

David Park

THE KEFAUVER COMIC BOOK
HEARINGS AS SHOW TRIAL:
DECENCY, AUTHORITY AND THE
DOMINATED EXPERT

Abstract

The advent of comic books in the late 1930s almost immediately prompted an outcry over what many critics found to be their vulgar content. In the 1940s, psychiatrist Fredric Wertham entered this enduring debate with his many articles in popular periodicals and his popular book *Seduction of the Innocent*. Wertham added professional warrant to long-standing decency concerns; he translated the issue into a psychiatric problem and found comic books to be a cause of juvenile delinquency. With juvenile delinquency thusly introduced, comic books garnered substantial critical attention. A Senate subcommittee, spearheaded by Senator Estes Kefauver, was charged with the task of investigating the effects of comic books. This subcommittee's hearings were shaped profoundly by the interests of the comic book industry and the subcommittee itself. Expert testimony, especially that of Wertham himself, was used as a way of granting legitimacy to the conclusions of the subcommittee, even though those conclusions proposed an industry self-censorship code – the Comic Book Code – that Wertham believed to be counterproductive. This study examines the authoritative voice of Fredric Wertham and the symbolic politics of the Kefauver comic book hearings, with a particular emphasis on how the interests of the comic book publishers made a self-censorship code an almost predetermined outcome. Media decency crusades follow a script that has certain circumscribed roles for each part in the drama. While experts are important and

perhaps even necessary for the creation, legitimation and resolution of such crusades, they occupy a dominated place in the debate – able to reach, but not grasp, the process that shapes the policies that are devised.

Keywords

comic books; self-censorship; expertise; Fredric Wertham; Estes Kefauver

Introduction: the media show trial

IN THE USA, a history of concern over media effects is often traced back to the late nineteenth century, when Anthony Comstock, a one-man enforcement squad, waged war against obscene material. Comstock relied on no scientific evidence, but based his arguments on a religious concern that pornography led to ‘moral corruption’. He drew his power from the act of legislation that banned such material, the so-called Comstock Act (of 1873), which stated ‘that no obscene, lewd, or lascivious’ publications or pictures could be legally possessed or distributed (Kendrick, 1988: 128–41).

Such attempts to erect barriers to unacceptable (as a rule, violent or sexual) content are frequently referred to as decency crusades. Often, these crusades emerge shortly after the advent of new mass media and children seem always to be the group whose vulnerability to corruption arouses alarm. Motion pictures first came under fire around the turn of the twentieth century, as critics railed against the violence and sex in the movies, citing concern for the effects on the child viewer. Social science played an important role in the debate over the movies, legitimating the claims of critics with the imprint of objective science. The Payne Fund studies of the movies’ effects on children, in concert with a surfeit of studies by sociologists, psychologists, and educators, added to the pressure toward controlling film content (Jowett, 1976: 176–90, 210–29). In 1934, the motion picture industry began regulating its own conduct according to the provisions of the Motion Picture Production Code, lowering (if only temporarily) the pitch of that hotly argued debate (Moley, 1945: 77–82). As the debate over movies eased, the debate over radio’s effects began. Again, the fear was that children would be warped by the oft-violent radio programming of the time. Despite numerous attempts on the part of grass roots groups to pressure the radio industry to reduce the amount of violence on the air, it was not until 1954, when the broadcasters were brought before the US Congress, that they agreed to an enduring self-censorship code (Nyberg, 1994: 429–33).

Concerns regarding the content of television programming began to surface immediately following television’s rise to prominence in the early 1950s. By this point, a kind of cross-institutional script had developed for dealing with concerns

over mass media content. In *The Politics of TV Violence* (1983), Willard Rowland traces the history of US government hearings on the effects of television violence, describing the inter-locking roles of the government, the mass media industry, the academy and grass roots reformers. In Rowland's perspective, congressional hearings on television violence function mostly on a symbolic level. The hearings are held to persuade the television industry that it needs to get its own house in order. It is not the output, but the fact, of such hearings that creates the 'regulation by raised eyebrow' that is their ultimate goal. Academics are called before such committees to grant a sheen of neutral scientific expertise. As has happened on numerous occasions, the industry responds to the committee's raised eyebrow with a form of self-regulation, in an attempt to dodge further public scrutiny.

In the 1940s and 1950s, comic books came under fire in a manner similar to that of other decency crusades. The clamour surrounding the comics peaked in 1954, when a Senate Subcommittee, led by Senators Robert Hendrickson and Estes Kefauver, was charged to investigate the effects of mass media on children. Comic books were first on the list of media to be examined by the subcommittee (subsequent hearings would investigate the effects of radio and television). Many similarities are evident between the television violence hearings that Rowland describes and the earlier comic book hearings. The same groups (the government, the academy and the industry) played prominent roles, the outcome (self-regulation) was a familiar one and the academics who testified had a similar legitimating role to play.

I assert that the Kefauver Subcommittee was primarily a symbolic display, a show trial, where the questions asked were prompted more by the practical concerns of the Senators and the comic book industry than by the analyses of the scientists involved. In part because their primary task was to create an *image* of effectiveness for the public – the hearings, it is important to note, were nationally telecast – the symbolic interchange involved in this show trial occurred on a level the public (as well as the Senators and industry representatives) could easily understand. Taste, in the guise of science, was the yardstick against which the 'effects' of the comic books were ultimately measured. And it is with taste that this story begins.

Comic books and the call for decency

By the late 1930s, several publishers had attempted to sell collections of newspaper comic strips in a form that was similar to today's comic book. As they became increasingly successful in marketing these 'funny-books', competition led them to print original material. The first comic book featuring all original material, *Detective Comics*, was published in 1937, and was met with promising success (Fuchs and Reitberger, 1971: 18). *Action Comics*, which introduced

Superman, appeared in the following year, and it became immediately popular with a young audience. In the wake of Superman's success came a deluge of new comic book titles and publishers. Other superhero comics, including Batman, Captain America, Wonder Woman and Plastic Man, were soon to follow, and they enjoyed great success in the 1940s (Daniels, 1971: 9–17).

As superhero comics enjoyed such dramatic success, other genres of comic books began to appear. Genres such as war comics, jungle comics and 'funny animal' comics (for younger children) were introduced (Benton, 1989: 109–63). In 1942, the first crime comic books were published. These comics told stories involving hard-boiled criminals and the law enforcement officers who fought them, dwelling mostly on the lives and activities of criminals, but usually ending with an anti-crime moral. They had a darker, more cynical world view than other comics of the time.

A condemnatory reaction was not long in coming. A 1940 editorial by critic Sterling North is frequently pointed to as the first salvo in the crusade against the comics. In the column, he complained that comics were

badly drawn, badly written and badly printed—a strain on young eyes and young nervous systems—the effect of these pulp-paper nightmares is that of a violent stimulant . . . their hypodermic injection of sex and murder make the child impatient with better, though quieter, stories.

(North, 1940: 56)

After North's editorial, more articles concerning the comic books began to appear in popular periodicals. As the comic books became more popular in the 1940s, they attracted more attention from parents, teachers, and librarians. One critic remarked:

As for the aesthetic and artistic quality of the color, drawing, and printing, as well as the paper necessarily used, even the defenders of comic books find that they have little to say in their favor. As Americans we are proud of our beautiful cars, our good looking clothes, and our handsome houses. Why, then, are we so blind to the insidious effect of the incredibly ugly comic book?

(Saltus, 1952: 382)

The comics were called 'garishly colored' (Frakes, 1942: 1349), they were seen as containing 'blurry print and poor color work on pulp paper' (Wright, 1943: 833), 'wretched' (Brown, 1948: 31) drawings, and 'over-crowded pages and gaudy colors' (Walp, 1951: 153). The 'effect' of the comic books was thought to exist on an aesthetic level. It was feared that they were lowering the children's aesthetic standards to a sub-normal level.

One comic book publisher, William Gaines' E. C. Comics, was among the

ranks of successful crime comic book publishers. In 1950, E. C. Comics created a new genre – horror comics – that took an especially grim view of life. Tales of betrayal and retribution from the grave were their stock in trade, with corpses playing a large role in the action. E. C.'s horror line was very popular, and quickly spawned several imitators. After a decade of increasing anti-comics editorializing, horror comics added fuel to the fire and became a constant target of criticism.

This criticism found the comics, particularly the crime and horror genres, too vulgar for children. In keeping with most twentieth century decency crusades, it took issue with the sexual and violent themes in the comics. Commentators complained that comics were 'almost entirely devoted to killing, cruelty, gangsterism, sadism, [and] holdups' (Wright, 1943: 835). Marya Mannes quipped, 'there are enough mammary glands protruding through the pages and enough indications of sadism (half-naked girls bound to racks, etc.) to make a Freudian field day' (1947: 22). A parents group in Cincinnati who monitored the comics created a classification system that deemed 'objectionable' those comic books that portrayed

any situation having a sexy implication, persons dressed indecently or unduly exposed, . . . characters shown bleeding, portrayal of mayhem, acts of assault or murder, people being attacked or injured by wild animals or reptiles, [or] the use of chains, whips or other cruel devices.

(Murrell, 1953: 104–5)

It is important to note that these condemnations of the comics were not based on scientific evidence. Instead of stating what effects such material could have on children, most critics in the popular periodicals allowed descriptions of indecent content to speak for themselves. Implicit in their arguments was a presumed consensus of disgust. The problem with comics could be exposed by merely describing the content; there was no need to establish a relationship between this content and the reader's behaviour.

A major concern was the comics' perceived difference from books and other legitimate culture. Unlike the refined sensibilities encouraged by books, comics were thought to promote mindless entertainment. Bourdieu has ascribed reactions such as these to the 'middle-brow' mindset, wherein members of the middle-class (such as the parents, teachers and librarians here) are 'resolutely against vulgarity' (1984: 326). Relying entirely on their sense of taste to understand the comics, arguments in popular periodicals were made against all comics, though the crime and horror comics were the unanimous choice as the most 'vulgar' genres of them all.

One of those criticizing comic books in popular periodicals was Fredric Wertham, a psychiatrist who had been developing his own hypotheses regarding comic books. By the time he entered the debate over the comic books, Wertham

had already established himself as a public expert of some import. After establishing a certain prominence for himself within his own profession, he began writing books and articles for lay audiences. Wertham's first popular book, *Dark Legend* (1941), offered a psychiatric take on the issue of murder, asserting that psychiatric problems that caused crime could be traced to societal conditions. In his next popular book, a collaboration with Mary Louise Aswell entitled *The World Within*, (1947), Wertham offered his psychiatric insight into the workings of the minds of characters found in the work of Kafka, Henry James, Dostoevsky and other prominent literary figures. *The Show of Violence* (1949) found Wertham revisiting the issue of murder, voicing his criticism of how the legal system handled criminals and expressing his optimism that psychiatry, if widely administered, could assist in preventing murder and other crime.

It was while counselling juvenile delinquents in New York that Wertham began to believe that comic books were doing more than just spoiling children's artistic sensibilities. He went public with these suspicions, and from his psychiatric point of view, he explained to readers of *The Saturday Review of Literature*, *Reader's Digest*, *Wilson Library Bulletin*, and *The New Republic* that comic books were something worse than merely vulgar. He went beyond this taste-oriented concern to assert that comic books were turning children into juvenile delinquents. First published in 1948, his ideas proved popular, and gave the crusade against comics new fire. His medical credentials brought the authority of medicine to middle-brow suspicions that had been brewing for years. Wertham capped his contribution to the crusade with his 1954 book *Seduction of the Innocent*, a full-length psychiatric exposition of the damaging effects of comic books on children.

In academic quarters, *Seduction of the Innocent* prompted a decidedly mixed reaction. While C. Wright Mills gave the book glowing praise in the *New York Times Book Review*,¹ many sociologists and psychologists criticized Wertham for constructing an oversimplistic model of the origins of juvenile delinquency. Beyond the ivory tower, however, *Seduction of the Innocent* was quite well received. Receiving widespread distribution,² the book spurred on a growing legion of parents, librarians, church groups and volunteer organizations to take action against the comic books. The responses Wertham received from this audience were rarely critical and he was frequently asked to lend his hand in efforts to wipe out the comic books for good (Gilbert, 1986: 97–107). For this audience, *Seduction of the Innocent* was received as the fully articulated, authoritative understanding of the effects of comic books on children. *New Yorker* reviewer Wolcott Gibbs asserted that 'the concrete evidence [*Seduction of the Innocent*] offers of a real crime against the children seems to be practically unanswerable' (1954: 129), while Harold Gardiner, writing for the magazine *America*, called it 'a book that every Catholic parent ought to ponder' (1954: 342). Part of Wertham's appeal was that he was not suggesting anything that directly conflicted with the vulgarly concerns of those who had come before. Like previous commentators,

he was shocked and offended by the comic books; his critique lined up neatly with the taste-oriented concerns of early critics. Unlike earlier critics, however, he was a certified expert who addressed a popular audience.

As Bourdieu remarks, speech can be understood to be 'a testimony . . . of the guarantee of delegation' vested in the speaker (1982: 107). Wertham's writings on comics, which encoded the comic book problem into a medical, psychiatric phraseology, highlighted his difference from the other speakers; his words identified him as a doctor, making him stand out in a field otherwise consisting mostly of middle-brow commentators. In her examination of professionalism, Magali Larson has noted that medicine enjoys the advantage of being the most esteemed profession in our culture. Doctors are granted great symbolic power because of the specialized knowledge they possess and because of their presumed devotion to human welfare (1977: 37–9). By making clear his professional status in his writings, Wertham was effectively staking claim to the authority granted to doctors. This introduction of medical authority into the debate over comics would bring the comics onto centre stage.

The Kefauver subcommittee

As a result of Fredric Wertham's writings, comic books were widely suspected to be a contributing cause of juvenile delinquency, one of the major concerns of mid-1950s America. As post-war juvenile crime statistics rose steadily and a youth culture that defined itself as independent from its elders began to emerge in the 1940s and 1950s, concerns about juvenile delinquency began to crescendo. Studies of delinquency were launched, and parents formed coalitions to contain juvenile delinquency. As was the case in earlier and subsequent debates over misbehaving youth, the mass media were thought to be among the prime corrupters of the young (Gilbert, 1986: 3–10, 42–62). Comic books took their place along with movies, television and radio, all suspected of guiding children into criminal behaviour. Had comic books not been associated with juvenile delinquency, it is doubtful that they would have received much attention.

In the same year Wertham's *Seduction of the Innocent* was published, the US Senate held several hearings on juvenile delinquency. One series of hearings was devoted solely to the relationship between comics and juvenile delinquency. These hearings, chaired by Senator Robert Hendrickson, but more commonly associated with Senator Estes Kefauver, were held in April and June of 1954.³ The Kefauver subcommittee hearings were the first US Senate subcommittee investigation of mass media effects, establishing a pattern of Congressional media trials that has continued to the present day.

The witnesses called to testify before the subcommittee fell into two categories. The first category consisted of experts on how comic books affected

the child reader. Fredric Wertham was one of these experts. The second category of witnesses consisted of representatives of the comic book industry: publishers, news dealers and artists testified on their own behalf, defending the comic books from the claims made against them by Wertham.

The Congressional stance during such hearings has been shaped by two motivations. On the one hand, Congress has felt bound to defend a system of free enterprise, and has usually been unwilling to take on the myriad practical and constitutional problems inherent in limiting mass communication. However, it has also periodically found it necessary and even beneficial to address public concerns over the mass media, maintaining its image as a public watchdog (Rowland, 1983: 297–9). Beginning with the Kefauver hearings, Congress has consistently played to both expectations by charging subcommittees that ultimately recommend industry self-regulation. On a symbolic level, Congress' watchdog image is served by the mere fact that hearings are held at all, and the self-regulatory codes provide further evidence that something has been done to confront the problem at hand. However, the fact that such hearings usually result in a *self-regulatory* code indicates that, in the end, the interests of the industry are a primary concern.⁴

Because Senators do not offer their own testimony at such hearings, it can be difficult to pin down the degree to which they were looking out for the industry's interests. However, from their statements on the first day of hearings, it is possible to glean some insight into how they conceptualized the comic book problem. Senator Hendrickson made the opening statement, remarking that the subcommittee would limit its investigation to 'those comic books dealing with crime and horror', thus acknowledging that 'while there are more than a billion comic books sold in the United States each year, our subcommittee's interest lies in only a fraction of this publishing field'. He surmised that 'authorities agree that the majority of comic books are as harmless as soda pop'. Later in his opening remarks, he took care to remind the audience that the Senators were not 'a subcommittee of blue-nosed censors. We have no preconceived notions as to the possible need for new legislation' (US Congress, 1954: 1). These remarks no doubt assuaged the fears of the comic book industry representatives; it takes little reading between the lines to see that Hendrickson was hinting at industry self-regulation as the solution to the problem, as opposed to any kind of direct government control. He started by taking a position that had been advocated by much of the comic book industry for years (that crime and horror comics were the problem, while most comics were 'as harmless as soda pop'), and would be stated clearly when industry representatives testified later in the hearings. If the industry needed any more reassurance that its interests would not be ignored, they had only to notice how many of the witnesses scheduled to testify represented the business of selling comic books. Of the 22 witnesses, 15 were connected with the comics industry, including publishers, artists, distributors and news dealers. Clearly, the government's respect for free enterprise, alluded to in

these opening comments, is apparent in the selection of participants in the hearings.

That is not to say, however, that the comic book industry was the only party with any influence on the framing of the hearings. Indeed, it is the relationship between juvenile delinquency and comic books, the relationship Wertham was so concerned with, that was the prime focus. As Hendrickson stated:

We want to find out what damage, if any, is being done to our children's minds by certain types of publications which contain a substantial degree of sadism, crime, and horror. This, and only this, is the task at hand.

(US Congress, 1954: 1–2)

Reminding the subcommittee that juvenile delinquency was the presumed effect of these publications, he noted that:

Our subcommittee is seeking honestly and earnestly to determine why so many young Americans are unable to adjust themselves into the lawful pattern of American society. We are examining the reason why more and more of our youngsters steal automobiles, turn to vandalism, commit holdups, or become narcotic addicts.

(US Congress, 1954: 2)

Fredric Wertham's influence in making this connection between comic books and juvenile delinquency was profound. Wertham's writings shifted the discussion from commonsensical notions of taste and aesthetics to scientifically formulated understandings of media effects. The fact that the subcommittee's stated goal was to examine the extent to which these effects really existed testifies to Wertham's influence on the hearings. By relying on a psychiatric understanding of the comics to supply it with its central question, while establishing its resolve to remain mindful of the comic book industry's interests, Hendrickson's opening statements make clear the contradictory roles Rowland suggests that government finds itself playing in such dramas.

Expert testimony

In contrast to the comic book industry and the Senators, Fredric Wertham blamed *all* comics (i.e. not just crime and horror comics) for corrupting children. It is important to understand the critique he presented in his testimony, so that his contribution to the process of this show trial can be better understood. Even before his testimony, Wertham had a significant impact on the hearings. Most obviously, Wertham's hypotheses had shaped the stated goal of the subcommittee – to examine how comic books might cause juvenile delinquency. It

is also important to note that prior to the hearings, Wertham acted as a consultant to the Senate subcommittee, helping them to conceptualize the comics' impact on children and suggesting how the hearings should be held (Nyberg, 1998: 54). Of the 22 witnesses who testified at the Kefauver subcommittee, only five purported to possess any expertise regarding the effects of comic books. Fredric Wertham was one of these witnesses. He had established himself as the pre-eminent expert in the field of comic book effects, and his testimony no doubt carried more weight than other experts.

After presenting his extensive credentials, Wertham began outlining his arguments regarding the effects of crime comic books on children. He posited that crime comic books taught methods of crime to children, stating that 'if it were my task . . . to teach children delinquency . . . I would have to enlist the crime comic books industry' (US Congress, 1954: 87). Crime comic books, he claimed, warped the reader's sense of right and wrong by showing criminals getting off scot-free. He noted that 'there are whole comic books in which every single story ends with the triumph of evil, with a perfect crime unpunished and actually glorified' (US Congress, 1954: 86). This created what he called 'moral confusion' in the mind of the child.

Other arguments Wertham reviewed for the subcommittee criticized comics outside of the crime genre. Jungle comics, he claimed, caused 'a great deal of race hatred' (US Congress, 1954: 85) as a result of their portrayals of African natives as dangerous villains. He described his theory that reading the 'balloon print pattern' of the captions in comic books prevents children from learning to properly scan a page so as to read quickly and efficiently (US Congress, 1954: 89). Advertisements in comic books, he claimed, created two kinds of harmful effects in children. Advertisements for products like .22 calibre rifles, throwing knives and whips gave the child reader 'fantasies about [using] these things' (US Congress, 1954: 87). Other comic book ads, for such products as acne creams and body-building equipment 'discourage children and give them all kinds of inferiority feelings'. The effect of these ads is tied to delinquency because 'these discouraged children are very apt to commit delinquency as we know and have known for a long time' (US Congress, 1954: 89).

Another argument Wertham posed concerned superhero comic books. He remarked that these comics 'teach complete contempt of the police' by depicting a police force incapable of fighting evil without the help of a superhuman ally. He continues on this point, stressing that whereas before comics, children wanted to emulate their parents, 'now they skip you, they bypass you. They want to be like Superman, not like the hard working, prosaic father and mother'. The superhero comics, he says, '[arise] in childhood fantasies of sadistic joy in seeing other people punished over and over again while you yourself remain immune' (US Congress, 1954: 86).

Wertham believed that *all* comic books were bad for children. Whereas Senator Hendrickson began by narrowing the focus – and other critics frequently

objected only to the ‘worst’ comics (generally meaning crime and horror comics) – Wertham maintained a comprehensive anti-comics position. When the Association of Comic Magazine Publishers had earlier attempted to ease concerns over comic book content in 1948 by creating a code for self-censorship (that quickly failed), Wertham suspected an industry whitewash was at work. Reacting against such efforts to classify comic books, Wertham remarked:

children’s minds are at least as sensitive and vulnerable as a man’s stomach. Supposing you divide eggs into such groups and say that to some you have ‘some objections’, others you find ‘objectionable’ and still others ‘very objectionable’. You can grade good eggs. But what sense is there in grading bad eggs? Isn’t a bad egg bad, especially if one child eats hundreds of them?
(US Congress, 1954: 85)

He thought any classificatory scheme for controlling the comics was worthless in confronting the problem. His own scheme for describing the problem of the comics allowed no such classification, and he regarded all classification exercises as a capitulation to the interests of the comic book industry. He described the ACMP’s 1948 self-regulatory code as ‘not [a] spontaneous expression of self-improvement or self-regulation, [but instead a] determined effort at defense’ (US Congress, 1954: 305), expressing his scepticism of the industry’s willingness to confront what he saw as the truth regarding the comic books.

Wertham’s arguments – levelled against *all* comic books and critical of self-regulation – showed little concern for the well-being of the industry. Out of the six other non-industry-affiliated individuals who testified, four addressed the connection between comic books and juvenile delinquency, ostensibly the defining question of the subcommittee hearings. Richard Clendenen, the executive director of the subcommittee to investigate juvenile delinquency, was the lead witness of the hearings. His testimony was wide-ranging, touching on the content of comic books, the structure of the comic book industry and the opinions of various experts. He dealt with the effect of comics on children only briefly, indicating that crime and horror comic books were not likely to be an influence on the behaviour of normal children. He posited that it was only ‘emotionally disturbed children’ who might experience a ‘detrimental and delinquency producing effect’ (US Congress, 1954: 53).

Dr. Harris Peck, the director of the bureau of mental health services at the children’s court in the New York City Court of Domestic Relations, was the second witness to testify. Peck’s testimony was brief and often tentative; he began by stating that ‘I really cannot pose as an expert in the field of comic books’ (US Congress, 1954: 64). He testified that many of the troubled children he dealt with in the court system were avid fans of the crime and horror comics, and noted that the comics were getting more sexual and violent. Finally, he echoed

Clendenen's belief that crime and horror comics were more of a threat to the emotionally disturbed child than to the normal child.

The remaining two experts to testify on the question of comic books' effects on children, Gunnar Dybwad and Lauretta Bender, disputed the notion that comics of any kind had detrimental effect on children. However, because both operated in advisory positions for comic book publishers, they were each reprimanded by the subcommittee for allowing the publishers to influence their conclusions. Senator Kefauver scolded Dybwad for 'traveling under false colors' (US Congress, 1954: 133), accusing him of allowing his affiliation with a comic book publisher to influence his scientific findings. It was as if Bender and Dybwad had violated the image of the objective scientist that the Senators needed in order to validate the hearings as authoritative. Overall, out of five testimonies addressing the connection between juvenile delinquency and comic books, only three remained as 'authoritative' after Dybwad and Bender were 'weeded out'. Of those remaining three, only Wertham had much to say, and his findings went unquestioned.

Comic book industry representatives take the stand

The comic book publishers, distributors and retailers testified in sufficient numbers to insure their dominance in the hearings. Beyond outnumbering whatever opposition they had, they managed to sculpt a consistent message regarding what to do with the comics. In keeping with the pattern described by Willard Rowland, the first line of defence used by the comic book industry was to make the most of the inherent ambiguity of whatever findings social scientists could muster to establish any clear connections between comic book reading and juvenile delinquency. Henry Schultz, representing the Association of Comic Magazine Publishers, insisted that:

from my talking with men who have devoted years to a study of this problem . . . they are all agreed that the tools which they have in psychiatry and sociology are still too blunt to enable the careful measurement of [comic books' effects on children].

(US Congress, 1954: 75)

A different ambiguity-invoking defence came from publisher William Friedman, who took a more philosophical approach:

I think you will agree with me that every conceivable action – the time of day, the weather – has some sort of reaction, some sort of an impression on [a child] . . . everything is a contributing factor to a child who is

delinquent, whether it is a rainy day, whether he has 5 cents in his pocket, or has not got 5 cents in his pocket.

(US Congress, 1954: 147)

This kind of 'life is too complicated' approach to the debate was frequently deployed by those representing the interests of comic book publishers.

Of course, social science was portrayed as much more reliable when it produced findings indicating that comic books did not have any adverse effect on youngsters. Schultz was one of the many representatives of the comic book industry to call attention to the research of sociologists Sheldon and Eleanor Glueck, who, in Schultz's words, 'tell us in their definitive book . . . that a child's pattern of delinquency is fixed at the age of six. That is even before he is exposed to mass media' (US Congress, 1954: 75). Monroe Froelich, also from the comics publishing business, used the Gluecks' research to throw more ambiguity into the equation, quoting them as saying:

One does not correct the basic problems presented an energetic lad by taking movies and comics away from him. If he has need for such outlets he will get to them and deprivation is no cure.

(Glueck and Glueck, quoted in US Congress, 1954: 175)

If research could be found that supported their claims, the comic book industry representatives were sure to use it.

Representatives of the comic book industry also attempted to wrest the issue from the experts by bringing the debate over comics back to common-sense issues of taste. By playing the taste card, they reinforced the divide between the 'vulgar' (crime and horror) comics, that Senator Hendrickson's opening comments cited, and the supposedly different, 'harmless' comics. Continually dwelling in the world of taste, comic book industry representatives indicated their support for a self-regulatory code that controlled the ostensibly vulgar comics.

One way this defence was used was by describing their company's own, supposedly strict, guidelines for self-censorship. Henry Schultz of the ACMP offered a defence of the 1948 code, attempting to place a halo over the heads of the publishers who subjected themselves to it (US Congress, 1954: 71–3). Monroe Froelich reinforced the demarcation between those who followed the 1948 code and those who did not, adding that 'there are only three publishers, including ourselves, who belong to the association. We try at all times to abide by the code' (US Congress, 1954: 170). Other comic book industry representatives frequently asserted a similar, upbeat reaction to the idea of self-censorship; censorship of the comics was only criticized by the industry representatives if it was conceived as coming from outside of the industry.

In a variant of this demarcation defence, the industry representatives

acknowledged that harmful effects might result from reading *some* comic books; however, they insisted that the comic books *they* published were just too wholesome to cause such dire effects. The industry consistently maintained that the image of comic books as vile corrupters of youth was the fault of the publishers of crime and horror comics. Henry Schultz exemplified this line of defence, begging the committee to

do a great service [by] excoriating the bad taste and the vulgarity sometimes bordering on obscenity that occurs in [crime and horror comics]. I think many of the comic book publishers have failed in their duty to mothers to take this great medium which was 7 years ago a wonderful vital thing and they have debased it in many ways.

(US Congress, 1954: 75)

Monroe Froelich indicated his company's willingness to police itself, reminding the subcommittee that his comics were 'carefully edited' so as to 'avoid the publication of material which can be considered offensive or salacious' (US Congress, 1954: 171). 'There is no reason for (the comic book industry) to be sullied by marginal operators (i.e. publishers of crime and horror comics)', claimed Froelich (US Congress, 1954: 174). Industry representatives drew upon loosely defined standards of taste and vulgarity to classify comic books, effectively displacing the scientifically-conceived issue of media effects that Wertham attempted to install as a barometer for informing the subcommittee on what to do about the comics.

This opposition of 'clean' comics versus 'violent, salacious, offensive' comics produced by 'marginal' publishers continued in the testimony of Harold Chamberlain, who represented Independent News Co., a publisher of kiddie, funny animal, superhero and 'detective' comics (the 'detective' label was a clear attempt to avoid being tagged as a publisher of crime comics). Chamberlain stressed that there were two kinds of comics and lamented that 'the good class, clean comics, has been hurt by the publicity given to [crime and horror] comics . . . there has not been enough complimentary remarks passed on good clean comic reading' (US Congress, 1954: 226). Later, George Davis, representing the Kable News Co., publishers of a wide variety of comics, got right to what was, by the end of the hearings, the central metaphor in the defence of 'clean' comics, making the point that 'this whole barrel of apples is not rotten . . . anyone who tries to defend [crime and horror comics] is next to crazy, and he is out for something besides helping America' (US Congress, 1954: 247).

Helen Meyer, representing Dell Publications, who at the time published the most popular kiddie and funny animal comics, including comic book versions of all the Warner Brothers and Disney characters, was outspoken in her desire to clamp down on what she saw as the bad part of the industry. The Dell imprint's popularity, she averred, was attributable to their lack of offensive content. She

remarked that 'by publishing good comics, we not only outsell all other publishers of comics of all kinds, (we also) have parental acceptance' (US Congress, 1954: 199). Cutting to the quick toward the end of her remarks, she says 'we didn't even want to be classed with the crime and horror comics . . . We abhor horror and crime comics. We would like to see them out of the picture because it taints us' (US Congress, 1954: 200). Indeed, Meyer said more than she may have known when she said,

Dr. Wertham, for some strange reason, is intent on condemning the entire industry. He refuses to acknowledge that other types of comics are not only published, but are better supported by children than crime and horror comics . . . Yet, in the extensive research he tells us he has made on comics, why does he ignore the good comics?

(US Congress, 1954: 197–8)

As we have seen, Wertham's condemnation of *all* comics was a major part of his understanding of the comics' effects. Meyer's comment is revealing in that it plainly demonstrates the conflict between Wertham's point of view, and the perspective most industry representatives attempted to establish as the yardstick for 'acceptable' comics. Although Wertham wanted all comics to be considered as potential dangers, the Kefauver hearings could allow no such understanding; the well-represented comic book industry was writing the script of the debate over comic books at this point, and for their own self-interest, it was best that comics be divided into 'good' and 'bad'. Senator Hendrickson's opening statement that only crime and horror comic books were to be investigated can, in light of the testimony of the comic book industry representatives, be seen as anticipating the interests of the industry.

William Gaines of E. C. Comics was the only publisher at the Kefauver hearings to attempt any other defence of comic books. Instead of harnessing middle-brow notions of taste in order to place the blame on other comic book publishers, Gaines challenged the very assumptions that had been used by the other industry representatives. His unapologetic defence of his own comics differed radically from the defence other publishers offered. The first such deviation from the norm was Gaines' refusal to dissociate his company from any ostensibly 'bad' comics. One of his first remarks was 'I publish horror comics. I was the first publisher in these United States to publish horror comics. I am responsible, I started them' (US Congress, 1954: 98). Whereas other publishers pointed to their past efforts to create and sustain self-censorship codes in an attempt to demonstrate their allegiance to the idea of regulation, Gaines did not support any kind of censorship measures. He had only hostility toward anything like the 1948 ACMP code, stating that 'once you start to censor you must censor everything. You must censor comic books, radio, television, and newspapers' (US Congress, 1954: 100).

Most significantly, Gaines refused to acknowledge that any of his comics led to juvenile delinquency or were in bad taste. Declaring that 'entertaining reading has never harmed anyone' (US Congress, 1954: 98), he proclaimed that 'my only limits are bounds of good taste, what I consider good taste' (US Congress, 1954: 103). Faced with this motto, the subcommittee brought out examples of E.C. comic books considered most egregious. In one of the most memorable moments of the subcommittee hearings, Kefauver held up a copy of one of Gaines' comics that featured a woman's severed head on the front cover, asking Gaines, 'Do you think that is in good taste?', to which Gaines responded with his oft-quoted reply,

Yes, sir; I do, for the cover of a horror comic. A cover in bad taste, for example, might be defined as holding the head a little higher so that the neck could be seen dripping blood from it and moving the body over a little further so that the neck of the body could be seen to be bloody.

(US Congress, 1954: 103)

Gaines isolated himself. His refusal to accept the established definitions of taste that so profoundly informed the debate over comic books highlighted E. C. Comics as the epitome of the 'vulgarity' that other industry representatives and the Senators saw as the root of the problem. As a representative of a popular, unapologetically 'low', vantage point, Gaines came into direct conflict with the middlebrow. Taste was here operating as a classificatory system that classified the actors themselves into categories. At no other point is it made more obvious that the hearings hinged on issues of taste, and were not centred around the effect of comic books on children.

The outcome of the hearings

After the hearings, Kefauver penned an interim report summarizing the conclusions of the subcommittee. This report stated in definitive terms what the needs of the comic book industry were and what measures were to be taken to curb the problem of the comics. The report makes clear which witnesses held sway with the subcommittee, manifesting all of the interests and tensions that arose between the parties who took part in the hearings. Overall, the report appears to be an application of the legitimacy associated with authorities such as Wertham to the middlebrow understanding brought to the committee by the industry representatives.

Most of the conclusions involving the relationship between comic book reading and juvenile delinquency were taken straight from Wertham's testimony, making it clear that Wertham was the accepted authority on the comic books. One of the conclusions, that 'techniques of crime are taught by crime and horror comics', quotes Wertham's testimony, and refers to him as 'the first psychiatrist to call attention of the American people to crime and horror comics', apparently

oblivious to the fact that Wertham was trying to call the attention of the American people to *all* comics (US Congress, 1955: 14). The next conclusion, that ‘criminal careers are glamorized in crime and horror comic books’, closely follows Wertham’s logic regarding the issue, wherein comic books are seen as seducing a child with pleasurable images of crime. Kefauver even uses the Wertham-derived label of ‘hired apologists’ to apply to those academics, such as Gunnar Dybwad and Lauretta Bender, who maintained any affiliation with the comic book industry and questioned the degree to which crime and horror comics affected children (US Congress, 1954: 15).

Another Wertham-inspired conclusion in the Kefauver report is that ‘defenders of law and order [are] frequently represented as all-powerful beings who kill and commit other crimes to defend “justice”’. Kefauver quotes extensively to Wertham this effect (US Congress, 1954: 16). A final word concerning problems with comic books refers to ‘weapons and pseudomedical nostrums advertised in comic books designed for children’ (US Congress, 1954: 17). Descriptions of such ads are given, and Kefauver assures the reader that the Food & Drug Administration, the Post Office Department and the Federal Trade Commission have been called on to curtail such advertising (US Congress, 1954: 18). Though Wertham is not quoted in this section, his argument that these ads harmed children’s self-images and tempted them into delinquency was certainly the inspiration for this conclusion.

As these instances demonstrate, Wertham truly did speak with authority. Most of the conclusions were taken directly from Wertham’s testimony. As far as issues of scientific fact regarding media effects were concerned, he faced no effective opposition. Aside from Dr Harris Peck, whose belief that comic books harmed only the ‘emotionally maladjusted child’ is briefly reviewed, and a few references to researchers who did not testify at the hearings, Kefauver referred to no other expert when discussing his conclusions regarding the link between comic books and delinquency.

Not surprisingly, Wertham was not the only one to influence the conclusions reached in the interim report. The comic book industry’s interests were also taken into account. Kefauver concluded that:

The subcommittee believes that the American people have a right to expect that the comic-book industry should shoulder the major responsibility for seeing to it that the comic books placed so temptingly before our Nation’s children at every corner news-stand are clean, decent, and fit to be read by children. This grave responsibility rests squarely on every segment of the comic-book industry. No one engaged in any phase of this vast operation—from the artists and authors to the newsstand dealers, from the publisher to printer to distributor to the wholesaler — can escape some measure of responsibility.

(US Congress, 1954: 27)

Here a subtle transformation can be seen at work. Moving away from academic notions of media effects, instead relying on a belief in 'clean, decent' material to guide him, Kefauver puts the 'burden' of self-regulation on the shoulders of the comic book industry, and in particular, on the comic book distributors. Though this 'grave responsibility' might appear weighty, there is little doubt that this is exactly what many industry representatives were gunning for all along.

The 'burden' of self-regulation that Kefauver indicated would be imposed on the industry would come from a new association of comic book industry interests, the Comics Magazine Association of America. Established in September of 1954, the CMAA's chief function was to formulate a code to determine what words, images and themes would be acceptable for inclusion in the comic books of its members. Once the code was established, they sought an administrator to enforce it. Wertham was asked to fill this spot, but he declined, maintaining his staunch opposition to industry self-regulation as the answer to the comic book problem. The position went to Charles Murphy, a New York City magistrate (Gilbert, 1986: 107).

As should be obvious by now, the code was created more out of a concern for management of the industry's image and future profitability than for any earnest campaign against juvenile delinquency or morality. David Finn, who helped draw up the code's provisions, later commented that, 'the purpose of [the Comic Book Code] is not to create an atmosphere in which the reforms demanded by critics will be made; it is to find a way to make the smallest possible concessions necessary to end the controversy' (as quoted in Nyberg, 1998: 111–12). As an expression of purely industry-centred interest, the code maintained a hard line against the scapegoats the publishers of 'clean, decent' comics had blamed during the Kefauver hearings and made no attempt to adhere to any coherent media effects theory. It was, simply put, a makeover for the much beleaguered comic book industry.

The code itself consisted of 41 regulations in seven categories (see appendix). Comic books that were to be widely distributed had to be submitted to Charles Murphy for a pre-publication review. If the comic was found to be in compliance with the code, the publisher was allowed to print the 'Seal of Approval' of the CMAA on the front cover. However, if any content was found to conflict with the requirements of the code, the comic could be edited by Murphy's board of reviewers directly or returned to the publisher with comments suggesting how to alter the material so that it could be brought into full compliance.

In accordance with the conclusions reached in the Kefauver subcommittee's interim report, the force of the Comic Book Code was applied at the point of distribution. Although there were scores of comic book publishers, hundreds of wholesalers and thousands of newsstands and stores that sold comic books, only 13 companies acted as comic book distributors. The small number of distributors through which the publishers reached their customers made those distributors a

potential bottleneck in the comic book industry. Turow (1984) defines the ‘leverage’ of the ‘distributor role’ as consisting of ‘control over channels by which material can reach exhibition’ (1984: 13). The distributors were in a unique position to co-ordinate the needs of the myriad retailers and publishers and this role gave them the power to maintain a firm oligopoly. In addition, because the comic book industry had practically no vertical integration at the time (i.e. no publishers owned their own means of distribution), the distributors’ power eclipsed that of even the largest publishers. Comic books simply could not be sold without the distributors. The Kefauver subcommittee made it clear that the distributors were to be held under close scrutiny as the Comic Book Code was put into effect. This bit of ‘legislation by raised eyebrow’ was successful; after the Code was adopted, the wholesalers, fearing popular uproar, made it binding, sending back comic books that had not been cleared by Charles Murphy and his committee of censors (Nyberg, 1998: 117).

The Comic Book Code was similar to other mass media regulation codes that had been around for years, with a stress on limiting how violence and sexuality were to be portrayed, and a stated concern for the juvenile audience. These similarities have been well established in prior research (e.g. Nyberg, 1994, 1998). I will focus on two aspects of the code that elucidate how was created with the interests of the comic book industry in mind.

The code’s relationship to expertise

The first aspect of the code that revealed the underlying interests of the comic book industry was its stance regarding crime and horror publishers. The rhetoric generated during the Kefauver hearings by the publishers of ‘clean, decent’ comics framed the problem of comic books as a problem localized to the publishers of crime and horror comics. The Comic Book Code put this scapegoating stance into effect by coming down hard on most crime and horror comics.

The first section of general standards in the code consisted of twelve guidelines stipulating how crime was to be handled in comic books (see appendix). These guidelines were quite thorough, and proved difficult for any publisher of crime comics to get around (Benton, 1993: 86–9). One guideline in particular aimed at specific crime comics:

The letters of the word ‘crime’ on a comics magazine cover shall never be appreciably greater in dimension than the other words contained in the title. The word ‘crime’ shall never appear alone on the cover.

(CMAA Code, as printed in US Congress, 1955: 36)

This provision forced many crime comics publishers to change the titles of their most successful comics. Titles like *Crime and Punishment* and *Crime Never Pays*, and

Crime Suspensories, whose standard storylines were ruled out by other provisions, were thus specifically targeted by the factions of the industry who created the code.

The next section of general standards concerned horror comics, the other chief scapegoat. This section required that:

- 1 No comic magazine shall use the word horror or terror in its title.
- 2 All scenes of horror, excessive bloodshed, gory or gruesome crimes, depravity, lust, sadism, masochism shall not be permitted.
- 3 All lurid unsavoury, gruesome illustrations shall be eliminated.
- 4 Inclusion of stories dealing with evil shall be used or shall be published only where the intent is to illustrate a moral issue and in no case shall evil be presented alluringly nor so as to injure the sensibilities of the reader.
- 5 Scenes dealing with, or instruments associated with walking dead, torture, vampires and vampirism, ghouls, cannibalism and werewolfism are prohibited (US Congress, 1955: 37).

E. C. was the first and largest publisher of horror comics. The word 'horror' was used in the title of one of its most popular titles, *Vault of Horror*. Other comic books, such as Star Publications' *Startling Terror Tales*, and Allen Hardy Associates' *Weird Terror* also used the forbidden words in their titles. Comic book historians have interpreted the ban on the use of 'horror' and 'terror' as the smoking gun of a conspiracy against horror comics (e.g. Daniels, 1971). However, this ignores the fact that many horror comics, such as E. C.'s legendary *Tales From the Crypt*, did not use the banned words in their titles anyway. What was most important was the fact that the other provisions eliminated the bulk of the horror genre's plot devices. The wording was vague enough (e.g. 'lurid, unsavoury, gruesome') to be used against almost any horror story he submitted to the Code administration, but specific enough to limit its exclusion to the horror genre. As the result of the Comic Book Code, William Gaines, and other horror publishers with him, discontinued his entire line of horror comics. After an attempt at inventing new genres that were not targeted by the code, E. C. Comics ceased publishing comics altogether (Daniels, 1971: 91–2).⁵

The demise of the horror and crime genres served the interests of the comic book industry in two ways. First, and most obviously, crime and horror were very successful genres and provided tough competition in the comic book market. The market became that much more open to other publishers after the demise of these genres (perhaps explaining the dominance of superhero comics in the years to come). Secondly, the elimination of publishers like E. C. provided the members of the CMAA with public proof that the Comic Book Code had in fact accomplished something. Symbolically, their hard line against horror and crime comics reinforced the notion that there was in fact a clear-cut difference between E. C. comics and their own material.

One of the ironies of the Comic Book Code is that ideas originally suggested

by Fredric Wertham – a staunch critic of the comic book industry who did not trust industry self-regulation – were used to inform the phrasing of the Code. Wertham's arguments were harnessed to fit the needs of the publishers of the 'decent' comics. Several of the arguments made by Wertham during the Kefauver subcommittee found fruition as elements of the Comic Book Code. The first six standards in Part A of the Code proclaim:

- 1 Crimes shall never be presented in such a way as to create sympathy for the criminal, to promote distrust of the forces of law and justice or to inspire others with a desire to imitate criminals.
- 2 No comics shall explicitly present the unique details and methods of a crime.
- 3 Policemen, judges, government officials and respected institutions shall never be presented in such a way as to create disrespect for established authority.
- 4 If crime is depicted it shall be as a sordid and unpleasant activity.
- 5 Criminals shall not be presented so as to be rendered glamorous or to occupy a position which creates a desire for emulation.
- 6 In every instance, good shall triumph over evil and the criminal punished for his misdeeds (as quoted in US Congress, 1955: 36).

Standards One and Four through Six are obvious Comic Code responses to Wertham's argument that comic books were making crime seem glamorous or even potentially successful. Standard Two owes a clear debt to Wertham's contention that the comic books taught crime by describing its techniques in detail. Standard three most certainly found its origin in Wertham's argument that superhero comic books made children believe in superheroes at the cost of their belief in existing authority figures.

The Code also co-opted Wertham's arguments concerning advertising matter. In the code's section on advertisements, two provisions bear the Wertham imprint. These provisions state that: 'Advertising for the sale of knives, concealable weapons, or realistic gun facsimiles is prohibited . . . [and] . . . Advertisement of medical, health, or toiletry products of questionable nature are to be rejected' (US Congress, 1955: 37–8). These stipulations hark back to Wertham's testimony concerning advertisements, in which he criticized guns and knife ads for tempting children into crime, and lambasted ads for phoney medical treatments because they undermined the child's sense of self-worth.

As Nyberg (1994, 1998) has pointed out, these elements of the Comic Book Code bear a striking resemblance to earlier codes for mass media content. By suggesting that Fredric Wertham's ideas influenced the Comic Book Code, I am not trying to play this down; the parallels between the CMAA Comic Book Code and other codes (e.g. the ACMP code of 1948, the Motion Picture Production Code, and the NARTB code for television) are quite clear. When taking both Wertham's ideas and the other codes into consideration, the Comic Book Code looks like a way for the comic book industry to have modelled its code on earlier

codes that had successfully staved off outside regulation, while still appearing to react to current concerns through its use of Wertham's ideas.

Wertham felt strongly that all comics were bad for children, but, as he made clear in his reaction to the 1948 code and in his testimony at the Kefauver hearings, he did not consider censorship to be a satisfactory response to the problems with the comics. He was shocked and dismayed by the CMAA Comic Book Code, proclaiming that 'all promises of self-regulation on the part of the publishers of comic books have been empty, with the latest publicity stunt of a "czar" [Murphy's title] and a new "code" no exception' (Wilson Library Bulletin, April 1955: 613). In a much later interview, after his name had become indelibly linked with the Comic Book Code, Wertham explained, 'Censorship is not the answer; it is not even the question . . . I wasn't censoring comic books; I was merely suggesting control of what is directly and suggestively exposed and offered to children who are young' (Hewetson and Wertham, 1989: 84). By all indications, Wertham seemed surprised that his findings could be used in a manner so contrary to what he would have preferred, a law that would have prohibited selling any comic book to children below the age of thirteen.

What Wertham did not seem to understand was his part in the drama. Although he may have been recognized as an authority (even perhaps *the* authority) on the topic of comic books and their effects on children, that did not empower him to dictate policy to the government or the comic book industry. As Bourdieu remarks, intellectuals, such as Wertham, are

a dominated fraction of the dominant class. They are dominant, in so far as they hold the power and privileges conferred by the possession of cultural capital and even, at least as far as certain of them are concerned, the possession of a volume of cultural capital great enough to exercise power over cultural capital; but [intellectuals] are dominated in their relations with those who hold political and economic power.

(1987: 145)

Wertham learned this the hard way. His desire to reach the public with his writings on the comic books of the time led him to address a middlebrow audience that took issue with the comics' vulgarity. His articles in *The Saturday Review of Literature*, *Ladies' Home Journal* and *Wilson Library Journal* and his popular book *Seduction of the Innocent* appealed to the audience's sense of taste and made him a household name, propelling the comic book issue into the halls of Congress. Using a medical, psychiatric terminology, his critique was no easier on the ostensibly 'clean, decent' comics. However, the Senators' decision to focus only on crime and horror comics demonstrated that Wertham's expertise could only get him so far. As the hearings continued, comic book industry representatives reinforced the divide between clean and vulgar comics, casting their own comics as clean and scapegoating crime and horror publishers for giving comic books a bad image. The hearings' function as a scientific examination of media effects was all

but eliminated, maintained only because the subcommittee's legitimacy depended on its ostensible focus on issues of objective science. Wertham became nothing more than a stamp of authority to be placed on middlebrow evaluations formulated in the interest of the bulk of the comic book industry. In a like manner the scientific terminology that initially garnered Wertham a privileged position in the comic book debate was now used to give an aura of medical authority to a censorship code he wanted nothing to do with.

Conclusion

Whereas Anthony Comstock was able to use religious invective to foment public concern over dime novels in the nineteenth century, the more rationalized decency crusades of today demand scientists in order to proceed. If Fredric Wertham's story is any indication, one way for a scientist to influence these crusades is by tailoring a message for the popular media (i.e. not professional journals) that gives scientific warrant to pre-existing popular concerns regarding taste or morality. This phenomenon of 'public expertise' highlights the media's role in the modern decency crusade. The media, as tools for disseminating expert opinions, have become important purveyors of authority for would-be public experts. The irony here is that once experts go public with their ideas, they can find their authority used to justify actions that run counter to their own suggestions. Those with economic and political power may have to respect the authority of experts, but they also get to negotiate how that authority is used.

The Kefauver hearings' investigation into the effects of comic books highlights many themes that have re-surfaced in subsequent debates over the effects of the mass media. The concern for the effects of sexual and violent content on a young audience is an obvious example of what the drama surrounding the comics shared with other debates over media effects. More significantly, the Kefauver hearings were the first such effects debate to be played out in Congress. The increasing involvement of Congress hints at an increasing routinization of how these debates were played out. Mass media industries have played a large role in this routinization. The comic book industry's defence of itself marks the slow emergence of a line of defence for the mass media. The posture utilized by the comic book industry at the Kefauver hearings, necessitated by the Congressional 'watchful eye' and the involvement of academic experts, could be seen at work for the next several decades as television became the medium under the gun. Indeed, the television industry's recent proposals for self-regulation – the ratings system and V-Chip – can be seen as projections of this same mentality. Mass media industries have developed a method of using the symbolic politics of self-regulation as a way of assuring the public and would-be Capital Hill regulators alike that everything is under control. A ritual nod in the direction of restraint, with no systemic change or theoretical foundation, has become the industry's strategy for countering 'disinterested' experts and maintaining the status quo.

However, this is not to say that the decency-crusade-as-show-trial is always carried out with the exact script. The 1985–1986 Meese commission hearings on pornography, for instance, evinced relatively little concern for arriving at industry self-regulation, instead addressing the issue of government regulation. However, many of the same elements of institutional convergence were clearly at work. As with the Kefauver hearings, the Meese commission constituted a highly visible ceremony that located the question of media effects as the crucial issue for determining the degree to which any content should be reigned in. This gave the expert witnesses – including Edward Donnerstein, Dolf Zillman, Jennings Bryant, Neil Malamuth and Andrea Dworkin – a prominent role in these hearings. And as with the Kefauver committee's use of Fredric Wertham's expertise, the Meese commission found sufficient support for its own recommendations to clamp down on pornography despite the fact that the evidence presented by these experts was frequently ambiguous with regard to the question of whether or not pornography inflicted harm sufficient to justify censorship. In both cases, the commissions performed selective use of the experts' testimonies, to some degree ignoring the ambiguity in these experts' opinions (Nobile and Nadler, 1986: 148–50), clearly finding common ground with experts who provided support for the idea that something was wrong and something must be done (Strossen, 1995: 82). The experts' presence was, in this sense, simply a way to bathe the outcome of the hearings in the glow of objective expertise. While the Comic Book Code was a clear outcome of the Kefauver hearings, hearings on pornography – including the Meese commission and the inquiry spurred on by the Minneapolis ordinance – have arrived at their own Code-like ways of sorting offensive material (Downs, 1989: 44).

The Kefauver hearings on comic books indicate that the ritual bows or symbolic politics involved in media show trials appeal to notions of taste. Though it might be tempting to assume this indicates that it all boils down to taste, this is only half of the story. While taste as a classificatory system to sort out the good from the bad was operating here, it was not operating in an institutional vacuum. On the contrary, the opposition between clean and vulgar comic books was deployed by the comic book industry in an effort to supplant the scientific, effects-centred research of the experts. Though the issue may have boiled down to taste on the symbolic level, it could be said that taste would have been toothless had it not been actively engaged by the comic book industry and the Senators. Rowland posits that media effects research concedes too much to an industry that has learned how to counter any effects-oriented criticisms. He suggests that the effects tradition in the study of communication would be well advised to examine its own origins before sallying forth into the world of Congressional (and other) hearings regarding the mass media. The example of the Kefauver hearings supports Rowland's contention that social scientists unaware of the institutional uses of their research may have less control over such investigations than they believe.

These institutional uses can be quite enduring; after all, the CMAA Comics Code still exists. And, not surprisingly, the changes made in the Code since its inception have reflected the interests of the publishers who use it as a way of guaranteeing the purity of their own material. The time of the Code's introduction was a difficult time for the comic book publishers: the Code was given a strict interpretation by its administrators, many publishers were dropping out of the market and television was becoming a difficult (and lasting) rival for the attention of the target audience. In the late 1950s, different states attempted to pass laws that regulated the distribution of comic books. Though these proposed laws were promptly rejected by the Supreme Courts in the states where they were passed, they reinforced the CMAA's resolve to maintain the Comics Code and to build bridges to groups of concerned citizens and legislators. Superhero comics were reintroduced (after a period of subsidence) in the late 1950s, and by the mid-1960s, the comic book industry's profits were soaring. A *Spider-Man* story that explored the issue of drug abuse – and thus violated the Code – received favourable attention for its frank approach, and this prompted discussion of the possibility of revising the Code.

In 1971, a revised Code was rolled out. This updated Code reflected some of the relaxed attitude of the time: crime and horror were less explicitly forbidden, and sexual situations could be implied, but not shown. In the 1970s, a new challenge faced the major comic book publishers, as independent comic book publishers began to distribute their material to shops that specialized in comic books (a real change from the old system, with its reliance on news-stand sales); this represented an economic challenge to the old guard of publishers. And in 1989, another Code revision was unveiled, again liberalizing the standards to allow an unfettering of standards that CMAA members thought were unduly constraining their business, but nevertheless demanding that the comic books that received approval would be appropriate for an audience of children. By this point, comic book publishers had begun to bypass the Code altogether by foregoing the large-scale news-stand market and distributing new, adult-oriented titles directly to comic book specialty stores. This strategy has effectively shifted some of the onus of monitoring content from the publishers to the retailers (Nyberg, 1998: 129–54). Despite these adjustments and the new strategy of directly appealing to an adult audience, however, the Comic Book Code has remained what it was when first devised in the wake of the Kefauver hearings: a means by which the comic book industry can defend itself from outside scrutiny.

Notes

- 1 Mills wrote, 'Dr Wertham's cases, his careful observations and his sober reflections about the American child in a world of comic violence and unfunny filth testify to a most commendable use of the professional mind in the service of the public' (1954: 20).

- 2 *Seduction of the Innocent* was narrowly passed up for inclusion as a Book of the Month Club selection in 1954.
- 3 Kefauver, a Democrat from Tennessee, was the prime mover behind the Congressional investigation of juvenile delinquency. (Gorman, 1971: 196–7) No doubt, he would have chaired the subcommittee had his party controlled the Senate in 1954. Because the Republicans controlled the Senate, Robert Hendrickson, a Republican from New Jersey, was named as chairman. Kefauver did chair the subcommittee in 1955, after Democrats won control of the Senate in the 1954 election. (Gilbert, 1986: 149)
- 4 The recent creation of the television ratings system exemplifies this kind of interplay between mass media industries and Congress. The television networks have responded to advocacy group criticism and Congressional threats of tough legislation by devising a ratings code that accords with their interests. Although the industry's goal has continually been to insure the least change possible, that does not prevent politicians from capitalizing on the symbolic value of being tough on media content, as when Vice President Al Gore proclaimed that 'America's parents have won back their living rooms' after the television networks and family advocacy groups agreed to a rating system in the summer of 1997 (Mifflin, 1997: 1).
- 5 Though the Comic Book Code and other market factors ultimately forced E. C. out of business, William Gaines eventually found a way to around these obstacles. By transforming one of his parody comics, *Mad*, into the now-famous *Mad* magazine (this involved a minor change in format and distribution, and also the phasing out of advertising from *Mad's* pages), Gaines successfully dodged the Code (Reidelbach, 1991: 32–52).

References

- Aswell, Mary Louise (ed.) and Wertham, Fredric (1947) *The World Within: Fiction Illuminating Neuroses of Our Time*. New York: McGraw-Hill.
- Benton, Mike (1989) *The Comic Book in America: A Illustrated History*. Dallas, TX: Taylor Publishing.
- (1993) *Crime Comic Books: An Illustrated History*. Dallas, TX: Taylor Publishing.
- Bourdieu, Pierre (1984) *Distinction: A Social Critique of the Judgment of Taste*. Cambridge, MA: Harvard University Press.
- (1987) 'The Intellectual Field: A World Apart'. In *Other Words* (1990). Stanford, CA: Stanford University Press, 140–9.
- (1982) 'Authorized Language'. In *Language & Symbolic Power* (1991). Cambridge, MA: Harvard University Press, 107–16.
- Brown, John Mason (1948) 'The case against the comics'. *The Saturday Review of Literature*, 20 March: 31–3.
- Daniels, Les (1971) *Comix: A History of Comic Books in America*. New York: Bonanza Books.
- Downs, Donald Alexander (1989) *The New Politics of Pornography*. Chicago, IL: The University of Chicago Press.

- Frakes, Margaret (1942) 'Comics are no longer comic'. *Christian Century*, November: 1349–51.
- Fuchs, Wolfgang J. and Reitberger, Reinhold (1971) *Comics: Anatomy of a Mass Medium*. Boston, MA: Little, Brown and Co.
- Gardiner, Harold C. (1954) 'Comic books: moral threat?'. *America*, 26 June: 340–2.
- Gibbs, Wolcott (1954) 'Keep those paws to yourself, space rat'. *New Yorker*, 8 May: 122, 124–9.
- Gilbert, James (1986) *A Cycle of Outrage*. New York: Oxford University Press.
- Gorman, Joseph Bruce (1971) *Kefauver: A Political Biography*. New York: Oxford University Press.
- Hewetson, Alan and Wertham, Fredric (1989) 'Censorship is not the answer; it is not even the question'. *The Comics Journal*, December: 81–4.
- Jowett, Garth (1976) *Film: The Democratic Art*. Boston, MA: Little, Brown, and Co.
- Kendrick, Walter (1988) *The Secret Museum: Pornography in Modern Culture*. New York: Penguin Books.
- Larson, Magali (1977) *The Rise of Professionalism: A Sociological Analysis*. Berkeley, CA: University of California Press.
- Mannes, Marya (1947) 'Junior has a craving'. *New Republic*, 17 February: 20–3.
- Mifflin, Lawrie (1997) 'TV ratings accord comes under fire from both flanks'. *The New York Times*, 11 July: A1.
- Mills, C. Wright (1954) 'Seduction of the Innocent' (book review). *New York Times Book Review*, 25 April: 20.
- Moley, Raymond (1945) *The Hays Office*. New York: Bobbs-Merrill.
- Murrell, Jesse L. (1953) 'Annual rating of comic magazines'. *Parents*, October: 54–5, 101–2, 104–5.
- Nobile, Philip and Nadler, Eric (1986) *United States of America Vs. Sex*. New York: Minotaur Press.
- North, Sterling (1940) 'A national disgrace'. *Childhood Education*, October: 56.
- Nyberg, Amy Kiste (1994) 'Seal of Approval: The Origins and History of the Comics Code'. Doctoral dissertation, University of Wisconsin.
- (1998) *Seal of Approval: The History of the Comics Code*. Jackson, MI: University Press of Mississippi.
- Reidelbach, Maria (1991) *Completely MAD: A History of the Comic Book and Magazine*. Boston, MA: Little, Brown and Co.
- Rowland, Willard (1983) *The Politics of TV Violence: Policy Uses of Communication Research*. Beverly Hills, CA: Sage Publications.
- Saltus, Elinor C. (1952) 'The comics aren't good enough'. *Wilson Library Bulletin*, January: 382–3.
- Strossen, Nadine (1995) *Defending Pornography*. New York: Scribner.
- Turow, Joseph (1984) *Media Industries: The Production of News and Entertainment*. New York: Longman.
- US Congress, Senate (1954) *Juvenile Delinquency (Comic Books): Hearings before the Senate Subcommittee on Juvenile Delinquency*. 83rd Cong., 2d sess., 21–22 April and 4 June.
- (1955) *Subcommittee to Investigate Juvenile Delinquency. Interim Report: Comic Books and Juvenile Delinquency*. 84th Cong., 1st sess.

- Walp, Russell Lee (1951) 'Comics, as seen by the illustrators of children's books'. *Wilson Library Bulletin*, October: 153–7, 159.
- Wertham, Fredric (1941) *Dark Legend*. New York: Duell, Sloan & Pearce.
- (1949) *The Show of Violence*. Garden City, NY: Doubleday & Co.
- (1954) *Seduction of the Innocent*. New York: Rinehart.
- (1955) 'Reading for the innocent'. *Wilson Library Bulletin*, April: 610–13.
- Wright, Ethel C. (1943) 'A public library experiments with the comics'. *Library Journal*, 15 October: 832–5.

Appendix: The CMAA Comic Book Code of 1954

(as quoted in US Congress, 1955: 36–8)

Code for Editorial Matter

General Standards – Part A

- 1 Crimes shall never be presented in such a way as to create sympathy for the criminal, to promote distrust of the forces of law and justice, or to inspire others with a desire to imitate criminals.
- 2 No comics shall explicitly present the unique details and methods of a crime.
- 3 Policemen, judges, Government officials and respected institutions shall never be presented in such a way as to create disrespect for established authority.
- 4 If crime is depicted it shall be as a sordid and unpleasant activity.
- 5 Criminals shall not be presented so as to be rendered glamorous or to occupy a position which creates a desire for emulation.
- 6 In every instance, good shall triumph over evil and the criminal punished for his misdeeds.
- 7 Scenes of excessive violence shall be prohibited. Scenes of brutal torture, excessive and unnecessary knife and gunplay, physical agony, gory and gruesome crime shall be eliminated.
- 8 No unique or unusual methods of concealing weapons shall be shown.
- 9 Instances of law-enforcement officers dying as a result of a criminal's activities should be discouraged.
- 10 The crime of kidnapping shall never be portrayed in any detail, nor shall any profit accrue to the abductor or kidnaper. The criminal or the kidnaper must be punished in every case.
- 11 The letters of the word 'crime' on a comics-magazine cover shall never be appreciably greater in dimension than the other words contained in the title. The word 'crime' shall never appear alone on a cover.

- 12 Restraint in the use of the word 'crime' in titles or subtitles shall be exercised.

General Standards – Part B

- 1 No comic magazine shall use the word horror or terror in its title.
- 2 All scenes of horror, excessive bloodshed, gory or gruesome crimes, depravity, lust, sadism and masochism shall not be permitted.
- 3 All lurid, unsavoury, gruesome illustrations shall be eliminated.
- 4 Inclusion of stories dealing with evil shall be used or shall be published only where the intent is to illustrate a moral issue and in no case shall evil be presented alluringly, nor so as to injure the sensibilities of the reader.
- 5 Scenes dealing with, or instruments associated with walking dead, torture, vampires and vampirism, ghouls, cannibalism, and werewolfism are prohibited.

General Standards – Part C

All elements or techniques not specifically mentioned herein, but which are contrary to the spirit and intent of the code, and are considered violations of good taste or decency, shall be prohibited.

Dialogue

- 1 Profanity, obscenity, smut, vulgarity or words or symbols which have acquired undesirable meanings are forbidden.
- 2 Special precautions to avoid references to physical afflictions or deformities shall be taken.
- 3 Although slang and colloquialisms are acceptable, excessive use should be discouraged and, wherever possible, good grammar shall be employed.

Religion

- 1 Ridicule or attack on any religious or racial group is never permissible.

Costume

- 1 Nudity in any form is prohibited, as is indecent or undue exposure.
- 2 Suggestive and salacious illustration or suggestive posture is unacceptable.
- 3 All characters shall be depicted in dress reasonably acceptable to society.
- 4 Females shall be drawn realistically without exaggeration of any physical qualities.

Note – It should be recognized that all prohibitions dealing with costume, dialog,

or artwork applies as specifically to the cover of a comic magazine as they do to the contents.

Marriage and Sex

- 1 Divorce shall not be treated humorously nor represented as desirable.
- 2 Illicit sex relations are neither to be hinted at nor portrayed. Violent love scenes as well as sexual abnormalities are unacceptable.
- 3 Respect for parents, the moral code and for honourable behaviour shall be fostered. A sympathetic understanding of the problems of love is not a license for morbid distortion.
- 4 The treatment of live-romance stories shall emphasize the value of the home and the sanctity of marriage.
- 5 Passion or romantic interest shall never be treated in such a way as to stimulate the lower and baser emotions.
- 6 Seduction and rape shall never be shown or suggested.
- 7 Sex perversion or any inference to same is strictly forbidden.

Code for Advertising Matter

These regulations are applicable to all magazines published by members of the Comics Magazine Association of America, Inc. Good taste shall be the guiding principle in the acceptance of advertising.

- 1 Liquor and tobacco advertising is not acceptable.
- 2 Advertisement of sex or sex instruction books are unacceptable.
- 3 The sale of picture postcards, 'pinups,' 'art studies' or any other reproduction of nude or semi-nude figures is prohibited.
- 4 Advertising for the sale of knives or realistic gun facsimiles is prohibited.
- 5 Advertising for the sale of fireworks is prohibited.
- 6 Advertising dealing with the sale of gambling equipment or printed matter dealing with gambling shall not be accepted.
- 7 Nudity with meretricious purpose and salacious postures shall not be permitted in the advertising of any product; clothed figures shall never be presented in such a way as to be offensive or contrary to good taste or morals.
- 8 To the best of his ability, each publisher shall ascertain that all statements made in advertisements conform to fact and avoid misrepresentations.
- 9 Advertisement of medical, health or toiletry products of questionable nature are to be rejected. Advertisements for medical health or toiletry products endorsed by the American Medical Association or the American Dental Association shall be deemed acceptable if they conform with all other conditions of the Advertising Code.

Copyright of Cultural Studies is the property of Routledge, Ltd. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.