



SENSE & CENSORSHIP

THE VANITY OF BONFIRES

**Resource Materials on Sexually Explicit Material,
Violent Material and Censorship:
Research and Public Policy Implications**

by Marcia Pally



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PREFACE

The First Amendment was designed 'to invite dispute,' to induce 'a condition of unrest,' to 'create dissatisfaction with conditions as they are,' and even to stir 'people to anger.'

The First Amendment was not fashioned as a vehicle for dispensing tranquilizers to the people. Its prime function was to keep debate open to 'offensive' as well as to 'staid' people.... The materials before us may be garbage. But so is much of what is said in political campaigns, in the daily press, on TV or over the radio. By reason of the First Amendment ... speakers and publishers have not been threatened or subdued because their thoughts and ideas may be 'offensive' to some.

—Justice William O. Douglas, *Miller v. California*, June 6, 1973, 413 U.S. 15, p. 1453)

Supreme Court Justice William Douglas takes it as an obvious good that “speakers and publishers have not been threatened or subdued.” The right to read, view and hear what one chooses has long been considered a foundation of democracy; censorship, an incursion into liberty. This right to free expression was meant most particularly, as Justice Douglas stated, to protect unpopular material, those books or films that some people believe are dangerous, blasphemous or merely offensive. The First Amendment was the linchpin behind the civil rights challenge to racial discrimination, which many Americans initially considered lunatic and anarchic. It is why Christian fundamentalists may promote their ideas about religion and a Bible-based government. It allows white supremacists to publicize their views and women to challenge sexism and gender roles—though most Americans are not Christian fundamentalists, white supremacists or feminists.

In a democracy, Adlai Stevenson II wrote, “The sound of tireless voices is the price we pay for the right to hear the music of our own opinions.” Abraham Lincoln said more simply, “Those who deny freedom to others do not deserve it for themselves.”

Over the last decade, it has become increasingly popular to believe that banning or restricting books, music, pictures and motion pictures is the solution to the social problems of the day. The

most prevalent version of this idea promises that restricting sexually explicit material and rock and roll will rid society of drug abuse, teen pregnancy and sexual violence. Before the nation hobbles its free speech rights, it seems pertinent to ask if this proposition is true.

Below is an investigation of the psychological and sociological research on sexually explicit material, rock and social harms. The data suggest that banning or restricting sexual material and rock will not reduce violence or sexual and drug abuses, which have their sources in entrenched, complex social structures.

Drs. Edward Donnerstein, Daniel Linz and Steven Penrod, leading researchers in the field, wrote, "Should harsher penalties be leveled against persons who traffic in pornography, particularly violent pornography? We do not believe so.... The legal course of action is more restrictive of personal freedoms than an educational approach. And, as we have noted, the existing research probably does not justify this approach."

Their words recall those of Supreme Court Justice Louis Brandies: "The threat to our liberty lies not with the evil-minded ruler—for men born to freedom are quick to resist tyranny—rather it lies with men of zeal—well-meaning, but lacking understanding."

1. COMMISSIONS

1A. The Report of the President's Commission on Obscenity and Pornography, 1970

Between 1968 and 1970, the President's Commission on Obscenity and Pornography studied the relationship between sexually explicit material and antisocial behavior. Over a two-year period with a budget of \$2,000,000 (in 1970 dollars, in contrast to the \$400,000–\$500,000 in 1985 dollars allotted to the Meese Commission), it ran national surveys on pornography consumption and crime rates, and conducted controlled laboratory studies. The 1970 commission concluded:

"Empirical research designed to clarify the question has found no reliable evidence to date that exposure to sexual materials plays a significant role in the causation of delinquent or criminal sexual behavior among youth or adults." (1970 Commission Report, p. 139)

"Studies of juvenile delinquents indicate that their experience with erotica is generally similar to that of nondelinquents.... There is no basis in the available data however for supposing that there is any independent relationship between exposure to erotica and delinquency." (1970 Commission Report, p. 242)

"If a case is to be made against pornography in 1970, it will have to be made on grounds other than demonstrated effects of a damaging personal or social nature." (1970 Commission Report, p. 139)

- Two of the commissioners wrote:

"We would have welcomed evidence relating exposure to erotica to delinquency, crime and antisocial behavior, for if any such evidence existed we might have a simple solution to some of our most urgent problems. However, the research fails to establish a meaningful causal relationship or even significant correlation between exposure to erotica and immediate or delayed antisocial behavior among adults. To assert the contrary ... is not only to deny the facts, but also to delude the public by offering a spurious and simplistic answer to highly complex problems." (Dr. Morris Lipton and Dr. Edward Greenwood, *Psychiatric News*, March 15, 1972)

- In the years since 1970, two ideas have become popular: that pornography has become more

violent and that it is responsible for antisocial behavior, most notably rape, wife battery, incest and sexual perversions. In 1985, Attorney General Edwin Meese formed another commission, now commonly called the Meese Commission, to study the social and psychological effects of sexually explicit material.

1B. The publicity surrounding Attorney General Edwin Meese's Commission on Pornography (1986) led to the belief that sexually explicit material causes sexual assault and perversions, and should be restricted from circulation to the public.

In fact: The Meese Commission's investigation of the social science data does not support this conclusion.

- Dr. Park Dietz, a member of the Meese Commission and medical director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia, said:

"I believe that *Playboy* centerfolds are among the healthiest sexual images in America, and so are many of Mr. Guccione's centerfolds."

- Henry Hudson, chairman of the Meese Commission, said:

"A lot of critics think that our report focuses on publications like *Playboy* and *Penthouse* and that is totally untrue."

- Dr. Frederick Schauer, a member of the Meese Commission, author of the draft document that served as a basis for the Meese Commission report, and professor of law at the University of Michigan, wrote:

"I do not make the claim, nor does the report, that the category of sexual explicit material bears a causal relationship to acts of sexual violence. I do not make the claim, nor does the report, that the degree of explicitness is relevant in explaining the causal relationship between depictions of sexual violence and acts of sexual violence.... As the evidence so clearly indicates, and as the report so clearly, and in italics, states, the causal relationship is independent of the degree of sexual explicitness....

"The report itself never even hints at expanding the area of permissible regulation beyond that permitted by *Miller* [current law regarding

obscene materials] and its associated cases.... Although I can appreciate symbolic reasons for regulating the tiny sliver of the sexually violent that is obscene ... I can appreciate as well that the marginal symbolic advantages ... would not outweigh the costs. Thus I do not find the possibility of total deregulation troublesome, and I never have." (*American Bar Foundation Research Journal*, 1987, vol. 737, pp. 767–769)

1C. The Meese Commission requested that an independent review of the social science data be prepared by Dr. Edna Einsiedel (University of Calgary).

In fact: Dr. Einsiedel's review found no link between sexually explicit material and sex crimes, and did not support the conclusions or the policy recommendations that the Meese Commission later made.

"Unfortunately," wrote Dr. Larry Baron (Yale, University of New Hampshire), "the commission paid little attention to the excellent review of the empirical literature that was prepared by the staff social scientist, Edna Einsiedel.... It would be instructive for those unfamiliar with the research on pornography to read Einsiedel's comprehensive literature review and then read [Commissioner Frederick] Schauer's deceptive executive summary." (*Society*, 1987, vol. 24, no. 5, p. 8)

1D. After Dr. Einsiedel submitted her report, the Meese Commission asked Surgeon General C. E. Koop to gather more social science data. Koop conducted a conference of researchers and practitioners in medicine, psychology and sociology to investigate the effects of pornography.

In fact: The Report of the Surgeon General's Workshop on Pornography and Public Health, 1986, found no evidence that exposure to sexual material leads to sex crimes.

- "Pornography has been consistently linked to changes in some perceptions, attitudes and behaviors. These links, however, are circumscribed, few in number and generally laboratory-based.... For

instance, while it is a common belief that attitude changes lead to behavioral changes, research has consistently shown otherwise. Behaviors are as likely to influence attitudes as attitudes are to influence behavior.” (Surgeon General’s Report, p. 35)

- The Surgeon General’s conference came to five conclusions about sexually explicit material that the research supports “with confidence.”

(1) Children and adolescents who participate in the production of pornography experience adverse effects. (p. 13) In remedy, the conference called for “innovative programs to address the particular needs of a broad group of disenfranchised youth.... The reality of the situation is that someone has to go onto the street and establish programs that appeal to the youth there.” (p. 55)

(2) “Prolonged use of pornography increases belief that less common sexual practices are more common.” (p. 17)

The report concluded, “The estimates [of frequency of sexual practices] of the intermediate- and massive-exposure groups [to pornography] were actually more accurate than the no exposure group, which underestimated the prevalence of these behaviors.” (p. 17)

(3) Pornography that portrays sexual aggression as pleasurable for the victim increases the acceptance of the use of coercion in sexual relations within the lab setting. (p. 19)

The report concluded, “It is important to remain aware, however, that the observed attitude changes are generally restricted to exposure using depictions of sexually violent incidents in which the victim becomes aroused as a result of the attack. *Attitude changes from exposure to violence or sexually explicit behavior alone are not consistently observed.*” (emphasis added, p. 22)

(4) “Acceptance of coercive sexuality appears to be related to sexual aggression.” (p. 23)

“The association between attitudes and behavior in this area is one of the most difficult to comment upon conclusively.... It cannot be said presently that these attitudes *are* causally related to this [sexually aggressive] behavior. Moreover, it is not clear that exposure to pornography is the most significant factor in the development of these attitudes.” (p. 23)

“An unresolved issue is whether these

attitudes led to different [abusive] behavior patterns or whether the attitudes were adopted after the subject’s behavior patterns were already established.” (p. 25)

One study investigated attitudes about women and real-life aggression. (Suzanne Ageton, *Sexual Assault Among Adolescents*, 1983, Lexington, Massachusetts, Lexington Books, p. 119) It found that involvement in a delinquent peer group appeared consistently as the most powerful factor, accounting for 76 percent of sexual aggression. Three other factors, including attitudes about women and violence, accounted for 19 percent altogether. (See also Surgeon General’s Report, p. 27)

(5) “In laboratory studies ... exposure to violent pornography increases punitive behavior toward women. An increase in aggressive behavior toward women has been proposed often as one likely effect of exposure to pornography, but there *does not seem to be sufficient scientific support* for a generalized statement regarding the presence of this effect.” (emphasis added, pp. 28–29)

“Reports of this causal relationship being a noticeable one in the real world have not emerged consistently. In sum, these experiments should heighten concern that aggressive behavior toward women may be increased by viewing aggressive and sexually aggressive films, but presently this effect has only been seen in controlled and potentially artificial laboratory settings.” (p. 34)

1E. The publicity surrounding the Meese Commission suggested that independent social science researchers agreed on the causal link between sexually explicit material and harms.

In fact: Responses to the Meese Commission by researchers in the social sciences show they have little confidence in the commission’s use of the scientific data.

- When the Meese Commission recommended the restriction of sexually explicit material, two commissioners, Dr. Judith Becker and Ellen Levine, so disagreed with the recommendations that they issued a dissenting report.

Lambasting the commission for a “paucity of certain types of testimony, including dissenting expert opinion” they concluded, “No self-respecting

investigator would accept conclusions based on such a study.” (Becker and Levine, Dissenting Report, pp. 4, 7)

Dr. Becker, who is also director of the Sexual Behavior Clinic at New York State Psychiatric Institute, told *The New York Times*, “I’ve been working with sex offenders for ten years and have reviewed the scientific literature and I don’t think a causal link exists between pornography and sex crimes.” (*The New York Times*, May 17, 1986)

- Dr. Edward Donnerstein (University of Wisconsin, University of California), one of the leading researchers in the area of human sexuality and one of the authorities most frequently cited by the Meese Commission, called the commission’s conclusions “bizarre.” (*The New York Times*, May 17, 1986)

In 1986 and 1987, Donnerstein and Drs. Daniel Linz (University of California) and Steven Penrod (University of Wisconsin) wrote several articles and a book, *The Question of Pornography: Research Findings and Policy Implications* (1987, New York, The Free Press, a division of Macmillan Inc.), examining the commission’s conclusions. Summarizing their views in a December 1986 *Psychology Today* article, Donnerstein and Linz wrote:

“We feel it necessary to point out that the report fell short of our expectations in several important respects. First there are factual problems.... Several of the contentions made in its pages cannot be supported by empirical evidence.... It must be concluded that violent images, rather than sexual ones, are most responsible for people’s attitudes about women and rape.” (pp. 56, 59)

In their book and in subsequent reports, Donnerstein and Linz have clarified their data on sexually violent material, saying it is accurate “as long as we are referring to laboratory studies of aggression.... Whether this aggression ... is representative of real-world aggression, such as rape, is entirely a different matter.” (1990 report to the government of New Zealand, p. 38)

- The same month as the Meese Commission completed its hearings, Dr. David Shore, editor of the *Journal of Social Work & Human Sexuality*, wrote:

“There is no current validity to the

hypothesis that the extent of exposure to erotica is positively associated with the immediate or later emergence of sexual pathology in general, and pedophilia in particular. My conclusions are consistent with those of Dr. Herant Katchadourian, the highly respected Stanford University physician who undertook a similar review of the literature for the fourth edition of his widely adopted textbook *Fundamentals of Human Sexuality*.... Moreover, child molesters were found to be essentially unmoved by such stimulation.... From a cross-cultural perspective, the Danish experience with the legalization of pornography and the Japanese experience with open aggressive erotica at the very least suggest that erotica does not increase the prevalence of sex crimes.”

- In *The Question of Pornography: Research Findings and Policy Implications* (1987, New York, The Free Press, a division of Macmillan Inc., p. 172), Donnerstein, Linz and Penrod concluded:

“Should harsher penalties be leveled against persons who traffic in pornography, particularly violent pornography? We do not believe so. Rather, it is our opinion that the most prudent course of action would be the development of educational programs that would teach viewers to become more critical consumers of the mass media.... Educational programs and stricter obscenity laws are not mutually exclusive, but the legal course of action is more restrictive of personal freedoms than an educational approach. And, as we have noted, the existing research probably does not justify this approach.”

- In his 1987 *Society* article on the Meese Commission, Dr. Larry Baron (Yale, University of New Hampshire) wrote:

“There is no empirical evidence to support the conclusion that nonviolent pornography increases aggression against women....

“A particularly insidious aspect of the *Final Report* is the commission’s use of feminist rhetoric to attain its right-wing objectives. Replacing the outmoded cant of sin and depravity with the trendier rhetoric of harm, the commission exploited feminist outrage about sexual violence in order to bolster oppressive obscenity laws. The commission would have us believe that sexual aggression can be controlled through the strict regulation of obscene

materials, an illusion that shifts our attention away from the structural sources of rape ... such issues as sexism, racism, poverty and a host of other factors ignored in the *Final Report*.” (“Immoral, Inviolate or Inconclusive?”, vol. 24 no. 5, p. 12)

- In their 1987 *American Psychologist* article on the Meese Commission, Linz, Donnerstein and Penrod again concluded:

“To single out pornography for more stringent legal action is inappropriate—based on the empirical research.... If the commissioners were looking for ways to curb the most nefarious media threat to the public, they missed it.” (“The Findings and Recommendations of the Attorney General’s Commission on Pornography: Do the Psychological ‘Facts’ Fit the Political Fury?” vol. 42, no. 10)

- In 1990, Donnerstein and Linz reemphasized their findings in an overview of the literature prepared for the government of New Zealand. They wrote:

“Despite the Attorney General’s Commission’s assertion that most forms of pornography have a causal relationship to sexually aggressive behavior, we find it difficult to understand how this conclusion was reached.... Most social scientists who testified before the commission were also cautious, even when making statements about causal links between exposure to *violent* [emphasis original] pornography and sexually aggressive behavior. *Any reasonable review of the research literature would not come to the conclusion that ... pornography conclusively results in antisocial effects.*” (emphasis added, p. 6)

IF. Commissions in Denmark, Canada and Britain conducted investigations on the effects of sexually explicit material.

In fact: The Danish, Canadian and British studies found no link between sexual material and social harm.

- In 1985, the Institute of Criminal Science at the University of Copenhagen reported that in European countries where restrictions on pornography have been lifted, incidence of rape over the last 10–20 years has declined or remained

constant. (Berl Kutchinsky, *Society*, 1987, vol. 24, no. 10, p. 22)

- At the time of the Meese Commission, the Canadian Department of Justice completed its report on the effects of sexually explicit material, “Working Papers on Pornography and Prostitution, Report #13, The Impact of Pornography: An Analysis of Research and Summary of Findings” (known as the Fraser Committee Report). It found:

“There is no systematic research evidence available which suggests a causal relationship between pornography and morality.... There is no systematic research which suggests that increases in specific forms of deviant behavior, reflected in crime trend statistics (e.g., rape) are causally related to pornography.” (p. 93)

“There is no persuasive evidence that the viewing of pornography causes harm to the average adult ... that exposure causes the average adult to harm others ... that exposure causes the average adult to alter established sex practices. On the contrary, the research supports the contention that exposure, although possible producing a short-term, transient alteration in patterns, has no effect in the longer term.” (p. 94)

- The British Inquiry into Obscenity and Film Censorship (Williams Committee), 1979, in its report on pornography, also found no link between sexual imagery and social harms and rejected laboratory studies that attempted to equate aggression in controlled laboratory studies with violence in the real world.

The British commission wrote, “We unhesitatingly reject the suggestion that the available statistical information for England and Wales lends any support to the argument that pornography acts as a stimulus to the commission of sexual violence.” (p. 80)

The Australian parliament’s hearings concluded that sexually nonviolent and sexually violent material produces antisocial and violent effects.

In fact: Unlike the Meese Commission, the Surgeon General’s conference and the Canadian Justice Department (Fraser) report, the Australian parliament commissioned no experts to read and

evaluate the social science data.

• Donnerstein testified in *Her Majesty the Queen against Fringe Product Inc.* (1989):

“They should have had access and, it is my understanding, had access to all papers by the same group of researchers.... In the Meese Commission, you had members who were familiar with or who could evaluate social science data versus those who could not. Those who could, did file a minority report. The actual social science report reviewed and written by Edna Einsiedel did not support the [Meese Commission’s] recommendations.... The Fraser [Canadian] Committee, it is my understanding, had a separate volume written by social scientists evaluating the social science research. That was not the case, it is my understanding, for the Australian parliament.”

1G. Methodological issues in social science research

• In their writings, Drs. Neil Malamuth (University of California), David Shore (Southern Illinois University), Donnerstein, Linz et al. have noted that the Meese Commission failed to take into account certain important methodological problems that confound all social science data.

“Some commission members apparently did not understand or chose not to heed some of the fundamental assumptions in the social science research on pornography,” wrote Donnerstein and Linz in *Psychology Today*. (December 1986, p. 56)

• Surgeon General Koop’s conference on pornography devoted eight pages of its report to the methodological problems running through the scientific data. Chief among the data’s limitations are:

(1) Results achieved in the experimental laboratory are notoriously bad predictors of behavior outside the lab. The Surgeon General’s report concluded, “The drawback of such a [laboratory] approach is its inherent artificiality; phenomena in the lab are not always what they may be in the real world.” (pp. 8, 9)

(2) Self-reporting questionnaires (such as questions about a lab subject’s willingness to use force for sex) are poor indicators of real-life

behavior. People exaggerate or minimize, and often don’t do what they say they do.

(3) Experiments where subjects are asked to hurt a confederate ‘subject’ are also poor predictors of real-life behavior as subjects are likely to know that in a lab setting no scientist can or would allow subject to be hurt.

In 1986, David Shore, editor of the *Journal of Social Work & Human Sexuality*, wrote, “So recent works have elevated aggression.... It should be noted that my research has led to my concurring with Katchadourian that ‘the experimental situations set up in these studies tend to be contrived, and the tests used artificial, (thus) their significance with respect to deviant behaviors remains uncertain.’”

(4) Researchers are inclined to interpret events according to their own beliefs, especially those reporting on clinical, in-the-field data.

“The most subtle problem with clinical reports,” noted the Surgeon General’s report, “is the inevitable tendency ... to interpret and report their observations in a way that supports their beliefs.” (p. 8)

(5) Only successful studies are reported in the literature.

“As a result,” wrote the Surgeon General’s report, “it is difficult to know how many studies were done that were unable to produce any observed result.... The presence of a large number of these unreported results may indicate that the regularity and strength of a particular effect is really rather low even though it has been reported to have occurred under controlled conditions.” (p. 10)

(6) Correlational data does not establish causality. For example, the number of drownings per day correlates highly with the sales of sunglasses, but it would be a mistake to say one causes the other. (p. 11)

(7) Clinical studies of convicted sex offenders cannot separate out their use of pornography from other highly significant factors that promote violence, such as drug or alcohol abuse, poverty, abusive childhoods, etc.

“Clinical studies are limited in value,” wrote the Surgeon General’s report. “Their greatest limitation is the inability to isolate the specific effects of the variable being considered (such as exposure to pornography) from other potentially influential

variables.” (p. 7)

(8) “Clinical studies have another problem resulting from their focus only on youth with identified problems. The effects of ... sexual abuse cannot be separated accurately from the effects of the discovery of those circumstances. For instance, it is impossible to tell with any rigor how much of the distress shown by a child in therapy results from actual participation in pornography and how much is precipitated by the reactions of others such as parents, friends and teachers to the discovery of the child’s involvement. For example, Burgess et al. (1984) found that behavioral problems of some children involved in sex and pornography rings increased after their participation was discovered.” (p. 7)

(9) The “desensitization” reported with repeated viewing of sexual material may be merely the usual boredom that results from repeatedly viewing any sort of material. Donnerstein pointed out during the Meese Commission that emergency room doctors don’t faint at each new wounded body, yet that hardly means they will take to the streets and commit murder.

(10) Most of the research on pornography has been conducted on college men—a group especially vulnerable to the “sexual bravura” effect. Does a subject’s knowledge that his answers will be compared to those of other college men skew his responses?

(11) All laboratory experiments are subject to the “experimenter demand” effect, where subjects try to guess (even unconsciously) at the experimenter’s hypothesis and then to confirm it.

2. SEXUAL MATERIAL AND HARM

2A. *Prevalence of violence in sexually explicit material*

To arrive at its recommendations to restrict sexually explicit material, the Meese Commission concluded that (1) pornography has become more violent since the 1970 President’s Commission on Obscenity and Pornography, which found no link between sexual material and antisocial behavior and recommended no restrictions; and that (2) pornographic images so significantly change men’s attitudes about women that they promote and foster

sexual assault.

In fact: The prevalence of violence in sexually explicit material since the 1970 President’s Commission on Obscenity and Pornography has decreased.

• In their analysis of 4,644 “pornographic” magazines, the Meese Commission concluded that *Playboy*, *Penthouse* and *Playgirl* sorts of publications should not be considered pornographic. Dr. Jennings Bryant, whose research was heavily cited by the Meese Commission to condemn pornographic materials, classified *Penthouse*, *Playboy* and *Playgirl* as “R-rated softcore sexually oriented magazines.” (Meese Commission Report, 1986)

• Dr. Joseph Scott and Steven Cuvelier (Ohio State University) ran a content analysis of *Playboy* over a 30-year period and found an average of 1.89 violent pictorials per year, with violence *decreasing* through the Eighties. (“Sexual Violence in *Playboy* Magazine: A Longitudinal Content Analysis,” *Journal of Sex Research*, 1987, vol. 23, no. 4, pp. 534–539; “Violence in *Playboy* Magazine: A Longitudinal Analysis,” *Archives of Sexual Behavior*, 1987, vol. 16, no. 4, pp. 279–287)

They wrote, “Although the overall number and ratio of violent cartoons and pictorials in *Playboy* over the 30-year period examined was rare, a major question addressed was whether the amount of violence was increasing. Rather than a linear relation, a curvilinear relationship was observed with the amount of violence on the decrease.... Those who argue for greater censorship of magazines such as *Playboy* because of its depictions of violence need a new rationale to justify their position.” (*Archives of Sexual Behavior*, vol. 16, no. 4, p. 279)

In concluding their *Journal of Sex Research* article, Scott and Cuvelier wrote, “In the oldest continuously published adult magazine in the U.S., the number of sexually violent depictions has always been extremely small and the number of such depictions has decreased in recent years.” (1987, p. 538)

• In his study of XXX video cassettes, Dr. Ted Palys of Simon Fraser University found a *decrease* in violence in sexually explicit videos.

More violence was found in videos *without* explicit sexual activity than in the triple X, sexually explicit variety. (“Testing the Common Wisdom: The Social Content of Video Pornography,” *Canadian Psychology*, 1986, vol. 27, pp. 22–35)

- Reviewing the literature on violence in sexually explicit material, Donnerstein and Linz wrote, “We cannot legitimately conclude that pornography has become more violent since the time of the 1970 Pornography Commission.” (*Psychology Today*, December 1986, p. 57)

Linz, Donnerstein and Penrod repeated their findings in a 1987 *American Psychologist* article:

“We cannot legitimately conclude that the Attorney General’s first assumption about pornography—that it has become increasingly more violent since the time of the 1970 Pornography Commission—is true.... The available data might suggest that there has actually been a decline in violent images within mainstream publications such as *Playboy* and that comparisons of X-rated materials with other depictions suggest there is in fact far more violence in the *nonpornographic* fare.” (vol. 42, no. 10)

- In a 1990 content analysis of current videos, Drs. Ni Yang and Daniel Linz (University of California) found that in explicit pornography, sexual behavior accounted for 41 percent of all behavioral sequences, sexual violence for 4.73 percent and nonsexual violence for another 4.73 percent. In R-rated tapes, sexual behavior accounted for 4.59 percent of behavioral sequences, sexual violence for 3.27 percent and nonsexual violence for 3.5 percent. (“Movie Ratings and the Content of Adult Videos: The Sex–Violence Ratio,” *Journal of Communication*, 1990, vol. 40, no. 2, p. 34)

2B. Effects of exposure to nonviolent and “degrading” sexually explicit material (studies by Dolf Zillman, J.V.P. Check, and peer responses)

The Meese commission held that exposure to sexual material—“normal” nonviolent and “degrading” (showing women in subordinate positions or in unusual sexual practices)—promotes and fosters sexual abuse.

In fact: Research data on nonviolent sexual images show no link between them and sexual aggression.

- Studies by Drs. Dolf Zillmann and Jennings Bryant (Indiana University) found that while long-term exposure to “degrading” pornography resulted in more calloused beliefs about rape in laboratory settings, long-term exposure also lead to *less aggressive behavior*. (“Effects of Massive Exposure to Pornography,” in *Pornography and Sexual Aggression*, 1984, New York, Academic Press; “Pornography, Sexual Callousness, and the Trivialization of Rape,” *Journal of Communication*, 1982, vol. 32, pp. 10–21)

- At hearings before the New Zealand Indecent Publications Tribunal in 1990, Donnerstein said that any reasonable review of the research literature would *not* come to the conclusion that exposure to “degrading” pornography yields antisocial behavior. Donnerstein added:

“Specific depictions of the anal region do not seem to indicate any changes in specific attitudes about women or acceptability of violence against women.” Donnerstein also said he “knew of no research which suggested that men with a sexual interest in adult women with shaved genitalia had therefore any interest in children.”

- Additionally, several other studies over the last 20 years have shown that nonviolent pornography *reduces* aggression in laboratory settings. (D. Zillmann and B. Sapolsky, *Journal of Personality and Social Psychology*, 1977, vol. 35, pp. 587–596; R. Baron, *Journal of Personality and Social Psychology*, 1974, vol. 30 (3), pp. 318–322; R. Baron, *Human Aggression*, 1977, New York, Plenum Press; R. Baron and P. Bell, *Journal of Personality and Social Psychology*, 1977, vol. 35, pp. 79–87; N. Malamuth, “Erotica, Aggression and Perceived Appropriateness,” paper presented at the 86th convention of the American Psychological Association, 1978; L. White, *Journal of Personality and Social Psychology*, 1979, vol. 37, pp. 591–601)

- Other researchers have not been able to replicate the component of Zillmann’s 1982 study showing that “degrading” pornography promotes

calloused perceptions of rape in laboratory subjects. In 1987, *American Psychologist* reported:

“Only one study has shown that long-term exposure to this type of [degrading] material changes an individual’s perception of a rape victim (Zillmann & Bryant, 1982) [*Journal of Communication*, vol. 32, pp. 10–21]. But later studies with both male and female viewers have not replicated these findings (Krafka, 1985; Linz, 1985). [C. Krafka, “Sexually Explicit, Sexually Violent, and Violent Media: Effects of Multiple Naturalistic Exposures and Debriefing on Female Viewers,” doctoral dissertation, University of Wisconsin; D. Linz, “Sexual Violence in the Media: Effects on Male Viewers and Implications for Society,” doctoral dissertation, University of Wisconsin]

“Furthermore, only one study has found changes in subjects’ willingness to say they would use force with a woman in order to have sex. This study, conducted by Check (1984) [J. V. P. Check, “The Effects of Violent and Nonviolent Pornography,” for the Canadian Department of Justice, Ottawa, Ontario] involved several methodological procedures which prevent us from placing as much confidence in the outcome as we would like.” (*American Psychologist*, 1987, vol. 42, no. 10)

Because of methodological flaws, the Canadian Department of Justice rejected the Check study.

- Surgeon General Koop’s conference on pornography concluded that the only statement it could support regarding “degrading” sexual material was that exposure caused subjects to think a variety of sexual practices were more commonly practiced. Exposure caused subjects to estimate the prevalence of varied sexual practices *more accurately*. (Surgeon General’s Report, p. 17)

- In his 1989 testimony to the District Court of Ontario (*Her Majesty the Queen against Fringe Product Inc.*), Donnerstein was asked, “As to the existence of negative effects arising from dehumanizing or degrading sexually explicit material, what is the bottom line on that?” Donnerstein said:

“There is too much conflicting data, too much controversy, too much methodological

problems to make a statement.... I would have to lean, however ... that *there are no effects or if effects occur at all, just like with violent material, they can in fact occur ... outside the context of sexual explicitness.*” (emphasis added)

- The Meese Commission’s report on the social science data, prepared by Dr. Edna Einsiedel (University of Calgary), concluded that the data on “degrading” pornography was too methodologically confused to use. (Meese Commission Report, 1986)

2C. Effects of exposure to nonviolent sexual materials and harm (studies by John Court, and peer responses)

Dr. John Court, professor of the Graduate School of Psychology at Fuller Seminary, Pasadena, California (formerly at Flinders University South Australia), reports finding a causal relationship between sexually explicit materials and sex crimes.

In fact: Court testified that there is no evidence of such a link.

- At the New Zealand Indecent Publications Tribunal in 1990, Court was asked, “Do you say that there is no causal link between nonviolent erotica and sexual crimes?”

He responded, “No, I don’t say that.... What I am saying is that we do not have evidence that there is such a causal link. I cannot sustain it from my data and I don’t know anybody who can.”

- In their 1990 overview of the social science data prepared for the government of New Zealand, Donnerstein and Linz wrote:

“Studies in which individuals have been massively exposed to this [*Penthouse*] type of material have shown either reductions in laboratory aggression or *no increases* in aggressive behavior. Consequently, the conclusion that *nonviolent degrading materials* influence sexual aggression is *without support.*” (emphasis added, p. 41)

- In his November 1990 testimony to the New Zealand Indecent Publications Tribunal, Donnerstein commented on the idea that sexually

explicit material could act as a trigger to sexual aggression.

He said that in his view, “the vast majority of studies indicated that no such trigger mechanism or capacity existed.”

- Expressing similar views in his testimony to the Ontario District Court in *Her Majesty against Fringe Product Inc.* (1989), Donnerstein explained the impossibility of determining what will trigger someone to violence.

“Q.: Can you predict what phenomena will set these predisposed, already aggressive individuals off?”

A.: I wish we could.... Certain people are influenced by who knows what. If you find a serial murderer and he’s modeled something he sees, it could be any type of material. We know full well, with pedophiles, they are just as turned on by child pornography, which is obviously illegal, to a picture of a young male or female in the Sears catalog in underwear. It is very difficult to say what type of stimuli are going to take those individuals on the fringe, predisposed, and cause them to act in a certain way.”

- In hearings before the New Zealand Indecent Publications Tribunal in 1990, Daniel Linz testified:

“With respect to case studies, it has not been established if the materials presented caused that person to be violent, or that an already violent individual is drawn to violent materials that reaffirm existing attitudes or predispositions. *In fact, many studies have found that following prolonged exposure to extremely sexually exciting stimuli, there are lowered levels of aggression*, and there is the corollary that the individual with less exposure actually behaves in a more violent fashion than the person with more exposure.” (emphasis added)

2D. Effects of exposure to sexually explicit material on women’s self-esteem

In fact: Research shows no lowering of women’s self-esteem after exposure to sexually explicit materials.

- Dr. Carol Krafska found that women

exposed even to sexually degrading materials did not engage in more sex role stereotyping, experience lower self-esteem, have less satisfaction with body image, hold more negative beliefs about rape or show greater acceptance of violence against women. (“Sexually Explicit, Sexually Violent, and Violent Media: Effects of Multiple Naturalistic Exposures and Debriefing on Female Viewers,” 1985, doctoral dissertation, University of Wisconsin)

- Donnerstein came to similar results in a 1984 study, and Linz, Donnerstein and Penrod again in 1988. (“Pornography: Its Effect on Violence Against Women,” in *Pornography and Sexual Aggression*, 1984, Orlando, Florida, Academic Press; Linz, Donnerstein and Penrod, “The Effects of Long-Term Exposure to Violent and Sexually Degrading Depictions of Women,” *Journal of Personality and Social Psychology*, 1988, vol. 55, pp.758–768)

2E. Effects of exposure to sexually explicit material on social stability and the public good (studies by Dolf Zillman and Jennings Bryant, and peer responses)

Dolf Zillmann and Jennings Bryant found that exposure to pornography produced more acceptance of premarital and extramarital sexual relations, less satisfaction with one’s sexual partner and less emphasis on marriage and having children.

In fact: The Surgeon General’s conference reported that prolonged exposure to pornography led subjects to more accurately estimate the prevalence of varied sexual practices in the general public.

- Zillmann and Bryant presented their studies to the 1986 Surgeon General’s conference on pornography. (Their work is found in “Effects of Massive Exposure to Pornography,” in *Pornography and Sexual Aggression*, 1984, New York, Academic Press; also in *Pornography: Research Advances and Policy Considerations*, 1989, Hillsdale, New Jersey, Erlbaum.)

The only statement regarding pornography and the social good that the Surgeon General’s conference would endorse is that prolonged exposure to pornography increased subjects’ estimation of the

frequency of varied sexual practices. Subjects who had been in the intermediate- and massive-exposure groups in the Zillmann study estimated the prevalence of varied sexual practices in the general population *more accurately* than the control group. (Surgeon General's Report, p. 17)

- In their 1990 overview of the literature, Donnerstein and Linz ask, "What if these ideas had been presented in a nonsexually explicit format, would the effects have remained the same? [These ideas] are not endemic to pornography nor are they unavailable in other forms of mass media entertainment.... Findings such as those claimed by Zillmann and Bryant must remain tentative." (1990 report to the government of New Zealand, p. 33)

3. VIOLENT MATERIAL AND HARMS

3A. *Effects of exposure to sexually violent material*

The Meese Commission held that exposure to sexually violent imagery promotes and fosters sexual aggression.

In fact: The effects of sexually violent material is undecided in the scientific community. These effects can be measured only in laboratory settings and are not easily translated to life situations. Research indicates that negative effects attributed to sexually violent material stem from the violent, not the sexual, content.

- In 1978, Dr. Neil Malamuth (University of California) found that college-aged men in lab experiments showed increased aggression towards female confederate "subjects" after viewing sexually violent material if the men were told it was permissible to aggress against the women. When they were given no encouragement to aggress, they did not. ("The Sexual Responsiveness of College Students to Rape Depictions: Inhibitory and Disinhibitory Effects," *Journal of Personality and Social Psychology*, 1978, vol. 14, pp. 121–137)

- Through the 1980s, researchers such as Donnerstein, Linz, Dr. Leonard Berkowitz (University of Wisconsin) and Penrod found that exposure to violent material—sexual or *nonsexual*—

increased aggression toward women in a lab context. (E. Donnerstein and L. Berkowitz, "Victim Reactions in Aggressive-Erotic Films as a Factor in Violence Against Women," *Journal of Personality and Social Psychology*, 1981, vol. 41, pp. 710–724; E. Donnerstein, "Erotica and Human Aggression," in *Aggression: Theoretical and Empirical Reviews*, 1983, New York, Academic Press; E. Donnerstein, "Pornography: Its Effect on Violence Against Women," in *Pornography and Sexual Aggression*, 1984, Orlando, Florida, Academic Press; E. Donnerstein, D. Linz and S. Penrod, *The Question of Pornography: Research Findings and Policy Implications*, 1987, New York, The Free Press, a division of Macmillan Inc.)

- Commenting on the last decade of research, Donnerstein and Linz wrote that their findings "are accurate as long as we are referring to laboratory studies of aggression.... Whether this aggression is representative of real-world aggression, such as rape, is entirely different matter." (1990 report to the government of New Zealand, p. 37)

- In 1986, Malamuth and Dr. Joseph Ceniti (University of California) found no increase in aggression toward women in men who had watched sexually violent material. (*Aggressive Behavior*, 1986, vol. 12, pp. 129–137)

- Explaining the research on increases in (laboratory) aggression after viewing violent material, Donnerstein told the District Court of Ontario (1989):

"The measure is simply arousal, not sexual arousal. The Zillmann research strongly shows that once you get arousal up—the measures could be heart rate, galvanic skin response; blood pressure is the common one—if arousal is high and subjects are aggressing, it's going to facilitate aggressive behavior, independent of where the arousal comes from. And yes, there are studies where males bicycle ride and then are more aggressive when they are angered." (emphasis added)

In sum, subjects in lab experiments will increase their aggression if they are angered. If they are "worked up" in any way, including from aerobic exercise, they will aggress more. This increase in

aggression is not dependent on viewing sexual or violent material.

- After Surgeon General Koop's conference in 1986, N. Malamuth wrote a letter to *American Psychologist* to correct some misstatements published there about material that "portrays sexual aggression as pleasurable for the victim." He wrote:

"We [the Surgeon General's conference] did *not* reach the consensus that 'this type of pornography is at the root of much of the rape that occurs today.' ... We also agreed that 'acceptance of coercive sexuality appears to be related to sexual aggression,' but we did *not* conclude that 'if a man sees a steady stream of sexually violent material ... he begins to believe that coercion and violence are acceptable ... and may himself become the perpetrator.'" (emphasis added)

- In their December 1986 *Psychology Today* article, Donnerstein and Linz wrote:

"The most callous attitudes about rape ... were found among those men who had seen only the violent coercion. Subjects who saw the X-rated version without violence scored the lowest." (p. 59)

- In 1989, Donnerstein testified to the District Court of Ontario:

"Research that has pitted the two against each other has demonstrated that it is the R-rated explicitly graphic violence but not sexually explicit material that is more potent in terms of [negative laboratory] effects than the highly sexually explicit material which would contain violence. That is endorsed, in very concrete terms, by the Meese Commission."

- In all lab studies where male subjects aggress against female confederate "subjects," the aggression is *nonsexual*. (It is also fake, rigged to look like it is "hurting" the female confederates for the sake of the experiment.) Madeline Morris (Yale University) wrote:

"This finding has been interpreted by some to mean that violent pornography fosters sexual aggression against women. Such an interpretation is inappropriate since nonsexual aggression is not a valid indicator of sexual aggression." ("Governmental Regulation of Pornography:

Rhetoric of Harm," paper to the American Sociological Association, 1985, p. 23)

3B. Sexually explicit material and addiction theory (Victor Cline and peer responses)

According to Mormon psychologist Victor Cline, pornography creates a cumulative effect that causes the viewer to need more and more hard-core or violent fare, which eventually leads to violent behavior.

In fact: Most social scientists do not consider Dr. Cline a reliable source of research information.

- Victor Cline to date has published no scholarly articles on sexual material. He has three articles on the effects of television violence on children in such popular publications as *Ladies' Home Journal* and *Life* magazine, and he has one article on the effects of television violence on children in a professional publication (*Journal of Personality and Social Psychology*, 1973, vol. 27, p. 360). He has edited one book, *Where Do You Draw the Line?*, (1974, Brigham Young University Press).

- Dr. Edna Einsiedel, in her review of the science for the Meese Commission, reported that there is no evidence that exposure to hard-core, violent or paraphiliac pornography creates an attraction to such material or stimulates a need for it. (Meese Commission Report, 1986)

- Dr. Elizabeth Allgeier, editor of the *Journal of Sex Research*, explained that Victor Cline has done no empirical studies. Without such research, scientists in the areas of psychology or sociology have no substantive material from Cline to evaluate or discuss. In the 1990 book *Sexual Interactions*, reviewing all scientific research in the field to date, the authors did not include or mention Victor Cline. (Allgeier and Allgeier, *Sexual Interactions*, third edition, 1990, D.C. Heath)

- In a 1984 lab experiment, D. Zillmann allowed male college students to choose to watch an X or XXX video. Many chose the XXX tapes, which included some paraphilic material. In her review of

the literature, Einsiedel called this choice “curiosity.” There is no evidence in the Zillmann study, said Einsiedel, that the students liked the paraphilias or developed a taste for them. (Meese Commission Report, 1986)

- In their evaluation of the research on whether or not repeated exposure to sexually explicit material has cumulative effects, Donnerstein and Linz wrote that “the evidence ... points to the latter conclusion. This fact seems not to have been given sufficient consideration by the [Meese] commission.” (*Psychology Today*, December 1986, p. 57)

3C. Debriefings of laboratory subjects in studies on exposure to violent material, and implications for mitigating negative effects

- Based on the research of Malamuth and Check, Krafska, Donnerstein and Linz, the Surgeon General’s report recommended a “media literacy program” to mitigate effects of media.

“Several studies have shown that presentations outlining the ways that violent sexual material can foster or reinforce incorrect beliefs or negative attitudes have been able to prevent the expected results of exposure. In other words, educating people about the possible effects of exposure, in conjunction with exposure, appears to reduce or eliminate the shifts in attitudes that are usually seen after exposure.” (J. Check and N. Malamuth, “Can There Be Positive Effects of Participation in Pornography Experiments?” *Behaviour Research and Therapy*, 1984, vol. 22, pp. 535–548; N. Malamuth and J. Check, “Debriefing Effectiveness Following Exposure to Pornographic Rape Depictions,” *Journal of Sex Research*, 1984, vol. 20, pp. 1–13; C. Krafska, “Sexually Explicit, Sexually Violent, and Violent Media: Effects of Multiple Naturalistic Exposures and Debriefing on Female Viewers,” 1985, doctoral dissertation, University of Wisconsin; E. Donnerstein, “Techniques Designed to Mitigate the Impact of Mass Media Sexual Violence on Adolescents and Adults,” paper presented to Surgeon General’s Workshop on Pornography and Public Health, 1986; Report of the Surgeon General’s Report, p. 50)

- Margaret Intons-Peterson, professor of

psychology at Indiana University and former editor of the *Journal of Experimental Psychology*, found that if experimental subjects were given general information about male-female relationships or information on rape, showing those subjects sexually explicit or violent films had no effects on attitudes about rape and did not increase aggression toward women in the lab setting. (Intons-Peterson et al., “Will Educational Materials Offset Negative Effects of Violent Pornography?” 1987, Indiana University)

Donnerstein told the District Court of Ontario in 1989:

“Intons-Peterson did that, and she found that prebriefings on sex education or rape education mitigated the effects of seeing a sexually violent film or an R-rated film.... You didn’t find subjects showing desensitization to these films and ... they weren’t calloused about the rape victim.”

- Continuing discussion of the research on briefing lab subjects about pornography, Donnerstein told the District Court of Ontario:

“We have also done it [mitigated lab effects of violent material] by having subjects video-tape themselves, write essays about rape and about the problems of mass media violence ... and you also get decreases. This, in conjunction with a vast amount of research with children and adolescents on intervention programs—the word is sometimes called critical viewing skills—suggests very strongly to the scientific community, as it did to our Surgeon General [Koop, 1986 conference on pornography] that these types of programs would be and could be incredibly effective as an intervention against exposure to all types of media.”

- Donnerstein concluded in the Ontario District Court proceedings:

“If we could construct educational programs, prebriefing interventions, then it is my firm belief that we in fact could mitigate the negative impact of this type of material.... You don’t do it right before the person sees it in the theater. You go ahead and make these educational programs for adolescents and children so that when they do in fact confront the material, they see it differently.”

- Donnerstein, Linz and Penrod wrote in *American Psychologist*:

“Rather than call for stricter laws, we call for a more informed public.... The most prudent course of action would be the development of educational interventions which would teach viewers to become more critical consumers of the mass media.” (1987, vol. 42, no. 10)

4. SEXUAL MATERIAL AND RAPE RATES

4A. Exposure to sexually explicit material and likelihood to rape (studies by Dolf Zillman and Jennings Bryant, and peer responses)

Dolf Zillmann and Jennings Bryant have reported that exposure to pornography in laboratory settings correlates positively with insensitivity to rape and rape victims.

In fact: The research shows that nonviolent sexual material does not affect subjects' likelihood to rape; though some studies of violent—not sexual— material show decreasing sensitivity to rape, it remains difficult to translate this laboratory data to life situations.

- In 1986, Donnerstein, Linz and Berkowitz found that men report the harshest attitudes about rape after viewing violent films without any sexual content (*Psychology Today*, December 1986, p. 59):

“The most callous attitudes about rape ... were found among those men who had seen only the violent coercion. Subjects who saw the X-rated version without violence scored the lowest.”

- In testimony to the Ontario District Court in 1989, Donnerstein said:

“After viewing a sexually explicit film, 11 percent of the male subjects said they would rape. For the aggressive pornography film, 25 percent said they would rape. For the [nonsexual] aggression-only film, 50 percent said they would rape.”

Earlier, Donnerstein testified, “With sexually explicit violent depictions, the findings suggest increases in lab aggression, increases in certain—we can just call them callous—attitudes about certain myths about rape. *However, the caveat is you get those effects without any sexual content whatsoever. You get exactly the same effects just with the message about violence.*” (emphasis added)

- In a 1987 series of studies, Drs. V. Padgett and J. Brislin-Slutz found that exposure to nonviolent pornography—even if it was “degrading”—produced *no* decrease in men’s sensitivity towards women and *no* increase in acceptance of the myth that women want to be raped or enjoy it. (“Pornography, Erotica and Negative Attitudes Towards Women: The Effects of Repeated Exposure,” *Journal of Sex Research*, 1989, vol. 26, pp. 479–491)

It should be noted that Padgett employed a “power analysis”; that is, if the number of subjects were increased, would there be any effects from pornography? The conclusion was no.

- Donnerstein and Linz’s 1990 overview of the social science literature prepared for the government of New Zealand reported,

“no effects for exposure [to *Penthouse*-type magazines] on antisocial attitudes such as less sensitivity to rape victims or greater endorsement of attitudes facilitating violence against women.... Most consistently, in long-term and short-term exposure studies, negative effects (e.g., lessened sensitivity toward rape victims, greater acceptance of force in sexual encounters) emerge when subjects are exposed to portrayals of overt violence against women or when sex is fused with aggression.” (p. 4)

Donnerstein and Linz continued, “Studies in which individuals have been massively exposed to this [*Penthouse*] type of material have shown either *reductions* in laboratory aggression or *no increases* in aggressive behavior. Consequently, the conclusion that *nonviolent degrading materials* influence sexual aggression is *without support*.” (emphasis added, p. 41)

4B. The J.B. Weaver study on exposure to pornography and desensitivity to sexual violence

The J. B. Weaver study (1987) reports that pornography desensitizes men to rape and makes them accept sexual violence.

In fact: The Weaver study did not use pornography in its research protocol and leading researchers dispute its findings.

- Donnerstein pointed out to the Ontario District Court in 1989 that the Weaver study

(doctoral dissertation, Indiana University) used no pornography and no X-rated material. It was based on material from popular television programs and movies.

- In a *Journal of Sex Research* review of Weaver's research, Linz dismissed all the findings of the Weaver study, saying Weaver's own statistical data do not support the claim that sexually explicit material changes attitudes about rape.

- Donnerstein told the Ontario District Court:

"He [Linz] says ... absolutely nothing is occurring and that no methodologist or qualified statistician could argue for effects. I would rather, in fact, say there are effects. In fact, I would be willing to give Weaver the benefit of the doubt and say there are many effects. *The problem is they have nothing to do with pornography.*" (emphasis added)

4C. Current incidence of rape

Increased reporting of rapes to the police suggests that the incidence of rape has been rising in recent years.

In fact: The increase in rape reporting to the police may reflect an increase in reporting only, and not an increase in the incidence of rape.

- The Bureau of Justice Statistics reports that the national rape rate of 0.6 per 1,000 remained steady between 1973 and 1987. Attempted rape rates have decreased 46 percent from 1.3 to 0.7 per 1,000 over the same period.

These statistics were gathered from household surveys rather than from police reports, where rapes are likely underreported. The Bureau of Justice Statistics data identify the many rapes that never reach police files because women are afraid to report them (especially in cases of domestic rape) or suspect the police won't do anything.

Additionally, these data cover the decades when feminists brought rape to the attention of the nation and created the social climate and structures—hotlines, special police department task forces and the like—to encourage women to bring rape into the open. This has led to an overall increase in rape

reporting. One would expect rape rates to increase, not to remain steady or decrease as is reported here.

4D. Correlation between rape rates and sales of sexually explicit material (studies by Larry Baron and Murry Strauss, Cynthia Gentry, and Joseph Scott and Loretta Schwalm)

In their 1984 study, Drs. Larry Baron and Murray Straus (Yale, University of New Hampshire) found a positive correlation between pornography circulation and rape rates.

In fact: Baron, Straus and others found this correlation to be spurious; it appears because both rape rates and pornography sales correlate with others factors, such as the number of young men living in a given locale and the presence of a macho ethic in that area.

- When Baron and Straus introduced into their data the Violence Approval Index—a "hypermasculinity" rating—the relationship between pornography circulation and rape disappeared. ("Sexual Stratification, Pornography, and Rape in the United States," in *Pornography and Sexual Aggression*, 1984, Orlando, Florida, Academic Press, pp. 185–209; Yale University, 1985, 1986)

- Baron explained at the Meese Commission hearings that "the relationship ... may be due to an unspecified third variable. It is quite plausible that the findings could reflect state-to-state differences in a hypermasculated or macho culture pattern." (For an overview of the Baron and Straus studies, see L. Baron and M. Straus, *Four Theories of Rape in American Society: A State-level Analysis*, 1989, New Haven, Connecticut, Yale University Press.)

- In Baron and Straus (1984, 1985, 1986), the correlations between sexual material and rape—even without the inclusion of the hypermasculinity rating—is far from conclusive: Utah ranks lowest on the Sexual Magazine Circulation Index but 25th in number of rapes; New Hampshire ranks ninth on the circulation index and 44th in rapes. ("Sexual Stratification, Pornography, and Rape in the United States," in *Pornography and Sexual Aggression*,

1984, Orlando, Florida, Academic Press, pp. 185–209; Yale University, 1985, 1986)

- In later studies, the correlation between rape rates and sexual materials sales disappeared when the number of young men living in a given area was factored into the data.

“There is no evidence of a relationship between popular sex magazines and violence against women,” wrote Dr. Cynthia Gentry (Wake Forest University) in her 1989 study reviewing the data on the relationship between sexually explicit materials and rape.

The only factor that predicted the rape rate in a given locale was the number of men between the ages of 18 and 34 residing there. (“Pornography and Rape: An Empirical Analysis,” *Deviant Behavior*, 1991, vol. 12, pp. 227–238)

- In 1988, Dr. Joseph Scott and Loretta Schwalm (Ohio State University) reported similar findings from their correlation studies. (“Rape Rates and the Circulation Rates of Adult Magazines,” *Journal of Sex Research*, 1988, vol. 24, pp. 241–250)

- Also in 1988, Scott and Schwalm reported no correlation between the presence of adult theaters and rape rates. Other factors, such as the circulation of “outdoor-type” magazines, such as *Field & Stream*, *Guns and Ammo* and *The American Hunter*, correlated more closely with rape rates. (“Pornography and Rape: An Examination of Adult Theater Rates and Rape Rates by State,” in *Controversial Issues in Crime and Justice*, 1988, Beverly Hills, California, Sage)

- In 1990, Dr. Larry Baron examined the degree of gender equality in a given area and the circulation rates of popular sexually oriented magazines (*Chic*, *Club*, *Gallery*, *Genesis*, *Hustler*, *Oui*, *Playboy* and *Penthouse*). He found that areas with *higher circulation rates show more gender equality*, and suggested that both sexually explicit material and gender equality may flourish in politically tolerant areas where there are fewer restrictions on speech.

The best predictor, in the Baron study, of gender inequality, was the number of fundamentalist religious groups in a given area. (“Pornography and

Gender Equality: An Empirical Analysis,” *Journal of Sex Research*, 1990, vol. 27, pp. 363–380)

4E. Cross-cultural studies of rape rates and the availability of sexually explicit material (studies by John Court, Berl Kutchinsky, and peer responses)

Dr. John Court (Graduate School of Psychology, Fuller Seminary, Pasadena, California, formerly at Flinders University South Australia) analyzed rape rates in Hawaii during a two-year period when sexual material was restricted there, and reported that rape rates decreased.

In fact: Leading scientists have repudiated Dr. Court’s data; cross-cultural research indicates that the availability of pornography does not affect rape rates.

- The British Inquiry into Obscenity and Film Censorship (Williams Committee) read Court’s work and rejected it:

“We unhesitatingly reject the suggestion that the available statistical information for England and Wales lends any support at all to the argument that pornography acts as a stimulus to the commission of sexual violence.” (p. 80)

- In *Society*, Dr. Augustine Brannigan, University of Calgary, wrote:

“John Court, a self-proclaimed Christian psychologist and onetime leader of the antipornography Festival of Light, published a series of papers to discredit Kutchinsky’s Danish study. The Williams Committee in the United Kingdom scrutinized his work and characterized it as misleading and intellectually dishonest.” (1987, vol. 24, no. 5, p. 15)

- In the 1990 hearings by the New Zealand Indecent Publications Tribunal, Court was asked, “Do you say that there is no causal link between nonviolent erotica and sexual crimes?”

He responded, “No, I don’t say that.... What I am saying is that we do not have evidence that there is such a causal link. I cannot sustain it from my data and I don’t know anybody who can.”

- According to Court’s own data,

Singapore, with tight controls on pornography, showed a much greater increase in rape rates (28 percentage points more) between 1964 and 1974 than did Stockholm, with liberalized pornography laws. Japan, with some of the world's most violent pornography, saw a 45 percent drop in rape rates for the same decade. (In *The Question of Pornography: Research Findings and Policy Implications*, 1987, New York, The Free Press, p. 64)

- Drs. P. Abramson and H. Hayashi report that Japan allows far greater nudity on television and in general-circulation magazines, and Japanese pornography much more frequently relies on themes of bondage and rape. Yet Japan reports a 2.4 rape rate per 100,000 people, compared with 34.5 in the U.S. ("Pornography in Japan: Cross-cultural and Theoretical Considerations," in *Pornography and Sexual Aggression*, 1984, Orlando, Florida, Academic Press)

- Denmark lifted restrictions on sexually explicit material in the mid-Sixties and saw a *decrease* in sex crimes in the years since legalization. The rate of rape, in particular, did not increase with increased distribution of pornography but remained constant. (*The Question of Pornography: Research Findings and Policy Implications*, 1987, New York, The Free Press, a division of Macmillan Inc., pp. 61, 62)

- According to a 20-year study by Dr. Berl Kutchinsky, Institute of Criminal Science, University of Copenhagen, sex crimes against female children dropped from 30 per 100,000 to approximately 5 per 100,000 between 1965 and 1982. ("Pornography and Its Effects in Denmark and the United States: A Rejoinder & Beyond," in *Comparative Social Research: An Annual*, 1985)

- "Not only is there is possibly a direct causal link between pornography and the decrease in certain types of sex crimes," wrote Kutchinsky in *Society*, "but also and more importantly, sex crimes in Denmark, including rape, did not increase—as advocates of censorship had expected—despite the appearance and subsequent legalization of hard-core pornography." (1987, vol. 24, no. 5, p. 22)

- Continuing in the *Society* article, Kutchinsky wrote, "Since it was clear from the onset that most offenses involving homosexuality and prostitution have no obvious victims ... the detailed analysis of the decrease was restricted to 'regular' heterosexual sex crimes, that is, sex crimes committed by a male offender against a female (adult or child) victim. In Copenhagen ... these crimes constituted 85 percent of all sexual offenses and had an overall drop from 96 reported cases per 100,000 population in 1966 to 25 per 100,000 in 1973." (p. 22)

- Responding to Court's claims that rape rates in Denmark increased after legalization, Kutchinsky wrote:

"The fact is that rape in Copenhagen has neither increased nor decreased during the years when pornography became increasingly available. This fact is seen clearly in the next table, *which shows a case of scientific fraud by Mr. Court. This case is so clear that it would stand up in any court of justice.*" (emphasis added, Kutchinsky correspondence with Burton Joseph, attorney for *Playboy* magazine)

- In West Germany, rape rates declined slightly since bans on pornography were lifted in 1973, though there has been a rise in almost every other sort of violent crime.

"It is interesting," wrote Kutchinsky, "that Court and others who are interested in the effects of pornography on rape have never been interested in what happened in West Germany.... I am aware that rape also decreased in Italy (where pornography is very easily available) and that most of the European countries have unchanged rape levels." (Kutchinsky correspondence with B. Joseph, attorney for *Playboy* magazine)

5. SEXUAL MATERIAL AND PARAPHILIAS

5A. *Role of sexually explicit material in the development of uncommon sexual practices, including pedophilia*

In fact: Research on unusual or violent sexual practices indicates they are not caused by exposure to sexual material but by early childhood

emotional and/or physical abuse.

- Dr. Park Dietz, a Meese Commission member and professor of law and behavioral medicine and medical director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia, said:

“No sprinkling of images, however deviant, can render an otherwise normal man either paraphiliac or criminal. The leap from fantasy to action has much to do with character and the vicissitudes of life and little or nothing to do with the objects of desire.”

- The world’s foremost researcher in this area, Dr. John Money of Johns Hopkins University, told *The New York Times* (January 23, 1990) that “he and other researchers found no evidence that pornography causes or fosters paraphilias (sexual abnormalities)... The majority of patients with paraphilias ... described a strict antisexual upbringing in which sex was either never mentioned or was actively repressed or defiled.”

Money predicted that “current repressive attitudes toward sex will breed an ever-widening epidemic of aberrant sexual behavior.”

- In the *American Journal of Psychotherapy* (1984, vol. 38, no. 2, p. 175), Money writes:

“The fantasies of paraphilia are not socially contagious. They are not preferences borrowed from movies, books or other people. They are not voluntary choices. They cannot be controlled by will power. Punishment does not prevent them, and persecution does not eradicate them, but feeds them and strengthens them.”

- Drs. William Fisher (University of Western Ontario) and Donn Byrne (State University of New York at Albany) found that individuals with a history of restrictive sexual socialization had a more negative verbal and emotional response to pornography while being more affected by it in their behavior. (“Sex Differences in Response to Erotica? Love Versus Lust,” *Journal of Personality and Social Psychology*, 1978, vol. 36, pp. 117–125)

- In his book *Vandalized Lovemaps* (with Dr. Margaret Lamacz, 1989, Prometheus Books),

Money writes that normal sexual development is derailed in early childhood by such traumas as incest, physical abuse, neglect or emotional indifference, not sexually explicit material. Later, he paraphrased to *The New York Times* (January 23, 1990) that “a person with a particular pattern of erotic arousal seeks out pornographic material that ‘turns him on’ because it meshes with that pattern.”

He earlier told the Meese Commission that the pornography industry has been “testing the size of the paraphiliac market” for 25 years, including “the purchasing power of those interests in violent and sadistic pornography,” but they “are all appealing to a specialty market and not to people with normal sexual imagery.”

- At hearings regarding the Department of Justice grant to Judith Reisman (to investigate her claims of child pornography in *Playboy*, *Penthouse* and *Hustler* magazines), FBI agent Ken Lanning said that child pornography appeals only to pedophiles—to men who are already aroused by such activity—and has “absolutely nothing to do with adult pornography.... If there were no pedophiles, there would be no child pornography—it has no other use.”

Since the *Ferber* decision (1982), Lanning continued, child pornography has been “driven underground and is not openly sold anywhere in the U.S.”

- In testimony to the Meese Commission, Dr. Richard Green (University of California), editor of *Archives of Sexual Behavior* for 20 years and the author of *The “Sissy Boy Syndrome” and the Development of Homosexuality*, said:

“We really don’t know where some really unusual sexual behaviors come from. But the evidence that they come from an immediate linking during adolescent adulthood, with what would have been a neutral stimulus, doesn’t seem to hold up.”

Green also noted that “patterns of interest in erotic materials *followed* the emergence of sexual orientation.”

- Dr. Gene Abel, professor of psychiatry at Emory University School of Medicine with an expertise in the field of sexual deviance, said:

“When we have done scientific studies of sex offenders, we have not found a relationship

between the use of pornography and the commission of crimes or the use of aggression. Sex offenders have specific sexual interests, and then they seek out pornography that will match that. It isn't the other way around. They don't see the pornography and then develop the deviant interest."

- The Kinsey Institute study of 1,356 men convicted of sex crimes found that they were less responsive to and less interested in pornography than prisoners convicted of nonsexual crimes or men in the general population. (Gebhard et al., *Sex Offenders*, 1965, New York, Harper & Row)

- Dr. Michael Goldstein et al. found that for rapists and child molesters, exposure to pornography during both adolescence and adulthood was *less* than for the general public. They also found that rapists were more likely to come from home environments in which education about sexuality was very limited and attitudes towards sex were restrictive. (*Pornography and Sexual Deviance*, 1973, Los Angeles, University of California Press)

- In the *Harvard Civil Rights–Civil Liberties Law Review* (vol. 21, p. 70), Barry Lynn, legislative council to the American Civil Liberties Union, wrote:

"While exposure to sexually explicit depictions of oral sex may increase the chances that a couple will try it, the same cannot be said for sex with chickens, coprophilia or actual sadism. As noted by many therapists, paraphilias will not spread broadly throughout the population as a result of people looking at pictures of them."

- Donnerstein told the Ontario District Court in 1989:

"We know full well, with pedophiles, that they are just as turned on by child pornography, which is obviously illegal, to a picture of a young male or female in the Sears catalog. It is very difficult to say what type of stimuli are going to take those individuals on the fringe, predisposed, and cause them to act...."

"The most interesting thing about all the research is that it tends to indicate that for the other 99.99 percent, if we as parents sit down with those children and talk about violence on television, and talk about objectification in films, we actually

mitigate the effect."

- In a prepared statement to Congress, John Money explained that pornography may have a cathartic effect on sex-offender patients. He wrote:

"Patients who request treatment in a sex-offender clinic commonly disclose that pornography helps them contain their abnormal sexuality within imagination only, as a fantasy, instead of having to act it out in real life with an unconsenting, resentful partner, or by force." (Congressional Hearings, 1970, note 14, 342)

- The Canadian Department of Justice report on pornography concluded:

"Although the specific contribution is not completely understood, there is some evidence to suggest that the controlled use of pornography can be of benefit as a therapeutic tool in the treatment of select clinical populations (e.g., incarcerated sexual offenders)." (*Working Paper on Pornography and Prostitution, Report #13, The Impact of Pornography: An Analysis of Research and Summary of Findings*, 1984, p. 95)

- In a 1990 report, prison officials at the Palm Beach, Florida, County Jail reported that prison fights had significantly decreased since the in-prison showing of popular "slasher" films. Between April and October 1986, prison officials broke up 522 fights. A month later, November 1986, the jail began showing films such as *The Texas Chainsaw Massacre Part 2* as part of its daily videotape screenings. Between April and October 1987, prison officials broke up 240 fights—more than a 50 percent decrease since the year before. Between January and July 1990, 188 fights occurred, almost a 25 percent decrease. (Cox News Service, 1990)

6. FBI AND POLICE DATA

6A. FBI study on the role of sexually explicit material in serial killings

According to the American Family Association, the FBI found that sexually explicit material plays a significant role in serial killings.

In fact: The FBI report on serial killings

claimed no link between them and sexually explicit material.

- In 1989, the FBI told reporter Philip Nobile, “The FBI knows nothing about pornography.” Its study on serial killers contains two sentences on it.

Dr. Ann Burgess, one of the authors of the FBI study on violent criminals explained that the FBI wasn’t “looking at pornography. We didn’t ask how often they thought about it. We never quantified it. We didn’t ask them at what age they saw it.”

- The Department of Justice rejected the FBI report for unacceptable methodology and statistics.

6B. Findings of the Michigan State Police on the role of sexually explicit material in sex crimes.

According to the American Family Association fact sheet “Boycott Lil Champ,” columnist Jack Anderson reported that the Michigan police found that pornography is used or imitated in 41 percent of the sex crimes they investigate.

In fact: The Michigan State Police never conducted such a study and does not believe that sexually explicit material is the prime source of sex crimes.

- According to Detective Sergeant David Minzey, criminal profiler for the Michigan State Police, the Michigan police made no such study and claim no such findings.

Michigan has the oldest sex-motivated crime data base in the country, dating to the 1950s, with 70,000 cases recorded. Minzey’s department has found no causal link between sexually explicit material and sex crimes. “We have gone into our data base,” Minzey said, “and have never been able to pull out such a causal relationship.”

The 41 percent statistic, Minzey explained, apparently comes from a master thesis by Darrell Pope at Michigan State University (1977). “There is a strong religious strain in Pope’s work,” Minzey said. “Pope was trying to establish causality, but as you know, you cannot establish causality between

sexually explicit materials and sex crimes. We’d make a better causality case for alcohol.

“Our name got attached to the study about ten years ago—I don’t know why. We keep getting inquiries about it. Please tell everybody that we did no such study,” Minzey concluded. “We’re tired of getting these calls.” (Interview with Detective Sergeant Minzey, April 12, 1991)

7. THE MEDIA AND MINORS

7A. Incidence of child abuse

Media attention to child abuse has led to the belief that child abuse has been increasing in recent years.

In fact: Increases in the reporting of child abuse may reflect an increase of reporting only and not an increase in child abuse.

- The July 1991 issue of *Pediatrics* reported that child abuse “appears to have remained steady at about 12 percent for females over the last four decades.” These statistics were gathered from personal surveys rather than from police files, where until very recently child abuse was significantly underreported. Recent increases in child abuse reporting is attributed, in *Pediatrics*, to the legal requirement to report child abuse and to attitudinal changes toward women and children rather than to an increase in child abuse.

7B. Presence of minors in sexually explicit material (study by Judith Reisman and peer responses)

In 1984, Judith Reisman was given \$734,371 (nearly half again as much as the budget of the Meese Commission) by the U.S. Department of Justice to investigate her hypothesis that mainstream sexual material such as Playboy, Penthouse and Hustler promotes child sexual abuse. She reported that between 1954 and 1984, those three publications printed 6,004 photographs, illustrations and cartoons depicting children—Hustler, 14.1 times per issue; Playboy, 8.2 times per issue; Penthouse, 6.4 times per issue.

In fact: Reisman’s findings have been

repudiated by most social science researchers, including those who commissioned her study.

- On April 11, 1984, Gordon Raley (staff director of the Human Resources Subcommittee of the Education and Labor Committee) called the Reisman grant “an unbelievable waste of taxpayers’ dollars.... I have never seen a grant as bad as this, nor an application as irresponsibly prepared.... Our examination so far further indicates Ms. Reisman’s credentials as a scientist are pretty flimsy.”

- When Reisman delivered her final report, Reagan appointee Alfred Regnery, who had commissioned the study, said, “Bad judgments were exercised when the grant was first made.”

- Regnery’s successor, Verne Speirs, said the Department of Justice was shelving the report because of “multiple serious flaws in its methodology.... We have made a decision not to officially publish or disseminate the report.”

- The American University, which provided the academic housing for Reisman’s study, also refused to publish it.

- An independent academic auditor of the Reisman report, Dr. Robert Figlio (University of Pennsylvania), told American University:

“This manuscript cannot stand as a publishable and/or releasable product.... This project, the data gathered and the analyses undertaken offer no information about the effects that pornography and media may have on behavior.... The term child used in the aggregate sense in this report is so inclusive and general as to be almost meaningless.... From a scientific point of view, we cannot take this work seriously to build theory or policy.”

To the press, Figlio said, “I wondered what kind of mind would consider the love scene from *Romeo and Juliet* to be child porn.”

- At hearings regarding the Reisman grant, FBI agent Ken Lanning said that child pornography appeals only to pedophiles—to men who are already aroused by such activity—and it has “absolutely nothing to do with adult pornography.... If there were no pedophiles, there would be no child

pornography—it has no other use.”

Since the *Ferber* decision (1982), Lanning continued, child pornography has been “driven underground and is not openly sold anywhere in the U.S.”

- Dr. Loretta Haroian, cochair of the plenary session on Child and Adolescent Sexuality at the 1984 World Congress of Sexology and one of the world’s experts on childhood sexuality, said of the Reisman study:

“This is not science, it’s vigilantism: paranoid, pseudoscientific hyperbole with a thinly veiled hidden agenda. This kind of thing doesn’t help children at all.... Her [Reisman’s] study demonstrates gross negligence and, while she seems to have spent a lot of time collecting data, her conclusions, based on the data, are completely unwarranted. The experts Reisman cites are, in fact, not experts at all but simply people who have chosen to adopt some misinformed, Disneyland conception of childhood that she has. These people are little more than censors hiding behind Christ and children.”

- Dr. James Weinrich, a psychobiologist and author of *Sexual Landscapes*, whose research was given the Hugo Beigel Award in 1987 for the best work published in *The Journal of Sex Research*, said:

“Reisman utilizes some actual scientific principles ... but then turns around and goes off into her own lunacy.... Reisman’s statements are spooky, meticulous in their way but often unprincipled and possibly crazy.”

- In testimony before the New Zealand Indecent Publications Tribunal, Daniel Linz commented on Reisman’s content analysis of *Penthouse* magazine. After listing several methodological problems, including “coder bias” (Reisman used seven of her regular employees, who are familiar with her views, to code depictions in *Playboy*, *Penthouse* and *Hustler* for violence or presence of minors), Linz concluded:

“The report presumes a view of human information processing which is now discredited. What humans do is organize material within context. This report presumes that the basis of information processing is that of a completely reactive individual

who just responds to stimuli.”

- Dr. Henry Giarretto, founder and executive director of The Child Sexual Abuse Treatment Program in Santa Clara, California, the oldest such program and model for others around the country, said:

“Our program has not been designed to include collection of data on the use of pornography because the literature and our own clinical experience showed no link between the commission of child sexual abuse and sexually explicit material. While it has been clinically noted that some perpetrators read and/or view sexually explicit material, many others express their feeling that pornography is immoral. In contrast to common belief, a great number of men who turn to their children for sexual purposes are highly religious or morally rigid individuals who feel that this is “less of a sin” than masturbation or seeking sexual liaisons in an outside affair.” (Statement from the Child Sexual Abuse Treatment Program, April 1991)

7C. Effects of media on minors

- Dr. Beverly Lynch, former president of the American Library Association (ALA), testified before the Meese Commission:

“The American Library Association opposes restricted access to material and services for minors, and holds that it is *parents*—and only parents—who may restrict their children—and *only their children*—from access to library materials. We not only defend the right of parents to supervise and guide the reading habits of their children, but we assert that it is their responsibility.”

It is the ALA’s position not only that it is the responsibility of parents to guide the reading and viewing of their children but that most parents would rather do so—about sex, religion, politics, money and most other aspects of life. It is ALA’s position that most parents would prefer not to have those decisions made for them by state authorities or other parents, however well-meaning.

The great difficulty in trying to restrict material that some parents believe is offensive is that adults hardly agree on the materials suitable for minors of different ages. One parent’s literature, popular entertainment or music is another parent’s

trash. Some parents would encourage their minor children to see *Married ... with Children* or *The Last Tango in Paris* while others would prohibit them from reading *The Diary of Anne Frank*. One only need think of the debate over sex and AIDS education classes or of the controversy that began in 1990 over the *Impression* reading series. What some teachers and parents consider a syllabus that sparks students’ interest in reading others believe contravenes their religious beliefs. The series’ section on Halloween, which includes ghost and goblin stories, has been attacked for teaching witchcraft. At least two suits against school districts using the series were filed in Willard, Ohio, and Sacramento, California.

Should some parents be successful in eliminating the materials they believe are harmful to minors by removing them from libraries, stores or TV, they would keep those materials from other adults and other people’s children—a determination most Americans would rather make themselves.

7C. Media and Minors: Effects of rock and roll on minors

- Testifying to the Ontario District Court, in 1989, Donnerstein reviewed the scientific literature on effects of rock and rock videos on minors.

“There has been research done ... on rock videos—rock videos that would contain violence and rock videos, for instance, that would contain sexist types of messages, and the findings are, again, absolutely nothing happens.”

- In their 1986 study, Drs. Jill Rosenbaum and Lorraine Prinsky (California State University) found that, of over 600 songs, teenagers considered only a very few of them (7 percent) to be about sex, violence, drugs or the Devil. For this subset of songs, the teenagers had a very limited understanding of the meaning of the lyrics and, most importantly, Rosenbaum and Prinsky note that teenagers’ readings of songs differ substantially from those of adults, especially of adults who are most concerned about the effects of rock lyrics. (“‘Leer-ics’ or Lyrics: Teenage Impressions of Rock and Roll,” *Youth and Society*, 1987, vol. 18, pp. 385–397)

They wrote, “The major objections to current popular music point to references of sex,

violence, drugs and satanism. If youths are influenced by such themes, we would expect them to describe such topics in their favorite songs. However, these data indicate that the students hear or understand very little of the references to these topics.” (“Sex, Violence and Rock ‘n’ Roll,” *Popular Music and Society*, 1987, vol. 11, pp. 79–90)

- In a June 1991 article, *The New York Times* rock critic Jon Pareles examined two videotapes that attribute social harms to MTV. The first, called *Rising to the Challenge*, is sold by the Parents’ Music Resource Center (PMRC), the group founded by Tipper Gore that persuaded record companies to put warning labels on their product. It was written by former PMRC executive director Jennifer Norwood and Robert DeMoss, youth-culture specialist for Focus on the Family, a Christian fundamentalist group. The second tape, called *Dreamworlds*, was made by Sut Jhally, professor of communications at the University of Massachusetts, and is being sold for classroom use.

Pareles discovered, upon investigating *Rising to the Challenge*, that the violent incidents that it claims were inspired by rock videos actually occurred before most of the albums mentioned were released, “suggesting,” noted Pareles, “that the music reflects the culture instead of driving it.” On examining *Dreamworlds*, Pareles found that the images of women were ripped out of context without indicating what proportion they form of all music-video images or even what videos they come from. In actual MTV, viewed in full and in context, Pareles found about one in six clips has “ornamental” or “sexy” women and “two minutes per hour of female bimbofication, along with such various nonbimbos as moms, teachers, old women and children” and, of course, female singers and bands.

Pareles concludes with this observation: “When a teenager sees some guy with waist-length two-tone hair, wearing leopard-print spandex and studded leather standing in a spotlight holding a guitar, he or she can probably figure out that it’s a performance, a show, a fantasy—part of a privileged arena far away from daily life. Given the evidence. I wish I could say the same about their elders.” (*The New York Times*, June 2, 1991)

7C. Media and Minors: Effects of exposure

to sexually explicit language on minors

(Because of the ethical problems involved in showing minors sexual or violent imagery, the research below is scant and relies mainly on television programming.

- The Surgeon General’s report on pornography (1986) found that sexually explicit materials have little impact on children at an age when they do not have the cognitive capabilities to comprehend them.

“As children mature they develop new cognitive and emotional skills, and their interests shift. As a result of these changes in basic understanding and orientations, the message that an 8- or 12- or 16-year-old would get from a certain pornographic movie may be quite different from that of an 18-year-old.... Growing up in the 1980s is different than [sic] growing up in the 1960s, and sociohistorical changes can affect the rates of many things from juvenile crime to views of interpersonal relationships.” (p. 36)

The report adds, “Speculating about the effects on children less than 12 years of age is even more of a problem. Younger children think in a qualitatively different manner from those on whom research regarding the effects of pornography are done.... The fear of some is that the sexual and emotional patterns to be followed by their children when they are grown will be ‘imprinted’ on them by seeing pornography at a younger age. Others believe that young children are less affected since they do not have the cognitive or emotional capacities needed to comprehend the messages of much pornographic material.... In the end, then, it is really rather difficult to say much definitively about the possible effects of exposure to pornography on children.” (pp. 37–38)

The Surgeon General’s report also noted, “Children bring individual temperaments and adaptive skills to situations, and the predictability of how particular influences will affect a child is lower than we might expect.” (p. 38)

- In their 1990 overview of the research literature for the government of New Zealand, Donnerstein and Linz found:

“Even if exposed to sexual terms and innuendo, children under the age of 12 may not understand them. If children do not understand basic

sexual concepts, it is unlikely that any indecent language referring to these sexual activities will be fully understood. Without such a understanding, it is difficult to see how these material could have a negative impact.” (p. 45)

- In her 1989 book *Understanding Human Sexuality* (New York, McGraw Hill), Janet Hyde reported that American children between the ages of five and 15 are “sexual illiterates.” (p. 646)

- In their book *Children’s Sexual Thinking* (1982, London, Routledge & Kegan Paul), Ronald Goldman and Juliette Goldman reported that none of the nine-year-olds in their study knew the term uterus.

- These findings on sexual literacy are especially interesting in light of the repeated calls by researchers such as Donnerstein, Linz, Peterson and Krafska for increased and improved sex education in the U.S.

Donnerstein, Linz and Penrod wrote in their book *The Question of Pornography: Research Findings and Policy Implications* (1987, The Free Press, a division of Macmillan Inc., p. 172):

“Should harsher penalties be leveled against persons who traffic in pornography, particularly violent pornography? We do not believe so. Rather, it is our opinion that the most prudent course of action would be the development of educational programs that would teach viewers to become more critical consumers of the mass media.... Educational programs and stricter obscenity laws are not mutually exclusive, but the legal course of action is more restrictive of personal freedoms than an educational approach. And, as we have noted, the existing research probably does not justify this approach.”

7C. Media and Minors: Effects of exposure to sexually explicit images on minors

- Dr. Henry Giarretto, founder and executive director of The Child Sexual Abuse Treatment Program in Santa Clara, California, the oldest such program and model for others around the country, said:

“Our program has not been designed to include collection of data on the use of pornography

because the literature and our own clinical experience showed no link between the commission of child sexual abuse and sexually explicit material. While it has been clinically noted that some perpetrators read and/or view sexually explicit material, many others express their feeling that pornography is immoral. In contrast to common belief, a great number of men who turn to their children for sexual purposes are highly religious or morally rigid individuals who feel that this is “less of a sin” than masturbation or seeking sexual liaisons in an outside affair.” (Statement from the Child Sexual Abuse Treatment Program, April 1991)

- The Surgeon General’s report on pornography (1986) found little evidence that children, ages 10–17, view X-rated material.

- In questioning before the Ontario District Court in 1989, Donnerstein said:

“A.: The research presented to the Surgeon General of the United States was the most complete statement of what adolescents view.... The substantial majority of viewing really occurs in the PG-13 and R-rated form. There is very little evidence, very little evidence, in the surveys that children see anything X-rated whatsoever.

“Q.: By ‘children,’ what age group are you talking about?

“A.: Here we would be talking about those from age ten through 17 or 18.”

- In a longitudinal study measuring exposure to sexual material on TV at age ten or 11 and sexual practice at age 16, J. Peterson, K. Moore and F. Furstenburg found that exposure to sexual images had no effect on later sexual practice. (“Television Viewing and Early Initiation of Sexual Intercourse: Is There a Link,” paper to the American Psychological Association, 1984)

- In 1988, Dr. Bradley Greenberg (chair of the Telecommunications Department, Michigan State University) et al. studied the effect on high schoolers of television programs that included prostitution, sexual intercourse (married and unmarried) and homosexuality. They found that the children’s understanding of sexual terminology increased with viewing, but that there were *no* effects on the teens’

beliefs or values regarding monogamy, prostitution, extramarital or premarital sex or homosexuality. (B. Greenberg, R. Linsangan, A. Soderman, C. Heeter, "Adolescents and Their Reactions to Television Sex," 1988, Report #5, Project CAST)

- A majority of studies show that of all available sources of information about sex, children and teenagers rely most on their peers. (Catherine Chilman, *Adolescent Sexuality in a Changing American Society*, 1983, New York, Wiley; J. Mancini and S. Mancini, *Journal of Sex Education and Therapy*, 1983, vol. 9, pp. 16–21)

Although one study shows that reliance on radio, television and school sex education programs is increasing (R. Fabes and J. Strouse, "Perceptions of Responsible and Irresponsible Models of Sexuality: A Correlational Study," *Journal of Sex Research*, 1987, vol. 23, pp. 70–84), a 1986 national poll found that teenagers rank the media as fourth as a source of information about sex, after friends, parents and schools. (Louis Harris and Associates, "American Teens Speak: Sex, Myth, TV, and Birth Control," 1986, New York, Planned Parenthood Federation of America)

- Testifying to the Ontario District Court in 1989, Donnerstein reported that should the media have negative effects on viewers, particularly minors, those effects are mitigated by parents and community values. He said:

"There are the parental values, their church values, what they learn about in school or what they learn from mom and dad. And, in fact, I think the most interesting thing about all the research is that it tends to indicate that for the other 99.99 percent, if we as parents only sit down with those children and talk about violence on television, and talk about objectification in films, we actually mitigate the effects."

7C. Media and Minors: Effects of exposure to violence in the media on minors

- Summing up a large body of research of television violence and children, Donnerstein told the Ontario District Court in 1989:

"Children who are already aggressive, for whatever reason... tend to have certain preferences

for violent programming.... With a lot of other processes going on, their interactions with classmates, how they do in school, how their parents reinforce aggression or how their parents reinforce what they watch, you find a relationship ... not a causal relationship, but a relationship between that early exposure and those particular kids and later aggressive behavior."

- The one long-term study measuring effects of TV violence found that early viewing of violent programming accounted for 4–5 percent of adult violence (including run-ins with the law and domestic violence). (L. Eron and L. Huesmann et al., "Does Television Violence Cause Aggression?" *American Psychologist*, 1972, vol. 27, pp. 253–263)

- Suzanne Ageton's investigation of attitudes about women and real-life aggression among teenagers found that "involvement in a delinquent peer group appeared consistently as the most powerful factor," accounting for 76 percent of sexual aggression. Three other factors, including attitudes about women and violence, accounted for 19 percent altogether. (*Sexual Assault Among Adolescents*, 1983, Lexington, Massachusetts, Lexington Books, p. 119)

- Donnerstein stresses the importance of parental and community values, of sex education and of parents talking with their children about what they view and hear. He testified to the Ontario District Court:

"There are the parental values, their church values, what they learn about in school or what they learn from mom and dad. And, in fact, I think the most interesting thing about all the research is that it tends to indicate that for the other 99.99 percent, if we as parents only sit down with those children and talk about violence on television, and talk about objectification in films, we actually mitigate the effects."

8. POINTING THE FINGER

8A. Ted Bundy: Pornography made me do it

Ted Bundy, in an interview before his death, blamed pornography for leading him down a

spiral of sexual violence that lead to serial murder.

In fact: Social science researchers and those closest to Bundy doubt that sexually explicit imagery was the source of his crimes, and find Bundy's confession to be rationalization.

- Dr. Gene Abel (Emory University School of Medicine) said at the time of the Bundy execution:

“What we find is that sex offenders have rationalizations and justifications for their behavior. And Ted Bundy, like most of the sadists we've dealt with, had a lot of false beliefs or rationalizations to explain his behavior. What he said, in essence, was, 'It isn't my fault, these are pornographic things that I've seen.' And we just don't see that relationship.”

- Dr. Emanuel Tanay, the psychiatrist who interviewed Bundy after his arrest in Florida, said:

“Pornography doesn't have the power to cause the severe deformity of personality that he had.”

- Bundy's lawyer, James Coleman, said of Bundy's final interview:

“It was vintage Bundy. It was Bundy the actor. He didn't know what made him kill people. No one did.”

- Dr. Dorothy Lewis, professor of psychiatry at New York University and clinical professor at Yale University Child Study Center, conducted multiple interviews with Bundy and his family.

She discovered that, at age three, Bundy began evincing highly unusual behavior, like sticking butcher knives into his bed. At that time, Bundy and his mother were living with Bundy's grandfather, who according to family reports, was an extremely violent man. He beat and tortured animals, threw Bundy's aunt down a flight of stairs and generally terrorized the rest of the family. When Bundy was three, the family felt he and his mother should be moved out of the grandfather's household.

When Bundy was arrested in 1978, he was found not with violent pornography but with magazines advertising cheerleader camps. In his early interviews, he refers to popular sexual magazines as “normal, healthy sexual stimuli,” and admits he was turned on by innocuous, not even explicitly sexual,

fare. Only in the mid-Eighties, when the court refused to declare Bundy insane and so remove the threat of the death penalty, did Bundy convert to born-again Christianity and begin collecting information attesting to the negative effects of pornography. By 1986, he was condemning popular soft-core magazines because they caused arousal for someone other than one's spouse.

In 1987, Bundy started quoting the research of Donnerstein and Linz on the change in attitudes about women found in lab settings after subjects were exposed to violent pornography. He failed to include the authors' insistence that in no study “has a measure of motivation such as 'likelihood to rape' ever changed as a result of exposure to pornography.... There is no reason to think that exposure to violent pornography is the cause of [a] predisposition [to rape].”

In his final interview, Bundy said, “The FBI's own study on serial homicide shows that the most common interest among serial killers is pornography.”

In response, an FBI spokesperson said, “The FBI knows nothing about pornography.” Its study contains two sentences on it. Dr. Ann Burgess, one of the authors of the FBI study, told the press that the FBI wasn't looking at pornography. “We never quantified it,” she said. The Department of Justice rejected the FBI report for unacceptable methodology and statistics.

- The Kinsey Institute study of 1,356 men convicted of sex crimes found that they were less responsive to and less interested in pornography than prisoners convicted of nonsexual crimes or men in the general population. (Gebhard et al., *Sex Offenders*, 1965, New York, Harper & Row)

- Dr. Michael Goldstein et al. found that for rapists and child molesters, exposure to pornography during both adolescence and adulthood was *less* than for the general public. They also found that rapists were more likely to come from home environments in which education about sexuality was very limited and attitudes toward sex restrictive. (*Pornography and Sexual Deviance*, 1973, Los Angeles, University of California Press)

- In the *Harvard Civil Rights–Civil Liberties*

Law Review, Barry Lynn (legislative council, American Civil Liberties Union) wrote:

“Defendants accused of violent crimes against women have asserted that they were influenced by sources as diverse as the golden calf scene in Cecil B. DeMille’s *The Ten Commandments* and an Anglican church service. For some defendants, of course, pornography has become a convenient excuse for their actions, an excuse more in tune with the times than blaming comic books and more plausible than blaming Twinkies [as convicted murderer of San Francisco Mayor George Moscone and Supervisor Harvey Milk claimed in his trial defense]....

“If a piece of feminist literature led even one man to respond with violence, should it too be regulated, under a theory that it caused him to feel threatened and triggered him to act out his aggression?

“Ironically, the more pathological an individual man is, the more difficult it will be to predict what will arouse him.... The fundamental argument is not about sexual imagery; it is whether we can afford to curtail speech because of its overt effect on a few people.” (1986, vol. 21, p. 88)

8B. Victim testimony: Pornography made him do it

Victims of rape and sexual assault report that pornography played a role in the crimes against them.

In fact: Assigning blame for sex crimes to sexually explicit materials may relieve offenders of responsibility and serves the offender rather than the victim or society.

- Dr. Judith Becker and Ellen Levine, in their dissenting report to the Meese Commission, recognized that ascribing blame to sexual material is in the sex offender’s interest. They wrote, “Information from the sex-offender population must be interpreted with care because it may be self-serving.” (Becker and Levine, Dissenting Report, p. 11)

- Just as Ted Bundy tried to shift the blame for his crimes onto pornography, so, too, do survivors of sexual assault when they lay the blame on sexual imagery. They relieve their assailants of

responsibility. Perhaps it is easier for a woman raped by someone she knows to blame an outside force for his violence rather than charge her assailant directly. It was also easier for Dan White to blame his assassination of San Francisco Mayor Moscone and Supervisor Harvey Milk on his consumption of Hostess Twinkies.

Ironically, survivors of sexual assault who blame sexually explicit material for the violence done them blame women for those crimes. Before the feminism of the 1970s, men got away with the “tight sweater” excuse. A skirt too short, a neckline too low made rape the woman’s fault. According to blame-the-pornography logic, it’s still the woman’s fault—if not the woman in the sweater, then the image of the woman in the magazine. If not the woman in the room, then the image of the woman on the page, calendar or wall.

Attorney’s Nan Hunter and Sylvia Law wrote in the Feminist Anti-Censorship Taskforce brief to the U.S. Court of Appeals, “Individuals who commit acts of violence must be held legally and morally accountable. The law should not displace responsibility onto imagery.” (In *American Booksellers Association et al. v. William Hudnut III et al.*)

- In 1988, Ronald St. John confessed that he fatally stabbed his daughter because God told him to. The same year, Harry Ossip stabbed his three-year-old son because he “was satanic and the Devil’s baby.” Immediately prior to going after his son with an eight-inch serrated blade, Ossip spent weeks walking around with his Bible clasped to his chest and attending Jehovah’s Witnesses meetings.

In 1987, a Fort Lauderdale, Florida, evangelist beat his two-year-old daughter to death by “chastening” her with a belt. He confessed that he was “training” her according to Biblical injunction. The New Bethany Baptist Church Home for Boys in Walterboro, South Carolina, was raided in 1984 for similar “training” that included beating the children with a plastic pipe and confining them to small, unlit cells. School administrators defended their policies by quoting Proverbs 22:15, “Foolishness is bound in the heart of the child, but the rod of correction shall drive it far from him.” Hundreds of instances like these come to the attention of the courts and press each year. (See Annie Gaylor’s *Betrayal of Trust:*

Clergy Abuse of Children, Madison, Wisconsin, Committee to Protect Children from Abusive Clergy)

In 1989, Oliver Thomas, general counsel for the Baptist Joint Committee on Public Affairs told the Associated Press that over 100 claims of child abuse by church workers had been filed nationwide. Two years later, in June 1991, the Presbyterian Church reported in its new policy on sexual misconduct that “between 10 and 23 percent of clergy nationwide have engaged in sexualized behavior or sexual contact with parishioners, clients, employees, etc., within a professional relationship.” In a church survey of 50 presbyteries, 60 cases of sexual misconduct were being investigated. Rev. James Andrews, the denomination’s chief administrative officer, told *The New York Times*, “It is a Christianity-wide plague.” (June 12, 1991)

In 1986, a Hackensack, New Jersey, minister was convicted of sexually abusing a blind woman in his care. In 1988, evangelist preacher Tony Leyva admitted to sexual congress with more than 100 boys over a 20-year period. Police estimate the real count may be as high as 800.

Father Bruce Ritter, a Meese Commission member and former director of the Covenant House home for runaway teens, was accused by several boys of taking sexual advantage of them during their stay at Covenant. He resigned as head of Covenant House and was then investigated for fiscal improprieties by New York City authorities.

According to pornography-made-me-do-it logic, laymen and clergy who blame their crimes on what they read—on the teachings of God or Jesus—should be taken at their word. Society should grant that the Meese Commission and citizens groups such as the American Family Association have a point: People do blindly mimic what they read or see. On Ted Bundy logic, the country has no alternative but to ban the Bible.

8C. Teen suicide: Rock made them do it

The parents of Ray Belknap and James Vance went to court to prove that their sons’ suicides were caused by the rock group Judas Priest.

In fact: The boys grew up in unstable and abusive households and were abusers of drugs and

alcohol. The court found that it was unlikely that rock lyrics caused their suicides.

- In the Judas Priest trial, other information about Vance and Belknap came to light. Ray Belknap was 18; his parents split up before he was born. His mother married four times and her last husband regularly beat Ray. He also threatened Ray’s mother with a gun in front of the boy, according to the police. Ray had quit high school after two years and was a heavy user of hallucinogens and cocaine. But the rock lyrics made him do it.

James Vance, Ray’s friend, was born when his mother was 17. She beat him when he was a child, and when he got older, he beat her in return. He also had a history of drugs and boasted of drinking two six-packs of beer a day. But the rock lyrics made him do it. (*The New York Times*, September 20, 1990)

- The court decided against Ray’s and James’s parents, who were seeking monetary compensation for their sons’ deaths. The court ruled that Judas Priest rock group could not be considered the cause of the suicides. (*The New York Times*, August 25, 1990)

9. COMMUNITY VALUES

9A. Polls and public referenda on sexually explicit material

In fact: Recent polls indicate that Americans wish to preserve their right to read, view and hear the materials of their choice and object to infringements of that right.

- In the last five years, legislation to ban sexually explicit material has been rejected by voters or state legislatures in Michigan (1991), Maine and Cambridge, Massachusetts.

- In 1990, Penn and Schoen Associates conducted a national poll regarding the sale and display of books and magazines and found:

—84 percent of those polled said Americans “should have the absolute right to buy all magazines and books judged to be legal.”

—92 percent agree that the “decision should be up to the individual to decide reading material.”

—80 percent opposed restricting access to legal periodicals.

—73 percent said it was more important to protect the right to purchase books and magazines than to make sure magazines and books that some groups object to are kept off the shelves.

—More than 75 percent preferred the right to purchase objectionable books and magazines over the interest of the community in removing such objectionable publications.

—60 percent said restricting access to one type of magazine (e.g., men’s magazines) would lead to restrictions on other material.

—80 percent said it was “unhealthy” for the government to decide what they should read.

—More than two thirds said the government should not discourage stores from selling particular books and magazines.

—56 percent said it was “unhealthy” for organized groups to engage in protest activity.

—58 percent opposed “picketing by citizens groups to pressure stores to remove magazines.”

—56 percent described such picketing as censorship.

- A 1990 poll by Research and Forecasts Inc. showed that 80 percent of Americans favor maintaining or increasing National Endowment for the Arts funding.

—93 percent agreed that “even if I find a particular piece of art objectionable, others have a right to view it.”

—81 percent said that “Congress should not pass laws that interfere with our right to free expression.” (*Los Angeles Times*, April 20, 1990; *Chicago Tribune*, April 22, 1990)

9B. Community values and sales of sexually explicit material

Though it is popular to believe that only unhealthy or troubled people view pornography, and certainly no women, the sales receipts indicate otherwise.

In fact: Sexually explicit materials are purchased, rented and viewed by a wide range of the American public across the country, including many women.

- Nineteen eighty-nine saw 395 million rentals of adult-video tapes, most of which were watched by two or more people. Nineteen eighty-eight saw 398 million adult video rentals. (“Charting the Adult Industry,” *Adult Video News Buyer’s Guide*, 1991) That’s 800 million viewings in one year—not including adult-video sales, cable TV viewings, mail-order adult-video sales, adult-theater viewings or adult-video viewings in private clubs.

- Forty-seven percent of adult-video rentals in 1989 were by couples or women alone. (“Charting the Adult Industry,” *Adult Video News Buyer’s Guide*, 1991)

- Phone sex in 1987 was a \$2.4 million business—up from \$1 million four years earlier. (*Sexuality Today*, May 4, 1987)

- Jack Humphrey, manager of a chain of video outlets in Florida, reported in the *St. Petersburg Times* that sales and rentals of adult tapes are up 85 percent between 1988 and 1990. “The biggest increase is in the number of women who come in,” he said. “Now about 50 percent of our customers are women.”

- In 1990, *Video Insider* magazine reported that *Playboy Sexy Lingerie II* ranked sixth on national video sales lists. Rental and sales of adult tapes trailed only new releases and children’s tapes in national popularity. In the Northeast and West Coast, adult tapes surpass children’s tapes in popularity and comprise up to 20 percent of a store’s rentals.