

Entertainment

When the question came before the Hutchins Commission on Freedom of the Press regarding whether the film industry was part of “the press,” the first reaction of several of the assembled scholars was “rubbish.” In their eyes, movies were diversionary, escapist, and silly. What claim could one make to count movies as part of the modern media?

Fortunately, a more farsighted view prevailed. Motion pictures are part of the culture and need to be looked at carefully. The commission invited Will Hays, then chief of the Motion Picture Producers and Distributors of America (later the Motion Picture Association of America—MPAA), to present the case for industrial self-regulation. Eventually, the Hollywood model of codes and intraindustry regulations was adopted by the commission as the best way of expressing social responsibility in a democratic society.

On the importance of entertainment media and their responsibility to the public, the commission displayed wisdom in its landmark 1947 report. News and consumer information are vital to democratic life, but clearly, entertainment occupies most of the broadcast spectrum and cinema screen and a healthy share of the printed page as well. From these media we receive symbolic clues concerning what we should believe and how we should act. Entertainment, for all its recreational value, does much to educate and socialize us.

Should entertainment programs be subject to ethical reasoning? Robert Redfield, distinguished anthropologist and one of the Hutchins commissioners, urged that the direction of all our social productivity be toward a “new integrity” of idea and institution, a creative order wherein symbols and practices make “coherent sense when we state them and when we comply with them,” leading to a “model society that will command the confidence of other free peoples everywhere.”¹ Redfield, no dreamy chauvinist, was arguing for the interdependency of social institutions (such as the media) and social beliefs (such as the sanctity of life). Yes, he would argue, the entertainment media must be put to the test of ethical reasoning.

Redfield’s intuitions were a preface to ethical theorizing in the 1980s, when narrative discourse and narrative communities became important concepts in the work of Duke University ethicist Stanley Hauerwas. Hauerwas argued that culture is built around stories that distinguish good from evil, hero from villain, success from failure. Because of the importance of story, a community that wants to live responsibly among other communities is obliged to set its compass on truthful narratives, without which a social ethic becomes detached intellectualism.

We organize the study of ethics around key questions: the relation of personal and social ethics, the meaning and status of the individual in relation to the community, freedom versus equality, the interrelation of love and justice. These are crucial categories for the analysis of a community's social ethics. The form and substance of a community are narrative-dependent, and therefore, what counts as "social ethics" is a correlate of the content of that narrative. Good and just societies require a narrative that helps them to know the truth about existence and fight the constant temptation to self-deception.²

Hauerwas begins his appeal for narrative ethics with a long analysis of the novel *Watership Down*, a rabbit story with a profound political message, a fictional narrative that helps us to develop our own. Constructing journalistic narratives, public relations messages, advertisements, and entertainment programs involves process, hierarchy, imagination, constraint, profits, and power. Our aim is to examine the moral dimension and press toward justified solutions.

George Gerbner underscored the importance of this examination in his lecture at the fortieth anniversary of one of the country's premier communications research institutions: "I think of communications as the great story-telling process that guides our relationships to each other and the world." Later, he warned that "children are born into a home in which a handful of distant corporations tell most of the stories to most of the people and their families most of the time."³ His point was to urge a more careful study of the field, entertainment primarily, and its cultural and moral foundations.

The emphasis on narrative and authenticity gathered momentum in the 1990s as philosophers and essayists as different as Richard Rorty and Wendell Berry began to explore how communities form, how people connect with each other, and how suspicion and distrust replace generosity as a first impulse.

Between the undefined "public" and the private individual, Berry writes, is the community, formed by a mutuality of interests and ennobled by "virtues of trust, goodwill, forbearance, self-restraint, compassion, and forgiveness." But, he adds, electronic media by nature "blur and finally destroy all distinctions between public and community." Television, for example, "is the greatest disrespector and exploiter of sexuality that the world has ever seen."⁴ Our narratives have gone crazy, self-destructive, and antihuman.

And from the time of Redfield's concerns to the late "naughties," we can do no better than cite Stephen Carter's book, wherein he urges us all to do better at (1) discerning right from wrong, (2) acting on that discernment even at personal cost, and (3) saying openly that we are acting on moral principle. He titled his book *Integrity*.⁵

The terrorist attacks on September 11, 2001, provided the most gripping real-time news coverage ever to appear on television screens. Those images and the new global realities following that frightful day have had an impact on entertainment as well. Movies scheduled for release were postponed, reworked, and reconsidered. How much fright could the public endure? How much bitterness and hate could the world endure?

The following chapters raise only a few of the ethical questions and suggest some ways of approaching answers. Violence is a pressing concern; its threat to social order is immediate and dramatic. Nearly 500 people in the United States die every week from gunshot wounds, many self-inflicted or tragically accidental. Many of these deaths are the result of a momentary act of passion among friends and relatives. Media violence, some argue, is the same threat one step removed and a hundred times more potent. Television violence sets the stage for social maladjustment, argues Purdue University researcher Glenn Sparks, especially among children.⁶ While researchers debate the audience impact, ethicists ask how much media violence is tolerable, even though only one person might be affected or none.

And what about problems generated by big media's huge financial stake? Fortunes and careers ride on fractions of rating points. So many in the entertainment industry doubt that ethical reasoning has any word to speak at all—money alone counts.⁷

Other problems in entertainment programs are less overt than violence or greed: the stereotyping and typecasting of racial groups, age groups, geographic groups, and communities of faith; the bias expressed by the omission of substantive narratives about our society's small cultures; the offense created by our no-punches-pulled video and Internet explorations of sexual experience and crime; or the monotony of canned laughter and endless reruns.⁸ It becomes clear, as we proceed, that every level of the entertainment industry—producer, actor, writer, and viewer—closely encounters decisions of an ethical kind that require a thoughtful response.

The lines of debate between those who would protect the public from exposure and advocates of unfettered media violence have shifted in recent years from “my First Amendment rights” to “our flourishing common life together.” We are less likely to scream for unlimited speech rights since 9/11; we are more likely to ask what kind of culture we wish to share. Robert Fortner has observed, “If the press fails to foster within the community the conversation necessary to sustain it . . . and thus undergirds the links between people who constitute it . . . then it has become a tool of repression, propaganda, and self-interest.”⁹ In the past, the oppressor has been the moralistic gavel pounder, the one who know what's best for everyone. Today, we recognize gavel pounders and discount their inflamed rhetoric. It's more difficult to recognize the subtle, culture-changing, attitude-altering shift that happens when violent depictions do not seem that awful anymore, that crazy, that insane.

LEARNING OBJECTIVES

After completing Part 4, you should be able to meet these objectives:

- Understand and assess research evidence and moral standards regarding effects of media violence and sexually explicit programming
- Place entertainment choices in a context of life priorities, relieving the need to see everything and play everything
- Adjust personal standards on exposure to recreational media of all kinds
- Integrate personal moral sensitivities with broader social mandates of fairness, justice, and compassion
- Spend personal resources (money and time) more wisely
- Take a more active role in mentoring youth, engaging public conversation about media uses and effects, and determining personal boundaries
- Appreciate First Amendment freedoms, but beyond that, the social bonds that constitutions can only support, never create.

NOTES

1. Robert Redfield, “Race and Human Nature,” *Half a Century—Onward* (New York: Foreign Missions Conference of North America, 1944), 186.
2. Stanley Hauerwas, *A Community of Character* (Notre Dame, IN: University of Notre Dame Press, 1981), 9–10.
3. George Gerbner, “Telling Stories: The State, Problems, and Tasks of the Art,” Fortieth Anniversary Program Highlights, Institute of Communications Research, University of Illinois at Urbana–Champaign, 1987.
4. Wendell Berry, *Sex, Economy, Freedom and Community* (New York: Pantheon, 1993), 124.
5. Stephen L. Carter, *Integrity* (New York: Basic Books, 1996), 7.

6. Glenn G. Sparks, Cheri W. Sparks, and Erin A. Sparks, "Media Violence" in *Media Effects: Advances in Theory and Research*, eds. Jennings Bryant and Mary Beth Oliver (New York: Routledge, 2009)
7. See Clifford Christians and Kim B. Rotzoll, "Ethical Issues in the Film Industry," in *Current Research in Film: Audiences, Economics, and Law*, vol. 2, ed. Bruce A. Austin, vol. 2, (Norwood, NJ: Ablex, 1986), 225–237.
8. For balanced accounts, see Richard Winter, *Still Bored in a Culture of Entertainment* (Downers Grove, IL: Intervarsity Press, 2003); and William D. Romanowski, *Eyes Wide Open*, rev. ed. (Grand Rapids, MI: Brazos, 2007).
9. Robert Fortner, "The Public," in *Key Concepts in Critical Cultural Studies*, eds. Linda Steiner and Clifford G. Christians (Urbana, IL: University of Illinois Press, 2010), 193.

Violence

Media reformers gather to television and filmic violence like sugar ants to jelly. It's their cause, their concern—and the rest of us may quickly dismiss them. At least until the 1999 tragedy at Columbine High School in Colorado. That day was so bizarre and brutal; everyone asked: “Why would teenagers plan and plot to kill their classmates and then themselves?”

News coverage of that terrible scene seemed like a surreal drama, yet the images were all too real. Had we—the American people—developed this culture of violence? Had entertainment violence made real-life violence less spectacular, more commonplace?

Three months after Columbine, two teenagers in Los Angeles stabbed and killed one boy's mother. They claimed their attack was inspired by the film *Scream*. Again we asked: “Is this *us*? Are we so vulnerable, or naive, or hardened that a B horror film can snap our sense of humanity and turn homes into slaughterhouses?”

Violence is inevitable in any drama, even in comedy and melodrama, such as when Spiderman fights the treacherous, spunky Green Goblin. But the irrepressible increase in real violent crime, much of it perpetrated by juveniles, often has been linked to video games and the Internet. What a juvenile sees, it is argued, too easily becomes what a juvenile does. Because society cannot endure the anarchy of criminal rule, it must move to eliminate the causes.

Confronting the censors of violence are combat-hardened libertarians who insist that all speech be protected. Violent programming may or may not breed violent behavior, they contend, but curtailment of speech surely heralds a retreat from democracy into feudalism, a return to the medieval monastery where utterances were controlled and political choices programmed. Such a fate, they claim, is worse than all others, and avoiding it is worth the risk of too much latitude.

Much of the current debate over violence in entertainment takes up the arguments of the last national inquiry, the controversial Meese Commission and its outspoken opponents. Organized in 1985 by Attorney General Edwin Meese, the commission was charged to “determine the nature, extent, and impact on society of pornography in the United States” and to recommend to the Attorney General how pornography “can be contained, consistent with constitutional guarantees.”¹ The commission's research included content

analysis, participant observation, case studies, interviews, and experimental studies. Its findings supported the cultivation hypothesis advanced by George Gerbner and others, and at points suggested an even more direct link between pornography and the acting out of sex crimes by certain persons. The commission's ninety-two recommendations were nearly all in support of tougher enforcement of existing obscenity laws, with even stricter measures against child pornography. The rationale for control and enforcement was a widely shared conclusion that viewing and reading sexually violent material tends to create an incentive for violent sex crimes and to develop a socially destructive linkage of sex and violence in the minds of persons who may, under some conditions, act out their new attitudes.

From the first commission hearing, opponents issued charges of *comstockery* (a pejorative term recalling Anthony Comstock's antiobscenity crusades of the 1880s). The American Civil Liberties Union (ACLU) published a summary and critique of the commission, entertainment professionals organized to protest the commission's implied call to curtail cinematic art, journalists trailed the commission and reported on the bizarre nature of some of its testimony, and columnists pointed to "dark lunacy" and "potential danger" underlying the commission's report. Much of the opposition can be summarized around five claims:

1. Artistic freedom and aesthetic integrity demand a laissez-faire approach. Government has no business policing writers and directors.
2. No direct effects can be documented or proved. Indirect effects are the consequence of living one's life in a world of mediated messages and cannot be made the basis of criminal prosecutions.
3. Violence is a social and historical problem, not the result of violent television shows or films. To think otherwise is to blame John Wayne for the Vietnam War.
4. Worry over media violence is really our fear of changing social institutions. To suppress television and film is to forcibly maintain traditional notions of family, friendship, and marriage in an era when these social arrangements are undergoing radical change.
5. Boundaries between news and entertainment programming are fluid. Television news-magazine shows are so hungry for material that anything visual (even if it must be staged for replay) is turned into a major "investigation." All the free-marketplace arguments that traditional news has enjoyed must now be applied equally to entertainment programs. The public has a right to know.

These objections seem less important in the face of enduring questions concerning the causes and cures of real violence. One author has suggested that media violence be treated like obscenity, which would remove its First Amendment protection in some cases.² Ethicist Sissela Bok compares the attraction of modern media violence to the Roman gladiatorial contests, wondering why civilized peoples permit uncivilizing entertainment.³ The Clinton administration called for better industry self-control and clearer prosocial messages for the nurture of youth. Here and there, a producer and a network executive toned down the violence to show respect for the most recent shooting victims. The Michigan state senate passed a bill to require warnings on tickets and ads where a performer's music also carries such warnings. Small gestures, cautious solutions.

The cases in this chapter struggle constantly with the impulse to freedom and the moral boundaries of liberty. The first case raises the effects argument: Hear violent lyrics, do violent deeds; show a violent program, commit a violent crime. No matter that the violence is sometimes directed toward the self and sometimes to others.

But what would stories tell if all violence were expunged on moral claims? The second case insists that violence has its purposes. It cannot be read out of human experience, and it should not be so tempered in entertainment that we fail to deal with reality and history. The third case,

“Comics for Big Kids,” looks at the persistence of violence in media entertainment. The final case consider violent games.

Frustrated by the visual carnage in popular video games like “Mortal Kombat” and “Night Trap,” Senator Joseph Lieberman from Connecticut once called for Congress to ban them. “We’re talking about video games that glorify violence and teach children to enjoy inflicting the most gruesome forms of cruelty imaginable,” he said. But in the same breath, Lieberman acknowledged that such games were constitutionally protected.⁴ A bill to ban violent video games would face a long and politically powerful tradition of artistic liberty for entertainment programmers. In the face of such constitutional obstacles, the ethical arguments take a primary place.

61 HEAR IT, FEEL IT, DO IT

Friday evening in October. John McCollum, nineteen years old, is alone in the house. An Ozzy Osbourne fan, he cranks up the family stereo—loud, intense, reverberating. The first song, “I Don’t Know,” celebrates in the manner of heavy metal the chaos and confusion of human life. The second song, “Crazy Train,” points to insanity as the inevitable result of our inability to explain life’s contradictions. The third, “Goodbye to Romance,” advocates cutting ties to the past as the only way to personal freedom. The last song is “Suicide Solution.” That tune’s lyrics convey a nihilism—a giving up on life—that even drug-induced addictions cannot solve. What’s the solution to such bleakness? Ozzy points explicitly to the last and only act of the will available to a depressed soul who has lost every reason to maintain life. Then, masked in a twenty-eight-second instrumental break, and heard at one and a half times the normal rate of speech, are lyrics which, *prima facie*, advocate immediate self-inflicted death via gunshot.

John McCollum turns off the family stereo, walks to his bedroom, and puts another Osbourne album, *Speak of the Devil*, on his personal stereo. Volume up, headphones on, he lies on the bed. Nearby, a handgun, .22 caliber. Music. The cool small muzzle against his right temple. Volume up. A muffled pop.

McCollum’s body was discovered the next morning. He was still wearing headphones, and the stereo’s needle was riding around and around the center of the album. He had had problems with alcohol abuse that complicated other serious emotional problems, but in their suit against Osbourne and CBS Records, the McCollum family claimed that these lyrics had a cumulative impact on a susceptible listener; that the impact was antisocial in its emphasis on despair, Satan worship, and suicide; and that the record company had sought to cultivate Osbourne’s “madman” image in press releases and sales promotions and to profit from it. The music was a proximate cause in McCollum’s death, the suit alleged, because CBS negligently disseminated Osbourne’s albums to the public and thereby “aided, advised or encouraged McCollum to commit suicide.” The beat and the words had created in John McCollum “an uncontrollable impulse” to kill himself, a consequence entirely foreseeable and therefore intentional, the suit contended. Death, his family insisted, was brought on by pressures and forces hidden in the grooves and ridges of a plastic disc, made and sold by an industry that does not care.⁵ ♦

Can media inspire violent crimes? A celebrated murder case in 1977 confronted the nation with a Florida teenager who shot his neighbor, an eighty-two-year-old woman, took \$415 from her home, and went on a spree to Disney World with friends. Ronny Zamora’s defense attorney proposed that his client was the victim of “involuntary television intoxication.” A person who is drugged or becomes intoxicated without his knowledge is not legally responsible for actions while under the influence. Zamora had seen up to 50,000 television murders in his fifteen years, and he

could not determine whether he was on a television program or committing a crime when he shot the victim, the attorney claimed. The jury decided otherwise, however, and Zamora was convicted. But similar cases keep coming to the courts.

Can violent media inspire self-destruction, and if so, who is responsible? The argument that linked repeated listening to rock albums to John McCollum's suicide is similar to the argument in the celebrated *Born Innocent* case that occurred a decade earlier. In September 1974, NBC sent to its affiliates a program starring Linda Blair as a girl whose innocence is shattered through her experience in a girls' reformatory. Because the drama would include violent scenes possibly objectionable to some viewers, NBC ran a warning at the start of the program: "'Born Innocent' deals in a realistic and forthright manner with the confinement of juvenile offenders and its effects on their lives and personalities. We suggest you consider whether the program should be viewed by young people or others in your family who might be disturbed by it." As a portent of the show's later troubles, fifteen sponsors withdrew shortly before the broadcast.

Born Innocent did, in fact, raise objections from viewers. Hundreds of calls and letters were received by NBC affiliates across the nation—700 in New York alone. Only a few callers, notably social workers familiar with reformatories, applauded the network for its realistic portrayal of a pervasive problem. Particularly troublesome was one scene in which Blair was raped by four female inmates using a plumber's helper for penetration. The character was shown naked from the waist up.

The program and its forthright realism would have been largely academic but for a real-life rape three days later. On Baker Beach near San Francisco, nine-year-old Olivia Niemi was attacked by three girls and a boy, ages nine, twelve, thirteen, and fifteen, who raped her with a beer bottle in a fashion similar to the attack on television. Olivia's mother filed suit for \$11 million against NBC and the owners of KRON-TV, charging that NBC was guilty of negligence in broadcasting the program during family viewing hours (8 p.m. on the West Coast). One of the assailants had in fact referred to the television show when she was arrested.

The link between dramatic and real violence might not be strictly causal, but the network had not taken adequate precaution against the program's potential effects on young viewers. The case was strengthened by the absence of any similar type of rape in the casebooks of juvenile authorities. If Niemi's attackers had perpetrated a first-of-its-kind rape, their teacher and proximate cause was the television network that had prestaged the event.

NBC declined to argue the facts. Instead, defense attorney Floyd Abrams contended that the First Amendment protected his client from damages from alleged effects of a media program. California Superior Court Judge John Ertola agreed. In September 1976, he ruled in favor of NBC without calling a jury, claiming, "The State of California is not about to begin using negligence as a vehicle to freeze the creative arts."

But the California Court of Appeals overturned the ruling. Niemi had a right to a jury trial on questions of fact, the appellate panel contended.

Before the case was argued, NBC urged the U.S. Supreme Court to quash the trial. At stake, the network claimed, were basic constitutional rights. On behalf of NBC, the American Library Association filed an amicus brief suggesting that the Appeals Court ruling might lead to lawsuits against libraries by victims of crimes suggested in books. The Writers Guild of America wrote of the "chilling effect" on popular drama that a trial on the facts could have. For Niemi, the California Medical Association filed a friend-of-the-court brief. The Supreme Court declined to intervene.

Each side geared up for the coming battle in the California courts. NBC would argue that a warning had been given before the drama, that the four attackers had previous juvenile records, and that some testimony suggested that none of them had seen the televised rape. Causal explanations for the crime other than the television show rested on stronger psychological evidence. One of the attackers, for example, had been molested by her father. In theory, NBC insisted, the plaintiff's case would shift accountability for criminal acts away from the persons responsible and toward the producers of televised drama.⁶

Niemi's attorney would argue that the rape scene in *Born Innocent* ignored NBC's own production code and the National Association of Broadcasters' code that proscribed graphic depictions of violence at that time. The rape scene, in fact, had been abridged in telecasts after the first showing. No one should be absolved of civil liability because of the First Amendment, the plaintiff said.

Commercial television networks would be hard pressed to justify graphic violence based on Kant's imperative. No reasonable person could will that such portrayals become standard television fare because reasonable people do not, by definition, seek to promote gratuitous suffering. There should be little argument here. People who delight in causing or feeling pain are pathologically disturbed or criminally insane. Reasonable people may not choose to avoid all suffering (e.g., running into a fire to rescue a child), but suffering without purpose (e.g., merely running into a fire or pushing someone else in) is irrational by any common definition. Likewise, a constant media diet of violence and pain is irrational, assuming even a remote connection between what one views and how one behaves.⁷

Notice how close Kant (the doer of duty) and Jeremy Bentham (the calculator of pleasure) are on this issue. Bentham, the father of modern utilitarianism, wrote: "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do."⁸ Kant's appeal to rational duty would have little prescriptive value if people were unclear about whether to seek pleasure or pain. Let us assume that the history of human civilization is not remiss here: Avoiding gratuitous violence is the normal response of a rational person.

But "Suicide Solution" is only one song, and *Born Innocent* is only one program, and the rape scene is only one sequence in that one program. This is hardly a trend and certainly not an unrelied diet of mayhem and bloodletting.

Yet, to describe the problem in this way is to miss the point of even the utilitarian response. Hans Jonas, a modern utilitarian, has argued that the consequences of a nuclear holocaust are so incalculable that we must set our goals specifically at eliminating even its possibility.⁹ (Notice an underlying Kantian-style commitment to the reasonableness of human survival.) A similar argument warrants eliminating graphic violence on television. If the possibility of increased real violence or loss of sensitivity to violence exists, and the means to avoid the possibility are available and not onerous, then reasonable people will take those means—and ought to, violence being hurtful.

What means are available for avoiding graphic violence on television? Certainly, viewers can choose not to watch, which is the preferred solution of the networks because it imposes no direct obligations on them. Let the buyer beware!

On the other hand, the state could impose limits on television violence in the same way it regulates cigarette and liquor commercials. (Is there any objection to banning the advertising of unsafe medicines?)

Or again, the television industry—in this case NBC—could set its own limits based on steady evidence that television violence at least creates a culture of suspicion and fear¹⁰ and in fidelity to the belief that violence is never inherently justified. But this would require rebuilding Rome, according to syndicated columnist Suzanne Fields. She argues that media violence, unlike the violence in classical literature, occurs in an "ethical vacuum." What's the point of most television violence? There is none. Even Hansel and Gretel do better than that, Fields claims.¹¹

In 1993, the nation's four broadcast networks (ABC, CBS, NBC, and Fox) agreed to provide television viewers with warnings preceding shows that contain violent material. This concession was announced one day before congressional hearings on new technologies to let parents block out violent shows. The agreement was a step toward industry self-regulation and responsibility. Peggy Charren of Action for Children's Television called it a "benign solution, inadequate to the problem."¹² That was the same reaction of Lois Salisbury, executive director of Children Now,

when the television industry announced its new rating system, the first of its kind for television programming, in December 1996.¹³

Important distinctions separate the McCollum case and the *Born Innocent* incident. First, John McCollum did not take his handgun onto the street to apply the “solution” to any passersby. Grievous as its consequences were to his family, the harm done was self-inflicted. Second, the message blamed for inspiring McCollum’s violence was offered in an easily repeatable format, unlike the 1974 television show. Whereas Olivia Niemi’s attackers could have been influenced by a single viewing, John McCollum had occasion for a total environment of Osbourne’s music, as loud and as often as he chose to listen. Third, the Ozzy Osbourne persona created by marketers and PR writers—with his cooperation—corresponded to his music’s destructive themes. Neither Linda Blair nor NBC suffers under a reputation aligned with shower-room violence. Finally, NBC issued a warning as part of its message; CBS Records did not.

Is moral blame less heavy if no one other than the self is directly harmed in a violent act? In quantitative terms, yes. Given the choice of a terrorist blowing up an airliner in the sky or that same person blowing herself up on the ground, we would reasonably opt for the latter. But the McCollum case involves the suicide of a young man who had a history of emotional and behavioral problems. For these individuals, we bear obligations to offer aid, not a prompt to self-destruct. Suicide is no solution to life’s turmoils, and promoting it in music, film, or word is perpetrating a lie. Osbourne did not hand the gun to John McCollum, but his music is distributed in a format that carries no alternative point of view. No voice is heard after “Suicide Solution” arguing that self-destruction is morally wrong. McCollum heard only the most errant element of a many-sided ethical issue.

Is artistic integrity in jeopardy if we attach moral blame to a mere message? Roxanne Bradshaw of the National Education Association, commenting on violence in media, said: “We’re not interested in censorship. We’re interested in reeducating ourselves and our children about electronic media.”¹⁴ No moral theory would excuse media managers and artists from helping in the task Bradshaw describes. The more vulnerable the viewer or listener, the greater is the obligation to talk, to help interpret, and to channel responses toward beneficent ends.

California courts excused both CBS and NBC from liability in these two court proceedings; the First Amendment would not tolerate damages sought by these aggrieved plaintiffs. But our mutual human responsibility to seek each other’s best interests and to help each other avoid meaningless hurt and harm—a responsibility expressed in both Judeo-Christian and Kantian ethics—knows no constitutional boundaries. NBC need not graphically show the tools and techniques of sexual abuse. CBS Records has no moral right to profit from the genius of an artist who would be foolish and wrong to practice what he preaches. Nonetheless, if the corporation chooses to exercise legal rights to such expression, fair warnings—if not outright disclaimers—would put music buyers on notice. People closest to troubled, vulnerable users of such media could then make more informed choices. In the present case, our objective is to prevent the lie of Osbourne’s music from becoming John McCollum’s final tune, or worse, that another confused teenager shoots school-mates for the experience of just being bad.

The flip side of audience impact is actor impact, but here the lines of responsibility become very clear. The entertainment world was shocked when actor Heath Ledger died of an accidental drug overdose, and film watchers wondered: Was his role in *The Dark Knight* too dark? Was the all-consuming prep work for the role of the Joker too close to imbibing a new paradigm for one’s real life? Ledger described his intense work ethic as a month of being “locked away” trying to develop his character’s voice. He wanted to get the laugh right, and found, as he said to an interviewer, the mind-set of a psychopath.¹⁵ The Academy Award for Best Supporting Actor, accepted by Ledger’s family on his behalf, as well as numerous other posthumous awards including the Golden Globe Award for Best Supporting Actor, was no compensation for a talent lost

too soon. Yet no direct link is possible between movie role and overdose; causal connections are speculation. At any rate, professionals know the emotional weight of the job. They can get help or walk away.

62 VIOLENCE-CENTERED

Oliver Stone surprised the movie world in 2006 with a film about two New York Port Authority police officers buried in the rubble of the World Trade Center on September 11, 2001. Sargent John McLoughlin, a twenty-three-year veteran, and first-year officer Will Jimeno survived the towers' collapse and ultimately were lifted back to safety—after being buried for twenty-two hours and thirteen hours, respectively—in one of the least likely but most heroic rescue efforts in modern times. Stone told their story in *World Trade Center* much as they told it to him, straight up and without an explicit political agenda. The result was a film about two returned-to-life police officers and the meaning of their rescue for the rest of us.

Violence happens throughout this film. After all, 2,769 people died that day. Extraordinary violence took those lives—the violence of terrorism, jet fuel burning, crushing concrete; the eerie violence of bafflement, incredulity, failure to communicate, reckless courage; and the violence that chips away at hope when the chance of rescue seems so remote. No story of that day could be told without violence; 9/11 and violence are related terms.

Director Stone had the good fortune of casting two leading actors—Nicolas Cage and Michael Peña—who successfully conveyed the human sensitivities of McLoughlin and Jimeno, both above ground and near death underground. *World Trade Center* was not a documentary but a narrative of resurrection on a day of pain and grief. Stone let the story tell itself, granted with the panache of camera angle, lighting, sound, and one dramatic dolly-up sequence that set the New York rescue in its global context. *Newsweek* noted the movie's celebration of the "ties that bind us, the bonds that keep us going, the goodness that stands as a rebuke to the horror of that day."¹⁶ *Rolling Stone*, in an upbeat review, called the film a "salute to heroes who could have easily walked away"¹⁷—a reference to the rescue work of David Karnes and Jason Thomas, who saw the violence as a call to extraordinary action and whose unblinking approach to the violence, their climb into the rubble, saved McLoughlin and Jimeno from the pit of hell. ♦

Our first thought is that violence is bad. Road rage is the bad side of freedom to travel on highways. Hurting someone is the bad side of relationship building. Assault with a deadly weapon is the bad side of an argument. To avoid these calamities—to find alternatives to violence—is the path we celebrate as morally good. But not all violence is bad. Some violence is necessary to prevent worse violence. Police use force to apprehend criminals. Sports teams use violence to entertain. Some violence is unavoidable or accidental. Nature kills skiers in an avalanche, but we do not hold nature guilty of a moral lapse. Humans make mistakes, and people are hurt. Sometimes we must simply say, what a tragedy, but no one is to blame. Some violence is humorous, as kids' cartoons have demonstrated since Mickey Mouse. Even Hallmark TV tearjerkers depend on violence to create drama and dilemma. Without violence, where's the story?

Yet violence that causes hurt for its own sake is morally condemned, along with violence done with such little sense of empathy as to contribute to the "banality of evil" that Hannah Arendt observed at the trial of Adolph Eichmann, Hitler's architect of the Holocaust. Arendt was "struck by a manifest shallowness . . . that made it impossible to trace the incontestable evil of his

[Eichmann's] deeds to any deeper level of roots or motives. . . . There was no sign in him of firm ideological convictions or of specific evil motives. . . . Except for an extraordinary diligence in looking out for his personal advancement, he had no motives at all."¹⁸ Eichmann's violence is morally without excuse. No appeal to "following orders" or "I didn't know" mitigates the moral judgment.

The violence of *World Trade Center* is anything but banal, pointless, or overwrought. The movie portrays the violence of Islamic jihadists taking the lives of ordinary (noncombatant) Americans, along with many citizens from around the globe, and their own lives, in a cause they regarded as holy war. That violence is portrayed in *World Trade Center* in brief sequences of blood-soaked victims fleeing the building, a man down on the sidewalk, the gasping horror of the jumpers who chose gravity as their doom instead of fire, and the ominous street shadow of a low-flying airplane just before impact.

Most of *World Trade Center's* violence focuses on the small team of Port Authority police officers who entered the Trade Center that morning. The most troubling portrayal is the death of Officer Dominick Pezzulo, who survived the first tower's fall only to die while trying to free Jimeno from the rubble. Was Pezzulo committing suicide in his last moments or firing his revolver into the darkness to attract the attention of rescuers? We do not know and cannot know. Pezzulo dies violently on screen, as it really happened.

Clearly, *World Trade Center* brackets the violence of the jihadists themselves, offering no comment and focusing no attention. The violence of *World Trade Center* is violence suffered, not perpetrated. McLoughlin's firefighters are victims. We watch their fight for breath and hope against all odds.

Virtue ethics from the ancient world assumed violence to be part of human experience and celebrated courage as the proper human response. Moreover, the Golden Mean established moral limits on violence: It must be used proportionate to its need and only when other means of achieving a just result have been exhausted. These limits and conditions were brought into a coherent theory of "just war" by Augustine in the third century. The Christian tradition from which he speaks has challenged "just war" with claims that only radical pacifism follows the example set by Jesus. Yet "just war theory" remains the most widely accepted set of moral boundaries on violence, in no small measure owing to Reinhold Niebuhr's insistence that "Christian realism" accounts for the obvious need to meet immoral violence (e.g., the Nazi war and extermination machine) with measured violence.

Utility does not forsake all violence, and the "veil of ignorance" could achieve a choice for violence if conditions warranted. The Kantian imperative never imposes defenselessness, and the Qur'an famously permits war under certain bounded conditions.

The violence of *World Trade Center* is defensive. Only an airliner's shadow points to unjustified violence, and that judgment is so nearly universal that Stone need not underline it. Even within Al-Qaeda, the attack on the towers is considered ill-advised, if not wrong per se.¹⁹ The gripping violence of *World Trade Center* is captured in scenes of people caught in events where escape is the rational and self-reflexive response, but they choose against it for the sake of trapped victims needing rescue. This we call courage.

Some viewers claim that even this violence is presented too soon after the real disaster and dishonors the dead by making a film (and lots of profit) while survivors and families still grieve. A morally attuned filmmaker must listen to these concerns. Five years is not five months, but wounds heal at different speeds, and some never do. Certainly, the world is morally richer for careful films depicting the Nazi Holocaust (although survivors are still with us) and the more recent Rwandan genocide. Pearl Harbor and D-Day took the lives of thousands, but filmmakers have yet to exhaust public fascination with that terror. Stone could have waited another five years, yet with the support of many New Yorkers, he had sufficient moral allowance to move forward without blame.

Viewers of *World Trade Center* are not without choice as well. No one mandates movie patrons to see this film. Even the mysterious corescuer, the Marine identified only as Sergeant Thomas, when he finally emerged from obscurity, indicated that he had not seen the movie. “I’m not ready,” Jason Thomas told the press. “I don’t want to relive everything.”²⁰ By all accounts, the courage this man displayed on 9/11 warrants a society’s gratitude, no matter his reluctance to see himself portrayed. Thomas’s choice to pass on the film is a choice open to everyone.

Most who see *World Trade Center* will be stunned, but not morally offended, by its violence. The cringing we do watching this movie reminds us that our rough, belligerent, morally flawed social universe sometimes requires heights of moral action when one’s deep commitments to human care outweigh the danger for the sake of the other. Violence that leads to courage has purpose and benefit, although we would choose, if we could, to smother the violence before its sparks burst into flame.

63 COMICS FOR BIG KIDS

Nemesis (Icon Comics) is the brilliant story (if you buy the writer’s own blurb) of a psycho killer who targets police, especially if the police operate in a law-and-order mode and really especially if the target is a “practicing Catholic and a family man.” There’s plenty of collateral damage in this shooting spree. *Nemesis* always makes an appointment, and he’s never late.

Trading on the theme of religiosity as pretense, Marvel’s *King Pin* pits a killer Mennonite (he only uses tools that his religion allows, e. g., sledge hammers) against the toughest gun-totin’ gangsters in the village. This horse-and-buggy hit man can make quite a mess of himself and his targets. Watch out, he rids the streets of some rough hombres, and their kin are none too happy about him.

Flesh Gordon carries on its cover an M for “mature readers,” whether as a marketing device or as a warning is hard to say. The story line begins on Planet Porno, where *Flesh* has destroyed a “sinister ray” aimed at Earth by Emperor Wang. *Flesh* saves Earth from slavery to Wang with the help of his companions, the beautiful Dale Ardor and the bearded Dr. Flexi Jerkoff. The reader of this simplistic tale should expect plenty of double entendres to compensate for the colorless pages.

Ernie Evil, on the other hand, is full of color. Lots of red, as in blood. Lots of pale green, as in slime, rot, and poison. Plenty of white and black, and always a beautiful woman about to have her brains blown away. As Mary, the gorgeous brunette, says in one frame, “Think I’m gonna be sick.” That seems to be *Ernie*’s big appeal—the sicker you feel reading his tale, the more successful is the book.

Heavy Metal is a series of panels featuring sex, technology, and death, with a few devils for motive power and a few drinks for the orgy’s afterglow. The graphic novel *Mark of the Devil* is a richly textured tale of all the above, plus danger, pain, extraordinarily proportioned breasts, fearsome creatures shorn of human sympathy, and lots of Ur-passion. It’s a novel that could send your night dreams into neverland, wherever that is for you.

Comics these days seem more and more pitched to ages higher than seven. Certainly, no hint of childhood mars the dark and lascivious worlds of these books. Some are artless; some are well drawn and doubtless literary, as the comic world judges writing merit. All are escapist, elemental, and sinister. ♦

Violence dominates the comics. Researcher John DiFazio analyzed the comic book treatment of fourteen American values and found that “peaceful resolution of conflict” was one of the values least often portrayed.²¹ Our own quick review of a comic rack revealed plot resolutions involving

a woman blowing herself up with a shotgun while trying to save an infant from a monster, the crashing of a boulder on the cranium of a muscle-bound cyclops, and the introduction of a new team of superheroes in the Justice League of America series, just to prove, it seems, that nationalism survives as the last moral stand. So vicious are modern comics that one can almost hear Frederick Wertham, author of the classic 1954 *Seduction of the Innocent*, uttering “I told you so” to the numerous critics who disparaged his work.²²

Such unrestrained violence was not always the rule in children’s literature. Note, for example, the ethic of restraint that characterized the popular Nancy Drew detective series, according to James Lones:

There was an abundance of violence in the Nancy Drew series, but it was controlled violence. Clubbings, wrecks, assault and battery were common. Attacks fell indiscriminately on many types of characters with Nancy often the target. Despite this violence no one was murdered. Criminals who assaulted their victims did not go beyond beatings. In a decade [the 1930s] when sensational real-life kidnappings stirred the population, these fictionalized kidnappings ended happily and no victim of abduction was killed. Guns were used but were either fired as warnings, and not directly at persons, or used as clubs.²³

Commentary on the comic book industry as it was in the 1980s reveals an industry as troubling as Wertham’s case studies. Joe Queenan of *The New York Times Magazine* wrote:

Over the last decade, comics have forsaken campy repartee and outlandishly byzantine plots for a steady diet of remorseless violence. “Green Arrow” depicts a woman whose eyes have been plucked out by vultures. In “Spider-Man,” seven men are ripped to pieces by a wolf. The back pages of “Wolverine” show the hero puffing on a cigarette as blood drips from his lips. . . . “Black Orchid” begins with a woman being tied up and set on fire, then moves on to child abuse, a mutant fed live rats, and a jailed hybrid—half woman, half plant—who avoids rape only because her jailers find her too repulsive.²⁴

The comic industry grosses millions a year, with DC Comics and Marvel in the distant lead, followed by Archie Comic Publications and then about 200 minor-league hopefuls, many of them willing to go beyond the editorial boundaries (broad as they are) still observed by the market leaders. One distributor explained: “Our readers are teenage boys [with] lots of repressed anger. [They are] going through puberty [and they] like to see characters act out their aggressions.”

As a shortcut to moral analysis, some might close the case by waving the banner of First Amendment freedom. But, even among legal theorists, First Amendment freedom weighs in primarily with political speech as a means to democratic process, not with comic book speech as a means to personal entertainment happiness.²⁵ The issues most salient to freedom of speech today are campaign financing and workplace safety, not graphic novels or comic strips. Justice of the Supreme Court Stephen Breyer calls the First Amendment a tool of “active liberty,” not a cure for limitless expression.²⁶ First Amendment enthusiasts may ring the bell, but the heart of this controversy must be settled in moral, not legal, terms.

A reasonable argument can be made that older readers are capable of discerning reality from fantasy. The older a reader is, the more credibly he or she will process imaginative stories. On this basis, the two-dimensional static violence of comic books may qualify for broader license than the violence in films’ so much more emotionally engaging dynamic images. Give greater freedom to media of lesser evocative power, one might say.

The avid reader of adult comics, like the fan of almost any media challenging common values, must face the matter of loyalties. Do the imaginative dimensions stimulated or satisfied by

violent or sexually oriented material help or hurt a reader's capacity to be a responsible member of primary social groups: friends, family, community? Perhaps the moral test is whether you can freely talk about the content of your entertainment reading. Can this part of your life be shared with people who depend on you?

Certainly we do not share every notion of conscience with everyone else. Such a surrender of privacy is often taken as a sign of mental or emotional need today. Yet this is also true: We ought to live a singular (not dual) life of moral accountability to self and others. You are free to show masks, but you cannot do so with integrity. Your presentation to others ought to be the same self you know yourself to be. Loyalties depend on such integrity, and in the Potter Box analysis, loyalties keep us linked to the moral lives of others as an anchor to our own.

Stay loyal by choosing comic book entertainment about which you can speak openly to those you admire and respect.

64 THEY PLAY TO KILL

Modern Warfare 2 is a first-person shooter video game released in November 2009. Incorporating brilliant visuals, excellent game-play, and in-depth single-player or multiplayer action, the game has been a success among players and reviewers alike. Players are totally immersed in incredibly realistic interactive game-play and storyline. One website called the game the "most successful entertainment launch of all time" citing the 4.7 million copies sold, earning \$310 million in the first twenty-four hours (and that was only in North America). The same website goes on to quote Activision Blizzard CEO Bobby Kotick who argued "the titles' success redefines entertainment as millions of consumers have chosen to play *Modern Warfare 2* at unprecedented levels rather than engage in other forms of media."²⁷ Clearly the enormous popularity and success of the game is a tribute to the game designers. However, for all its accomplishments, the game has come under fire for an especially disturbing scene of violence.

The airport mission "No Russian" is particularly troubling because players are thrust into a role where they choose either to shoot innocent civilians or stroll next to Russian soldiers who are gunning people to the ground. Civilians waving their hands in surrender are shot down. Blood trickles off the bodies onto the floor as soldiers walk through the carnage. A chorus of screams and horror come from future victims. The wounded moan in agony. The player is guilty of terrorism (or abetting it) through mass murder. Any attempt to counter the Russian troops (the player is undercover) results in failure of the mission. In order to "win" this mission the innocent bystanders must die.

Another video game franchise that has faced heavy criticism is *Grand Theft Auto (GTA)*. Unlike *Modern Warfare 2*, *Grand Theft Auto* takes place in an urban environment. The setting is a neighborhood, not a war zone. Opponents contend that even in an exceedingly violent industry, the game stands out as exceedingly savage. Drug dealers are beaten with bats; pedestrians are run over by cars; individuals are killed by bazookas, knives, and chain saws; sexual violence toward women is rewarded.

As a result of this over-the-top violence, many family groups and politicians strongly criticize *Grand Theft Auto*. Connecticut Senator Joseph Lieberman called the game "horrendous." He described it by saying, "The player (of *GTA*) is rewarded for attacking a woman, pushing her to the ground, kicking her repeatedly and then ultimately killing her, shooting her over and over again."²⁸

The controversy over *Grand Theft Auto* escalated during the summer of 2005 when computer programmer Patrick Wildenbord posted a notice on his website explaining how users could

unlock a hidden element of the “San Andreas” game that allowed players to engage in a pornographic minigame involving simulated sex acts. Initially, the makers of *Grand Theft Auto* refused to acknowledge that they hid the code in the game. However, public outcry became so strong that large retailers such as Wal-Mart stopped selling the game, and politicians began calling for investigations. For example, on July 14, 2005, New York Senator and former First Lady Hillary Clinton said, “The disturbing material in *Grand Theft Auto* and games like it is stealing the innocence of our children, and it’s making the difficult job of being a parent even harder.”²⁹ Eventually, the maker of *Grand Theft Auto* released an updated version without the hidden code. However, by this point, well over one million individuals had downloaded Wildenbord’s code to unlock the explicit material. ♦

Slaughtering people on screen can tear at you, this author knows. Play comes closer to real life than we might imagine. Advocates of violent videos might argue that players are forewarned. The title *Modern Warfare* itself tells that the game will involve hurting and killing. The airport scene in question, while brutal, is not inconsistent with the arena in which the game takes place. Furthermore, no one is forced to play. Those offended by the scene may choose not to play. Each individual is responsible for screen savagery and mayhem, not the industry. Reassuringly, researcher David Waddington writes: “There is no proven causal connection between video-game violence and real violence.”³⁰

For some, these answers are not satisfactory. Vince Horiuchi, an editor for the *Salt Lake Tribune*, wonders why players are ever faced with this brutal airport mission. He suggests making the player a horrified observer in a noninteractive scene.³¹ Horiuchi and others are concerned about players engaging in the simulation of pouring bullets into crowds of unarmed people. As millions of players immerse themselves in story line, one becomes concerned that gamers are rewarded for brutal, inhumane acts of violence against innocent people. The repetition of these images may numb the viewer to this type of violence. In that case, the stakes are raised, and the player is not the only person affected by the game.

Modern Warfare’s context is sanctioned killing, one might argue. Just-war theory, at least, allows for killing. But *Grand Theft Auto’s* context is urban civilization. Cities are where people live, work, and play. Families live in cities; people meet for friendship, to do business, to play Little League games, and just to walk around a garden or statue. Killing is an anomaly there, not the way it’s supposed to be.

Opponents of *Grand Theft Auto* call it a “virtual reality murder simulator.”³² Even if consumers can make free choices about buying and playing, the game’s negative effects spill over. Games idealize warfare and create a fear of the city that is out of all proportion to real urban problems. Craig Anderson notes that violent video game research is quite consistent: These games are “significantly associated with” increased aggressive behavior and thoughts” among heavy players.³³

What would the Potter Box suggest? Values taught through violent video games are not consistent with values necessary for a society to flourish. Often games disrespect human life, degrade women, demean minorities, and glorify lawlessness. Any loyalties to society and those who protect society from crime are dismissed and discredited. In light of the moral hazards, these games may be stealing our moral compass and need to be pulled over. But turning on the siren means that players themselves—certainly the millions who are past parental oversight—come to awareness that misdirected recreation at best steals hours from better, more satisfying play and at worst ventilates a bipolar morality. “Play at your worst and live at your best” can work only if the self

enjoys two lives, a feat no ethical system recognizes. Good play tests moral boundaries and sometimes flaunts them, but radical identification with violent, socially destructive behavior cannot build a stable moral center. The Potter Box (i.e., moral accountability) has no escape tab: “Out to play, be back in an hour.”

NOTES

1. U.S. Department of Justice. *Attorney General's Commission on Pornography: Final Report* (1986), p. 1957.
2. Kevin Saunders, *Violence as Obscenity* (Durham, NC: Duke University Press, 1996).
3. Sissela Bok, *Mayhem: Violence as Public Entertainment* (Reading, MA: Addison-Wesley, 1998), 15ff.
4. Joseph Lieberman quoted in the *Daily Herald*, December 2, 1993, sec. 1, p. 11.
5. *McCullum v. CBS*, 15 Med. L. Rptr. 2001.
6. Material on *Born Innocent* was drawn from “TV Wins a Crucial Case,” *Time*, August 21, 1978, 85; T. Schwartz et al., “TV on Trial Again,” *Newsweek*, August 14, 1978, 41–42; “NBC’s First Amendment Rape Case,” *Esquire*, May 23, 1978, 12–13; “Back to Court for ‘Born Innocent,’” *Broadcasting*, May 1, 1978, 37–38; “Judge Restricts ‘Born Innocent’ Case to First Amendment Issue,” *Broadcasting*, August 7, 1978, 31–32; Karl E. Meyer, “Television’s Trying Times,” *Saturday Review*, September 16, 1978, 19–20; *New York Times*, September 18, 1978; *Wall Street Journal*, April 25, 1978.
7. If media-effects research finally eliminates any connection, and even the possibility of connection, between viewing habits and behavior, then real harm is eliminated as a factor, and arguments to curtail media programming for any reason fall away. But the weight of our society’s beliefs leans heavily toward a connection, the contours of which are the substance of effects-researchers’ debates.
8. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, eds. J. H. Burns and H. L. A. Hart (London: Athlone Press, 1970), 11.
9. Hans Jonas, *The Imperative of Responsibility* (Chicago: University of Chicago Press, 1984).
10. The many writings of George Gerbner and Larry Gross are just the tip of the iceberg supporting this contention.
11. Suzanne Fields, “The Trouble Is That TV Violence Occurs in a Moral Vacuum,” *Daily Herald*, July 6, 1993, sec. 1, p. 8.
12. *Daily Herald*, June 30, 1993, sec. 1, p. 14.
13. Quoted in “TV Industry’s Rating Plan Faces a Tough Audience,” *Chicago Tribune*, December 19, 1996, 1.
14. *Media and Values*, Fall 1985, 9.
15. “World Exclusive: The Joker Speaks: He’s a Cold-Blooded Mass-Murdering Clown,” Interview of Heath Ledger, *Empire Magazine*, November 28, 2007, <http://www.empireonline.com/news/story.asp?NID=21560>.
16. David Ansen, “Natural Born Heroes,” *Newsweek*, August 7, 2006, 53.
17. Peter Travers, “Heart from a Stone,” *Rolling Stone*, August 24, 2006, 107.
18. Hannah Arendt, *Eichmann in Jerusalem* (New York: Penguin, 1994), 235–236. Quoted in *Moral Leadership*, ed. Deborah Rhode (San Francisco: Jossey-Bass, 2006), 27.
19. So reported in a CNN documentary, *In the Footsteps of Bin Laden*, August 23, 2006.
20. Wendy Koch, “Quick to Save Lives, But Not to Take Credit,” *USA Today*, August 25, 2006, 3A.
21. DiFazio’s study is cited in Alexis S. Tan and Kermit Joseph Scruggs, “Does Exposure to Comic Book Violence Lead to Aggression in Children?” *Journalism Quarterly* 57 (Winter 1980): 579–583.
22. Frederick Wertham, *Seduction of the Innocent* (New York: Rinehart, 1954).
23. James P. Lones, “Nancy Drew, WASP Super Girl of the 1930s,” *Journal of Popular Culture* 6 (Spring 1973): 712.
24. Joe Queenan, “Drawing on the Dark Side,” *New York Times Magazine*, April 30, 1989.
25. Cass Sunstein, *Radicals in Robes* (New York: Basic Books, 2005), 229.
26. Stephen Breyer, *Active Liberty* (New York: Knopf, 2005), 55.
27. Alice O’Connor, “Activision Boasts Modern Warfare 2 Sales Figures, Broken Records,” *Shack News*, November 18, 2009, <http://www.shacknews.com/onearticle.x/61298>.
28. <http://pc.ign.com/articles/475/475503p1.html>.
29. <http://www.smh.com/au/articles/2005/07/15/1120934403919.html>.

30. David Waddington, "Locating the Wrongness in Ultra-Violent Video Games," *Ethics and Information Technology* 9 (2007): 121–128.
31. Vince Horiuchi, "Oh My Tech: 'Call of Duty' Has Troubling Scene," *Salt Lake Tribune*, November 16, 2009.
32. http://www.secretlair.com/index.php?/clickableculture/entry/jack_thompson_on_murder_simulators/.
33. <http://www.takeonit.com/expert/564.aspx>.

Profits, Wealth, and Public Trust

Entertainment media in America are 90 percent business and 10 percent public service. Or are these figures too weighted toward public service? Gerry Spence, the well-known trial attorney, insists that “ratings are what television is about, not freedom, not truth. If American television could sell lies and falsehoods more profitably, we would never hear another word of truth.”¹ Only the most unrepentant idealist would argue that social responsibility is a major consideration in most entertainment media decisions. If social benefits show up in the product, all well and good, but woe to the producer, director, editor, or recording executive whose product shows a financial loss, whatever the social gain. The profit motive is the most compelling concern in entertainment industry decisions; some observers insist it is the only concern.

As earlier parts of this book have indicated, the bottom line of profit and loss affects media of all types, but entertainment media feel the impact most directly. A major survey of executives in the motion picture industry confirmed that here was a media system operating on essentially amoral criteria. A vice president of a major production and distribution company commented: “There are no ethical decisions in the movie business. In a word, the profit motive renders ethics irrelevant. The only counterbalance is that certain individuals—and precious few at that—live their personal and professional lives according to some reasonably high standard.”^{2,3}

The first case in this chapter, “Copyright Wars,” raises two concerns simultaneously: the moral infringements of pirated material and the morality of copyright laws that effectively disenfranchise vast populations from mainstream culture. “Deep Trouble for Harry” looks as the cost to actress Linda Lovelace of profits she never saw. Then “Super Strip” points to an example of fairness that carries a note of human care when legal contracts did not require it. And the last case jumps a couple of Superman generations to the story of Christopher Reeves. Our guest writer, Christopher Smit (an expert on disability and communication) asks: Did Reeves understand the plight of disabled people, or did he lend his considerable prestige and charisma to a mission that the disabled may find morally unacceptable? The chapter’s final case asks whether truly great television drama can survive what appears to be a weakening market for it.

65 COPYRIGHT WARS

That new DVD you want will cost \$18 to \$60, depending on its packaging. The CD on your want-list will cost a little less and a download, less still, if you have an Internet connection. That's the price of enjoying someone else's creativity. It's a price clearly pegged to the salary of a typical \$10-an-hour worker who twice a month will spend a half-day's wage on take-home entertainment. The marketing system provides enough incentive to fuel the dreams of every garage band, and for the very talented, well, they land the big prize—more money than one person can spend. Consumers are happy, too, with unlimited use and reuse of the plastic they own, constrained only by the contract embedded in the small print, usually for home-use only.

Yet, in every major city around the world, you can buy counterfeits (unauthorized look-alikes that violate copyright) of nearly everything from Colgate toothpaste to computer software to this week's Hollywood releases. Chinese counterfeits are especially threatening to U.S. markets. Nearly two-thirds of all pirated goods seized at U.S. borders come from China. Many shops in Beijing, and especially at the Silk Street market, sell DVDs for less than \$2. When Chinese President Hu Jintao visited the United States in 2006, his country's counterfeits were a major talking point. Not only is international law at stake but also the profits to be realized from China's immense market. U.S. entertainment giants have no way to tap that huge Chinese market unless the cost of counterfeiting exceeds the cost of copyright compliance. New Chinese legal initiatives are beginning to make that correction. ♦

The U.S. Constitution, Article 1, Section 8, grants Congress the power to “promote the Progress of Science and useful Arts” by laws that protect intellectual property through a process we call “copyright.” Anyone can use this law to protect a creative, original expression, saving its value for his or her own discretionary exploitation. The copyright process is among the simplest our government has ever devised. *Enforcing* your copyright gets complicated, but many creators do it successfully.

The heart of this protection is the exclusive right of the creator to determine the distribution of his or her work. And the phenomenal success of this protection is the most vibrant film, TV, book, writing, singing, acting, drawing, sculpting, dancing, composing (etc.) industries in the world—and one can easily surmise in the entire history of the world. This is the American dream: the opportunity to make something new and capitalize on it. Without copyright protection, the superaffluent stars of Hollywood, Vegas, and New York would be working day jobs wherever.

But the system suffers one gaping blind spot. No, it's not the cheap-shot easiness of breaking the law here and there, copying a friend's CD or photocopying a high-priced textbook. The system still works despite these violations. Copyright's blind spot is the immense difference in economies between the affluent West and Middle East—and everywhere else.

Copyright, including international copyright, legally forecloses vast populations from enjoying the culture products marketed for profit by Western standards. When you earn the equivalent of \$1.50 a day, you're not going to hear Tchaikovsky's Concerto No. 1 on that \$24 Van Cliburn CD or pay \$75 to get a back-row seat to hear him play it.

Federico Mayor makes the case clearly in his turn-of-the-century review of the developing world:

Creation and innovation are certainly favored by adequate rights protection. But too much protection works against the interests of rights-holders and users. Over-restrictive intellectual property rights lead to secure incomes [and] monopolies without benefiting public interest in any way.⁴

This kind of appeal does not cut the cake for Louis Vuitton and four other international designers who recently hired the law firm of Baker & McKenzie to prosecute Beijing's counterfeiters. They want pirating stopped, and China seems to be making new efforts. A six-person team of intellectual property rights investigators was added to the police arm of China's Ministry of Public Security. Bounty hunters can earn up to \$37,000 for a tip-off that exposes an underground DVD operation. An exhibition at Beijing's Military Museum of the Chinese People's Revolution now features intellectual property protection—a symbolic nod, at least, to China's commitment to link hands with other nations promoting the "Useful Arts."⁵

Mayor, however, thinks that better policing is not the long-term answer. He insists that we "broaden the notion of public domain and bring down the norms and standards currently used so as to offer free competition, free circulation of ideas, and creativity in all cultures." He advocates the idea of "copyleft," where authors reduce their control to "moral rights," a British common-law term that denotes the right of an author to keep his or her work intact, its meaning and character as he or she created and intended it.⁶ In Mayor's view, the world's poor still would be required to pay for material, but the cost of access to world creativity would be proportionate to their ability to pay.

The problem of a fair return on creative material and increased access for cultures with lower gross national products should not present moral theory with insurmountable problems. No moral theory coaches us to eliminate all private interests, and none legitimizes a purely free and viciously competitive marketplace. The founders of the United States recognized the limits to property protection when they put a clock on intellectual property protection. Unfortunately, that clock has been reset by corporate reluctance to give up control. The Bono Amendment to the U.S. Copyright Act of 1976 was inspired by Disney's horror at Mickey Mouse going into the public domain. Mayor, speaking for the developing world, would urge us to resist those efforts to hold property for yet another twenty years of profit and control. He urges a shorter period of protected use before a work is legally open to all.

Mayor advises that we readjust our mean between profit and public good, that creators enjoy distribution rights and find their market but not to the point where only criminals and the wealthy have access to literature and art. A Golden Mean of equitable copyright might include adjusting a creator's and distributor's profit to local economies or providing "public copies" for communal use through agencies designed to serve the needs of the economic underclass.

At the same time, there is no moral justification for the widespread illegal copying of protected material among collegiate Americans, whose pocket change exceeds the weekly wages of most of the world's workers by many times. Only greed inspires the easy use of technology to usurp the real claims of copyright.

66 DEEP TROUBLE FOR HARRY

By any definition, *Deep Throat* is a pornographic film. Released at the crest of the sexual revolution, the film tells the story of a frustrated young woman (played by Linda Lovelace) who cannot "hear bells" during orgasm, no matter who is the partner. She consults a psychiatrist (played by Harry Reems), who diagnoses her problem as freakish: She has a clitoris in her throat. The promiscuous doctor then joins a long line of other bell ringers who gratify themselves on, according to *The New York Times*, "virtuoso talent for fellatio."⁷

Neither Reems nor Lovelace had great acting talent, and neither found fortune in this film that grossed \$600 million. Reems had done bit parts in the National Shakespeare Company and other theaters when director Jerry Gerard invited him to join the production crew of this new "white-coater,"

a porn genre specializing in portraying flaky doctors. Reems was paid \$100 for two scenes, then waived all editing, marketing, and distribution rights to the movie. Two years later, Reems was indicted as part of an alleged nationwide conspiracy to profit from the interstate commerce of an obscene movie. He became the first performer to be prosecuted on federal charges for artistic work—a dubious honor. Reems was convicted in Memphis, but on appeal, the government declined to retry the case (following the U.S. Supreme Court's 1974 *Miller* decision).

Deep Throat made Lovelace a sex queen. Her starring role helped produce the most successful porn film ever made to that time. The same film typecast her and essentially ended her career, but not before silicone injections enlarged her breasts and tainted blood gave her hepatitis. Wrote Lovelace, "I was a robot who did what I had to do to survive." Her first husband earned \$1,250 for Linda's role in *Deep Throat*; she never saw a penny.

Lovelace quit her movie career, remarried, and moved to Long Island. There she began to build a new identity, helping at her children's elementary school and giving lectures on the social and personal effects of pornography.

A liver transplant necessitated, she insisted, by the silicon injections she took to entertain men, lengthened her life but not her happiness. She divorced again, moved to Denver, where she worked for minimum wage, and died in 2002 at the age of fifty-three from injuries sustained in an auto accident. In the last year of her life, she finally saw the entire movie from start to finish. Still trying to shake her star status, she remarked about the film, "What's the big deal?" ♦

Civil libertarians point out that twenty-three states banned *Deep Throat* at some point during the ten years after its release. In one important legal battle in Texas, a nuisance abatement strategy was turned back by the federal appeals court and the U.S. Supreme Court as a dangerous movement toward prior restraint.

Whether the film deserved suppression at all is both a legal and moral problem. In a customs case in Massachusetts concerning the confiscation of a film print, the court heard an expert witness say that *Deep Throat* "puts forth an idea of greater liberation with regard to human sexuality and to the expression of it" that would help "many women" overcome particular sexual fears. Yet, to argue that *Deep Throat's* blatant appeal to lasciviousness has redeeming social benefits that warrant First Amendment protection is really to nullify common definitions of obscenity. Only a First Amendment absolutist can effectively maintain that this film should be freely allowed to find its audience. Only the true believer in *laissez-faire* popular culture would want marketeers of this film to be let loose on the populace at large.

In its much maligned *Final Report*, the Attorney General's Commission on Pornography created five broad categories of material around which to organize its ninety-two recommendations. The first two categories—sexually violent material and nonviolent materials depicting degradation, domination, subordination, or humiliation—were deemed harmful by most of the commission. Class IV, nudity, was an innocuous category that included both classical art and toddlers bouncing around in naked innocence. Class V ("the special horror of child pornography") was so blatantly exploitative that commissioners urged the strongest measures to disrupt and prosecute this market. But the Class III category (nonviolent and nondegrading materials) was the most controversial.⁸ It included portrayals of consensual and equal vaginal intercourse and oral-genital activity or "two couples simultaneously engaging in the same activity." The commission could not cite any film titles that fit this category, so perhaps *Deep Throat* was, in the minds of commission members, an example of Class II. Yet many people would claim that *Deep Throat* and other nonviolent pornographic films are mere entertainment that hurt no one (in a demonstrably causal fashion) and attract no one other than interested, paying customers. As long as unsupervised children

are not permitted to rent the video, the market logic goes, let adults choose *Deep Throat* if they wish. And obviously many wish.

But the free-market argument would pass no muster with Linda Lovelace Marchiano. She was the Agent Orange victim of pornographic profiteering, her body devastated by the chemicals that made her sexy and the trauma that made her desperate.⁹

And the free-market argument also must face the fact that this movie was a financial boon for organized crime. On a \$25,000 investment, the Colombo crime family made well over \$50 million on *Deep Throat*, with some of the profits being directed to Caribbean drug-smuggling operations.¹⁰

A principled market cannot exploit (in this case, it was a form of slavery) and abuse its artisans, and it cannot tolerate siphoning wealth into criminal empire building. The porn-film business, with *Deep Throat* a shaded example, is too regularly guilty of each count to warrant waving a free-market flag in its defense. Freedom, Kant argued, is in the pursuit of right reason. Freedom, Reinhold Niebuhr and his compatriots would urge, is in overcoming greed and prurience through a movement of love guarded by justice. Exploring sexuality in film is inherently a good goal, but this porn film was a heist on humanity. No market potency can justify destroying a life.

A real white-coater who sat on the attorney general's commission, Park Elliott Dietz of the University of Virginia, stated, as the work concluded:

As a government body, we studiously avoided making judgments on behalf of the government about the morality of particular sexual acts between consenting adults or their depiction in pornography. This avoidance, however, should not be mistaken for the absence of moral sentiment among the Commissioners. I, for one, have no hesitation in condemning nearly every specimen of pornography that we have examined in the course of our deliberations as tasteless, offensive, lewd, and indecent. . . . It has been nearly two centuries since Phillipe Pinel struck the chains from the mentally ill and more than a century since Abraham Lincoln struck the chains from America's black slaves. With this statement I ask you, America, to strike the chains from America's women and children, to free them from the bond of pornography, to free them from the bonds of sexual abuse, to free them from the bonds of inner torment that entrap the second-class citizen in an otherwise free nation.¹¹

67 SUPER STRIP

Jerry Siegel and Joe Shuster were high school students in Cleveland, Ohio, when they came upon the idea of a cartoon figure who, born in a distant galaxy, would escape to Earth as a baby, grow up in an orphanage, and as an adult, impervious to gravity and mightier than a locomotive, would aid the forces of justice in their battle against evil.

Siegel actually conceived the idea. His buddy Shuster liked to draw. So the two fledgling cartoonists set out to sell their story. Five years of pounding on doors finally won them a contract with Detective Comics, and the first "Superman" strip appeared in 1938. Siegel and Shuster were paid \$10 a page for their work, about \$15 a week per man.¹²

The contract favored the company. The more popular Superman became, the clearer was Siegel and Shuster's loss. Finally, they brought suit against Detective Comics and were awarded some money, but still they had no rights to their hero. When the legal dust settled, Detective fired Siegel and Shuster, and the two creators were left to watch others get rich and famous off their idea. More lawsuits proved futile. With legal routes exhausted, the men defied the advice of their attorneys and went public with their story.

Their tale was one of sadness and struggle. Neither man had received any money from Superman sales since 1948, though profits from the Man of Steel were in the multimillions. Shuster now was legally blind, living in Queens with a brother who supported him. Siegel was ill and lived with his wife in a tiny apartment in Los Angeles, where he worked as a government clerk typist for \$7,000 a year. The men appealed to Superman's current copyright owner "out of a sense of moral obligation," said Shuster. The National Cartoonists Society and Cartoonists Guild lent their full backing to Siegel and Shuster's moral claim.

The appeal brought results. Warner Communications, which owned movie rights to Superman, claimed "no legal obligation," but "there is a moral obligation on our part." Two days before Christmas, Siegel and Shuster signed a contract with Warner: They would each receive \$20,000 yearly for life, and their heirs also would be helped. The creators' names would appear on all Superman productions. At the signing, a Warner executive commended the two cartoonists. The contract, he said, was "in recognition of their past services and out of concern for their present circumstances." ♦

The money awarded Siegel and Shuster presented no threat to the profits of Warner Communications. The sum of \$40,000 a year may be less than the company spends in processing receipts from Superman sales. But, as a gesture neither required by law nor essential to public relations, it represents an application of the Judeo-Christian ethic of other-mindedness.

Consider the dynamics of the award. Siegel and Shuster had sold their idea under the duress of the Depression and at a time in their youth when neither could be expected to negotiate a contract with business savvy. Events had changed dramatically since then. One had become disabled, the other ill; both were living on a bare-bones income. Exhausted by fruitless legal efforts, they nonetheless persisted in a moral claim for some relief.

Warner could have called their appeal a nuisance. Business is business, after all. Investors who cash in stock certificates, for example, never qualify for *ex post facto* profits. Farmers who sell a corn crop in November may not appeal for extra payment when the bushel price rises in January. Buyers and sellers each assume part of the risk, and each understands that one could emerge from the deal a clear winner. Because the terms are understood, the bargain is fair.

But contracts are not independent from the economic milieu in which they are made. Were they selling a cartoon character today instead of in 1938, Siegel and Shuster might negotiate for a compensation clause should their idea become a bonanza. Indeed, they could have insisted that direct successors to their character, should Superman ever die (inconceivable until he met his fate in 1992 saving the world from Doomsday), be part of their legacy also. The economic climate of the late 1930s was not ripe for such risk-reducing appendices.

So the recognition awarded Siegel and Shuster was for the cartoonists a humanitarian gesture of life-sustaining aid, whereas to Warner it represented no loss to shareholders and no risk to corporate solvency. Perhaps a thorough application of "others as ourselves" or Rawls's ethic of undifferentiated negotiators would have resulted in larger awards or royalties for Siegel and Shuster or a cost-of-living adjustment in their \$20,000 annual amount or life insurance policies to establish an estate for each man. Maybe so. It may be argued that Warner hemmed and hawed until it was expedient for it to make a gesture, quite apart from what was fair for the two poor cartoonists. But the award, such as it was, points to a residual sense of group solidarity and caring, a dissonant but hopeful interlude in the normally amoral entertainment business.

68 SUPERMAN WALKS AGAIN

On May 27, 1995, actor Christopher Reeve fell off his horse during an equestrian event, breaking his first two cervical vertebrae. Although his spinal cord was not completely severed in the accident, Reeve would never walk again and would spend the remainder of his life in a wheelchair. Or would he? Only six months after his accident, still in rehabilitation at the Kessler Institute in New Jersey, Reeve appeared on ABC's *20/20* to report on his progress. And soon after, in January 1996, he began what would become a personal campaign to increase funding and awareness for spinal cord injury research. In May of that year, while lobbying in Washington, D.C., Reeve declared that he would walk again in seven years.

Reeve had become a celebrity years before his accident with his film portrayal of Superman in 1978, a hero whose strength and patriotism had loomed large in the imagination of American culture since 1938, when the first Superman comic book was published. In essence, Reeve was Superman to his fans. Consequently, in an odd fusion of fantasy and reality, Reeve's seemingly brisk transition from private recovery to public advocacy carried on the "super-man" traits he had cultivated years before his accident. The heroism he depicted on screen began to be projected onto his efforts to "cure" himself and others of the debilitating effects of paraplegia. As one reporter for *The San Francisco Chronicle* put it, "The man who once played Superman [has become] a superhero in his own life."¹³

Perhaps the most heroic and controversial act of this new super-man was his involvement in a Nuveen Super Bowl commercial in 2000.¹⁴ The \$4 million, sixty-second advertisement encouraged investors to see their future as more than pragmatic financial decisions but rather as key components to important advancements in medical discovery. Through a lofty visual display, a Nuveen representative is shown discussing how investments have led to great progress in the fight to cure AIDS and cancer. At this point in the commercial, Reeve (through computer-generated imagery) is shown walking to the podium to present an award for "remarkable breakthroughs in spinal cord injuries." Reeve is joined on stage by other formerly disabled individuals, all of whom appear to be cured through research funded by Nuveen clients.

The commercial drew mixed reactions. Many viewers were inspired by this triumphant message of hope. Reeve himself considered the advertisement a "motivating vision of something that can actually happen."¹⁵ Other reactions landed somewhere in the realm of confusion and anger. Many spinal cord injury clinics were bombarded with inquiries from people with disabilities about how to obtain the remedy that cured Reeve.¹⁶ Disgruntled disability advocates interpreted the advertisement as Reeve blatantly denying the reality of his own physical condition.

National and international press coverage of the advertisement was primarily positive. However, many reporters asked Reeve to defend his participation in the commercial. On January 31, 2000, Reeve appeared on *Good Morning America* to answer the critics who found the advertisement distasteful. Reeve told Diane Sawyer this:

[T]he biggest problem . . . is people who have been in a chair for a very long time. . . . [I]n order to survive psychologically they have had to accept, 'Okay, I'm going to spend my life in a chair.' So I get shots from some of them, you know, that—that I don't know what I'm talking about. Well, I'm certainly not an expert, but I have access to the experts and they're not going to lie.¹⁷

Instead of settling the matter, Reeve's interview fueled more debate on how to properly respond to physical disability. ♦

Even a cursory glance at Reeve's postinjury interviews shows that he never intended to accept a life with a disability.¹⁸ He saw his condition as temporary, something curable through

future developments from research on spinal cord injury. Reeve had raised what many considered false hope and others took as suggesting that “people in chairs” should fight to get up and walk. What values played in this advertisement and in responses to it?

The Nuveen advertisement evoked an argument regarding the value of the human body. What is the body and what should the body be? Reeve’s agenda, as illustrated in the commercial, values able-bodiedness as the preferred condition of life. In his interview with Diane Sawyer, he seems to criticize an acceptance of physical disability, seeing such tolerance as a hindrance to a person’s assumed desire to be “normal” and ambulatory.

The disability rights movement disagrees. This movement is a community of politically motivated people with disabilities that since the 1960s has been fighting for a new and empowered value of the disabled body in the United States. Unlike Reeve’s advocacy, the work being done by these people challenges culture to see disability not as something to be overcome but as something to be embraced as a contributor to personal and communal identity. Simi Linton, a leader in the disability rights movement, has attested to this in her statement: “We have found one another and found a voice to express not despair at our fate but outrage at our social positioning. Our symptoms, though sometimes painful, scary, unpleasant, or difficult to manage, are nevertheless part of the dailiness of life.”¹⁹

Linton’s comments offer a moral critique of Reeve and his digitally manipulated walk—namely, that it forced viewers to place a higher value on people with disabilities who fight for a cure than on those who fight to eliminate stigma. The advertisement is a potentially devaluing text, one that classifies people according to their physical (in)capabilities. Rather than allowing a sort of disability contentment, the advertisement seems to say that living with a disability is ultimately a negative experience. Such a critique employs loyalties to the larger disabled community. Linton, who is a person with a disability herself, works fiercely for the disabled community when she writes or speaks.

Reeve’s actions were motivated by loyalties as well, specifically to people who shared his condition. Such a loyalty is expressed clearly in his book, *Nothing Is Impossible: Reflections on a New Life* (2002). In the book, Reeve lays out a research program that, if implemented and funded by the U.S. government, would benefit all who “suffer” from the effects of spinal cord injury. Such loyalties are apparent in the Nuveen commercial as well.

So why the disconnect between Reeve as a person with a disability and the disability rights community? Why couldn’t Reeve team up with the disability community in his efforts? The answer is that Reeve’s advocacy for a cure illustrates his longing for an able body and his discontent with his disabled body. A person with such a view could not work cooperatively with a community whose identity is rooted in disability and whose goal is to integrate the disabled body within the normative cultural experience.

Western media have always overvalued the healthy body, often promoting impossible ideals of perfection and wholeness. Michelangelo’s *David* speaks volumes about ideal shape. In contrast, media have depicted the disabled body as a symbol of deviance from the norm, as something to be dealt with and cured.²⁰ Think, for example, about most of the villains in the James Bond films: many are physically disfigured or disabled, the symbolism of which connects to their “evil” intentions. One could speculate that because Reeve played such a prominent role in Western media, both as an actor and as a celebrity, idealized characterizations of the body were unintentionally impressed on him by the press and his fans. Needing to remain in the good graces of the media to gain public support for his agenda, it could be argued that Reeve’s devaluing of the disabled body was a product of necessity.

Reeve missed an opportunity, however, to help people with spinal cord injuries see value in their disabled conditions. In other words, rather than focusing on bodies as being broken and in need of a cure, Reeve, through his celebrity status, might have used the media to portray himself as a person living a meaningful life, even with a disability. In walking again in the Nuveen

advertisement, Reeve rejected such a possibility and consequently declared that being disabled was a state of being no one should want or accept.*

69 DUCT TAPE FOR TV

Television critics are still raving over the success of ABC's six seasons of *Lost*, the story of survivors of Oceanic flight 815, downed on a Pacific island that won't behave itself. The now famous band faced threats from polar bears in a bamboo forest to a pack of "Others" who seemed like Vikings in their sensibilities and Visigoths in their appetites. The plot of *Lost* is nearly impossible to summarize, with twists and turns, characters in and out, and time zones intermingled. If you were an avid viewer from day one or later on DVD, you know *Lost*'s intriguing complexity. This show was unique, if sometimes an overload of never-ending plot twists.

Lost's problem, however, was a record of diminishing returns for the Walt Disney Company, owner of ABC. In 1983, the finale of *M*A*S*H* drew 105 million viewers and *Cheers* drew 80 million in 1993. *Lost* drew only 13 million in 2010, despite weeks of advertising and marketing buildup. The finale's 142 ads (in 150 minutes of television) rang up as much as \$90,000 per thirty seconds, whereas the finale of *Friends* in 2004 pulled in \$2 million for the same half minute.²¹ During the same week that *Lost* said good-bye, *NCIS*'s weekly episode drew 3 million more viewers. Producers Carlton Cuse and Damon Lindelof gave their fan base an extraordinary drama, but their financial base was rated as a so-so performance. ♦

Not since the scripts of the writer Horton Foote has television seen such transcendence, mystery, and a longing for the big answers. *Lost* supplied all of that, along with feats of the imagination that caused viewers to revel, to examine, to dissect, and then, finally, to let go. Much of what begged for explanation in the finale was left hanging. Only the big question was confronted—"Why are we here?"—and then, answers only raised a host of new questions. Most critics praised the six-season show, including the decision in the third season to end the show on time, despite popularity, before the story ran amuck.

Foote's dramas (*Tender Mercies*, *Trip to Bountiful*, *To Kill a Mockingbird*) were tough viewing but redemptive. Religious themes and images appeared not only as backdrop to a culture but also as important elements to people sorting out their woes and recovering their loves. When Robert Duvall played the sloshed country singer Mac Sledge opposite Tess Harper as Rosa Lee in *Tender Mercies*, Foote used a title directly from the Psalms and brought his plot to its dramatic peak with a baptism. *Lost* was neither tied to the Bible nor so clear-cut in its references that one faith, more than any other, could claim symbolic preference. Yet symbols abounded throughout the show, including the dramatic drink wherein the mysterious woman, then Jacob, and then Jack commissioned their disciples: "Now you're like me." The stained-glass window in the final scenes displayed a panoply of world faiths, while the dramatically lit Christ statue outside the church tied the island's mystery light to Christian Shepherd's whiteout as his son Jack and others embraced their true loves. Evil, brutality, greed, subterfuge, physics, time travel, fear, and finally sheer mortality gave *Lost* its confounded twists, its pretzeled plot. The leader of the Dharma Initiative, at first the embodiment of oppression, becomes at the end the emcee of a concert, not great by musical standards but the right note as sound track for new life begun and lost loves found—Dharma comes through. Explain all that? No way, just experience it, and maybe hope for brief glimpses.

*Mr. Reeve died in October 2004, nine years after his accident.

In the finale, tough guy Miles Straume (Ken Leung) is sent below to fix a break in the hydraulics of the aircraft which will take survivors off the quaking island. Miles is shown wrapping some gizmo at the aircraft's front strut, remarking, "I don't trust in much, but I do trust in duct tape." Were all television shows the quality and depth of *Lost*, viewers might beg for pablum, something simple with just enough plot to justify the time wasted sitting and glaring. But American commercial television should not forsake the expense, complexity, and probe into the human condition that *Lost* once offered. If only as duct tape in the world of TV, *Lost* resonated to a public interested enough in mind-soul entertainment that its producers were commissioned to produce, its actors to act, and its financiers to take what they got. Once in a while, we, the world's most overentertained people, can handle it.

NOTES

1. Gerry Spence, *From Freedom to Slavery* (New York: St. Martin's Griffin, 1995), 177.
2. See Clifford Christians and Kim B. Rotzoll, "Ethical Issues in the Film Industry," in *Current Research in Film: Audiences, Economics, and Law*, vol. 2, ed. Bruce A. Austin (Norwood, NJ: Ablex, 1986), 225–237.
3. "Whose Values Run Hollywood?" *USA Weekend*, October 23–25, 1992, 8.
4. Federico Mayor, *The World Ahead: Our Future in the Making* (New York: UNESCO, 2001), 300–301.
5. "China Grows More Aggressive in Thwarting Counterfeits," *USA Today*, April 21, 2006, 4B.
6. *Ibid.*
7. Quotation and background material from Edward de Grazia and Roger K. Newman, *Banned Films: Movies, Censors, and the First Amendment* (New York: R. R. Bowker, 1982).
8. United States Attorney General's Commission on Pornography (1986). The report is summarized in Michael J. McManus, *Final Report of the Attorney General's Commission on Pornography* (Nashville: Rutledge Hill Press, 1986), xix–xxi.
9. Linda Lovelace has written (with Mike McGrady) on her experience in prostitution and pornography, her victimization, terror, and exploitation in *Ordeal* (New York: Bell Publishing, 1980).
10. McManus, *Final Report*, 295.
11. *Ibid.*, 491–492.
12. Material in this case is from *New York Times*, November 22 and December 10 and 24, 1975.
13. Patricia Holt, "Reeve Is 'Superman' for Real," *San Francisco Chronicle*, May 11, 1998, D1.
14. This commercial may be viewed at <http://www.youtube.com/watch?v=OFYSUPIZmcg>.
15. John Williams, "Christopher Reeve's Super Bowl Ad Scored a Touchdown," *BusinessWeek Online*, February 11, 2000.
16. Robert McRuer, "Critical Investments: AIDS, Christopher Reeve, and Queer/Disability Studies," *Journal of Medical Humanities* 22:3–4 (Winter 2002): 221–237, 228.
17. Diane Sawyer and Christopher Reeve, "Two-Part Interview," *Good Morning America*, ABC News, January 31 to February 1, 2000.
18. For a complete archive of Reeve's public speeches and interviews, go to <http://www.chrisreevehomepage.com>.
19. Simi Linton, *Claiming Disability: Knowledge and Identity* (New York: New York University Press, 1998), 4.
20. For more on depictions of disability in the media, see Paul K. Longmore, "Screening Stereotypes: Images of Disabled People," in *Screening Disability: Essays on Cinema and Disability*, eds. Christopher Smit and Anthony Enns, (Lanham, MD: University Press of America, 2001), 1–19.
21. Shira Ovide and Suzanne Vranica, "'Lost' Finale Finds a Base, But Not Too Many Others," *Wall Street Journal*, May 25, 2010, B8.

Media Scope and Depth

For every medium there is a scale; we may call it an “aesthetic scale.” On one end are the serious artists and producers, careful about the integrity of their craft and insistent that their labors give audiences a better insight into meaningful human life. On the other end are writers and producers who want to provide the most popular product possible. They care little if lofty artistic visions are part of their work; theirs is the task of attracting the largest possible share of the audience—because if they do not, competitors will. Success is measured by best-seller lists and Nielsen ratings.

The pull of the media’s commercial base inevitably may lead to television programs, movies, and books that trivialize human dilemmas or escape entirely from them. Perhaps forces resisting such trends are too weak to activate much of a counterthrust. Yet only the cynic will claim that money is really all that matters in popular culture, and only a misty idealist will assert that money does not matter at all.

Between the demands of art and the marketplace are a host of moral questions that media practitioners face every day: Must art be compromised when it passes from one medium to another? Are stereotyped characters fair to real people? How far should commercial concerns dictate cultural products? What is a fair portrayal of a religious or ethnic character on television?

In the first case in this chapter, “Reel History,” the story of the Nixon presidency is retold with glaring historical boldness. Against this background, we have to ask what is truth if it fails to make emotional sense? In the second case we examine one of our most current vogues, reality television, with a particular look at *Paradise Hotel*, a program supposedly about love but more about anti-love, jealousy, fickleness, and young exhilaration gone sour. Did these contestants know what they were getting into? The third case, “Tragedy Lite,” wonders if some human trauma goes too deep for fictionalized accounts of it. The fourth case ponders whether classic stories remade and remixed devalue the originals and obscure their authors’ contributions.

Long before television, Louis Brandeis (a justice of the Supreme Court from 1916 to 1939) wrote: “Triviality destroys at once robustness of thought and delicacy of feeling. No enthusiasm can flourish, no generous impulse can survive under its blighting influence.”¹ Ought we to wink at mass-mediated entertainment—its romance and simplicity—or is it our

only way to survive the stress and strain of the twenty-first century? The fifth case pokes a bit of fun at one of television's favorite comedies, and the last case in this chapter looks at what many call a frivolous pastime, wondering if it's going serious (bad) on us.

70 REEL HISTORY

It was the most famous “nothing” in American history.

On June 17, 1972, five men broke into Democratic National Committee Headquarters at the Watergate office building in Washington, D.C. What at first appeared to be a second-rate burglary turned into one of the most devastating political scandals of all time. Suspicion grew that President Richard Nixon knew of or even approved the break-in. When it was discovered that Nixon secretly taped conversations in his office, the special prosecutor in charge of the Watergate investigation demanded that the President hand over his tapes. After months of legal haggling, President Nixon relinquished some of the tapes, including one of a June 20, 1972, conversation between him and top aide Bob Haldeman. Right in the middle of the tape, prosecutors discovered eighteen and a half minutes of nothing—a blank space that interrupted the Nixon–Haldeman discussion about what to do concerning Watergate. Prosecutors quickly suspected that the tapes had been tampered with.

What was said during the missing eighteen and a half minutes has been a topic of speculation ever since. No one really knows what was said—until now. In his three-plus hour docudrama *Nixon*, writer and director Oliver Stone reveals that the tampered tapes contained a Nixon confession that he planned and supervised “Track II,” a 1960 assassination plot against Cuban President Fidel Castro. Apparently, Nixon explained to Haldeman that the mission involved a cooperative effort between the CIA and the Mafia, but the election of John Kennedy thwarted the plan. The film hints at some connection between Nixon's work on Track II and the Kennedy assassination.

Critics of *Nixon* were livid, while fans cheered Stone's portraiture. Gene Siskel and Roger Ebert gave it an “epic thumbs up, way up,”² and other reviewers crowned it “brilliant,” “intriguing,” and “extraordinary.”³ Anthony Hopkins and Joan Allen (playing Richard and Pat Nixon, respectively) were rewarded with Best Actor and Best Actress nominations.

Others were less impressed, however. Howard Rosenberg blasted the film on ethical and aesthetic grounds,⁴ whereas most critics launched their response against Stone's alleged cavalier handling of the historical record. Foremost among the complaints was the Castro assassination story line, but Track II was not the only bit of scriptwriting that had film critics and Nixon scholars scratching their heads. Among the other surprising “revelations”:

- Nixon secretly met with right-wing fanatics in the Texas desert. They promised to deliver the White House in 1964 if Nixon would run, and again in 1968, even if political victory meant the elimination of certain Kennedys along the way.
- These same extremists threatened to bring Nixon down in 1972 when they perceived he had become soft on the far-right agenda.
- Nixon was a heavy drinker, often inebriated in the presence of aides, albeit sober in public and with visiting dignitaries.
- Nixon lost the 1960 television debate to Kennedy because Kennedy divulged the Cuban invasion plans while Nixon, as vice president, could not discuss them.
- Nixon and wife Pat came close to divorce several times.

When Oliver Stone was publicly chided for such historical revisionism, he produced a screenplay annotated with hundreds of footnotes from more than 100 sources, an introduction containing twelve articles defending the accuracy of his film, and a 200-page bibliography of Watergate documents and tapes.⁵ ♦

What does it mean for a docudrama to “tell the truth”? Clearly, many historically questionable details and events were included in *Nixon* for the purpose of dramatic impact. Some events, such as a scene in which Nixon aide John Dean and burglar E. Howard Hunt meet on a bridge, definitely did not occur.⁶ Other events, such as Nixon’s involvement in the alleged Castro plot, or the meeting between Nixon and extremists in the Texas desert, are highly unlikely.⁷ But, as Stone said, this type of loose commitment to historical accuracy has always been part of the genre.⁸ One critic ruefully pointed out that an artistic retelling of history can be traced back at least as far as Shakespeare.⁹ Stone is right when he reminds his critics that all observers of history, including filmmakers and professional historians, view the past through their own agendas and biographies.¹⁰ What is important, Stone insists, is that storytellers get the “deeper truth” right.¹¹

Los Angeles Times media critic David Shaw remarked that one of the worst examples of the dangers of docudrama was the CBS production of *The Atlanta Child Murders*, the story of convicted child-killer Wayne Williams (implicated in twenty-three homicides, convicted of two). The obvious slant of *Child Murders* portrayed Williams as the victim of circumstantial evidence. CBS did precede the two-part show with an advisory that the program “is not a documentary but a drama based on certain facts. . . . Some of the events and characters are fictionalized for dramatic purposes.” Viewers were left to their own knowledge of the case to sort out the factual from the fictionalized scenes. Shaw called this kind of television product the “bastardization and confusion of fact and fiction.”¹²

Professor Gregory Payne was a consultant to NBC during the making of *Kent State*, a docudrama of the May 4, 1970 National Guard shootings of four university students. Although he is a proponent of the docudrama genre, Payne has meticulously described the fictionalized interactions of the National Guard members and students in *Kent State*. For example, the burning of the ROTC building at Kent State on May 2 has never been definitively explained, and only last-minute insistence by consultants and actors kept those ambiguities intact. Payne observes that whatever were NBC’s exaggerations (such as building much of the drama around the romance of Allison Krause, one of the four students), they were nothing compared with the distortions of James Michener’s book *Kent State: What Happened and Why*.

At a conference in Boston, actor Rick Allen, who played guardsman Wesley in *Kent State*, noted that his portrayal of being overcome with tear gas and retreating from the line of march was pure fiction intended to humanize the “bad guys” and, in addition, to win a couple of seconds of additional on-camera time (valuable for a young actor). Allen was troubled that history was being written for thousands of viewers on the basis of a director’s urging his people to ad-lib.

In 1988, the plight of surrogate mother Mary Beth Whitehead put a spotlight on the womb-for-hire business and its legality. Whose child was Baby M? Her natural mother’s or William and Elizabeth Stern’s, who held the contract? (William was the natural father through artificial insemination). ABC would help the nation decide with a four-hour, \$6 million docudrama. Since neither the Whiteheads nor the Sterns would cooperate, ABC used court transcripts, published accounts, and psychiatric evaluations made public with court records. Of course, the obligatory disclaimer preceding the telecast notes that “certain scenes and dialogue are interpretive of this material.”¹³

In 1644, John Milton was confident that truth would emerge in a free marketplace of ideas. Though falsehood might grapple for a while, human rationality eventually would make the distinctions, because the universe could not end on a lie. In 1985, psychiatrist M. Scott Peck began to forge a new vocabulary based on clinical observations that in some people, deception becomes truth and leads to the grim realities that destroy their lives.¹⁴ Perhaps human rationality is not as powerful as the great liberal democrats believed. And if not, is truth-telling all the more a moral imperative, as fragile of understanding as we are?

Is the docudrama genre a powerful vehicle for reviving our culture’s important stories or a cheap distortion based on television’s insatiable need for new material?

In favor of docudrama: How many students would know or care about Kent State's Allison, Jeff, Sandy, and Bill were it not for the efforts of NBC, albeit profit-tinged, to give new life to that fateful spring weekend in northeast Ohio? Few, we suspect. How many dry eyes and stoic hearts walked out of theaters after *Mississippi Burning* (a film about three murdered civil rights workers that fictionalized the FBI investigation), unmoved by the suffering and careless about the future of racial justice? Journalist Bill Minor covered the Freedom Summer of 1964 and won the Elijah Lovejoy Award for "most courageous weekly editor in the nation" after his exposure of Klan activity in Mississippi. He defended *Mississippi Burning* as "a powerful portrayal." For viewers who depend on film for stories not experienced firsthand, the movie "got the spirit right."¹⁵

If a film re-creates the texture of an event such that participants can affirm the veracity of context and struggle, is that not sufficient? History is more than mere facts, and no story corresponds exactly to events. Perhaps the docudrama is our best vehicle for keeping at bay those who claim the Holocaust, for example, never occurred. Yet audiences can do amazing things with a story. One high school audience admitted to believing, after seeing Stone's version of the 1960s, that Lyndon Johnson had conspired to murder John Kennedy. When confronted with that reaction, Oliver Stone replied: "I am not responsible for the interpretation that an audience takes away. Sometimes it [the film] is misinterpreted."¹⁶ But in this case, apparently, no one is saying.

The crucial variable is the judgment of the subject. If a docudrama wins the approval of those closest to the real-life drama, viewers are ensured that a truthful perspective on events survives the dramatic process. If the subject cannot recognize his or her struggle for all the romantic clichés and garbled characterizations, we rightly worry that rampant revisionism threatens to obscure and distort the meaning of the past. Morally sensitive producers of docudrama will incorporate fictional elements without padding history or violating the pain of those whose stories they tell.

71 THEY CALL IT PARADISE

Summer 2003. Television networks are struggling for viewers. How to get the right ages, the right consumers, inside to watch television instead of outside under the sun or on the beach? Fox Television answers with a beach and a pool and sun on the screen, populated by tanned young adults, bikinis, kissing contests, faded-gray shots of bedroom snuggling, and the "tension" of each contestant trying to ingratiate himself or herself to the others so as not to be forced to "leave paradise, forever!"

Paradise Hotel began its run in July. Each week a new player was added from among thousands of viewers applying to get on the show. Newcomers had to prove their sexuality to the group at the hotel, who coaxed libidinous data from each wannabe before voting admittance. And each week someone at the hotel had to leave, usually amid tears and bravado mixed to hide the shame of exclusion. Host Amanda Byram kept her sturdy demeanor throughout, as if she were den mother to these eleven young twenty-somethings assembled at a resort in Acapulco to do nothing but drink, play, and touch. Five couples shared rooms, but one person was always left out, cast into the black room, as it were. Cameras and microphones recorded the smooching, the primping, the push-ups, the sipping, and mostly the gossiping, as this "lords of the pool" group sorted out their all-important relationships and defended the one part of their person that this unscripted reality show sought to exploit—sexuality. Indeed, at the start of each episode, Byram admonished her troop—these ripped and supple postteens were promised no money and given no incentive other than to prove their cool—you either hook up or pack up. ♦

Reality television uses no scripts. The setup generates the story, but the ending is unpredictable. Stars are not so different from viewers, and in the genius of the creators of *Paradise*, viewers become stars each week. Of course, some sort of fuel must propel whatever happens, and that fuel is normally sex or wealth or both. For viewers, there's the mystique of a relationship built on the flimsiest basis: Will it take? For contestants, there's a short moment of fame, and for some, the hope of a casting director's call.

Contestants on *Paradise*, however, were not promised money and were not likely to break into professional acting. The incentive then? Simply that eleven cuties get a free sandy-beach, big-king-bed vacation together. The setting called to mind the omnipresent cameras of *The Truman Show*, but in this case, all eleven allowed their hormones to rage and their pettiness and sobbing to become entertainment for millions. Kant, frankly, could not approve. That might be a minuscule worry to producers of this show, if only advertisers did approve. The persons on this show were means to an end, pure and simple. Though each player chose freely to come, the normal progression, visible any week, was elation ("What a cool place") to disillusionment. The sulky twenty-one-year-old waitress from St. Paul remarked, "They call it paradise, but it's not."

Reality television as a genre must face up to Kant's claim that each person should be valued; no one should be treated as fodder for another's exploitation. To violate this principle is more than "dissing" an eighteenth-century philosopher. It is, rather, to put human relationships in jeopardy. As the *The Hartford Courant* editorialized: "America's ravenous appetite for 'unscripted' reality shows reflects a cultural emptiness in an era of over-stimulation." Jane Eisner, columnist for the *Philadelphia Inquirer*, added: "We chase after money, good health and educational status, thinking they bring happiness; we deride marriage and faith, not believing they bring happiness; we waste our time watching dumb entertainment. . . ." "And producer Aaron Spelling cogently testified, "The reality trend makes me puke."¹⁷

Paradise Hotel is an opera of raging hormones played by emotionally vulnerable young adults led to believe that sun, surf, and sex represent the ultimate human environment. The ethic of duty and human care imagines that to prosper and mature, people must discover the resilience to endure trouble with hopefulness, to plot a course that contributes to others, and to satisfy the appetite for happiness indirectly—in vocation and service or in strong, long-term relationships. *Paradise Hotel* undermines our best wisdom about happiness with its visceral, short-lived, superficial unreality. Paradise it's not.

72 TRAGEDY LITE

When Roberto Benigni, the director, writer, and star of the 1998 film *Life Is Beautiful*, jumped up on his chair in his excitement to get his Oscars for Best Actor and Best Foreign Language Film, many people were thrilled with both his over-the-top acceptance speech and the film itself, a comic "fable" about the Holocaust. Others, however, including some concentration camp survivors, were far less pleased. Even at its initial screening, the film provoked widely differing reactions; some critics found it to be a uniquely uplifting triumph, whereas others were disgusted and greatly disturbed by it.

The first half of the film is the charming but conventional story of Guido, an Italian Jew, who falls in love and courts Dora, finally carrying her off, in true romantic style, on a white horse. In the second half of the film, however, the tone changes drastically when, in the midst of planning for a birthday party, Guido and his four-year-old son Joshua are taken away to a Nazi concentration camp. What makes the film unique, and also the cause of the controversy surrounding it, is that director Roberto Benigni presents even this second part of the film as a semicomical fable. We enter

the world of one of the greatest horrors of the past century, but we find ourselves laughing and being uplifted. Benigni elicits these responses through a brilliant conceit: Guido must protect his son from the terrible reality around them by pretending that, as a surprise birthday present, they have come to the camp to participate in a game.

Guido begins by telling his son that they have joined an elaborate contest in which they compete with the other prisoners for the prize of a real tank. One of the best examples of the comic potential of this situation occurs when they first get to the camp. A German officer enters their barracks, and although Guido does not speak German, he offers to translate the camp instructions into Italian so that Joshua will only hear his invented rules for the “game.” While the guard lists rules in German, Guido translates, “You’ll lose points for three things: One, if you cry. Two, if you want to see your mommy. Three, if you’re hungry and you want a snack. . . . Don’t ask for any lollipops. You won’t get any. We eat them all.”

Amazingly enough, Guido is able to pull off this major deception; this feat is partly possible because Benigni’s camp has almost no violence or terror. Benigni does hint at those aspects of the concentration camps that he assumes his audience will recognize: The child’s grandfather is sent to the showers, and the boy himself ignores the call for all the children to go take a shower and thus survives. Late in the film, however, there is one scene in which Guido is carrying the sleeping Joshua back to bed, and he stumbles upon a staggering mound of corpses in the mist. He backs away, and shortly after this, we see the chaos of the Germans leaving as the Allies enter the area to liberate it. Guido tells Joshua to hide for the last time, but he himself is caught by a guard and killed off-screen. Joshua has survived the Holocaust having never even realized he was experiencing anything but a game. A voiceover representing Joshua as an adult says, “This is the sacrifice my father made. This was the gift he gave to me,” even as the young Joshua is reunited with his mother as he gleefully shouts that they have won the game. ♦

The controversy is seen in the extremes of the reactions of the reviewers. Some proclaimed it a masterpiece, but other critics wrote scathing opinions. The most notable of these have come from Jewish Holocaust survivors, who fear that such an easy-viewing version of the death camps may have too great an influence on younger viewers who likely never have seen more explicit narratives or documentaries. Some concentration camp survivors, however, greatly appreciated the film and felt that it showed respect for those who died in the camps.

Criticisms of the film generally focused around three separate but related issues. First, people condemned the complete lack of violence, terror, and the horrifying reality of the death camps. The film’s camp was a sanitized version of the real thing. Children were not immediately taken from parents. Nazi officers did not shoot or even hit the deportees. Second, a number of critics argued that using the Holocaust for a comic fairy tale is always wrong because humor is completely out of place in such an event. And finally, others were offended that Benigni seemed to be presenting the message that love and imagination were all it took to overcome the horrors of concentration camps.

All three criticisms relate to the question of what ethical obligation a writer/director has in using an historical event that caused great pain to the survivors and the relatives of the millions of victims. Are all events fair game for comedy? Benigni, in response to the criticisms about his glossy presentation of a death camp, claimed that he never wanted to make a historically accurate Holocaust film and that he purposely referred only obliquely to some of the worst terrors. In a later interview with Graham Fuller, he said, “Historically the movie may have its inaccuracies. But it’s a story about love, not a documentary. There’s no explicit violence because it’s not my style.”¹⁸

The problem with the first argument that life in concentration camps can only be portrayed with detailed historical accuracy is that films will always distort and fail to re-create what many

have called “indescribable.” If filmmakers are not allowed to even attempt their own versions of horrific events, with the awareness that their films have to be palatable to a general audience if they wish them to be seen, we will have few, if any, Holocaust films for viewing by the general public. Film representations do educate and provoke controversies that then allow for further education. If artists do not feel the freedom to use the Holocaust story, the memory of it will fade, particularly for those people who do not have the stories of survivors as part of their family inheritance. So a demand for strict historical accuracy or true-to-life details would seem counterproductive in the end. But what about changing a horrifically tragic event into a comic, life-affirming tale?

The problem in re-creating a painful, terrifying period of time in which survivors and relatives are still affected by the presentation is not only related to the filmmaker’s historical accuracy or attention to detail but also to the message that accompanies the story. To present a fairly comic, sanitized death camp is to use our collective memories of what these camps were really like. This is problematic for both younger viewers who may not have many other visual memories of this period and for those for whom the actual memories contrast so greatly with this picture. If you combine this picture with a message that evil can be survived and transcended through love and imagination, you add to this feeling: You are using our sense of the “worst” moments a person can go through to give a message of hope or survival that seems at odds with the experiences of most of those who actually lived in these camps. The film may just be a fable, but it is a fable that is using our memories of a real event. One Holocaust survivor, Daniel Vogelmann, reports of his own father’s return from Auschwitz without his child (Vogelmann sardonically notes his father was evidently not able to save his child with a clever story).¹⁹ He contrasts Benigni’s comic and triumphant view of life with his father’s who was able to proclaim that life was beautiful, but only with pain in his voice. For Vogelmann and others, the problem seems to be not merely the combination of humor and a death camp but also a sense of a too easy and glib response to the evils that were experienced.

At the same time, Benigni was clearly aware of the risk he was taking in making a comedy about the Holocaust. One can certainly appreciate his ability to create a fable that in the end supports the values of courage, sacrifice, love, and compassion that were opposed by the Nazis. Individual moments in the film show great restraint and concern that his depiction of the camps not show any disrespect to the victims of Nazi violence. Benigni made a Holocaust film that can be seen by children—and this feat is both a triumph and a terror.

In fact, life is beautiful, tragic, hopeful, and desperate. An artist’s vision of life may be outrageous but morally justifiable if those closest to the event depicted can affirm that they recognize the reality described and if some, at least, affirm the interpretation presented. Benigni polarized his audience but did not sacrifice his moral warrant. His “take,” not universally applauded, is nonetheless a defensible effort to redeem a complex tragedy, the memory of which we keep alive in order never to repeat.

73 SOUTH PARK’S 200TH

The 200th episode of *South Park* featured a bunch of characters previously satirized on the long-running animated show for adults: Jesus, Moses, Joseph Smith, Buddha, and Muhammed. All were depicted as persons except the latter, who was shown in a bear costume. Nonetheless, an Islamic website posted this message: “We have to warn Matt and Trey that what they are doing is stupid. They will probably end up like Theo Van Gogh for airing this show. This is not a threat, but a warning of the reality of what will likely happen to them.”²⁰ Alongside the message were photos of Van Gogh, dead on an Amsterdam street. He had produced a documentary called *Submission* on the

topic of violence against Muslim women, with script writer Ayaan Hirsi Ali, famous for her opposition to the faith she once lived by. The website, <http://www.revolutionmuslim.com>, provided links to studios and homes of Trey Parker and Matt Stone, creators of *South Park*.

The Comedy Central television network and parent company Viacom wanted no such trouble and bleeped significant portions of the second part of the episode a week later. Both companies refused to allow *South Park* to stream the episode on its website, the customary courtesy on the day after airing.

Anderson Cooper of CNN asked Ali about the seriousness of the website's intimidation. "It was clearly a threat," said Ali.²¹ She then said that she is alive, and Van Gogh is not, precisely because she accepted protection and he did not. Her advice to Matt and Trey: take care. But the fabulously successful cartoonists did not seem particularly worried when they spoke to Xenia Jardin of Boing Boing Video: "We'd be super hypocritical going against our own thoughts, if we said, 'Let's not make fun of them, because they might hurt us' . . . no, no. . . . *South Park* matters to us, it's our whole world. . . . *The New York Times*, Comedy Central, Viacom . . . they're just pussing on it."²² ♦

Among the virtues that percolate through *South Park* production studios, reverence would come toward the end of the list, from all appearances. Reverence, the sense that sacredness lies behind our mundane daily affairs, that more is at stake than appears, that premier values such as human dignity and racial equality are built on more than U.N. documents and historic speeches—this kind of reverence is the fuel of *South Park's* humor.

That's because so much of what passes for reverence is hokum and pretense, bloated egos and self-congratulating piety. *South Park* loves those human frailties. Indeed, the comedic world is built on reverence gone wild and scary—sand fortresses waiting for comedic brilliance to wash them away like the incoming tide.

South Park pulls no punches, reveres no messiahs, permits no reserve on the targets of its satire. There is no sanctuary from *South Park*, no hiding place. Reverence is the great unpardonable on that show.

South Park's popularity has proven that irreverence sells. A nice market segment enjoys opportunities to laugh at the holy symbols and personages which in most other contexts must be shown inordinate respect and deference. We are relieved, a bit, of the awesome otherness of God when we can laugh, even at God. A Middle Eastern woman named Sarah once laughed at God, too, and her laughter is known to history as the lead-in to becoming the mother of a nation—perhaps the most important nation in all of literature and history (Genesis 18). *South Park* was not the first to find humor in the mysteries of religious faith.

Yet the style of humor and level of bashing that *South Park* sells to its audience has little sensitivity to the ancient virtue. *South Park* grounds its "right to publish" on the contractarian liberal state, the absolute freedom to express a point of view that majorities would deem devilish, if only to show that when the devil gets its due, nothing much changes, good or ill. It's a rhetorical game, this reverence thing, and in the liberal state where inalienable rights trump social norms, reverence is duly pegged as blunderbuss.

In the life-world of the Muslim believer, the Enlightenment-born right of free speech is never understood properly without first invoking reverence. The ancient virtue defines the universe in which humankind is accountable to Allah for life itself. There is no space in all the world where reverence is excused, where sacredness is on holiday. The community of faith, as one might call it, is a community whose identity, prosperity, and future is wrapped tightly in seamless reverence. This community does not contemplate laughter directed at matters holy, or persons holy, or writings holy. To laugh at the holy would be to join the side of the unholy, and thus sever loyalty to the

community or faith irrevocably. Christians and Jews share these sentiments. Do “thick description” on these communities (Clifford Geertz’s term),²³ and reverence shows up near the top of the virtues. Precisely for that reason, it is a favorite target of *South Park*.

In a liberal, free society, *South Park* has every legal right to laugh at people’s beliefs and at people’s messiahs. In a liberal, open society, where public speech is believed to wash the docket clean of pretense and hold every high idea to a utilitarian accounting, *South Park* may have a duty to laugh at theologies and their holy objects. But in a communitarian society, where relationships between selves are a first-order concern, there remains, even if reverence declines, a respect for the other that constrains satire and bounds laughter. In a communitarian society, commonly, the believer laughs at the foibles of faith, the contradictions of holiness, and the failures of the self to make much progress toward the divine. Failure is often funny, and the self has first-rights on laughter at one’s own wickedness.

Laughter at a neighbor’s pretenses takes on additional moral obligations. The neighbor is sincere, let’s say, and devout. Sometimes that devotion is inconvenient. Sometimes it seems ridiculous. Still, open laughter and satire are constrained by respect for the neighbor’s dignity and beliefs, by the neighbor’s sincere efforts to stay true to practices that in every way (to the nonbeliever) may appear pointless or cumbersome. Friendship understands those points of difference and respects them, even as an outsider.

In *South Park*’s world, the Enlightenment goes all the way. Communitarian concern for the other would make this cutting-edge show little more than Andy Griffith revisited. But *South Park* may want to take a beginner’s lesson in reverence, if no more than a neighbor’s handshake over the hedges that acknowledges one world and many faiths. Enlightenment faith has sustained the show’s popularity for almost two decades; communitarian sensibilities may not add market share, but they could give the show balance, humanity, and empathy. Admitting that *laughter-at* another is not the highest human achievement will not dethrone *South Park* as one of the world’s leading comedies. Recognizing, even honoring, the deep structures of a believing community’s worldview—its points of solemn reverence—might be Cartman and Kenny’s next right step toward mature comedic edginess.

74 VIDEO GAME RAGE

Commercial television is losing young adult males at alarming rates. And these people are a key demographic. Double-digit dropouts (from television) reported by Nielsen prompted *The New York Times* to go poetic (“a nuclear strike, a small outbreak, a bad hair day all rolled into one”) about one of the most vexing problems faced by TV networks: delivering young males to advertisers.²⁴ Where are they going? Well, to fight for their lives, to mess up a city or to build one, to show strength and courage superior to the gods, that is, to play video games. And not alone, not as solo players. Nielsen reported that “social elements of video games are becoming increasingly important.”²⁵ Massively multiplayer online role-playing games (MMORPGs) are designed that way. Collaboration is one key to game success (thus, survival and kingship of the castle or whatever).

Team Fortress 2 is a class-based, multiplayer, first-person shooter game. You see what your character sees in this gun-based combat game. The term *class-based* refers to the distinct roles and weapons to play with. TF2’s graphics are stylized and cartoony, making its play more like the slapstick fights between Tom and Jerry or Wile E. Coyote and Road Runner. The game takes place in rounds on different maps, each with an artistic theme and goal. For example, the map named Turbine takes place in a 1950s spy base disguised as a power plant, with Red team and Blue team trying to capture briefcases full of secret intelligence documents. Each team defends its own briefcases while trying to steal the opponent’s cases. Players pick a class, and they can change class at

any time during the game. Each class fits a certain combat role. For example, the Scout class is designed to be fast, mobile, and weak. A Scout's role is to pester and distract the enemy. Scouts use speed to get to an objective quickly. Each class is represented by one character, a humorous caricature. The Scout is a quick-tempered, energetic teenager from south Boston, while the Heavy is a big bruiser of a Russian who is slow and calm and downright mean. TF2 has humor throughout, such as quirky sound track lines when a player does something well. TF2 thus attracts players who enjoy a style different from the more generic military combat game. Among those it attracts are the *griefers*. ♦

Griefing is a new style of game play in which players try to derail the enjoyment of serious competitors. They mess with the game. Initially, griefers may look like emergent players, those who manipulate the game to create something original but all within the game's point and purpose.

To encourage emergent play, Valve Software (developer of TF2) provides tools that allow players to modify the game files and root out flaws in the game. For example, TF2's Pyro class can use the Airblast, a shot of compressed air which reverses the trajectory of enemy projectiles and explosives. This core tactic of TF2 moves into emergent play when the original shooter, seeing his or her bomb returning, uses a Pyro to whip the bomb back again toward the opponent. Players can have a back-and-forth game of catch in the middle of a battle. A number of players got together and created a new game mode called "Pyro Dodgeball" based on this tactic, where the entire point is to Airblast a rocket back and forth between teams in an arena. Anytime a Pyro misses an Airblast, that player gets hit by the rocket, eliminating him or her from the game. Valve Software did not intend that this tactic be used in this way, but players discovered new fun and used Valve's tools to create a new brand of play. This is emergent play.

Griefers like the game's flexibility but exploit it to disrupt the enjoyment of other players. This happens in numerous ways: refusing to help your team achieve game goals, using software to play music over the voice chat, and exploiting glitches in the game to create traps for your teammates. Griefers find amusement in the confusion and anguish of their victims.

Yet griefers are what emergent play creates, simply by its flexible rules and genuine invitation to be creative. Allow for player interaction, and some player will turn to subversion, perhaps even as a game strategy. What's to lose? Nothing really. This is the Web, after all. No one will show up at your door asking for explanations. No one will recognize you on the street. Griefers are home free.

The Dutch cultural philosopher Johan Huizinga called his masterpiece *Homo Ludens*. Others typed humankind as *Homo faber* (man the maker or producer), but Huizinga saw something else in the human spirit, something prior to work, namely, play. Humankind seeks amusement, creates games, and plays. Human society depends on play for its rules and roles. Huizinga taught that play creates order, absolute and supreme, and that without the play spirit, civilization is impossible.²⁶

Why is play so crucial to understanding and forging culture? Through play, people communicate emotions and will, build futures, conceive grand plans, achieve justice, and learn the basics of interaction with others. We learn to communicate through play. We achieve identity through what we do, what we say, how we play.

Fairness is basic to play. So crucial is fairness to culture that sociologist James Q. Wilson calls it one of the four learned virtues of all human societies.²⁷ Children learn fairness before they learn to talk, he claims; whatever sophisticated moral reasoning may follow later in life, it is that initial, nearly instinctual sense of fair play that modifies all one's activities. Aristotle might have recognized his "prudence" somewhere in Wilson's description.

In our times, John Rawls gives the best expression to fairness in his procedural “play” to justice. His “veil of ignorance” is actually a game—not easy to play—that purports to help players sort out priorities and rules based on what would be fair if each and every player were to emerge from the veil as the least powerful of all. Put in that role, players strive for fairness.

Griefers use the rules of video game-play much like scammers and Ponzi schemers use the rules of the market (and human innocence) to achieve advantage. Griefers subvert for the joy of it, never minding that if everyone followed their style of game, the game itself would collapse.

Games require trust and teamwork. The Official Rules of Baseball require umpires to eject any player who runs bases from third to second to first, precisely because such play subverts the integrity of the game. Games have many variables, and rules may be interpreted by each set of eyes and ears logged on. But the core rule of all games—play fair—cannot be misused or undermined. If you do, you are justifiably “gone, outta here.”

NOTES

1. Louis Brandeis, with Samuel Warren, “The Right to Privacy,” *Harvard Law Review* 4:15 (December 1890): 196.
2. Quoted in Howard Rosenberg, “Critics’ View of ‘Nixon’: A Dirty Trick on History,” *Los Angeles Times*, December 22, 1995, F41.
3. Walter Goodman, “With Fact in Service to Drama,” *New York Times*, January 3, 1996, C9.
4. Rosenberg, “Critics’ View of ‘Nixon,’” C9.
5. Eric Hamburg, ed., *Nixon: An Oliver Stone Film* (New York: Hyperion, 1995).
6. Stephen J. Rivele and Christopher Wilkinson, “Critic’s Ploy to Review ‘Nixon’ Is the Only Dirty Trick,” *Los Angeles Times*, January 1, 1996, F3.
7. Stryker McGuire and David Ansen, “Stone Nixon,” *Newsweek*, December 11, 1995, 68–70.
8. Hamburg, *Nixon*, xix.
9. Rosenberg, “Critics’ View of ‘Nixon,’” C9.
10. Hamburg, *Nixon*, xix.
11. Quoted in Charles W. Colson, “Demonizing Nixon Is the Least of Stone’s Sins,” *Houston Chronicle*, December 31, 1995, 4C.
12. *TV Guide*, April 20, 1985, 5.
13. Tom Shales reported on and reviewed “Baby M.” His column appeared in the *DuPage Daily Journal*, May 20, 1988.
14. M. Scott Peck, *People of the Lie* (New York: Simon & Shuster, 1985).
15. *Quill*, March 1989, 24–26.
16. Quoted in Richard Reeves, “Nixon Revisited,” *New York Times*, December 17, 1995, H41.
17. Quoted in *USA Today*, February 21, 2003, 15A and July 14, 2003, D1.
18. Graham Fuller, “The Brave Little Film That Could,” *Interview*, November 1998.
19. Daniel Volgelmann, “Can One Write Fairy Tales About Auschwitz?,” *Triangolo Ross*.
20. <http://www.bing.com/videos/watch/video/south-park-cuts-clip-after-muslim-warning/ac92621400a3d73028abac92621400a3d73028ab-94480500156>.
21. <http://www.youtube.com/watch?v=FdNKvREnOwQ>.
22. <http://www.youtube.com/watch?v=Vp9bYLa5gaA&NR=1&feature=fvwp>.
23. Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973).
24. S. Craig Watkins, *The Young and the Digital* (Boston: Beacon Press, 2009), 103.
25. *Ibid.*, 107.
26. Johan Huizinga, *Homo Ludens* (Boston: Beacon Press, 1955), 10, 101.
27. James Q. Wilson, *The Moral Sense* (New York: Free Press, 1993), 55.

CHAPTER

17

Censorship

Censorship, one of the ugly words of the English language, speaks of the repression that democratic beliefs officially condemn. It warns of the consequences of state tyranny, church tyranny, union tyranny, corporation tyranny—the strong hand of any institution silencing the dissenting voice. *Liberty*, on the other hand, provokes cherished feelings that resonate with our deepest human longings—an elusive goal, perhaps, but worth the sacrifice required for each step in its advance.

So by our ideals we set the stage for the great paradox of democratic theory: Liberty can never be absolute; censorship can never be absent. Liberty requires constraints at every level—speech, sex, movement, health care, business, religious practice—in order for people to create an ordered society. That which we prize most must be taken in measured portions.

Few of our essential constraints partake of the spirit of Star Chamber repression in seventeenth-century England. The jailing and hanging of writers no longer occurs at the whim of a monarch. Yet many contemporary restrictions are nonetheless called “censorship.” One of our fundamental questions, then, is where to draw the lines. This is the question of ethics.

At the end of World War II, the Hutchins Commission on Freedom of the Press struggled over this question as it deliberated toward a theory of press freedom that would promote social responsibility as a new and important concept in media studies. All the commission members were ardent democrats; some might even be called dreamy-eyed in their praise of democratic virtues. True liberals in the historic sense, they held free inquiry to be paramount. Yet they wrestled with the question of censorship. The chief philosopher of the commission, William Ernest Hocking of Harvard, captured the dilemma poignantly in an essay written as plans for the commission were being laid:

Are . . . thoughts all equally worthy of protection? Are there no ideas unfit for expression, insane, obscene, destructive? Are all hypotheses on the same level, each one, however vile or silly, to be taken with the same mock reverence because some academic jackass brings it forth? Is non-censorship so great a virtue that it can denounce all censorship as lacking in human liberality?¹

The first case in this chapter points the moral compass at one of the most popular entertainment figures in the world. Can an artist ethically assault moral values if he claims not to *really* mean it? The second case finds moral boundary lines drawn once again by force of law and moral logic, not to everyone's pleasure, to be sure. The third case focuses on the most destructive impulses that we as humans feel. Mediated experience gives vent to those feelings but also may propagandize and convert too many of us for public comfort and safety. The moral outcome of the last case will depend on how you judge the role popular art plays in sorting out human affairs.

While you puzzle with us over these democratic conundrums, we may be encouraged in the knowledge that to do so—to read this book and think about these questions—is testimony that we are at least on the way to answers. In too many societies, the range of permissible media is tightly defined by a powerful elite. At least we can claim the advantage of a bias toward latitude: Censorship must be justified. In these cases, we ask whether modern censors have demonstrated their case for building dikes against the flood.

75 THE VOICE OF AMERICA

The white rapper Eminem, the blue-eyed, backward-capped, genius of rhyme, has sold millions of CDs, appeared in films, and runs a successful recording company. If "he didn't care," as the lyrics suggest, at least he works hard at it. *Rolling Stone* lauds his work ethic, calling him "the Voice of America," the "original gangsta," all "hip-hop swagger and hard-rock self-loathing."²

If Eminem is America's voice, we live in a country of angry young adults, disillusioned by whatever, delighted to "dis" any cultural zone once recognized as *prima facie* worthy of respect, from family relationships to the president. Religion is in the "post-dis" zone—not even on the screen. At the same time, Eminem cannot be cornered; he resists stereotypes. If he hates his mother, he loves his daughter. As he projects the image of the "entertainer you love to hate," he remains popular. Although antiestablishment, he is the center of a multimillion-dollar business.

American entertainment has always celebrated the performer on the fringe, from Elvis Presley's hips to George Carlin's "seven dirty words." Yet Eminem's robust popularity has created a new and different class of star: young, caustic, and platinum rich. Eminem sings youth's disconnect from social values, an inner anger that seeks a cause, but absent a cause, anger that protests anyhow.

Eminem's high-charged "own zone" may be redefining America and the West. When those schooled by his music come of age, what will they believe? How will they live? Toward what will they aim? ♦

Rap is not so much a message as a snapshot of emotions. Rappers and fans play dress-up in the various emotions of the "music." The overloaded anger, brutality toward women, and rejection of tradition that typify rap are like a set of new clothes, a word game that carries little more than play-at-it ferocity, if you allow the argument of fans who listen to rap but still say please and thank you and finish their homework.

Prosocial rap is a contradiction in terms. Rap aims at a culture's hypocrisies; it releases the pent-up anger of minorities long repressed by the values of moral elites. Were rap to turn prosocial, it would oppose its own opposition. Make sense? Why not?

Every moral principle holds this in common: the prize of doing well. For Kant, that prize was coherence—a life lived as life ought to be, rational and ordered, contributing capably to the

“kingdom of ends.” For Rawls, the prize was social fairness, a level playing field for all participants. What, then, if coherence is the enemy, and the assumption that everyone wants to play (why else work so hard for fairness?) turns out not to matter: No one shows up when the whistle is blown.

The collective wisdom of humanity’s moral imagination distinguishes between good and bad behavior, good and bad attitude, and good and bad intention. These distinctions play out differently by eras and cultures, but they always show up. Intrinsic to human nature is the embrace of good and the rejection of evil. What if that distinction is itself the target of reproach and reaction? Where does the human soul go when the very idea of an end point is sick, ugly, boring, old, and hateful?

Rap castigates and criticizes. Good entertainment, whether comedy or tragedy, must do so. But Eminem offers nothing to fill the vacuum. Rather, he admits repeatedly throughout his albums that his lyrics are not to be taken seriously. They are feelings from the angry/hopeless side of his persona, Slim Shady. If the minds of rap’s listeners are indeed whacked and brainwashed, that itself is not a moral point, just an observation. The problem child in Eminem’s messed-up world has nowhere to turn, not even inward. Apart from the loner’s conduit to rap itself—the message through the headphones—there is nowhere to go with nothing positive to do. For America’s great “problem child,” problem solving is a matter of volume up.

Nihilism disguised as rhyme and artistry finally makes nonsense even of its own sense. There is no problem child apart from an aberration from what should be. Eminem rejects every “should be” and has no right, therefore, to call anything a problem or to register anger at anyone. To do so anyway—without moral warrant—is sheer self-infatuation—the very heart of every Eminem protest. No human life can prosper as a self-absorbed pod, blinkered by headsets, streamed by contradictions, nurtured by incoherence, in love with anger and angry with love. To live in the emotional world the rapper describes is to expire as a human person, which even a rapper moving toward his next million in CD sales would not advise.

Entertainment media must offer something worth living for. Those who claim otherwise are conning the audience. And even the best con eventually burns out. Adrenaline alone cannot sustain us. Escapist entertainment is only as good as the return to reality.

“Confused” is the motto embroidered on Eminem’s backward baseball cap. That’s okay, for confusion can be the forerunner and catalyst to solution. It’s time for America’s richest rap voice to acknowledge even his own accountability to articulate an answer. And it’s time for millions of fans to ask for one.

76 FENCING THE NET

Most rental stores keep adult videos on the back shelves, and porn magazines are covered or behind the counter. But it is hard to hide adult content on the Internet. With a click, anyone may go to one of over 100,000 adult sites to view or read sexually explicit messages of the sort that clandestine industries once grew fat on.

For years, federal legislators have wrung their hands about protecting public morality while honoring historical commitments to freedom of speech. One attempt was the Children’s Internet Protection Act (CIPA). The act linked federal funding for public libraries to filtering software that would prevent children from unhealthy exposure to material beyond their maturity. Adults using library systems could ask that filters be disabled. As soon as CIPA became law in 2000, a federal suit challenged its constitutionality.

CIPA was not the first effort to curb Internet pornography. The Communications Decency Act (CDA) in 1966 was expansive and far-reaching—too far, said the U.S. Supreme Court. Then followed the Child Online Protection Act (COPA), which clarified some of the problematic language in the CDA, but not enough to pass muster with the High Court, which followed a long tradition (since the 1950s) that government must show a compelling interest and use the narrowest means possible to achieve that interest. In effect, any plan that restricts lawful material from adult users cannot survive, which means that any plan limiting access to children cannot at the same time limit adults. For the Internet, that was a difficult distinction.

CIPA is much less expansive. It touches only public libraries. It works like a light switch: on for adults, off for kids. Its incentive is financial. Everybody appears to get everything they want, except children, who never get everything they want. And never will. ♦

So said the Supreme Court in a six-to-three decision rendered in June 2003. Protecting children is okay, said the majority, and doing so through filters on public library computers is okay. It is the least intrusive means of protecting the innocence of youth without baby-bibbing the maturity of adults. Loyalties are the key to understanding this latest, and the only successful, effort to curb the spread of Internet porn.³

Loyalty to the Constitution's First Amendment is, of course, the Court's first priority. Obscenity is illegal, but proving to a jury that a website or a video is obscene is so difficult today that very few prosecutors waste their time and political capital bringing such cases. The Miller standard, established in 1973, requires the state to prove that a given product hits three "prongs" before it can be judged obscene and penalties applied. Those prongs are necessarily difficult to hit and more so after more than thirty years of mostly missed shots and embarrassed prosecutors.

But the Supreme Court also recognizes the responsibility of legislators to exercise their responsible oversight of public interests, including a vaguely understood interest in raising healthy children. The alternatives all carry social costs: juvenile courts, jails, special-education programs, crimes of violence. It is not difficult for the state to show that loyalty to children requires fences to be placed around certain material that would, in the best judgment of people who know child development, contribute to delinquency or significantly impede a child's chances of emerging into the adult world intact, able to function and contribute, motivated to work, and willing to operate within the law.

Not everyone drew the lines as the Supreme Court saw them. For many, including the American Library Association (the named defendant in this action), CIPA imposed federal oversight in spaces best left to local counsel. Who better than a local librarian should know what material is good and proper for children in a particular county? Let the local professional decide, not the Washington bureaucrat, many urged. Only at the local level could "bugs" associated with filtering software be worked out and community integrity preserved.

John Rawls's veil of ignorance offers a strategy for sorting out competing loyalties. He urges that in the "original position" where social indicators have melted away and no party to a negotiation knows what social role he or she may occupy when the deal is cut, the deal tends to favor the least powerful player and therefore achieves something close to justice. At least the result will be fair, because a deal so achieved disregards the special interests of the rich and powerful. Rawls gives weight to the interests of children in this case, even if children are not at the deal-making table. Perhaps the best the veil can do for children is to ask of adults whether childhood is better for the bargain. Few adults would insist that their own childhood would have been better served

by free access to sexually explicit material. The CIPA is a small infringement on the freedom of a child to read and view. The Court reflects the culture's belief that such an infringement is still better than the risks of open access to forbidden knowledge.

77 FRONTAL ASSAULT

Stormfront.org began as a private dial-in bulletin board in 1990 for members of the David Duke campaign to communicate. In 1995, Stormfront was the first extremist hate-speech site posted to the Internet. It now reportedly attracts 15,000 visitors daily. Visitors are greeted by a Celtic cross surrounded by "White Pride World Wide" and "Stormfront.org" in a gothic font. Don Black, who created the site, calls Stormfront a white nationalist resource page for "those courageous men and women fighting to preserve their White Western culture, ideals and freedom of speech and association—a forum for planning strategies and forming political and social groups to ensure victory."⁴

Don Black's involvement as a white nationalist began in high school as he distributed white power literature. At the age of seventeen, Black organized a chapter of the White Youth Alliance, an organization led by David Duke. Black also joined the Ku Klux Klan (KKK) and climbed the ranks, becoming the grand wizard (national leader). A year after becoming grand wizard, Black and nine other white supremacists were arrested as they prepared to invade the small Caribbean island of Dominica to establish a "white state." Black served two years in prison, where he learned computer skills. On his release from prison, he said, "I am here to build the greatest white racist regime this country has ever seen."⁵ He resigned from the KKK, moved to West Palm Beach, Florida, and began using his computer knowledge to further his white nationalist agenda.

Black uses the Internet to promote his ideas worldwide. According to Black, "We previously could only reach people with pamphlets and by sending tabloid papers to a limited number of people, or holding rallies with no more than a few hundred people—now we can reach potentially millions of people."⁶ People from around the world access Stormfront, which offers German- and Spanish-language sections. "We have recruited people to our point of view, many people which we otherwise wouldn't have reached. Sites such as Stormfront which are interactive, provide those people who are attracted to our ideas with a forum to talk to each other and to form a virtual community," said Don Black on an *ABC News Nightline* interview.⁷ The virtual community can be reached through Stormfront's White Nationalist Community Forum (<http://www.stormfront.org/forum>). According to Black, the forum exists "to provide information not available in the controlled news media and to build a community of white activists working for the survival of our people." The forum has more than 17,000 members, and over 500,000 messages have been posted. Included in the message boards are sections for news and announcements and a general section covering a variety of topics, including white nationalism ideology and philosophy, culture and customs, poetry, science/technology/race, privacy, self-defense, health and fitness, education and home-schooling. An activism section offers topics such as events and strategy, and opponents can argue against white nationalism in an opposing-view section. The international section displays discussion boards on issues of interest to white nationalists in the following geographic areas: Britain, Canada, Australia, New Zealand, France, Ireland, Italy, Spain, Portugal, Latin America, Netherlands, Serbia, Russia, South Africa, Sweden, Norway, Denmark, and Finland. Another aspect of the virtual community is the white singles section, where one can "meet other white nationalists for romance or friendship." Stormfront even maintains a calendar of members' birthdays.

In addition to the forum, the site exhibits essays covering a variety of issues about white nationalism, including affirmative action, immigration, racial differences, National Socialism, Zionism, and revisionist materials that deny the Holocaust occurred. In the essay “What Is Racism?” the author claims that whites are taught to be ashamed of their race, and “Who Rules America?” decries the control of the media over society and claims that Jews are masters of the media. The article calls for white nationalists to do whatever is necessary to break Jewish control. The site posted the “Color of Crime” study that “proves” blacks are more dangerous than whites. Stormfront offers a White Nationalism FAQs section, a well-articulated statement of their philosophy. In response to the first question, “What is White Nationalism?” the answer is: “The idea that Whites may need to create a separate nation as a means of defending themselves.” Stormfront also reveals a collection of racist graphics and logos.

Stormfront has special versions of the Web page for women and children. The women’s page (<http://www.women.stormfront.org>) is “not a feminist page, but rather a page to celebrate and honor Aryan women.” Janice, Web master of the women’s page, first became curious about Stormfront after a Don Black TV interview. She visited Stormfront and felt that Stormfront was not hate speech but pride in the white race. “I get angry with this whole hate thing because it’s simply not true at all,” she says. She wonders why it is permissible for other cultures to celebrate their race, but when European-Americans have “white pride” it’s considered hate. Janice wrote on Stormfront’s women’s page:

We must remain separate to maintain our past, our roots, who we are and where we come from. I do not want to mix with other cultures. I do not want to adopt their dress, their music, or anything about them. I want to keep what is mine, what I was born with. I can learn about the others, I can eat all kinds of weird other foods, but when I wake up in the morning, I’ll still be a European-American.⁸

The women’s page includes a “public service announcement” urging women to boycott any foods with Jewish kosher symbols so as not to support Zionism. The site presents sample kosher symbols, Janice’s correspondence to companies requesting they remove the labels, and links to other anti-Semitic sites, including Aryan Nation’s. The women’s version of Stormfront also displays essays of and for women in the white racist movement.

Derek Black, Don’s teenage son, is said to be the Web master of Stormfront for Kids (<http://www.stormfront.org/kids>). Visitors to this site see two Celtic crosses and a banner announcing “White Pride World Wide.” Derek greets fellow youth with a message: “I used to be in public school, it is a shame how many White minds are wasted in that system.” Now home-schooled, he says that he is no longer attacked by gangs of nonwhites and spends most of the day learning rather than tutoring slower learners. He is finally learning to take pride in himself, his family, and his people, he says.

Stormfront for Kids provides activities that include games a kaleidoscope painter, optical illusion puzzles, and sound files of white-pride songs. Youth can learn about the history of the white race, view European flags, and follow a link to the “real” history about Martin Luther King, Jr. An animated U.S. flag constantly changes into a Confederate flag, and a child can follow an antikosher link to the women’s page. ♦

The enduring popularity of Stormfront, and its apparently growing worldwide appeal, points to a festering boil in many lives—a sense of victimization—and to the daffy extremes some will go to win a feeling of security amid self-imposed fears. A racist, above all, approaches the world with tightly conceived presuppositions about trust and community. Only those who fit a preferred model are welcome to the club.

None of the moral traditions discussed in the Introduction to this book can be marshaled to support Stormfront's race bias. Kant's universal duty speaks strongly against it. Rawls's justice game could never condone it. The idea that one could "love one's neighbors" by hating them is nonsensical. Only the most twisted pragmatic logic might render momentary support, until the facts are in and the logic of race exclusion is fully calculated. Morally, Stormfront and its kin are bankrupt. Should a liberal, morally sensitive people permit an organization devoted to Stormfront's aims to communicate its message and perhaps convert others to its position?

Suppression is one tactic a culture can use to rid itself of tainted philosophy. Driving up the social cost of membership will reduce the benefits of joining and eventually marginalize or eliminate the movement. But utilitarian constraints can only contain, never defeat, dangerous and faulty ideas. At the end of the day, the attraction of hate—its (albeit perverted) sense of justice, its (albeit phony) sense of security—must be surrendered to a greater idea, a more satisfying way to live and think. That transaction occurs not under compulsion but in the open air of free choice.

Stormfront offers a worldview, a frame of reference, a "moral universe" to subscribers and followers of race-based prejudice. Its commitment to racism goes deep. Its preposterous political intentions are a fool's dream. But racism will not turn to neighbor-care unless its adherents are offered a better way by word and deed. As long as Stormfront does not act on its philosophy, let its creators have their space to brandish a way of life so morally impoverished and globally isolated that other messages—justice and unconditional mutual regard—will overcome it. Kant and Rawls and Judeo-Christian agape will all give space for that.

78 RESCUE US

Launched in 2004 as a vehicle for comedian Denis Leary, *Rescue Me* capitalized on America's post-September 11 deifying of New York firefighters, albeit with a twist. Billed as a "dramedy" by the FX Network, *Rescue Me* would act as a worthy NYFD complement to the already successful LAPD Emmy-winning juggernaut, *The Shield* (2002), a gritty drama exposing the dark underbelly of America's "heroes."

At Engine House 62 in the Naked City, desires trump logic, and conflicts are resolved with playground justice: may the bigger asshole win. Arguably, the biggest at Engine 62 is Tommy Gavin, played by Denis Leary, a character you hate to love: a psychotic megalomaniac whose unfettered duty to self is at once both repulsive and surprisingly refreshing, an alcoholic, forty-something Irish firefighter whose phantom conversations with both Jesus Christ and Gavin's dead cousin are the least of his problems.

High on "vitamin testosterone" and low on political correctness, *Rescue Me* is a virtual Plato's Retreat* for the male ego, Spike cable TV, big fires, big attitudes, bigger breasts. In the June 20, 2006 episode titled "Sparks," there is an exhibition for the male rape-fantasy—the fantasy of women turned on by their attackers.

The plotline from the previous episode, "Torture," acts as a precursor to this culminating rape scene. Tommy Gavin's soon-to-be ex-wife, Janet, is sleeping with Tommy's brother, NYC police detective Johnny Gavin. Tommy sees it and avenges himself by beating his philandering brother. In the closing minutes of the Sparks episode, Tommy arrives at Janet's apartment to discuss the pending divorce proceedings, including the division of material goods. What transgresses next shocked both dedicated fans of the show and television pundits.

As the discussion between characters escalates to rage, Tommy pushes Janet onto a nearby couch, receiving several pleas of "no" in the process. Fighting through her resistance, Tommy

*Plato's Retreat was a famous 1980s New York nightclub.

forcibly has intercourse with her or, in the opinion of many viewers and critics, rapes her. In addition to this violent and forced sex, what shocked viewers most is the scene's resolution, as Janet succumbs to the pleasurable, albeit brutal, nature of the act and seems to enjoy it. As Tommy exits the apartment with vindication on his face, viewers are stunned. Was this shock TV at its worst? Did the FX Network just condone its antihero Tommy as a violent rapist? Is this appropriate and responsible TV drama?

The promotional material for *Rescue Me* includes a tagline that hints at undercurrents of NYC firefighters' needing saviors of their own with the slogan, "They save us. But who saves them?" Yet, in the aftermath of the "Sparks" episode, many viewers questioned, "Who saves us from them?" ♦

In the opening reel of the 2005 Oscar-nominated film *Crash*, Hollywood actor Don Cheadle, comments on the alienation and disconnect of modern Los Angeles, resonating truths about humanity at large. "It's the sense of touch," he says, pausing, "we're always behind tin, metal, and glass. I think we miss that touch so much that we crash into each other, just so we can feel something." *Rescue Me* is about crashing into each other. It's about men crashing into men, men crashing into fires, but ultimately, the cluster bomb: men crashing into themselves and the reality of their personhood. The Sparks episode reflects crashes at several levels.

Initially, the Sparks debate centered on whether the sexual encounter constituted a rape or just forced (and reluctant) sex between lovers and if there is a difference. Where is the line of consent? These are situational dilemmas and questions that psychologists and psychotherapists may ponder forever. However, what is definitive in the episode is Janet's initial physical refusal, followed by her seeming enjoyment, resulting in the ambiguity as to whether the act was "forced, then consensual" or "rape." For the sake of this examination, however, the act will be referred to as rape. And the question we address is not rape as an act but television drama that includes rape as part of a rocky, unpredictable, coarse, mutually intriguing relationship.

Is rape-TV appropriate for a cable audience?

Consider the viewers. The FX Network is available on cable TV only, making its viewing a form of paid-for-entertainment much like going to theaters, downloading a CD, or buying a book. Implied in the purchase of this entertainment is the consumer's consent to the product. In short, viewers of *Rescue Me* have not been forced to watch the episode. They do so willingly, out of pocket, and with the foreknowledge of the product's tone and script strategy. In addition, it should be noted that *Rescue Me* airs at 10 p.m. (EST), a time slot acting as a precaution against viewing by inappropriate age groups.

The appropriateness of any art—in relation to the viewer—depends on the viewers' sensibilities. Viewers are the final watchdogs, filtering out the inappropriate through the choices they make every day. Viewers familiar with *Rescue Me* tones and themes should find that a rape scene, while shocking in any circumstance, remains honest to the drama, not simply exploitative or shock-fodder TV. This is not *Bum Fights* or *Girls Gone Wild*. The Sparks episode is a devastating, violent, complex extension of the story line. And if cowriter Peter Tolan were in fact the writer of an Internet post bearing his name, he said the day after: "The idea of any woman 'enjoying' being raped is repellant and caused all of us (and the network) a great deal of concern. But again, these are seriously damaged people who are unable to express their emotions—and so expression through brutality has become expected."⁹

Other entertainments, such as *A History of Violence*, a 2005 film starring Viggo Mortensen, follow similar logic. In that highly acclaimed film, Mortensen's character initiates sex with his wife only to be violently fought off, a scene culminating in both respect and passion. In some instances, sexually violent episodes, while unsettling, act as appropriate progressions of the story line.

Some argue that violence and obscenity are of one cloth and that First Amendment protections cover both. Some argue the contrary: that First Amendment protections protect neither.¹⁰ This debate, so polarized by Supreme Court obfuscations and so little used in courtrooms today, will not help here.

The distinction between art and life helps to free the viewer to hate the act but embrace the act's depiction. Art does not equate to advocacy. Showing violence is not preaching on its behalf. Excessive modesty flies in the face of reality. The audience and producers of *Rescue Me* have together created a misfit hero whose edgy art draws no easy answers. In a wonderful understatement, Tolan told *The New York Times*, "What Denis likes to write . . . is never the expected thing."¹¹ This is also, simply and really, what a lot of TV viewers like to see. As long as people can choose (the off-button still works) and the drama has integrity (shock with purpose, albeit controversial), the viewer and producer may engage in morally troublesome material with their own integrity intact.

NOTES

1. William Ernest Hocking, "The Meaning of Liberalism: An Essay in Definition," in *Liberal Theology: An Appraisal*, eds. David E. Roberts and Henry P. Van Dusen (New York: Charles Scribner's Sons, 1942), 54–55.
2. Keleta Sanneh, "The Voice of America," *Rolling Stone*, July 24, 2003, 64ff.
3. *United States v. American Library Association*, decided June 23, 2003. The case is available on many sites, including <http://www.supct.law.cornell.edu/supct/html/02-361.ZS.html>.
4. Statement of the Anti-Defamation League on Hate on the Internet before the Senate Committee on Commerce, Science and Transportation, May 20, 1999.
5. <http://www.stormfront.org> (2003).
6. Kent Faulk, "White Supremacist Spreads Views on Net," *Birmingham News*, October 19, 1997, 1.
7. Ted Koppel, "Hate Websites and the Issue of Free Speech," *ABC News Nightline*, January 13, 1998.
8. <http://www.women.stormfront.org/writings/aboutthate.html> (2003).
9. <http://forums.televisionwithoutpity.com/index.php?showtopic=3130552&st=1050p=5521508.post1064>.
10. Kevin W. Saunders, *Violence as Obscenity* (Durham, NC: Duke University Press, 1996).
11. Jacques Steinberg, "He's Cornering the Market on Misfit TV Heroes," *New York Times*, June 12, 2007, B1.

THE HEART OF THE MATTER IN ENTERTAINMENT ETHICS

"The Heart of the Matter," which appears at the end of each part of this book, is also the title of a novel by British author Graham Greene. In the novel, police inspector Henry Scobie deals with smugglers, crooks, failed colleagues, and illicit loves. These troubles consume him. Scobie's life is professional failure and fractured pride. Nothing works as it should. Scobie asks himself at one point, "Would one have to feel pity even for the planets . . . if one reached what they called the heart of the matter?"

Entertainment is where we go for refreshment, advice, or escape. Our own failures and fears are forgotten in a good story, a challenging game, or exciting music. We can win at play while we struggle at life. Entertainment puts color on the canvas of life.

Try using these words as replacements for *entertain* or *entertainment*: delight, charm, please, feast, throw a party. All good times. Friends, fun, and laughter. Do we really have to think about the ethics of it? Can't we just enjoy what we enjoy?

Here's the *heart of the matter* in entertainment ethics:

- Entertainment has its impact, for good or ill, on a life's plan and purpose. Do you want to be a person of generosity and conviviality? Your entertainment choices will help or hurt that trajectory. Want to be a person who delights in vicious power grabs and cunning ill-will? (We don't advise it,