

THE EFFECTS OF SEXUALLY EXPLICIT MEDIA MATERIAL: A RESEARCH CRIMINOLOGIST'S PERSPECTIVE

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Introduction

Though my task in this paper is to impartially evaluate the social science evidence on the effects of sexually explicit media material I can hardly claim impartiality towards policies which advocate censorship.

In a word, I deplore censorship. My views have undoubtedly been conditioned by spending twenty years in the State of Queensland where, in the words of the Queensland Literature Board of Review "the object of censorship is not to protect the individual from moral corruption" but rather "to protect and defend the very fabric of society's existence".¹

In order to protect "the very fabric of society's existence" the various Queensland Censorship Boards banned the film *Pretty Baby*, the sayings of Chairman Mao collected in *The Little Red School Book* and the journal of the Marijuana Party *Australian Weed*.²

At one stage Queensland's Literature Board of Review reportedly were threatening to ban a book entitled *The Rape of Our Land*. Then, someone pointed out to the Board that if they opened the cover they would find out that the work dealt with soil erosion.

The assault on literary and artistic expression created a climate of fear. The production director of a large commercial theatre said a few years ago that many theatrical performances were not brought to Brisbane because of fear of prosecution. He listed Reg Livermore's *Betty Block Buster Follies* and *Wonderwomen* and Jean Genet's *Flowers*.

When members of an African troupe performing traditional dances were forced to put on bras and artist Aubrey Beardsley's painting *Lysistrata and the Three Ladies* was judged to be obscene I reappraised the case for censorship. But in 1982, when the distributor of a Canadian feminist anti-pornographic film *Not a Love Story* refused to release the film because of fear of prosecution, my faith in censorship as an instrument of social policy was badly shaken.³

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1. Literature Board of Review, *Eighteenth Annual Report* (1971-72) p 1
 2. These examples are taken from Fitzgerald, R., *From 1915 to the Early 1980's: A History of Queensland* (1984) pp 589-602
 3. Fitzgerald, R., *ibid*, pp 509-602

Despite these experiences I believe I am open minded enough to consider, at least in my capacity as a citizen, censorship as a policy option if the research evidence demonstrates that explicit sexual material harms society in demonstrable ways. Generally, but not exclusively, the evidence of harm has been taken to mean that anti-social acts, especially sexual crimes, increase as a result of increasing exposure to sexually explicit media material.

It is not, I believe, reasonable to attempt to link the viewing of sexually explicit material with pre-marital sex or masturbation or homosexuality. In a trenchant attack on some of their fellow Meese Commissioners who considered these practices "anti-social behaviour" Professor Judith Becker (director of the Sexual Behaviour Clinic at New York State Psychiatric Institute) and Ms Ellen Levine (editor of *US Womans Day*) note that there is absolutely no justification for their inclusion. They believe that these practices are not the provinces of government to regulate.⁴ Similarly, evidence presented to the Klugman Committee attempted to relate sexually explicit attitudes with a vague and value-laden "anti-family" attitude.⁵

Nevertheless, I am willing to concede that a serious and important issue arises as to the effect of sexually explicit material on criminal behaviour. In deference to the studies and commissions of inquiry already conducted in this area I have no intention of reviewing the voluminous research and writing already undertaken. Instead, working on the assumption that the onus is on those who believe that sexually explicit media material adversely effects behaviour to prove their case (rather than the other way around) I wish to highlight key areas of evidence in this area. These areas are experimental studies, field studies, and commissions of inquiry.

Experimental Studies

Steven Lab, in comprehensively reviewing the link between pornography and aggression, summarizes the experimental studies on the relationship between these two areas. His general finding is clear-cut. Lab notes that the studies "fail to present clear evidence of a causal link between pornographic exposure and aggression".⁶ Lab, quite fairly points out that the results are highly equivocal and some studies provide support both for and against a pornography-aggression relationship.

But there are studies and studies. Only one study reviewed reports more aggression by subjects after exposure to pornography (erotic readings) without the imposition of prior provocation.⁷ Most of the other studies which find a relationship

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4. Statement of Dr Judith Becker and Ellen Levine in *Attorney-General's Commission on Pornography Final Report*, US Department of Justice, Washington DC (1986) p 200
 5. *Report of the Joint Select Committee on Video Material* (1988)
 6. Lab, S.P., "Pornography and Aggression: A Response to the US Attorney-General's Commission", *Criminal Justice Abstracts* (June 1987) pp 301-321
 7. Jaffee, Y., Malamuth, N., Feingold J., & Fesbach S., "Sexual Arousal and Behavioural Aggression", *Journal of Personality and Social Psychology* (1974) 30 pp 759-764

between sexually explicit media material and aggression use student subjects who are often provoked prior to exposure to an erotic stimulus.⁸

This is just one of many methodological problems in experimental studies in this area. The assumption is that already angry persons are made more aggressive by exposure to sexually explicit material. But there is no evidence in any of these studies that viewers of erotica tend to be angrier, more easily provoked individuals.

Other problems in experimental studies include the generalisability of results from samples of undergraduate students, the highly artificial settings of experimentation in this area, the stimuli used and the lag time between exposure and aggression. In the case of the stimuli used in experimental settings it should be noted that usually excerpted material from erotic works may enhance the effect of the aggressive or erotic scene beyond what the individual would normally see. And, the time between exposure and the opportunity to be aggressive is often only a matter of minutes. In real life the opportunity to be aggressive may be days or even weeks or months after viewing erotic/aggressive material.⁹

These, and many other methodological problems do not deny that various erotic media materials - especially, I would argue, sex and violence combined - do have some effects on behaviour and attitudes. However, as Lab has again pointed out "it is not evident to what extent the expressed sex-related attitudes and non-aggressive sexual behaviours are related to increased sexual aggression in society".¹⁰

Field Studies

Without any doubt the most significant "real life" study conducted on the effects of explicit media material is the Kutchinsky study of sex crimes in Denmark between 1959 and 1970. Though Kutchinsky acknowledged that changes in public attitudes and police attitudes could account for some of the decreases in sex crimes that he recorded he did find that large decreases in child molestation could be directly attributed to the availability of hard core pornography.¹¹

8. Lab, S.P., *op.cit.*, p 308

9. These methodological problems are outlined in detail in Lab, S.P., *ibid*

10. Lab, S.P., *op.cit.*, p 315

11. Kutchinsky, B., "The Effects of Easy Availability of Pornography on the Incidence of Sex Crimes: The Danish Experience", *Journal of Social Issues* (1973) 29, pp 163-181

These conclusions have been hotly debated and particularly so by Dr John Court. Dr Court argued as recently as last year that Copenhagen's rape rate increased after Denmark liberalised its pornography laws.¹² This suggestion has been savagely rejected by Dr Kutchinsky.¹³ It has also been rejected by perhaps the most thorough and painstaking inquiry into pornography and its effects conducted by Professor Bernard Williams for the British Government in 1979.¹⁴

Professor Williams rejected Dr Court's arguments with these words. "We (the Committee) discount his evidence and to the extent that they rely on his work the evidence of those who quote him."¹⁵ I have carefully followed the arguments put by Professor Kutchinsky and Dr Court and can only agree with the conclusion that Professor Williams came to: namely, that there had been a dramatic reduction in reported sexual offences against children and that this decrease coincided with the sudden upsurge in the availability of pornography. Further, this decrease cannot readily be explained by any other factor than the abolition of pornography controls.¹⁶

Fourteen years after his initial research Professor Kutchinsky has provided further evidence for his conclusion after analysing the results of legalising pornography in West Germany in 1973. He has found that between that year and 1980 the total number of sex crimes known to the police in the Federal Republic decreased by 11 percent. And, this decrease happened even though during the same period, the total number of all crimes increased by a massive 50 percent.¹⁷

Though some studies have shown a relationship between levels of rape in the United States and the readership of sex magazines even the authors of these studies acknowledge that a causal connection cannot be made.¹⁸ And, studies which interview either victims or offenders of sex attacks in regard to erotic reading habits are equally flawed. The data in these studies do not say whether the offender was prompted to action by the materials, whether the materials simply elicit similar responses among rapists or whether the actions would occur in the absence of the materials. The Australian case studies in this area - by Wilson¹⁹ in regard to

12. Court, J., "Sex Crimes and Rape", *Melbourne Herald*, 2 August, 1988, p 5

13. Kutchinsky B., "Pornography and its Effects in Denmark and the US: A Rejoinder and Beyond", *Comparative Social Research*, (1985) 8, pp 301-330

14. Williams B., *Obscenity and Film Censorship: An Abridgement of the Williams Report* (1981). This book also contains much of the evidence presented by Dr Court to the Williams Committee.

15. Williams B., *op.cit.*, p 86

16. The conclusion reached by the Williams Committee was the same. See Williams B., *ibid* p 84

17. Kutchinsky B., *op.cit.*, p 316

18. Lab, S.P., *op.cit.*, p 316

19. Wilson P.R., *Murder of the Innocents: Child Killers and Their Victims* (1985)

violent/sexual material and Reid²⁰ in regard to a wide range of pornography/erotica are as equally flawed methodologically as their American counterparts.

Of particular relevance in the genre of field studies of this type is the just released research of Professors Scott and Schwalm. The two researchers carefully analysed the relationship between both readership levels of so called "sex magazines", the number and use of 'X' rated cinema patronage and sexual assault levels. What they found was that there was no relationship between sex magazines and cinemas and assault levels. Instead, they found that rape rates related to the general level of violence operating in a particular community so that those communities that had high rates of violent crime, regardless of how much pornography was circulating, also had high rape rates.²¹

As feminists have been arguing for decades, rape is an act of violence, not one centred on sex.

Though I would not wish to draw a cause and effect relationship it is interesting to observe that in Queensland where censorship has been ruthlessly imposed on sexual material the rate of rape has always been far higher than in the A.C.T., the home of 'X' rated videos. Should not our decadent capital have sexual mayhem and assault rates higher than those in a strict censorship State? Clearly, few conclusions can be drawn from this observation although it does point to the simplistic and flawed logic of attempting to relate one variable (that is, "pornography" levels) with anti-social behaviour without a thorough analysis of the host of other intervening socio-demographic factors involved.

Commissions of Inquiry

A number of government inquiries in different countries have considered the effect of pornography on society. The first major inquiry was the 1970 Federal Commission on Obscenity and Pornography in the United States (the Lockhart Commission). Other government reports produced since that time include the 1979 Williams Committee Report in the United Kingdom, the 1985 report of the Fraser Commission in Canada, the 1986 report of the Meese Commission, again in the United States and the Klugman Commission of 1988 in Australia.

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20. Read R.M., "Media Violence and Pornography in Australia - The Link with Crime", mimeographed address given to the Australian Children's Television Action Committee, 9 May 1988
 21. Scott, J.E., and Schwalm L.A., "Pornography and Rape: An Examination of Adult Theatre Rates and Rape Rates by State" in Scott J.E. and Hirsch T. eds, *Controversial Issues in Crime and Justice* (1988) pp 40-53

Most (but not all) of these Commissions take a hard line against violent pornography. The Meese Commission concluded that depictions of violence in sexually explicit contexts were likely to increase the incidence of sexually violent behaviour.²² The Fraser Commission in Canada considered much the same evidence as its American counterpart. Despite having reservations about the value of social science data, the Canadians came to the conclusion that violent pornography is harmful to women, impacting on the fundamental values of Canadians.²³

The Commissions differ markedly in their views on non-violent sexually explicit media material. The first of the American Commissions, along with the British and Canadian reports came to the conclusion that there was no proven link between this category of material on the one hand and sex offences on the other.²⁴ This was also the same conclusion reached by two separate Institute of Criminology reports on the same subject.²⁵

The Klugman Committee split on the issue while the Meese Commission concluded that substantial exposure to non-violent pornography bears some relationship to adverse attitudinal changes relating to rape and other forms of sexual violence.

The Meese Commission report was used extensively by those who constituted the minority position in the Klugman Report. However, of all the Commissions of Inquiry it is the Meese Commission that has been most severely criticised by social scientists and others. Though much of the criticism centred on Meese himself and the political nature of the Commission more hard-headed researchers attacked the social science evidence considered by the Commissioners.²⁶

As with the Klugman Committee endless debates occurred regarding a suitable definition of pornography. In addition, much of the evidence presented at the Meese hearings were the confessions of pornography "victims". Many of the stories told by these victims were sad and pathetic tales of exploitation and abuse.

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22. Attorney-General's Commission on Pornography, Final Report, *op.cit.*, p 322
 23. Special Commission on Pornography and Prostitution in Canada, *Report of the Special Committee on Pornography and Prostitution (Vol. 1)*, Canadian Government Publishing Centre, Ottawa, 1985
 24. *Report of the Commission on Obscenity and Pornography*, US Government Printing Office, Washington DC, 1986
 25. See Australian Institute of Criminology, *Senate Select Committee on Video Material: Submission of the Australian Institute of Criminology*, AIC 1985. See also Wilson, P. and Nugent, S., "Sexually Explicit and Violent Media Material: Research and Policy Implications", *Trends and Issues No. 9*, AIC, (1987)(Dec)
 26. Meese himself was condemned by the Justice Department for Violating Government ethics codes. See the *Sydney Morning Herald*, 19 January 1989. The Chairman of the Commission, Henry Hudson, had conducted vigorous campaigns to end the sales of pornographic material. He once told the *Washington Post* "I live to put people in jail". See (1986) 44 *Reform* 193

But, without the slightest piece of solid evidence each of these accounts dragged the bogeyman of pornography into their memoirs. And, highly selectively, the 1986 Commission did not hear from women who support, consume, produce, value or enjoy pornography. That there is a great number of these people there can be no doubt - explicit sexual material, to them, validates women's right to pleasure.²⁷

In an unprecedented move almost the entire issue of the prestigious American Bar Foundation research journal of the Fall, 1987, was devoted to a methodological and conceptual critique of the Meese report.²⁸ Three of America's most experienced media researchers attacked the way in which extrapolations were made by the Meese Commission concerning the effect on non-violent sexual material. They argued on two grounds: Firstly, that the weight of research evidence demonstrates that it is sexually violent material, rather than sexually explicit material, that results in harmful effects. Secondly, that laboratory investigations the Meese (and, it should be noted the Klugman Commission also) used to draw its conclusions were riddled with a large number of methodological limitations. Consequently Professor Linz, Penrod and Donnerstein believed that "the Commission's focus on harsher legal restrictions on all forms of pornography is misguided."²⁹

Conclusion

Despite my abhorrence of censorship I would be the first to admit that social science research does not "prove" that sexually explicit media material is absolutely harmless. Likewise though if, in Australia, legal sanctions and censorship were applied more stringently (as some wish to apply them in the case of 'X' rated videos) on the basis of social science data, then these sanctions and censorship would be seriously misguided. This is because, as Stephen Lab's review of the field demonstrates, the combined social science evidence indicates that sexual explicitness plays a relatively minor role in producing anti-social effects and, even when these effects are shown in some laboratory experiments, there are grave difficulties in laboratory research.³⁰

Let us assume though, that we are willing to ignore the results of impartial reviews and tolerate methodological weaknesses in research. Do we then assert, as the minority of the Klugman Committee asserted, that, for example, 'X' rated videos should be banned? I would argue that the answer is "no". Even if we could assert unequivocally that exposure either to violent or to sexually explicit media material resulted in criminal behaviour we could not use social science research to make what is essentially a political decision.

27. See for example the writings of Anais Nin, feminist film maker Bette Gordon and feminist explicit photographer Barbara Kruger.

28. [1987] (4) *American Bar Foundation Journal Research Journal*, Erionger, H.S. ed.

29. Linz, D., Penrod S.D., & Donnerstein E., "The Attorney-General's Commission on Pornography: The Gaps between Findings and Facts", in [1987] *American Bar Foundation Research Journal* 713

30. Lab, S.P., *op.cit.*

Social science research does not help politicians determine the proper weight to give to the social costs and benefits of policies emphasizing increased legal sanctions and increased censorship. What social science research can do though, is to point to the consequences of applying such policies and, more positively, to suggest other policy options.

In another place I have outlined the consequences of increased censorship if applied to 'X' rated videos. These consequences include yet more government control on free speech, the growth of organised crime centred around a thriving black market in pornography and the triumph of a crude fundamentalist campaign over rational debate.³¹ As I pointed out in the beginning of this article Queensland politicians, police and public servants attempted to make that State morally pure in the 1960's and 1970's. Some of those who campaigned most strongly for strong censorship policies have been exposed by the Fitzgerald Inquiry as hypocrites and criminals of the most serious kind.

Censorship breeds corruption and crime. An alternative policy option, open to legislators, is to use education and mass audience intervention to mitigate the effects of mass media sexual violence and what some define as "pornography". Such interventions have been used successfully in the field of anti-smoking campaigns, AIDS prevention and drug use. Let us hear more about mounting these types of campaigns in regard to sexual violence, in particular, and less about the crudity of censorship.

31. Wilson, P.R., "Explicit Media Material", address given to the ANZ Society of Criminology, Sydney, August 1988