

THE Ayn Rand LETTER®

Vol. III, No. 2

October 22, 1973

THOUGHT CONTROL

Part III

The theoreticians of religion know that it is impossible to prohibit thought. They do not expect the ban on sexual thoughts to be obeyed. Their purpose is not to abolish such thoughts, but to induce guilt - and thus to undercut man's self-esteem.

The following small incident captures the essence of the religious censors' mentality. In the 1930s, the "self-censorship" office of the movie industry (known as the Hays Office or, later, the Johnson Office) went on one of its periodic crusades against sex in the movies. That office was run predominantly by a religious organization, the Purity League. The two foremost sex symbols of the period were Greta Garbo and Mae West, who embodied two diametrically opposite attitudes: Garbo projected an exquisitely spiritual, exalted, man-worshiping sexuality - Mae West offered an "earthy," eye-winking, hip-swinging, humorously vulgar image that verged on the obscene, projecting the silent invitation: "Come, one and all." A representative of the censorship office was quoted as saying: "We don't mind Mae West - she makes sex ludicrous. What we oppose is Greta Garbo - she makes it glamorous."

Use your own judgment on the question of whose goal is "to deprave or corrupt."

In this respect, modern hippies - with their insistence on personal ugliness or "natural," unglamorous appearance, their undifferentiated, "unisex" style of dressing, and their "uninhibited" freedom to copulate in public - are demonstrating one more aspect of their fundamental affinity with the conventional premises of mysticism: the view of sex as an animal function.

Today, it is the publicly flaunted, disgusting sexuality of hippie youths, of senile repressers, and of their panderers in books and movies, which drives people to support the religionists' clamor for censorship. This aspect of the issue is wider than religious influences: civilized men do not tolerate public displays of sub-animal sex. Many people regard a public representation of sexual intercourse as disgusting - not because sex is evil, but precisely because it is a value, an exception-making value that requires privacy. Censorship, however, is not the solution: resorting to censorship is like cutting a man's head off in order to cure a cold.

Only one aspect of sex is a legitimate field for legislation: the protection of minors and of unconsenting adults. Apart from criminal actions (such as rape), this aspect includes the need to protect people from being confronted with sights they regard as loathsome. (A corollary of the freedom to see and hear, is the freedom not to look or listen.) Legal restraints on certain types of public displays, such as posters or window displays, are proper - but this is an issue of procedure, of etiquette, not of morality.

No one has the right to do whatever he pleases on a public street (nor would he have such a right on a privately owned street). The police power to maintain order among pedestrians or to control traffic is a procedural, not a substantive, power. A traffic policeman enforces rules of how to drive (in order to avoid clashes or collisions), but cannot tell you where to go. Similarly, the rights of those who seek pornography would not be infringed by rules protecting the rights of those who find pornography offensive - e.g., sexually explicit posters may properly be forbidden in public places; warning signs, such as "For Adults Only," may properly be required of private places which are open to the public. This protects the unconsenting, and has nothing to do with censorship, i.e., with prohibiting thought or speech.

Religious influences are not the only villain behind the censorship legislation; there is another one: the social school of morality, exemplified by John Stuart Mill. Mill rejected the concept of individual rights and replaced it with the notion that the "public good" is the sole justification of individual freedom. (Society, he argued, has the power to enslave or destroy its exceptional men, but it should permit them to be free, because it benefits from their efforts.) Among the many defaults of the conservatives in the past hundred years, the most shameful one, perhaps, is the fact that they accepted John Stuart Mill as a defender of capitalism.

Mill's influence is spread all over the Supreme Court decision in the Roth case, as well as over the recent "obscenity" decisions.

"...implicit in the history of the First Amendment," writes Justice Brennan in the Roth decision, "is the rejection of obscenity as utterly without redeeming social importance." He quotes from an earlier Court decision: "It has been well observed that such [lewd and obscene] utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality..."

Quoting from another earlier Court decision, Justice Brennan writes: "Freedom of discussion, if it would fulfill its historic function in this nation, must embrace all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period." (Emphasis added by Justice Brennan.) How many "members of society" must need that information before a free discussion is permitted? Two men? A hundred men? A majority? And what about the rights of the man who discovers and provides that needed information?

"The fundamental freedoms of speech and press," Justice Brennan continues on his own, "have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth." True enough - but this is only a secondary consequence, not a moral justification.

The moral justification is the "development and well-being" and rights of those who contribute the knowledge indispensable to growth. But they are not mentioned or considered.

Justice Douglas, the Court's best defender of intellectual freedom, offers the worst justification: "As recently stated by two of our outstanding authorities on obscenity, 'The danger of influencing a change in the current moral standards of the community, or of shocking or offending readers, or of stimulating sex thoughts or desires apart from objective conduct, can never justify the losses to society that result from interference with literary freedom.'" What about the losses to - and the rights of - the writers? No answer is possible in J.S. Mill's parasitical, "consumerist" swamp.

The extent to which Mill's influence is accepted as an automatized absolute in modern thinking, is demonstrated by the following curious passage. In the Roth decision, Justice Brennan states: "The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." This narrow, collectivistic interpretation does not sound like the Founding Fathers' view of freedom. Now read the quotation which comes immediately after Justice Brennan's words, and ask yourself whether it says what he claims it does: "This objective was made explicit as early as 1774 in a letter of the Continental Congress to the inhabitants of Quebec:

"The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honourable and just modes of conducting affairs."

The purpose of the Constitution was to protect individual rights, i.e., the freedom of man's mind - not to implement "the people's" whims. Man's right to pursue "truth, science, morality, and arts in general," is the validation of the freedom of the press - not mere politics and not the people's desires, particularly not any unspecified desires for "political and social changes." The political element in that quotation is specified: it is opposition to tyranny, to "oppressive officers" of the government.

If Justice Brennan had been aware of distorting the meaning of that quotation, he would not have been likely to include its full text. Apparently, he did not see the difference. The terrible aspect of Mill's influence is the fact that his followers become unable to consider great values - such as truth, science, morality, art - apart from and without the permission of "the people's desires."

In the Miller decision, Chief Justice Burger quotes Justice Brennan's statement - but omits the text of the 1774 quotation. (Such is the process of the "gestative propensity" of precedent.)

In the Paris Adult Theater I decision, Chief Justice Burger rejects "the proposition that conduct involving consenting adults only is always beyond state regulation" - and cites as supporting evidence Mill's On Liberty.

The first social consequences of the Burger Court decisions came swiftly and predictably. By banning one type of indecent exposure, the Court liberated some others. On June 27, 1973, a certain publication hailed the decisions by printing a piece that was as bad an act of undressing in public as one would hope not to see. The piece begins by describing the issue as the Supreme Court's "ongoing effort to set standards when a powerful element of society believes there should be no standards." This means that unless moral standards are imposed on a nation by force, it will have no standards - and that anyone opposing censorship is amoral.

The piece defines the battle as follows: "On one side are the proponents of the traditional culture, as we have called them, the bedrock Americans. On the other side are what we have called the cosmopolitan Americans, numerically smaller but immensely powerful because they are articulate, leisured and entirely persuaded of the righteousness of their beliefs." (Emphasis added.) It is obvious that this means: the people versus the intellectuals - and it is also obvious why the author(s) of the piece chose to hide his meaning behind such shabby definitions by non-essentials. If he spoke openly, he would have to admit that the American people are not "proponents of the traditional culture" - and that the advocates of "tradition" are neither popular nor intellectual.

The above sounds like the usual voice of the conservatives, but to what ideology would you ascribe the following? "But the debate after all is not over whether it is wise to ban pornography, but over whether majorities can be prevented from banning it through their duly constituted governments. Surely arguments for setting aside majority rule ought to be serious ones." Unlimited majority rule? Over intellectual-moral issues? This - as "bedrock" Americanism?

"On a more practical level, take the problem of definition. Laws against obscenity cannot be enforced, it is argued, because the term simply cannot be defined..." the piece declares - and dismisses the problem by proclaiming that "any definition [on any subject] will include an element of the arbitrary..."

Further, in a more appealing mood: "...there is something appealing in the vision of a society without inhibiting social codes. Tolerating the exploitation of sex, it can persuasively be argued, is a small price to pay to maximize human choice. Yet we think there is a more enduring truth in the contrary view that any society must set some standards; that even if it cannot effectively ban pornography, for example, it has to express a view of right and wrong." (Emphases added.) Translated from mush into English, this means that society must issue edicts on "right and wrong," i.e., establish a government-imposed code of morality - and "express" it at the point of a gun. (The rulers of Soviet Russia are more open and honest about policies of this kind.)

This is bad enough, but the piece sinks still lower. "With enough will, these two visions of society can be more or less reconciled in any number of ways....The first step toward consensus, it seems to us, is for the cosmopolitan Americans to recognize that their case is not nearly as strong as they tend to assume, that the issue is not entirely one-sided, and that perhaps after all some degree of compromise would not spell the end of civilization."

This means: let us prohibit both Greta Garbo and Mae West - and compromise on Betty Grable.

Now who do you think published that piece? No, it is not the ghost of Fiorello LaGuardia, the New Dealer who declared, in the flush of the 1940 Presidential election victory, that freedom consists in obeying the will of the majority. It is not the ghost of Wittgenstein cackling that there is no such thing as precise definitions. It is not the ghost of Lenin nor of Torquemada. It is that alleged champion of businessmen and free enterprise - The Wall Street Journal.

(Dear New Left Activists [if any of you happen to see this Letter]: If, on the grounds of that piece, you conclude that capitalism is a contemptible, hypocritical system, and this moves you further to the Left, you would be right - except that it is not capitalism that those boys are after.)

Observe, incidentally, the extent to which those conservatives resent the liberals' confidence in "the righteousness of their beliefs." What is the motive - and the goal - of anyone who pleads that the most important thing is "to recognize that one's case is not nearly as strong as one tends to assume"? See the opening paragraph of this Letter.

The liberals' moral confidence is merely apparent, but it is bedrock real compared to the shivering gelatin of dogmatism and Pragmatism that drives the conservatives. While the voice of Wall Street scorns definitions and prattles about "majority rule," the leftists put it into practice by pouncing on the logical implications of a definition when they hear one.

In The New York Times of November 16, 1973, in a column entitled "The Shockley Case," Tom Wicker offers a startling example of it. He discusses - and condemns - the current campaign of some student organizations to prevent Dr. William Shockley from speaking on college campuses. Shockley is a physicist who turned into a crusader on genetics. His views are outrageous: he alleges that blacks are congenitally inferior, a conclusion he reached on so dubious, arbitrary, unscientific a basis as I.Q. tests. But, as Wicker points out, Shockley's views are not the issue: the issue is whether he has the right to speak.

In my Letter of August 13, 1973, I wrote: "It is not very inspiring to fight for the freedom of the purveyors of pornography or their customers. But in the transition to statism, every infringement of human rights has begun with the suppression of a given right's least attractive practitioners." This new target of suppression is even less inspiring or attractive. But his case demonstrates the speed with which the suppression of pornography leads to the suppression of ideas.

Tom Wicker identifies the essence of the issue: "Unsound and even noxious views can be suppressed only if there is some power that can suppress any view..." (This is the power which the Burger decisions have granted to the worst elements of any local community.)

Wicker's discussion centers on an incident at Staten Island Community College, whose president invited Shockley to speak. This raised "campus and

community opposition...which may take the form of active efforts to prevent Dr. Shockley from being heard....Joan Bodden, a student senator and Progressive Labor party member, thinks...that Dr. Shockley's appearance at S.I.C.C. is part of a 'national movement of racism in the universities,' sponsored by 'the ruling class.'" (Are these views morally superior to Shockley's?)

And: "Helen Bracey, another student senator, invokes the Supreme Court's recent decision that 'community standards' could govern what she called 'moral standards.' 'We the students are the local community,' Miss Bracey said, asserting that they found the Shockley views on race 'obscene and immoral.'"

That this little female saw what The Wall Street Journal missed, does not astonish me. But what I do wonder about is: Didn't the Supreme Court majority see it?

Ayn Rand

P.S. This Letter was written later than the date that appears on its heading.

OBJECTIVIST CALENDAR

A reminder: The opening lecture of Leonard Peikoff's course, Introduction to Logic, will be given on Tuesday, January 15, 7:30 P.M., at the Statler Hilton Hotel, 7th Ave. and 33rd St., New York City. Visitor's admission is \$6.00.

Starting on February 3, the tape lectures of Leonard Peikoff's course, Modern Philosophy: Kant to the Present, will be given in Providence, R.I. For further information, contact Bill Dawkins at (401) 943-0881 (eves.).

We have been asked to announce that the Association for Romantic Representational Art will sponsor an exhibit presenting the work of twenty painters, sculptors and draftsmen, including Joan Mitchell Blumenthal and Frank O'Connor. The exhibition will take place at the Manufacturers Hanover Bank, 401 Madison Avenue at 47th Street, New York City, and will be open to the public Monday through Friday, from 9:00 A.M. to 3:00 P.M., February 4 through February 15.

The Association is headed by Ira Barkoff, Anthony Antonios and Joan Mitchell Blumenthal. Its goal is to present - in a variety of personal styles - that category of art which may be described as selective realism, i.e., which is neither photographic nor non-objective.

B.W.