Simon, 2007).

Compared to other Commonwealth nations, Canada has extensive appellate court review of sexual content regulations, and the Canadian Supreme Court has been among the most liberal in its rulings on sexual content. Canada exempts works from being deemed obscene that do not involve "undue exploitation" of sex (Criminal Code of Canada § 163[8]). Canadian law targets degrading and violent works, but even among these it exempts a work with artistic, literary, or scientific merit when the sexual content "does not merely represent 'dirt for dirt's sake' but has a legitimate role when measured by the internal necessities of the work itself," the Supreme Court explained (*R. v. Butler*, 1992, p. 483). Canada's obscenity law also has a public good defense (§ 163[3]), which the Canadian Supreme Court drew upon when interpreting the child pornography statute. The Court interpreted the law criminalizing child pornography as exempting a minor's private possession of explicit self-created works like a diary or illustration, or photographs of himself or herself engaged in lawful sexual activity alone or with a partner. The Court reasoned that these rare cases may "implicate the values of self-fulfilment and self-actualization" (*R. v. Sharpe*, 2001, p. 81). It said that under the public good defense, in such cases it "might be argued that the public good is served by possession of materials that promote expressive or psychological well-being or enhance one's sexual identity in ways that do not involve harm to others" (p. 77). However, the Court went further than allowing the public good defense in such cases and read exceptions into the law because it was concerned that evidence of public good might be absent in some cases involving material for private use that, nonetheless, implicate "the value of self-fulfilment" (p. 77).

Some Commonwealth nations are attempting to add more clarity to their regulation of explicit sexual content, including considerations of value. Hong Kong's government is reviewing the existing

scheme, enacted in 1987, under which an Obscene Articles Tribunal handles tens of thousands of cases per year under the Control of Obscene and Indecent Articles Ordinance, which requires consideration of nearly identical factors as the British public good defense (Commerce & Economic Development Bureau, 2008). More so than most nations, New Zealand has attempted to enumerate guidelines for sexual content that violates its law. Its Indecent Publications Tribunal has guidelines deeming material indecent that is "injurious to the public good," including "[d]epictions of violence, sexual violence, paedophilia, necrophilia, coprophilia, urolagnia and bestiality, which are not treated seriously and are intended as sexual stimuli are indecent," where "seriously" means "a scholarly, literary, artistic, or scientific work" (*In re Penthouse U.S.*, p. 325).

Though defenders of sexually explicit material have identified types of value in it, and nations have attempted to legally recognize its value, the views of its consumers remain largely unexplored. Gaps are clear in scholarship on pornography, which this study attempts to address. First, few empirical studies have explored ordinary people's views of sexually explicit material's value, rather than its harms. Second, most empirical studies were psychological experiments, which always raise questions of external validity (Jensen, 1995). Little research has been done on the everyday uses of pornography outside of the laboratory. Finally, most research on pornography's effects has referred almost exclusively to material targeted at heterosexuals, not gay men and lesbians. This study aimed to explore the research question:

RQ: What types of value do respondents perceive in sexually explicit material?

Law such as the U.S. Supreme Court's *Miller* test, the UK's Obscene Publications Act, and Singapore's Undesirable Publications Act require considering both benefits and harms when determining whether to outlaw particular sexually explicit material. This research also investigated perceived harms of sexual content, and the results will be reported subsequently elsewhere. However, this article concentrates on our main contribution — documentation of perceived value — a much less researched area. Though we do not discuss pornography's harms here, we acknowledge rich, decades-long traditions of scholarship in multiple disciplines, finding some evidence of varied effects that could be classified as negative and debating its significance. Scholarship ranges from experimental research finding habituation and attitude changes (Linz & Malamuth, 1993) to feminist arguments that pornography is an obstacle to women's equality (Dworkin, 1989; MacKinnon, 1993).

Method

A qualitative interview approach was chosen to examine perceived value of sexually explicit material. Thus, evidence obtained here is necessarily anecdotal and exploratory, but nonetheless represents some of the first empirical data on this issue. The rich data from in-depth interviews may allow us to decipher meanings that could not be "measured in terms of quantity, amount, intensity or frequency" (Denzin & Lincoln, 2000, p. 8) and prove to be more effective and comprehensive for addressing our research questions at this time than data yielded by quantitative studies.

Sample

Snowball sampling — a recognized technique for finding research subjects in which selected subjects connect the researcher with other subjects, who in turn provide researchers with still other subjects — was used to recruit respondents, because it is particularly suited for studying groups whose members are difficult to identify (Rea & Parker, 2005). Respondents were required to have some exposure to sexually explicit material. To address the dearth of research on sexually explicit material targeted at gay men and lesbians, this study was designed to have a fairly balanced ratio of homosexual and heterosexual respondents.

Data Collection

We conducted 41 face-to-face, in-depth interviews between December 2004 and February 2005. The respondents were 12 gay males (GM), 9 lesbians (GF), 10 heterosexual males (HM), and 10 heterosexual females (HF). All respondents were 21-29 years old, and 36 were Chinese (the majority ethnic group in Singapore), 4 were Malay, and 1 was Indian. Among occupations, 21 were university or polytechnic students, 19 were working adults, and 1 was serving compulsory military service in Singapore.

All respondents were asked questions from a standard interview protocol adapted to their group. The interview format was semi structured. For example, the protocol first required broad questions about value of material, then probed about more specific kinds of value. Interviewers followed up as they deemed fit to explore participants' responses further. Finally, respondents were encouraged to bring up any other points they saw as relevant. The interview protocol was pretested to ensure that questions were comprehensible, reflected our intended meanings, and were not too intrusive or offensive. Each interview was conducted by one of the researchers at a public place agreed upon by both interviewee and interviewers, such as a café. The average interview duration was 30-45 minutes. Interviews were recorded, then transcribed verbatim.

Analytical Procedures

Once interviews were transcribed, topics were identified based on our theoretical framework, research questions, and recurring themes emerging from the data (Lindlof & Taylor, 2002). Four of the authors reviewed the transcripts, listed the topics found, and eliminated redundancies. Thematic coding, involving "a loosely inductive categorization" of textual extracts "with reference to various concepts, headings or themes" (Jensen, 2002, p. 247), was used to organize individual topics into themes corresponding to the kinds of value mentioned in Singapore's Undesirable Publications Act.

To help ensure reliability of the coding, after each transcript was coded, it was reviewed by one of the other researchers, and disputes were resolved by the research team. In most cases, coding was relatively straightforward and lead to few disagreements, because respondents mentioned the relevant types of value in direct response to questions that probed about them. For example, when respondents were asked about potential artistic value, they often responded accordingly, examples of which are reported here. Occasionally, however, respondents mentioned specific types of value in response to other

questions, which were coded accordingly. After coding, transcripts were also reviewed by the principal investigator, and discrepancies were resolved.

We defined the following terms for the purpose of conducting interviews and coding responses:

Sexually explicit material: Whereas much of the literature refers to “pornography” or “erotica,” the vagueness of these terms is obvious, and they are often loosely used. Even equating sexually explicit material with Singapore’s definition of objectionable material — material that “depicts . . . sex . . . [and/or] exploits the nudity of persons” (Undesirable Publications Act, 1967, cap. 338, § 4[2][a][i]) — is unsatisfactory, because terms such as *exploit* and *sex* require interpretation. We therefore defined sexually explicit material as *images or descriptions of nudity or sexual activity* and articulated this to our respondents.

Value: There has been little guidance from statutes or published legal opinions in defining the types of value listed in the laws regulating explicit material. To aid coding and analysis, we adopted a dictionary definition of value: “relative worth, utility, or importance” (Merriam-Webster, n.d.). Our study aimed to capture the range of respondents’ interpretations of the types of value listed in Singapore’s Undesirable Publications Act — “artistic, literary, educational, social, scientific, and cultural” or “other” value — so we did not predefine the types of value, but simply reported respondents’ views.

After all individual codes were identified, they were categorized into thematic pattern codes for various types of value. These themes were then used as the study’s framework.

Findings

Singapore’s Undesirable Publications Act states that, in determining if a publication is objectionable, one criterion is its value in relation to literary, artistic, social, cultural, educational, scientific, or other matters. In answering our research question, we thus asked about perceptions of these categories of value of sexually explicit material. For tables summarizing our findings, see Table 1 (on gay and lesbian respondents) and Table 2 (on heterosexual respondents).

Though this is a qualitative study, we include references to the number of respondents who replied in coded ways throughout to give some indication of trends in our data, even though we cannot generalize beyond the data.

Table 1. Value Perceived by Gay Male and Lesbian Respondents.

Value	Gay male respondents		Lesbian respondents		Total no. of respondents	
	Yes	No	Yes	No	Yes	No
Scientific	1	11	0	9	1	20
Artistic	12	0	5	4	17	4
Literary	8	4	1	8	9	12
Cultural	12	0	2	7	14	7
Educational (sexual practices)	10	2	6	3	16	5
Educational (safer sex practices)	9	3	8	1	17	4
Social(identity formation)	9	3	5	4	14	7
Social(awareness)	7	5	5	4	12	9
Other merits	10	2	4	5	14	7

Table 2. Value Perceived by Heterosexual Male and Female Respondents.

Value	Heterosexual male respondents		Heterosexual female respondents		Total no. of respondents	
	Yes	No	Yes	No	Yes	No
Scientific	0	10	0	10	0	20
Artistic	10	0	7	3	17	3
Literary	5	5	3	7	8	12
Cultural	8	2	5	5	13	7
Educational(sexual practices)	8	2	9	1	17	3
Educational (safer sex practices)	4	6	6	4	10	10
Social(identity formation)	4	6	4	6	8	12
Social(awareness)	3	7	5	5	7	13
Other merits	7	3	7	3	14	6

Artistic Value

All 12 gay male respondents found some degree of artistic value in sexually explicit material. Overall, 17 of the 21 gay male and lesbian respondents agreed that sexually explicit material has some artistic value.

For gay men, sexually explicit material contained potential artistic value when such material is composed in an aesthetically stimulating way: “[I]t could be . . . very beautiful . . . like a dance, like a choreographed piece” (R1-GM); or one could appreciate production values like the “composition” or “gradations of light and dark” in such material (R16-GM); or it could express a viewpoint. For example, nudity was perceived as an expression of freedom “that helps us come to terms with who we are” (R21-GM). One said that if you can “feel the emotions from the actors,” such material may have artistic value (R20-GM).

Among the 17 gay male and lesbian respondents who agreed that there was potential artistic value, some identified instances when sexually explicit material would not have it. One described nude photography as artistic, while sexual acts like “facial cumming, masturbation, full throttle and full blown sex” have hardly any value (R8-GM). Another found it hard to see artistic value in material “really catered towards sexual gratification” (R17-GM). However, another stated that even the most explicit sexually explicit material “teaches people to see beauty” (R15-GF).

Among heterosexuals, 17 of 20 acknowledged that there could be artistic value in sexually explicit material. “Look at *Playboy* for example. It’s not so much objectifying the woman’s anatomy. The way they show nudity is actually very artistically crafted . . . it’s all very professionally done” (R33-HM) and can be compared to “looking like a nice painting” (R39-HM). Another asserted that “anything can be considered art as long as it’s a means of expression” (R38-HM). Through sexual images one can “explore some emotional background or . . . some mental processes” and derive possible artistic value (R31-HF).

As with gay males and lesbians, heterosexual respondents seemed to draw a line between what is artistic and what is not. “Yes to stuff for Cannes, no for porno in general” (R35-HM). Another said “blatant portrayal of sex . . . does not have much artistic value” (R32-HF). Personal preference also played a part in what an individual saw as artistic in sexually explicit material. “Gothic porn is really artistic in its own unique way” (R28-HF), which she defined as pornography featuring individuals who adopt a Gothic appearance (typically black leather clothing accompanied with heavy makeup and painted nails) and engage in sexual acts.

Literary Value

A complementary concept to artistic value in sexually explicit material is literary value. About half of gay male and lesbian respondents (9 of 21) said sexually explicit material has literary value. For these nine respondents, the words in such material “[enhance] the pictures that are shown” (R21-GM), adding “a story to human behavior” (R6-GM), or “if it’s written like in a book, you can take it and read it [as] a very beautiful and very lyrical piece of work” (R1-GM). A gay male said: “Literary, if hardcore writing, I

think the word you want to use is blasé or crude. For a work to have some literary value, I feel it should not be so explicit [and] should leave a lot of room for imagination" (R17-GM).

Only 8 of the 20 heterosexuals said sexually explicit material had potential literary value. For sexually explicit material which appears in literary works, literary value is still present, because such content would be "integral to the storyline" (R23-HF), like "sex scenes in [the] context of . . . a novel" (R26-HF), or "the way the author is able to word and express all these emotions or whatever physical yearning . . . through words" (R31-HF). Even when the intention of such material seems to be purely for arousal, such as in hardcore pornography, a heterosexual male acknowledged, "Some of the writing is really quite good because it's not just like pizza man comes [and] does it with a woman. It actually develops a lot of tension and relationship" (R38-HM). Similarly, such "sex stories can really make your imagination run wild, so there is power in these words" (R33-HM). "[S]uch [erotic] literature has been around for years and [is] a very important part in terms of literature" (R36-HM).

Scientific Value

Only one respondent, a gay male, believed sexually explicit material has any scientific value. For R16-GM, such material allowed him to "explore the whole spectrum of human behavior."

Cultural Value

All 12 gay men perceived such material as having some cultural value, whereas seven out of nine lesbians did not. Like their gay male counterparts, most heterosexual men (8 of 10) identified some form of cultural value in such material. Heterosexual females suggested that sexually explicit material "could be an important part of a guy's culture, but definitely not part of [her] lifestyle" R26-HF. Heterosexual male R41-HM said, "99% of guys masturbate . . . it definitely exists in our culture." Gay male R4-GM stated simply, "[A]ll men are horny."

Some gay men suggested that sexually explicit material could be perceived as part of gay male culture. It has "a certain intrinsic value about it because it sort of defines the gay community" (R21-GM). "It's part of the gay culture as much as straight pornography is part of the straight culture" (R16-GM). Gay men who felt that sexually explicit material was an important part of their culture viewed themselves as "being very sexual creatures" (R19-GM) who were more sex-oriented and "sexually charged" (R17-GM). A gay male suggested that, in contrast to lesbians, gay men "have a more . . . hunter, predator and prey thing going on for them, where the sex is a lot more rampant" (R9-GM). However, some thought the importance of such material in gay male culture should be downplayed. Sexually explicit material is "not an integral part of the gay culture" and "such material is a very private thing" (R8-GM), which is there "just to satisfy your lust" (R1-GM).

Heterosexual respondents had different interpretations of the breadth of the *culture* in *cultural value*, which we report here. Some interpreted culture as national culture. Seven heterosexuals did not feel sexually explicit material is part of Singapore culture. One felt that Singapore's restrictions impeded recognition of the cultural value of sexually explicit material — that sexually explicit material "may be a

part of the culture in France and Japan, but definitely not in Singapore" (R25-HF). In fact, "lack of availability of sexually explicit material forms part of Singapore's culture" (R36-HM). Thirteen heterosexuals felt sexually explicit material was part of the broader human culture. "[E]veryone needs it at some point in time and it does help in the process of growing up" (R30-HF). "[A]ll humans are innately lustful . . . because humans are sexual creatures, such material is born out of necessity" (R32-HF).

Educational Value

We categorized our findings about the sorts of educational value that respondents identified into education about sexual practices and safer sex practices.

Sexual practices. Most gay men and lesbians (16 of 21) acknowledged that sexually explicit material could educate about sexual practices. Sexually explicit material "[fuels] your sexual education on how to do it in bed so that you don't seem like a greenhorn" (R1-GM) or show an embarrassing lack of knowledge (R16-GM), and it acts as a useful "learning tool" (R9-GM) that could "add spark" (R7-GM) to sex.

Seventeen of the 20 heterosexuals agreed that sexually explicit material offered possible value for educating about sexual practices. "Watching porn actually allows [people] to explore fantasies" (R23-HF). "It's opened my eyes. How else would one know how sex is performed besides actually by trial and error, if not by having seen it before?" (R37-HM). Such material allows people to "familiarize [themselves] with [their] own anatomy and that of members of the opposite sex" (R25-HF). It can further help as "a direct way of teaching people how to have sex" (R31-HF), from which people can learn "unimaginable poses" (R27-HF), and "what kind of things would be most pleasurable" (R29-HF).

Safer sex practices. Seventeen of the 21 gay men and lesbians believed that sexually explicit material can help educate about safer sex practices. A gay male said showing condom use in sexually explicit material "sends the message that safe sex should be practiced" (R17-GM). However, it might be preferable to "look for an expert, a doctor or a teacher or something" (R8-GM), and whatever educational value that may be gleaned from it would "be superseded by all the negative content" (R12-GF).

Heterosexuals were divided, with 10 agreeing that there was potential educational value for safer sex practices in sexually explicit material. It may be possible to learn "different kinds of protection, like condoms or diaphragms" (R24-HF), and, "[G]uys will see that condoms are useful," even "on a dick that's like ten, twelve inches" (R34-HM).

Some respondents found most sexually explicit material lacked images of safe sex and thus were not useful for educating about safer sex practices. A heterosexual male said the scarcity of images, such as actors actually putting on condoms, suggests that safer sex practices are not a focus (R31-HF). "[T]here doesn't seem to be any emphasis on using condoms or contraception" (R30-HF). People have to realize that "the porn industry is a reflection of [its audience's] wants" to see unsafe sex (R38-HM). Another said safe sex should be "taught by friends, parents, and doctors . . . people who have authority" (R41-HM).

Social Value

From our findings, we focused on two kinds of perceived social value derived from sexually explicit material: helping with *identity formation* and creating positive *awareness* of a group's existence, role, and standing in society.

Identity formation. More than half of the gay male and lesbians (14 of 21) felt that sexually explicit material helped them in realization of their sexual identity. "It's good to know that such materials are available. It means that there are people out there who are like you . . . people who deal with the same issues" (R15-GF). Pornography made a gay male feel he was not "the only one fighting this battle [and] not the only one trying to live [his] life as a gay person. So it feels good to see something representing [himself] out there" (R1-GM). For "people who are trying to come to terms with their sexuality, it may help in their . . . decision making" (R18-GF) and "validate [one's] sexuality" (R2-GF). A gay male asserted, "It was from watching porn that I know I do not like girls" (R6-GM), and another said that because of sexually explicit material, "I know the types of men I want, at least sexually" (R1-GM). Others said sexually explicit material "helps you set the boundaries of what you can accept" (R8-GM). A gay male explained that portrayals of men engaged in sexual activity with each other helps "expel all that kind of internalized self-loathing" (R16-GM) one might experience when coming out.

The rest of the gay men and lesbians generally believed their sexual identity formation was primarily an internal process, in which sexually explicit material was unnecessary. A gay male explained that if "you need something to confirm, it means you are not sure already, that means you are confused" (R4-GM). The idea that "two men can form an intimate bond with one another and form a lasting relationship" would not be conveyed effectively enough to have a positive effect on one's sexual identity formation (R9-GM).

Eight heterosexual respondents believed such material was integral to their identity formation. "Exposing yourself to sexually explicit material makes you feel more comfortable with [sexuality]" (R23-HF), and by being "more open to experimenting" one is able to gain "a greater sense of imagination" (R25-HF). Sexually explicit material can help one learn "the art of appreciating the expression of sex" (R28-HF), and help to "understand that sex can be beautiful" (R33-HM). The Goth enthusiast said, "It is a huge part of my life, it is part of what's the main focus in my life, on all things to do with Goth" (R28-HF). For one heterosexual male,

It was an experience which has been a part of many people's lives, it sort of opens the door and confirms for you that . . . men and women have sex, so in a way, it sort of acts as a catalyst for you feeling the need to be with a woman. (R33-HM)

A woman who identifies as heterosexual said sexually explicit material helped her recognize that she "would enjoy seeing two lesbian girls" (R31-HF).

The other 12 heterosexuals felt such material did not help in their identity formation. As one said, "Because I'm not homosexual, I find no need to validate [my] sexuality" (R38-HM).

Awareness. As discussed, Strossen raised the possibility that sexually explicit material might create awareness of a group's place in society. Based on our interviews, gay males and lesbians interpreted this as awareness of their presence; for heterosexuals, it was interpreted as awareness of gender roles.

Among gay males and lesbians, 12 of 21 agreed that sexually explicit material created positive awareness of their presence. For example, a gay male argued that the first step to providing a voice for homosexuals is to establish their presence, which sexually explicit material helps do (R16-GM). Another said the relative lack of sexually explicit material in Singapore contributes to stigmatization of gay males and lesbians (R14-GF). Through sexually explicit material, "[W]e are telling people that these people are who we like, like it or not. You have to accept it, we are gay, and guys like guys" (R3-GM). A lesbian said, "[I]t might lead to equality that would affirm their existence" (R2-GF). Sexually explicit material could help increase visibility, "challenge the heterosexual male hegemony on pornography," and "raise issues on a homosexual's existence in society" (R16-GM). Further, "watching gay porn is . . . less damaging on the psyche and more egalitarian" than heterosexual pornography (R16-GM).

The rest of the gay men and lesbians (9 of 21) did not think sexually explicit material could create positive awareness. Sexually explicit material is "for the individual" and "a private thing" (R21-GM), and its availability might mean "society would just think I'm horny" and negatively impact the gay community (R18-GF). "It makes people more aware of what's happening, but not in the very perfect way that we want people to see us" (R11-GF). A worse case, lesbian R13-GF feared, was that portrayals of homosexuals in sexually explicit material might increase homophobia.

The focus was not on awareness of heterosexuals as a group, because as a heterosexual male put it, "It's easy for us to affirm ourselves because we are the majority" (R37-HM). However, some heterosexual respondents spoke of how sexually explicit material might create awareness of problems women face. Although pornography "is really obviously demeaning to women" (R36-HM), 7 of the 20 heterosexuals felt such material could help raise awareness of problems women face and help solve them. Such material may help illuminate "some underlying social problems like the exploitation of women," like questioning "why the woman [is] always on the bottom" (R32-HF).

Others were more skeptical about social value. For example, one said sexually explicit material "certainly doesn't make any groundbreaking discoveries, nothing we don't already know" (R28-HF).

Other Merits

Many heterosexual respondents (14 of 20) and gay male and lesbian respondents (14 of 21) identified other possible merits from such material. Such material was "a semblance of [an] experience" (R23-HF) of one's sexual fantasies or "a celebration of what I believe in and enjoy" (R28-HF). It could help relationships: "It brings two people closer" (R19-GM). Or it could at least "spice up a couple's sexual life" (R33-HM).

Such material can also play a cathartic role as a replacement for sex with others. Use of sexually explicit material was seen as an alternative preferable to “trying to sleep around or buying sex” (R27-HF), or “bottling our urges” (R30-HF), or “suppressing [sexuality] and then letting [it] out in warped ways” (R42-HM), or having pre-marital sex and dealing with the moral questions it raises (R32-HF). Therefore, “it acts as a safety valve for people who have too much sexual energy and no outlet” (R34-HM), and can be seen as a safe alternative to other sexual activity (R21-GM). Heterosexual female R31-HF explained that “biologically [humans] need an outlet” but “for someone who has the need but does not have the materials or anything in between . . . the consequences will be more torturous” and “pent-up energy can be dangerous” (R41-HM). However, “there are other better ways to fill the void” (R9-GM).

Two homosexual respondents found political value in sexually explicit material. Although not mentioned in the Singapore statutes, political value is recognized as one of the criteria in the U.S. *Miller* obscenity test. Certain images, like an Asian being sexually dominant among Caucasians, could suggest a post-colonial rejection of colonial roles and could be seen as anti-hegemonic:

There’s the whole reversal of the exoticized Oriental you know, now assuming a position of dominance. I mean, I can’t think of anything more political than . . . the previously-colonized Oriental fucking the ass of the . . . Occidental . . . white master. (R16-GM)

If pornography were widely available in Asian societies, it could contribute to liberalization, a respondent said (R3-GM).

Answering our research question, at least some respondents found all the types of value enumerated in Singapore’s Undesirable Publications Act: literary, artistic, social, cultural, educational, scientific, and other merits. Overall, the majority of respondents found all types of value except scientific and literary in sexually explicit material. The majority of gay male respondents found all kinds of value except scientific, while the majority of lesbian respondents found artistic, educational (sexual practices and safer sex practices) and social (identity formation and awareness) value in sexually explicit material. The majority of heterosexual male respondents found artistic, cultural, educational (sexual practices) value, and other merits in sexually explicit material, whereas the majority of the heterosexual female respondents identified artistic, educational (sexual practices and safer sex practices) value, and other merits in sexually explicit material.

Discussion

What follows is an analysis of the findings and potential law and policy implications, limitations, and directions for future research.

In contrast to those who cast pornography in a one-dimensional way, as only harmful, our findings suggest that consumers of some of the most controversial content find a variety of kinds of value in it. Pornography is often cast as profoundly powerful, and though its powers may be exaggerated, it appears that not all of them are harmful, according to some of its consumers. Our respondents were repeat or regular pornography consumers, and perhaps it should come as no surprise that they found

diverse meanings and utility in material they consume. For our respondents, especially gay men and lesbians, sexually explicit material played some part in realizing and accepting their identities, consistent with claims about self-realization value of scholars including Sherman (1995), Adler (1996), and Sullivan (1992). Strossen (1995) suggested sexually explicit material could raise positive awareness about a group's existence and its role in society, and many respondents agreed. They readily acknowledged artistic value in sexually explicit material, and some found literary value in a range of works, from those in which sexual explicitness played a small part to hardcore pornography. Respondents also found cultural value in sexually explicit material, generally seeing it as part of male culture. They reported that sexually explicit material increased their sexual knowledge and helped open their minds to what is portrayed. Though they acknowledged it may not be the ideal teaching tool, many respondents reported learning more about sexual practices and safer sex through pornography. Whether or not one believes that controls on pornographic material should be changed, alternative materials can be created to better address these consumers' "educational" needs.

Law and Policy Implications

Our findings of a range of views on the value of sexual content raise the possibility that such views could be legally recognized. Though our findings are from Singapore, we see no reason to believe they are not indicative of at least some of the range of views that exist elsewhere as well, a matter that further studies should investigate. The value that citizens recognize in sexually explicit content is potentially legally relevant in at least two ways. At the broad policy level, which we address next, one can argue that law should be changed to recognize such value — or perhaps many of the prohibitions on pornography should be eliminated in recognition of its value. Alternatively, one can argue that existing law should be interpreted to recognize such value.

Some may see in our research broad implications about what policy should be toward sexual content regulation generally. For those who advocate reducing or abolishing prohibitions on most sexually explicit material, our findings regarding consumers' recognition of value may be viewed as supportive. By pointing to diverse kinds of value that respondents recognize in explicit content, our findings indicate at least that such content is not mere trash to all of its consumers. As an American court reasoned in *American Booksellers Association v. Hudnut* (1985) in overturning a ban on pornography that subordinates women, if such material powerfully influences social relations and politics, it cannot be considered "low value" speech unworthy of constitutional protection. One might argue, based in part on our findings, that such reasoning applies to pornography generally. Indeed, if such material has value for such crucial matters as discovering identity, perhaps less of it should be criminalized. Precise policy implications for individual jurisdictions, such as how much of such material should be decriminalized and where the lines should be drawn, are matters that are largely beyond our scope here and are best addressed in law and policy research, or in future research that addresses particular kinds of material. Recognition of the value of explicit content to consumers may be addressed alongside other perennial concerns about how it is produced, such as the age of performers and the related issue of consent of participants — always a contentious issue in pornography, in which at least some perform under duress (MacKinnon & Dworkin, 1998).

Some may see our findings of varied views of how to interpret the law among our respondents, who are not experts on sexual content regulation but are subject to it, as evidence of the futility and subjectivity of regulation in this area. Though some may be confident that applying the “reasonable person” standard can resolve legal disputes about pornography regulation, commentators and judges have expressed skepticism about the possibility of establishing coherent definitions in the context of sexual content regulation, including on the value question. U.S. Supreme Court Justice Antonin Scalia has defended morality legislation in some contexts, but he criticized the value requirement of the obscenity test by asserting that judgments of literary and artistic value — judgments of taste — cannot be assessed by a “reasonable person” standard because *reason* is not involved:

Since ratiocination has little to do with esthetics, the fabled ‘reasonable man’ . . . would have to be replaced with, perhaps, the “man of tolerably good taste” — a description that betrays the lack of an ascertainable standard. . . . Just as there is no use arguing about taste, there is no use litigating about it. (*Pope v. Illinois*, 1987, pp. 504-505)

Justice Scalia’s words echo *Cohen v. California* (1971), where U.S. Supreme Court Justice John Marshall Harlan II wrote that “one man’s vulgarity is another’s lyric,” and so “it is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual” (p. 25).

It may appear, based on our findings, that one man’s vulgarity is indeed another’s lyric. No doubt some will conclude, with Justice Scalia and jurists and commentators from elsewhere, that the entire exercise of determining enumerated sorts of value by a reasonable person standard cannot adequately provide due process of law, because one would lack notice as to whether one is obeying the law. Thus, sexual content law may be vulnerable to attacks that it is void for vagueness, meaning that it “either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application,” thus violating due process of law in at least some nations (*Connally v. General Construction Co.*, 1926, p. 269; see also *R. v. Rimmington*, 2006; *Ontario v. Canadian Pacific Ltd.*, 1995). Requiring consumers or distributors of sexually explicit material to have detailed knowledge of the statutes or cases, and apply the rules to specific material, would be a tall order, with high stakes. The attempts of nations like New Zealand to offer guidelines, however well intentioned, often do little more than beg the question. New Zealand’s guidelines indicate that depictions of sexual violence are prohibited as “injurious to the public good” unless they are “treated seriously,” where “seriously” means in “a scholarly, literary, artistic or scientific work” (*In re Penthouse U.S.*, p. 325), but the question then becomes how to define those terms. Such complex definitional questions always arise when regulating content.

At the less broad level, attempting to interpret and apply existing law, our research has potential implications for Singapore, and if viewed as indicative of the sorts of value that consumers recognize in sexual content, has potential relevance elsewhere.

All types of value named in the Singapore statutes were present in some sexually explicit material, according to our respondents’ interpretations of the terms. (As discussed, Singapore law, like

U.S. law, recognizes literary, artistic, and scientific value; Singapore also recognizes social, cultural, educational, and "other" value.) Thus one might argue that sexual content has some kinds of value corresponding to legally recognized types, if consumers' views are considered valid. Our research points to conflicts between some citizens and authorities' views regarding interpretations of the types of value legally recognized. In Singapore, the various types of value enumerated in the law are not being recognized in material in which some of our respondents reported finding it. For example, hardcore pornography is illegal, but some of our respondents found value in it that they thought corresponded to the types of value enumerated in the statutes. It seems likely that some types of value our respondents identified under the umbrella of educational value, such as value in teaching them about sexual technique, were not what lawmakers envisioned as educational value. It also seems likely that value for self-realization that some respondents identified, such as value in discovering one's sexuality — particularly, one's homosexuality — was similarly not envisioned.

Though we cannot say our findings are representative, they do show, at least among Singaporeans, that a range of conceptions of value exist, which raises questions about whether they should be legally recognized. Authorities could dismiss the conflict between theirs and some citizens' views about value merely as evidence of those citizens' misguided views. On the other hand, our findings can be regarded as an indication that interpretations of existing law should accommodate at least some of respondents' interpretations of value, or at least, that law should more clearly indicate what types of value are legally recognized.

Whether and how consumers' views matter in Singapore are complex questions. Singapore does not have jury trials in any context, and professional censors make most censorship decisions, but at least in theory, views of Singapore citizens quite directly inform policy on censorship of entertainment content. At least once per decade, the government convenes a committee of media industry players, academics, and other citizens to review censorship law and policy, with the specific goal of addressing any changes in public views and how regulation should address them. The last Censorship Review Committee Report (2003) is deferential to sensitivities of the majority and of ethnic and religious minorities. Citing surveys conducted for the report, it says the majority of Singaporeans are conservative, therefore "changes should be made with our community values in mind" (p. 20). It also says that in "our multi-racial and multi-religious society. . . . [w]e have to be sensitive to the feelings of every ethnic and religious group" (p. 11). In addition to the decadal censorship reviews in Singapore, citizen views are incorporated in another way: Appeals of censorship of films and publications involve consultation with committees of citizen representatives (Films Act, §§ 24-27; Media Development Authority, n.d.). Of course, giving citizens decisive roles in censorship raises questions about whether individual liberty and minority views are sufficiently protected, or whether there is instead tyranny of the majority. Indeed, many have criticized Singapore's censorship of content involving gay men and lesbians as oppressive, though survey research indicates censorship of such content is consistent with majority views (Detenber et al., 2007). Singapore precedent offers little firm guidance about how citizen views are to be incorporated except that it will be in a way that balances majority views and minority sensitivities (Lee, 2008; Censorship Review Committee, 2003). The Censorship Review Committee Report (2003) also recommends as a basic principle "providing wider choice for adults" through age-restricted distribution (p. 25). This research indicates what some views among at least a minority might be.

To better address implications for existing law of other jurisdictions, first of all, such research should be conducted there. The relevance of findings on citizen views on the value of sexual content varies among jurisdictions. Citizen views enter into obscenity decisions through jury trials in the U.S. and England, and thus our findings can be seen as indicative of a range of views on value that may exist among jurors. Though expert testimony on value is allowed in some cases, the jury makes the ultimate decision on obscenity in the U.S. and in England; in England, juries also decide whether publication is nonetheless justified in the public good (*Miller v. California*, 1973; Robertson & Nicol, 2001). In legal systems like that of the U.S., which have great deference to counter-majoritarian expression, our research could be replicated, because the findings that some view various kinds of explicit material as valuable could be particularly relevant, even if they are in the minority. In the U.S., at least in theory, jurors do not apply their own views or their perceptions of views of an ordinary person, but rather the views of the reasonable person (*Pope v. Illinois*, 1987). Some have questioned whether asking jurors to apply any standard but their own "subjective reactions" is realistic (*Smith v. United States*, 1977, p. 316; see also Staal, 1988). However, it is clear that the reasonable person standard is not necessarily a majority view. "Of course . . . the mere fact that only a minority of a population may believe a work has serious value does not mean the 'reasonable person' standard would not be met," Justice Byron White wrote for the majority of the U.S. Supreme Court (*Pope v. Illinois*, 1987, p. 501. n.3).

Perhaps kinds of value not specifically legally recognized, such as self-realization value, could be explicitly recognized by law and policymakers and courts as a subset of other types of value, like social value. That seems an unlikely development in the near future in jurisdictions like Singapore, where courts, leaders, and scholars appeal less to individual rights and liberties and more to communitarian rationales (Lee, 2008). Even in the UK and Australia, the courts have been conservative in their interpretations of the value of sexual content, as discussed above. Most jurisdictions would seem to require some further legislative or judicial developments for explicit recognition of the types of value explored in this study. However, U.S. courts, in decisions like *American Booksellers v. Hudnut* (1985), have been liberal in interpreting the SLAPS test. So far, it is perhaps the Canadian Supreme Court that has come closest to explicitly recognizing self-realization value in pornography, discussing it even in the case of pornographic images of oneself that a teenager possesses for private use (*R. v. Sharpe*, 2001).

Limitations and Directions for Future Research

This exploratory research was conducted in one small nation, with a small convenience sample of a limited age range, so the findings are merely indicative of some views on the value of sexual content, not representative of any larger population. Given the small sample, it would be foolhardy to make too much of differences among responses of the sub-groups — homosexuals and heterosexuals or men and women — though differences are noted above and in the tables to outline the patterns of responses. Snowball sampling surely resulted in recruitment of respondents with similar ages and education levels, and possibly similar views.

Though some may object that Singapore is a poor place to conduct such research, given its censorship and conservative culture, we had no difficulty finding respondents with extensive exposure to

sexually explicit material, and respondents appeared unreserved and comfortable — sometimes enthusiastic — discussing it. The cultural context of Singapore adds to the difficulty of generalizing elsewhere. Singaporeans are subject to a vast array of influences, from its traditional cultures and religions and from the West. But surely such a restrictive environment, where not only the portrayals of sexual activities but the activities themselves are prohibited, is bound to shape respondents' views in ways that other cultures may not. Though such an environment could radicalize some, it may tend to temper extreme views, encouraging people to accommodate existing values and laws. The one-on-one interview setting may tend to elicit answers that interviewees perceive as moderate, reasonable, and otherwise socially desirable; even if a respondent felt more radical views, one might not express them fully one-on-one with a stranger. Studies using more anonymous methods may be in order to supplement our findings. Asking young people from only one place about their views on such materials can only yield limited insights. The views of people with more varied demographics and from other cultures warrant further exploration using varied methods.

Our emphasis in this research was on attempting to find consumers' interpretations of the terms of the existing legal framework and then pointing out complications that reveal limitations of the framework. In addition, we attempted to explore self-realization, an often cited rationale for protecting expression. However, future research could concentrate on other types of value, whether legally cognizable under existing categories or not. Because it is not legally recognized, we did not, for example, inquire extensively into pornography's value simply for sexual gratification, which is widely assumed to be the *raison d'être* for much of it. As another example, a question to pursue using more interpretive, qualitative methods might be the extent to which legal controls on and politicization of pornography essentially create value for consumers. Certainly the transgression involved in consuming legally prohibited pornography adds value for some consumers, value which may be broadly classified as political. Such questions about uses and interpretations of material are worthy areas of study, even if legal implications may be limited in existing frameworks.

Despite its limitations, this study documented that some consumers see many kinds of value in a wide variety of material. As commentators on earlier reports of this research have pointed out, future studies may make further distinctions about types of material and how it is consumed: the distinction between hardcore and "soft core" pornography, which is more legally relevant in some countries than others; distinctions between audio, visual, and print material disseminated online and by other means; and distinctions regarding whether and how material is consumed in individual settings or with others. In such research, definitional questions will arise, particularly regarding the hard/soft distinction, since such distinctions are difficult to communicate to research participants, just as they have been difficult to legislate and litigate. Perhaps working definitions for research could be created in future studies, based in part on our exploratory research. But authoritative legal definitions, which could give more predictability to how existing laws are likely to be applied, require legislation or court decisions that are largely absent. In legal systems where legislatures or courts are willing to protect expression that could be construed as having a broad range of value, perhaps the text of the law or the opinions interpreting it could more explicitly recognize that range. If lawmakers and courts are willing to acknowledge as valuable the types of value our respondents report, then arguments for protecting sexually explicit material could move beyond the "fortress model" arguments that it must be protected merely so that more "important" speech

is safe. Further research, in a variety of cultures, using quantitative and qualitative methods, can attempt to inform lawmakers and courts about the types of value that consumers recognize in sexually explicit material.

References

- Adler, A. (1996). What's left? Hate speech, pornography, and the problem for artistic expression. *California Law Review*, *84*, 1499-1572.
- Baker, C. E. (1978). Scope of the First Amendment: Freedom of speech. *UCLA Law Review*, *25*, 964-1040.
- Bollinger, L. C. (1986). *The tolerant society: Freedom of speech and extremist speech in America*. New York: Oxford University Press.
- Cenite, M. (2006). Too much legislation, too little expression. In K. Seneviratne & S. Singarayar (Eds.). *Asia's march towards freedom of expression and development*. Singapore: Asian Media Information & Communication Centre.
- Censorship Review Committee. (2003). *Report of Censorship Review Committee*. Retrieved November 17, 2008, from http://www.mda.gov.sg/wms.file/mobj/mobj.316.Censorship_Review_2003.pdf
- Commerce & Economic Development Bureau (Hong Kong). (2008). *Healthy information for a healthy mind*. Retrieved April 14, 2009, from http://www.coiao.gov.hk/pdf/cioao_review_full_eng.pdf
- Denzin, N., & Lincoln, Y. S. (2000). *Handbook of qualitative research*. Thousand Oaks, CA: Sage.
- Detenber, B.H., Cenite, M., Ku, M., Ong, C., Tong, H., & Yeow, M. (2007). Singaporeans' tolerance toward media portrayals of homosexuality and their attitudes toward lesbians and gay men. *International Journal of Public Opinion Research*, *19*(3): 367-379.
- Dworkin, A. (1989). *Pornography: Men possessing women*. London: Penguin.
- Emerson, T. I. (1963). Toward a general theory of the First Amendment. *Yale Law Journal*, *72*, 877-956.
- Gross, T., & Miller, D. (Executive Producers). (2001, September 5). *Fresh Air from WHYY* (Radio broadcast). Philadelphia: WHYY. Retrieved November 17, 2008, from <http://www.npr.org/templates/story/story.php?storyId=1128501>
- Greenawalt, K. (1989). Free speech justifications. *Columbia Law Review*, *89*, 119-155.

- Jensen, K. B. (2002). *A handbook of media and communication research: Qualitative and quantitative methodologies*. London: Routledge.
- Jensen, R. (2003). Pornography and the limits of experimental research. In G. Dines & J. M. Humez (Eds.), *Gender, race, and class in media: A text-reader* (pp. 417-423). Thousand Oaks, CA: Sage.
- Lee, Y.C.L. (2008). Don't ever take a fence down until you know the reason it was put up — Singapore communitarianism and the case for conserving 377A. *Singapore Journal of Legal Studies*, 347–394.
- Lee, S. (2001, June 5). No to Janet's explicit lyrics. *Straits Times*, p. L3.
- Lindlof, T. R., & Taylor, B.C. (2002). *Qualitative communication research methods*. Thousand Oaks, CA: Sage.
- Linz, D., & Malamuth, N. M. (1993). *Pornography*. Newbury Park: Sage.
- MacKinnon, C. A. (1993). *Only words*. Cambridge, MA: Harvard University Press.
- MacKinnon, C. A., & Dworkin, A. (Eds.). (1998). *In harm's way: The pornography civil rights hearings*. Cambridge, MA: Harvard University Press.
- Media Development Authority (n.d.). Publications. Retrieved November 17, 2008, from: <http://www.mda.gov.sg/wms.www/mediani.aspx?sid=94>
- Merriam-Webster online. Retrieved November 17, 2008, from: <http://www.merriam-webster.com/dictionary>
- McElroy, W. (1995). *XXX: A woman's right to pornography*. New York: St. Martin's Press.
- Nowlin, C. (2001). Expert evidence in English obscenity law: Implications of the Human Rights Act 1998. *Common Law World Review*, 30, 94-114.
- Procida, R., & Simon, R. J. (2007). *Global perspectives on social issues: Pornography*. Lanham, MD: Lexington Books.
- Rea, L. M., & Parker, R. A. (2005). *Designing and conducting survey research: A comprehensive guide* (3rd ed.) San Francisco: Jossey-Bass.
- Redish, M. (1982). The value of free speech. *University of Pennsylvania Law Review*, 180, 591-645.
- Redish, M. (1984). *Freedom of expression: A critical analysis*. Charlottesville, VA: The Michie Company.
- Robertson, G., & Nicol, A. (2007). *Media law* (5th ed.). London: Sweet & Maxwell.

- Rubin, G. S. (1993). Thinking sex. In H. Abelow, M. A. Barale, & D. M. Halperin (Eds.), *The lesbian and gay studies reader* (pp. 4-44). New York: Routledge.
- Schauer, F. (1982). *Free speech: A philosophical enquiry*. Cambridge: Cambridge University Press .
- Sherman, J. G. (1995). Love speech: The social utility of pornography. *Stanford Law Review*, 47, 661-705.
- Singapore bans popular Taiwan film with gay theme. (2004, July 22). Reuters News. Retrieved June 21, 2009, from <http://www.factiva.com>
- Staal, L. (1988). First Amendment — The objective standard for social value in obscenity cases: *Pope v. Illinois*, 107 S. Ct. 1918 (1987). *Journal of Criminal Law & Criminology* 78, 735-762.
- Stein, E. (2003). Queers anonymous: Lesbians, gay men, free speech, and cyberspace. *Harvard Civil Rights-Civil Liberties Law Review*, 38, 159-213.
- Strossen, N. (1995). *Defending pornography: Free speech, sex, and the fight for women's rights*. New York: Scribner.
- Sullivan, K. M. (1992, September 28). The First Amendment wars. *New Republic*, pp. 35-36, 38-40.
- Turkle, S. (1995). *Life on the screen: Identity in the age of the Internet*. New York: Simon & Schuster.
- Voon, T. (2007). Online pornography in Australia: Lessons from the First Amendment. *University of NSW Law Journal*, 24(1). Retrieved June 10, 2009, from <http://www.austlii.edu.au/au/journals/UNSWLJ/2001/15.html>
- Warnke, G. (1999). *Legitimate differences: Interpretation in the abortion controversy and other public debates*. Berkeley: University of California Press.

Cases Cited

- American Booksellers Association v. Hudnut, 771 F.2d 323 (7th Cir. 1985).
- Cohen v. California, 403 U.S. 15 (1971).
- D.P.P. v. Jordan [1977] A.C. 699.
- In re Penthouse U.S. Volume 14 Nos. 5, 6 & 7, [1983] 3 N.Z.A.R. 377.
- Lawrence v. Texas, 539 U.S. 558 (2003).
- Miller v. California, 413 U.S. 15 (1973).
- Ontario v. Canadian Pacific Ltd., [1995] 2 S.C.R. 1031.
- Pope v. Illinois, 481 U.S. 497 (1987).
- R. v. Butler, [1992] 1 SCR 452.

R. v. Rimmington, [2006] A.C. 459.

R. v. Sharpe, [2001] S.C.C. 2.

Smith v. United States, 431 U.S. 291 (1977).

Young v. American Mini Theatres, Inc., 427 U.S. 50 (1976).

Statutes Cited

Commonwealth of Australia Constitution Act, 1900. Retrieved June 10, 2009, from <http://www.aph.gov.au/SEnate/general/constitution/index.htm>

Control of Obscene and Indecent Articles Ordinance, 1987, § 28 (Hong Kong). Retrieved April 14, 2009, from <http://www.hkllii.org/hk/legis/en/ord/390/s28.html>

Criminal Code of Canada, R.S., c. C-34, § 163 (1985). Retrieved June 10, 2009, from http://laws.justice.gc.ca/en/showdoc/cs/C-46/bo-ga:l_V/20090615/en#anchorbo-ga:l_V

Films Act, 1991, cap. 107 (Singapore). Retrieved June 10, 2009, from <http://statutes.agc.gov.sg>

Obscene Publications Act, 1959, 7 & 8 Eliz. 2, c. 66 (England).

Penal Code, 2008, cap. 224, § 377 (Singapore). Retrieved June 10, 2009, from <http://statutes.agc.gov.sg>

Undesirable Publications Act, 1967, cap. 338 (Singapore). Retrieved June 10, 2009, from <http://statutes.agc.gov.sg>