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Essay #3 Ethical Argument

### Inequality in Nudity Should Prompt Legal Definition for T.V.

As I sat down to watch some of my favorite movies, “Mamma Mia” and “Failure to Launch” I noticed there were naked butts in both films. I did not seem very surprised until I looked at the ratings for the films and then compared them both. The United States should have a legal definition of nudity for television and film because the handling of nudity through television and film is unequal thus unethical. The concept of inequality is unethical because unfairness is displayed among various parties.

For example, in a commercial I watched recently about Ally Bank, there are two little girls and a man sitting at a table. The man asks the one little girl “Would you like a pony?” The little girl responds with “Yeah.” The man reaches into his pocket and pulls out a toy pony. He then turns to the second little girl and asks her the same question. Instead of reaching into his pocket for another toy pony, he clicks his tongue multiple times and a real pony comes into view. The first girl who received the toy pony then questioned the man claiming, “You didn’t say I could have a real one.” Then the man responded, “Well, you didn’t ask.”

Because the man gave the second little girl a real pony instead of a toy pony like the one he handed to the first little girl, this commercial illustrates an imbalance or inequality. For that reason, the man was being unethical. Since the man did not give both girls, the same type of result there was an unfair advantage. One girl received a toy pony and the other a real pony. This act of inequality in-turn tarnishes the man’s integrity and morality as a person, which in essence describes ethics.

Now that inequality is understood as being unethical, nudity in television and film is unequal in society because there are various definitions of what it means to be nude, which has the side effect of being misinterpreted at different times. The first definition that can define nudity is the cultural standards of a given society. For example, in the Muslim society, a Muslim woman must follow the guidelines of the Hijab.

The Hijab is the conditions of Islamic dress code for a woman. Malcolm D. Brown author of "Multiple Meanings of the Hijab in Contemporary France" defines the Hijab as "...an item of dress with immense political and sociological importance, as well as coded cultural significance" (Keenan 105). Overall, the clothing must cover the woman entirely excluding the hands and face. The purpose of the dress code is to prevent men from looking at the women lustfully possibly tarnishing her purity.

On the other hand, if a woman is caught not obeying this dress code, and is found wearing an American style of clothing, a T-shirt and jeans, she then is nude according to the understanding of the Muslim dress code, based on the fact that her entire body is not covered fully.

In addition to the cultural standards of being Muslim in regards to nudity, there is an inequality between a Muslim woman and a Muslim man. The Muslim woman needs to cover herself entirely rather the Muslim man can wear American stylized clothing and is not considered being naked according to the Muslim community. Nevertheless, the woman wearing the American stylized clothing is naked. This inequality among men and women of Muslim faith is unethical because the woman has no choice in choosing clothing because of her religion.

Unlike a Muslim male who would have the choice to choose what clothing he would wear and have more of his body exposed as oppose to a Muslim female. Essentially, based on

this type of culture, every woman that is not Muslim and does not follow the Hijab, can be viewed as being naked following the conditions of the Hijab because the Hijab is a sacred religious entity for women and without it one may be viewed as being naked because there is too much exposure.

The other definitions of nudity consist of being unclothed fully and being exposed from the waist up. I believe being fully unclothed is my perception of nudity because all the clothing is off the person and his or her body is completely bare. For instance, nude beaches are given the title of nude beaches because people are on the beach fully unclothed therefore the definition of nude implies bare nakedness without any articles of clothing.

Another example of this idea of full nudity is displayed in many artistic paintings, there are nude bodies both male and female, but these creative works demonstrate insight rather than an obscene scene that implies acts of sexual innuendos as it is exemplified in another movie called "The Reader" which has full naked characters expressing their love through sexual contact.

On the contrary, to movies like "The Reader," artistic paintings are accepted in the United States and in other countries because they are more appreciative of the human form. However, when full naked bodies are exposed on television or film, the meaning of nudity is taken to a sexual or erotic connotation rather a creative approach of the human body. Unless the initial purpose is to show the human form creatively in a representation of art much like in the movie "Titanic." Where the character Rose is laying on the couch fully naked, but the character Jack, an artist, makes a portrait of Rose naked with only a jewel necklace resting on her bare body. This shows an artistic expression because Jack is an artist and has no purpose of making

the drawing for a sexual desire; instead as an artist, he has the intention to express the female body creatively through human form to shed insight with the use of creativity.

The final definition of nudity understood is exposure from the waist up without clothing. This view of nudity is the most unequal form of nudity because males are not considered to be nude based on this definition because males being shirtless is widely accepted throughout society. This does relate back to the first definition based on cultural standards. Males have the privilege to be shirtless in society and a cultural standard that most of the human population understands.

Television and film industries portray this cultural standard frequently such as in the television show “Lost”, the character Sawyer is a male and has his shirt off multiple times. Thus exposing himself above the waist, but does this conclude nudity. I would say not because on a day-to-day basis a male publically has his shirt off and society does not look down on this act has being nude.

On the complete other side of the gender spectrum, a female who exposes herself from the waistline and above, unclothed does signify nudity because her breast are revealed and this can be viewed as nudity mainly because it is not accepted in the culture of the United States as well as in other places in the world. I do not see women going around publically with their top off casually in the United States, unless the women are on nude beaches or within the confines of a strippers lounge.

Since there are many, different takes on nudity as a cultural standard, bare-naked, or exposure from the waist up there is an inequality that is displayed on television and film because there is no set definition of nudity, due to an interpretation of nudity being understood based on an individual person’s judgment. Paul Gewirtz, a professor of constitutional law at Yale Law

School, wrote an essay entitled “On ‘I Know It When I See It’” about Supreme Court Justice Potter Stewart’s comment “I know it when I see it” (qtd. in Gewirtz 1023) in light of the Supreme Court case of *Jacobellis vs. Ohio*. Gewirtz summarizes this Supreme Court case by establishing:

*Jacobellis vs. Ohio* involved a theater owner who had been convicted for showing *The Lovers*, an early film...*The Lovers* concerns a woman in an unhappy marriage...and the claim that the film was obscene rested almost entirely upon a scene of lovemaking toward the end of the film...Justice Potter concluded that the film was protected by the First Amendment since it was not “hard-core pornography.” (1023-24)

Even though Justice Potter’s statement was an opinion directed to the pornographic content in the movie, he was claiming that people have an individual degree of understanding when it comes to nakedness or pornography by stating, “I know it when I see it.”

This individual view of nudity is unethical because television and films are rated unequal giving the viewers mixed understandings of how nudity is handled. Movie ratings of today illustrate this concept precisely. For example, in the films “Mamma Mia” and “Failure to Launch” each has one older male whose naked butt is showing. They are equal in that sense but the inequality shown is because of the reasons behind the movie ratings. Both movies are rated PG-13, however “Mamma Mia” is rated for some sex-related comments and “Failure to Launch” is rated for sexual content, partial nudity, and language.

Yet, both movies have a naked butt shown, but only one movie lists to have some form of nudity and I assume that the other butt was not naked according to the reasons for the movie’s rating and now families can call one butt naked, so far the other not.

In conclusion, with a legal definition of nudity between television and film, ratings can then be controlled fairly thus ethically. Giving families in society a common understanding of the levels of nudity portrayed in movies based on concentrated ratings. For instance, PG-13 movies can contain naked butts only, R-rated films contain women exposing themselves from waist up, and NC-17 ratings contain fully unclothed people displaying a frontal and rear-view.

With this clear understanding of what nudity is on the screen, viewers then have an apparent definition of what level of nudity is projected on their television screens thus being equal and in return ethical because ratings are placed fairly and the levels of nudity in the United States have already been determined legally.

Works Cited

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