

REPORTS

FOR

THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY

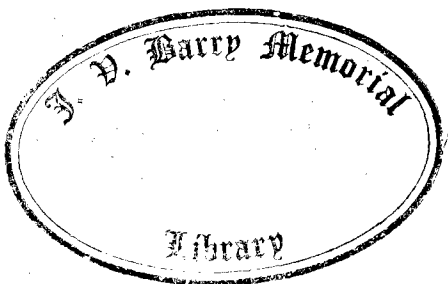
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REPORT NO. 1



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For Australian Institute of Criminology: Report No. 1

SEX CRIMES AND PORNOGRAPHY

Reflections on the International Scene

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University of Innsbruck Medical School (Austria)
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SEX CRIMES AND PORNOGRAPHYReflections on the International Scene

The Western world has re-echoed over the last decade with cries for freedom of expression, and calls for the recognition of civil liberties. Both appear to exist together or vanish together, yet extremist calls in both areas seem now to be eroding civil liberties and at the same time calling into question whether freedom of expression is absolute.

I wish to examine with you some of the changes occurring in standards of acceptance for books and films, and look at the same time at the change in the pattern of sex crimes of the last 15 years. It has often been claimed that there is a link between such things. In particular, that greater sexual explicitness and the growth of pornography would bring with them a reduction in sexual offences.

Such predictions have now had a sufficient opportunity to be tested. They were only early guesses when the American Presidential Commission Report on *Obscenity and Pornography* put such ideas forward in 1970. Things have changed a great deal since then, and we can now more easily take stock using evidence rather than opinion.

First, to set the scene, we may summarize where we are in terms of freedom of expression. Standards vary a little from country to country, but I suspect a quotation relating to the U.S.A. of last year would apply very closely to many European countries as well as to Australia.

In writing about films on the regular film circuits (as opposed to blue films in porno theatres) the magazine 'Psychology Today' recently carried this comment (1977, 10, 9, 18).

"Recent film seasons have included such esoterica as a madman wallowing in and swallowing excrement (Wedding Trough), the evisceration of a living female (Snuff); a living victim's arm being ground into chopped meat (Psychic Killer); cannibalism in the snow (Survive) and, in the latest box-office hit, a demonstration of refined Nazi torture techniques, replete with screams (Marathon Man).

We also have been titillated recently with several scenes of male mutilation. In *The Last Woman*, French macho film-star Gerard Depardieu played a divorced father who made love to his little boy's nursery-school teacher while the wide-eyed youngster snuggled up between them. Later, in an aberrant gesture of contempt for the women's liberation movement, he cut off his penis with an electric knife. In the dazzling finale of *The Streetfighter*, a film that will be best remembered as the first to be X-rated for violence alone, kung-fu expert Sonny Chiba broke a man's skull and then yanked off his penis with bare hands."

Let us now ask ourselves "where are we in relation to sexual attacks against others?". Have things improved in parallel with this move towards disinhibited expression of sexuality? Simply put, the incidence of sex crimes is going up and up. People, especially women, are changing their life-styles to combat the threat.

The Women's movements have done a great deal in the last few years to raise the alert. Publicizing the risks of rape, teaching women how to defend themselves, educating the public about the size of the problem have been a real public service. Yet as people have been made more aware, it has been tempting to believe that the problem isn't growing - just that we hear more about it these days.

It is time to stop pretending and start asking what can be done. Police, already overwhelmed with many other crimes, have less and less time to devote to the relatively small percentage of crimes called sex crimes. In the United States, back in 1958, the police had 212,000 reports of violent crimes, so that 15,000 reports of rape might seem few. By 1970, 733,000 violent crimes were reported and this included 38,000 rape reports. Of course, reports to police represent only a part of the whole picture. A book just published, entitled *The Growth of Crime*, by Sir Leon Radzinowicz and Joan King (London, Hamilton 1977) says the best attempts to estimate the extent of hidden crime come from Germany.

"One estimate, based on statistics of repeated crimes and analyses of individual cases, was made in the 1950s by a German chief of police, published under the authority of their Central Office of Crime Detection, and never contradicted since. Indeed, the latest publication issued on behalf of that office, dealing especially with economic crime, seems to more than confirm his modest estimation. He set the ratio of the unknown to the known in Germany at 500 to one for abortions and homosexual offences, between five and 10 to one for homicides, eight to one for frauds, and one to one for theft, burglaries, robberies, extortions."

More recent studies from Sydney suggest sex offences short of rape occur 9 times as often as they are reported, and the offence of rape is under-reported by a factor of at least 4.

Even in New Zealand, girls are cautioned against going out after dark as the problem grows there. In Australia, sex crimes have become so frequent that fear of rape is reported to be among the greatest fears people have. As a result of a Gallup Poll on 2127 Australians in December 1974, it was concluded that "rape is the crime worrying most Australians. Ninety per cent of people are greatly concerned about rape and similar assaults. The poll found that 85% were greatly concerned about the number of murders."

Even the beautiful island of Hawaii has experienced a dramatic change over the last five years so that a previously rare event has become a big problem. Whereas in the period 1963-66 the average reporting rate for rape was 16.75, for the period 1973-76, the figure was 170.5.

The strange thing is that this growing problem has been contrary to the expectations of many. One of the great hopes was a decline in sex crimes would have occurred by now. It was said that if only young people were given better sex education as teenagers they would have fewer hang-ups later. Others said openness and honesty about sexuality, with plenty of books and films to inform, would remove the cloak of shamed secrecy and enable young people to relate together more comfortably.

It was also the great defence of sexy books and magazines that by taking away the idea of forbidden fruit, most people would quickly lose interest, while those who previously committed sex offences would satisfy themselves instead with pictures and fantasies.

Many responsible psychologists not only led us to expect such developments, but told us also that there is evidence to back this up. "Look at Denmark", they said. "Sex crimes have gone down there. Danes have lost interest in pornography and the whole business has become something of a bore."

Certainly that was the story given the world by the American Presidential Commission on Obscenity and Pornography in 1970. What we heard at that time were bold statements of apparent fact. With the passage of time the statements have developed to the point where it is almost sacrilegious to question them. Yet originally the research reports were carefully worded. In the technical reports, which most people did not read, we see reference to a "pilot experiment", "an exploratory study", we "call for caution in making generalizations from the findings in such a study". Or again "most of these findings have in common that they cannot be confirmed in this study. This means, among others, that they are unsuitable as a basis for a serious debate on the political level." And, with reference to the oft-quoted loss of interest in pornography said to have occurred in Denmark, 'this estimate', said its author, 'should not be taken too seriously'. And yet that report is still widely cited even though it has since been so heavily criticized so often by so many.

That was a long time ago now - long enough to discover whether the fine hopes have been realized. There has certainly been a massive growth in pornography in the meantime. Scandinavia's reputation is hotly pursued by the producers in Amsterdam and Los Angeles. Cities like Hamburg, New York and Boston have had to make special provisions for the new kind of tourist trade. In Los Angeles alone it is estimated that the pornography trade has increased from \$15 million a year in 1969 to \$85 million in 1975.

Around the world many Western countries are experiencing the repercussions of the new freedom. The pornography is changing in its character to become "harder", more sophisticated and technically well produced. At the same time, the parallel growth of massage parlors as fronts for prostitution, and a whole sexploitation sub-culture, has provided the climate in which criminal involvement flourishes. Mafia-type control of the industry is now well established, and the associated fringe of crime affects many involved in the industry.

It is hard to imagine that, against such a background, there would be a decline in the incidence of sex offences.

It is even less probable when we think about what pornography says to people. In pornography, there is a whole world of fantasy which commonly includes the kind of acts which, if performed in public, are called sex crimes. The average citizen who prefers to look the other way at the bookstand, or keeps moving away from adult bookstores and X-rated movies, has little idea of the material that feeds the thoughts of the pornography enthusiast.

¹See "The Report that Shocked the Nation!", Reader's Digest.

Activities of the cruelest kind are often the most sought after. Women and children are prime targets for degradation in what is perhaps the most extreme chauvinist pastime of our day. The spectacle of women being beaten, assaulted, raped and humiliated is the very basis of today's pornography. Writing in the British Journal of Psychiatry, (1975, 126, 225) Dr Kenyon says

"The central theme in the psychopathology of pornography is really concerned, on a fantasy basis, with the dread, fear and envy of women. These fears and fantasies are dealt with, in pornography, by demeaning, degrading and denying ..."

The same savagery directed even against young children is something no civilized society should tolerate. Recently Dr Densen-Gerber, a mother of four and former law professor from New York tried to draw attention to the thousands of children being driven to "promiscuity, alcoholism, drug addiction, venereal disease and premature parenting" by their involvement in the sex industry. By way of example, she displayed two films involving explicit sex acts involving children aged between 8 and 13. "We permit our society's sickest members the license to sexually use 3 year olds." While working in Los Angeles recently, I was reliably informed that the L.A. police were involved in a crackdown on the sexual abuse and exploitation of an estimated 30,000 young people - predominantly boys aged 6-17 - used in the sex industry in that city alone.

This is not at all what the serious advocates of sexual freedom wanted or expected. In the name of civil liberties, the assault on censorship was carried through regardless of the consequences. Unhappily, the longed-for freedom to live in a sexually civilized society, untroubled by Victorian taboos, has not emerged. Instead of freedom of speech for every citizen, we have given the freedom to corrupt to those who live like parasites in a decadent society. Instead of freedom of movement for women after dark, there is freedom for the criminal to sell his wares and generate a climate of aggressive promiscuity.

Yet all this is still only background to the consequences for the user of pornography. What is happening to the "raincoat brigade" who buy their books and magazines, or regularly turn up to the latest sexploitation movie? Are they really no longer a menace to the rest of society? Have they solved their problems by having easy access to commercial sex?

For the last six years I have been trying to answer questions like that. To find sound answers it is necessary to consider many other influences at work in people's lives. Yet one thing seems to come through clearly. Instead of controlling the sex crime problem by giving free reign to commercial sex, we have moved into a condition of galloping inflation.

I have travelled through Australasia, through the East, in Europe and Britain, and to many parts of the United States to find out what is happening. It is not enough just to read someone else's idea of what they think might be happening. By speaking with authorities of many kinds the picture emerges. Police chiefs, attorneys, social scientists, people in the business, people who use pornography, all present their slant on the commercial sex trade. As a clinical practitioner, I listen to my patients talking of their own experiences. Similarly, a whole range of people can see the increase of sex crimes from various viewpoints - not least girls who have been raped and men who describe why they are rapists.

The fascinating thing about visiting widely separated centres is that they have in common a great element of human tragedy. No true joy in sexuality dare appear, no hint of laughter. From Times Square, New York to Kings Cross, Sydney, from Soho, London to Hollywood, there is a hard calculating exploitation which dehumanizes patron and vendor alike.

Behind the scenes, there is a small but growing band of "pornography addicts" who like their drug-hooked counterparts, live only to afford more and harder stuff. Their soulless obsession with some new erotic high makes a fascinating commentary on the dream of sexual freedom that made it all possible.

All of which might simply be someone else's problem if the sex crime wave were not such a threatening reality.

Even as it was reported that sex crimes were going down in Denmark, the police were receiving more reports of rape than ever before. One hundred-fifty proven cases of rape in 1966 became 159 in 1968 and 218 cases in 1971.

It has been said that there are now fewer sex-offences in Copenhagen than before the pornography wave. The picture would be clearer if it were also mentioned that the number of young women and children in that area was also dropping at the same time.

In Los Angeles I interviewed someone who conducted a survey of all police chiefs of cities with a population greater than 25,000. These 85 police chiefs were asked if, on the basis of professional experience, there was a relationship between exposure to pornography and conduct. They were unanimous in saying such a link exists and many described very gruesome crimes in which the criminal admitted having read or viewed certain material that described the kind of conduct for which he was arrested.

Australasia naively believed the sex crime inflation could be eased by liberalizing pornographic books and films, only to find a whole series of savage attacks on women and children following the model of the screen. The widely-acclaimed film "A Clockwork Orange" may well be defended for its artistic skill and powerful content, but it is tragic that its message of savage and senseless rape was received so powerfully in many places where the film was shown.

In general, such direct links are not apparent. It is a more subtle and pervasive assault on the integrity and dignity of women and children which is occurring. The message of pornography is one of hostility and hate. The message of erotica is of selfish pleasure without concern for consequences. Sex, instead of expressing deep meaning, becomes a vehicle for dehumanized orgasm. Women become less than persons.

A feminist writer, Susan Brownmiller, in her book 'Against Our Will' - a study of rape - says

"pornography, like rape, is a male invention, designed to dehumanize women; to reduce the female to an object of sexual access."

So for the sexually disturbed who feed their twisted fantasies on what they see and read, the natural conclusion is to find some way to act out those

fantasies. Just the opposite of what the prophets of freedom offered, but the evidence is seen in those tip-of-the-iceberg figures, reports of offences coming to police around the world; up and up they go in Los Angeles, New York, Sydney, as well as Copenhagen and London. The sheer volume of the increase is muted only by the understandable embarrassment, fear and shame which discourage so many victims from going to police.

Rape Crisis Centres are a recent and courageous response to some of the need. Some police forces are training women police to handle victims of sexual assault with sensitivity. Lawyers are looking at ways of making the legal process less of a trauma in itself for victims than it now proves to be.

Yet these humane moves are reactions to an escalating problem that could be contained. Just as television violence has been seen to amplify the level of violent behaviour in its viewers, so the wave of erotic experiences which are the inescapable lot of most teenagers, and many adults, will generate a powerful sexual response. To express one's sexuality without feeling inhibited is doubtless a liberating experience. To express it in a totally disinhibited way, regardless of harm to others, is quite another.

Can anything be done? Undoubtedly there are ways of avoiding the inflationary sex crime problem. For various reasons, political and religious, some countries have taken a stand against the tide of erotica and pornography. Russia and China have a quite different story from the Western world, though it is not possible to compare them adequately on crime statistics. Singapore is known for its tough line in recent years. It deserves to be better known for the stable low rate of sex crimes over twenty years which has occurred in spite of the social indicators which suggest it ought to have a growing problem. Those who say assaults increase in large, densely populated cities have to think again in Singapore. The same is true for Tokyo where there has actually been a reduction in recent years of rape reports. Japan is another country which has decided the freedom to live safely is more important than freedom to corrupt. Onlookers may laugh at the tough censorship of erotica practised by Japanese customs, but at the same time in America a woman weeps every few minutes. Rape reports reached U.S. Police every nine minutes around the clock in 1975. Lesser sex offences occurred about five times more frequently. All of them were grossly under-reported.

Many countries appear to have forgotten that the machinery is available for effective control without significant threat to civil liberties. In the United States, obscenity legislation has begun to be effective over the last three years as a result of a move to clearer legislation, effective since 1973.

In addition, some European countries (including Belgium and Holland) as well as Australia, have international obligations as signatories to the International Convention for the Suppression of the circulation of and traffic in obscene publications (1923). Denmark did the proper thing by withdrawing from this treaty before changing its policies. The international treaty makes it a punishable offence to

"make or produce or have in possession obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects."

Around the permissive world we are facing a time of serious inflation - a rise in brutality against women and children which is not only senseless but avoidable. We shall only do something about it when we reject those ill-founded promises that sexual licence would be our salvation. Pornography is uncontrolled - sex crimes are growing. Demand is growing, not decreasing. Daily, unoffending women and children are being irrevocably distorted and embittered by their experiences.

Certainly, the availability of pornography is not the whole story. The whole social context must be examined closely. The breakdown of close human relationships within the family context is one of many factors. But pornography is a factor which can be brought under control if we believe the social cost of its availability is too high. The threat to freedom of speech would be minimal, whereas the present threat to human dignity, to the emotional adjustment of children, and the well-being of women is enormous.

REPORT NO. 2

Child Pornography - the Sexploitation of Children

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The pornography trade can never afford to stay still. The novelty of yesterday is passé today. It is a characteristic of perversity that novel stimuli are required in order to achieve gratification.

The move to child pornography is a relatively recent one. While it has existed on the fringes for a long time, the open and extensive use of children has escalated over the last few years. Prosecutions were occurring in California in the early 70s. I saw such material in sex shops in Copenhagen in 1974. Yet the theme has been exploited very much more fully since that time.

During my research visit to the U.S.A., U.K. and Europe (December '76 - July '77), I took the opportunity of speaking with police chiefs, vice-squad officers, attorneys, politicians as well as various anti-pornography groups. I obtained a number of taped interviews relating to the effects of pornography as well as current trends.

The theme which recurred was one of dismay at the growth of child pornography. No-one sought to defend it. Even in a radio debate with one of the best-known pornography defence lawyers, I found common ground with him as he would offer no defence for this.

The Trade

In the U.S., the major production centres for pornography are New York and Los Angeles. I visited both places, spending several months in L.A. Police refer to a probable 30,000 young people under 16 being sexually exploited in the city of Los Angeles - this referring to various forms of prostitution - with perhaps 25,000 of these having been photographed. For the whole of the U.S., a tentative 200,000 children have been estimated. While such estimates lack reliability, they clearly point to a major problem.

The issue achieved wide attention as a result of the publicity given by Dr. Judianne Densen-Gerber, first in New York and then in other centres, including Australia. This led to widespread media coverage, including Time, Newsweek, and Readers Digest. The most recent issue of the feminist magazine Ms makes it the cover story. The Los Angeles Times devoted a several page feature to the topic on 26 May, 1977, under the title "Children: a big profit item for the smut producers".

Exploitation is clear at various levels. Most obviously, the young people who are used as models are the victims of entrepreneurs. Many of the boys and girls are runaways, picked up at stations or on city streets and offered food and money as initial inducements. Some parents actively collaborate in order to meet their debts, by hiring out their own children. Children as young as three years of age are

being used. A number of cases are known to involve drugging first before photography, and in 1973 there was a string of murders of young people after they had been used for pornographic films. All these aspects of the trade make clear that the notion of freedom of decision is grossly violated.

Financial exploitation is as obvious here as it is with the rest of the pornography trade.

"there is little doubt that child pornography is a multi-million dollar business. A 'soft-core' magazine featuring little girls, that is estimated to cost less than \$1 to produce, sells for \$7.50 in the bookstores. Dealers say it is a fast-moving item. Pornographic films of children retail for up to \$50." (L.A. Times)

Meaning of the Trade

A third area of exploitation relates to those who obtain gratification from the materials. While some take photographs in order to sell them profitably to others, there are others who derive their own gratification from the photography. Investigator Lloyd Martin, of the L.A.P.D. sexual exploitation of children unit, says that the number of such photographs taken by child molesters is "staggering".

More generally, however, it is those who purchase who represent the target audience for the entrepreneurs. The market is typically designed to meet the fantasies of molesters of children of both sexes. There is in other words, a large market among adult males for materials pandering to immature or perverse sexual needs.

There appears to be here a reciprocal pathology whereby the developing child, often with significant emotional problems, becomes the sex object for disturbed adults seeking to resolve their psychosexual problems vicariously. The adults are not simply the traditional "dirty old men" however. "offenders often are wealthy, mobile, educated, sometimes very important members of the community." Such involvement among people in responsible office necessarily makes it the more difficult to introduce effective legislation.

The most prominent group of clients appear to be 'chicken-hawks' - men who seek out young males for homosexual activity. Some of the photography of young males is for use as advertisement for male prostitution.

Apart from the clearly sexual meanings of the trade, the thesis put forward by Ms is that it represents another aspect of male domination and abuse of power akin to that already seen against women (cf. Greer, Brownmiller, Sommers etc.). Certainly the degree of coercion, manipulation and psychological force would be consistent with such an interpretation, as well as the more extreme manifestations of physical force and murder. While it is conceptually convenient to separate motives of power and violence from expression of sexual needs, I doubt whether such an either/or approach does justice to what looks more like an interaction.

Issues Related to the Trade

If child pornography were an isolated phenomenon one might quickly reach a consensus against it. It is unfortunately entangled with a whole web of related issues ranging from civil liberties and freedom of expression to the control of prostitution, arguments over sex-crimes, and movements to facilitate sexual expression among young children.

It poses a real problem to those who have proposed an abolitionist stand on civil liberties. At last many who argued with conviction that literature and art should be free from legal sanctions are now regretfully acknowledging that a line has been reached and crossed. Support for specific legislation is growing (see below).

There is a close relationship between pornography and prostitution generally. This is equally true for child pornography. Prostitution among minors which seemed to be an abuse from earlier times or less civilized cultures, is now an expanding social phenomenon. There is no evidence that the availability of pornography brings a reduction in other areas of sexploitation or of sexual offences. Rather it appears that there is a shared growth. So, for example, the case before the courts in Houston, Texas (September '75) in which a man was indicted for mailing obscene films and magazines involving homosexual acts among young boys. He was also charged with forcing boys into prostitution. It was in that city that 27 teenagers were buried after being used for sex films.

In Hollywood, 40% of arrests for prostitution are males. Much of the activity is related to boys. A spokesman for the gay movement in Chicago said

"it's almost considered an acceptable thing for a young boy to go out and sell his body to help support the family".

(Sarnia Observer 30.11.76).

There has been some evidence to suggest that child molestations have reduced in the context of freely available pornography: against this, however, one should note (i) the great increase in sex businesses providing access to minors (ii) the relatively low detection rates of offences against children which make comments about trends doubtful and (iii) most importantly, such evidence as exists appeared before child pornography became prevalent.

Just as I have tried to show that aggressive sex-crimes grew notably with the appearance of aggressive pornographic material, so I anticipate it will soon become clear that the growth of child pornography will be associated with a growth of child molesting and pederasty (if laws do not change in the meantime so that comparisons are obscured).

In addition to the molestations of adults one should also note the emotional hazards for the children themselves. Psychiatrists working with children can already see indications of harm, though it will require many years before the long-term effects manifest themselves.

In New York, the psychiatrist Dr. Densen-Gerber has said

"We know psychiatrically how destructive this inappropriate sexuality is to our children. It leads them to join our deviant populations, to become drug addicts, prostitutes, teenage parents and criminals".

Response to the Trade

The major publicity given to Dr. Densen-Gerber's news conference in January 1977 has generated a great deal of support as others have become aware of the problem. In New York she was given support by the Women's Bar Association, the Women's Forum and the Centre for the Elimination of Violence in the Family.

Both the women's movements and the gay movements in Los Angeles have declared themselves against child pornography.

The U.S. House of Representatives has established hearings on the matter in relation to a bill introduced by Dale Kildee (Democrat) of Michigan. A similar bill was also introduced recently by Congressman Dornan (Republican) of California. Evidence has been received in various centres, notably from police and attorneys.

Public support for legislative moves has come from such community based groups as Citizens for Decency through Law (U.S.) and the National Forum for Righteousness (Canada). In Britain, the Nationwide Festival of Light and The Responsible Society have been active and the question of obscenity legislation is under review. I was able to meet with various senior members of the House of Commons and House of Lords to discuss such legislation. Again the specific question of child pornography was seen to be a catalyst in public thinking. The Church of Scotland has spoken strongly in recent weeks, and from conversations I had with church leaders in England, I anticipate major statements from at least two other major churches before the end of the year.

It is not easy to identify any groups who are clearly against the control of child pornography, other than those with a clear vested interest. Publishers, distributors and users generally defend their activity. Behind them, strong Mafia-type involvement hinders legislation and enforcement, and where necessary, removes opposition. In Austria, for example, I met with a man who had just been offered one million Austrian shillings in order to buy his silence.

Apart from this, there is presumably support from groups advocating abolition of the age of consent or the reduction of such age for homosexual acts. So, for example, a British Bill drafted by the Campaign for Homosexual Equality reads *inter alia*

"It is an offence for a man to have sexual intercourse with a boy under the age of thirteen".

Speaking to the CHE at their annual conference in 1975 a delegate called for an awareness and acceptance of the sexuality of children, which he said was an essential part of the liberation of the young

homosexual. He spoke in favour of sex between adults and children, and between children being legally and socially accepted.

In Britain, pornographers have until recently had things all their own way. It has now been revealed that much of the change in what appeared in bookstands arose, not from changed community standards or legislative change, but from corruption within the Metropolitan Police Force. Following dismissals, the re-organised force is now more active. I learned from the Director of Public Prosecutions that, in response to new pressure, one major publisher has introduced a self-regulating policy to exclude some of the more extreme portrayals. A Government Committee has now been established to review the obscenity law, under the chairmanship of a Cambridge law professor, because it has proved so ineffectual in recent years.

In the U.S., laws relating to obscenity and pornography have become increasingly effective since a Federal decision of 1973 (the Miller case). That established a wording which has resulted in a whole series of successful prosecutions across the country. California, however, remains an exception to the general pattern as it still relies on the "utterly without redeeming social value" interpretation.

Already pornographers, under public pressure overseas, are looking to Australia as a promising alternative market. If moves to control child pornography are successful overseas, we shall be under greater pressure to receive it here. It would seem important to introduce effective legislation as soon as possible, preferably at both State and Federal levels, in order to deal with material locally produced and imported products. I understand moves are planned, following the meeting of Federal and State Ministers in Sydney (April 14, 1977). I hope they will not be long delayed.

This report is submitted following a study tour undertaken in 1977, and supported in part by funds from the Australian Institute of Criminology. (Grant 35/76).

REPORT NO. 3

PORNOGRAPHY AS A THERAPEUTIC
AID IN SEX PROBLEMS

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The question of therapeutic effectiveness is often raised in discussions about whether pornography should be allowed to circulate unhindered. If it is indeed true that some people are helped in their sexual adjustment by access to such material, the balance of good versus possible harm resulting from a liberal policy clearly shifts. One would be faced with a very specific identifiable social benefit to weigh against actual or potential harm resulting from a liberal policy.

Many who for various reasons personally find pornography objectionable will nevertheless concede that it should not be restricted because they are persuaded by the therapeutic argument. These claims deserve careful evaluation since so often in the past claims of therapeutic effectiveness have been made for procedures which in retrospect have been seen to be tragically anti-therapeutic or at best merely placebos. Comfort (1967), for example, has been acidly critical of medical intervention for a variety of disorders such as constipation which, with hindsight, can be seen to be barbaric.

While therapeutic efficiency is not the lynch-pin of the debate over censorship (the question of freedom of expression being more crucial) it has nevertheless become a major consideration in legal debate in recent years. English law, in particular, by permitting the appearance of expert witnesses testifying to the "public good" during obscenity trials under the 1959 *Obscene Publications Act*, has resulted in a whole series of trials in which medical and psychological evidence has been offered relating to therapeutic benefit (Whitehouse, 1977). One might suppose the case had been successfully made out, especially since so many verdicts have favoured the defence when such evidence has been brought forward.

The issue nevertheless remains a complex one, partly thanks to problems of definition, and partly due to the different criteria one may adopt before deciding that therapeutic benefit has been obtained. Examination of these two issues will serve to clarify some of the differences which emerge in discussion.

1. Definitions of pornography

A basic difference of position arises from the great spectrum of definitions and descriptions which exist in the literature. These can be represented for the sake of clarity by two which roughly correspond to opposite ends of the spectrum.

One school of thought subscribes to the view that anything which is sexually explicit leads to sexual arousal and is therefore properly called pornographic. This is the position adopted by the U.S. Presidential Commission on Obscenity and Pornography (1971) and by its chairman, Cody Wilson (1976) - "(Pornography) refers today to depictions that are sexually arousing Empirical evidence indicates that both verbal and pictorial depictions of human nudity, genitalia and sexual activity produce some degree of sexual arousal in substantial numbers of adults in our society today. Thus, descriptions and illustrations relating to sex are properly labelled 'pornography'."

This is an inclusive definition covering a range of materials which includes traditional works of art, medical illustrations and marriage guidance manuals as well as depictions created for the commercial exploitation of sexuality.

By contrast, other definitions seek to limit pornography to a sub-classification within the range of sexually explicit materials, and corresponds rather closely to the notion of 'obscene'. While Wilson specifically rejects this approach it is the one favoured by Kronhausen and Kronhausen (1967) who in The Encyclopaedia of Sexual Behavior say "pornography is characterized by an absence of the reality constraints that mark erotically realistic works of fiction One might say that the primary aim is to create a state of increasing sexual arousal in the reader by portraying sexual relations in which all standards are violated and in which the only psychological feelings involved are lust and a mindless sexual joy."

Between these extremes we may identify along the spectrum the definition favoured by the Longford Report (1972) as that which "exploits and dehumanises sex, so that human beings are treated as things and women in particular as sex objects".

All three descriptions have in common their reliance on the impact of the material on the viewer rather than objective definition of content. The question then arises whether the impact is by some standard desirable, or, for present purposes, whether the impact is therapeutic. Before turning to that question some commentary on the relative value of the two most disparate definitions is needed.

Wilson's delineation of pornography lacks scientific precision in that he includes all that is sexually explicit because of its sexually arousing properties. Yet this is a loose generalisation since, as he himself acknowledges, not all adults are aroused sexually by explicit materials. Medical practitioners, par excellence, through training and experience, develop a clinical detachment to many sexually explicit stimuli. It is anti-scientific to allow criteria to be governed in this way by subjective criteria.

The inclusive definition of Wilson makes no distinction between types of sexually explicit materials. This position has the attraction of simplicity and avoids many issues. It has the weakness of bringing together such diverse material as medical illustrations and hard-core pornography without differentiation. It follows that if one asks whether pornography can be therapeutic, most people using such a definition would say yes. Few doubt that moves in recent years towards openness and honesty in the discussion of sexual themes has proved a real advance.

It does not follow however that the helpful move away from repressive silence and guilt towards openness and honesty is necessarily even more helpful if one moves still further to explicit portrayals and detailed descriptions of sexuality in all its manifestations. In general, a move from one extreme which has been identified as harmful needs to be undertaken with the sobering awareness that a move to the opposite extreme will also prove harmful, but in different ways.

A definition of pornography which fails to discriminate healthy information from gross exploitation fails to make the vital distinction between healthy balance and the dangerous end of a continuum.

Some would argue that such distinctions cannot or should not be made. Such a position is quite unwarranted. Society has always made distinctions of quite subtle kinds. While there will be debate over where lines of

acceptability are to be drawn, that is no argument for maintaining that no line can or should be drawn.

I have argued elsewhere (Court, 1976) for at least three major sub-categories within the field of sexually explicit materials. These are, firstly, the materials created with serious purpose for sex education, couched in terms designed to inform without deliberately facilitating sexual arousal. Secondly, there is the area of erotica - books, magazines and films of a titillating type created with the purpose of arousing erotic images. Thirdly, pornography may be seen as a further extension not ultimately separable but further along a continuum, and identified by the characteristics noted by the Kronhausens' definition.

Support for such a distinction is found in Susan Brownmiller's (1975) discussion of the topic - "Pornography has been so thickly glossed over with the patina of chic these days in the name of verbal freedom and sophistication that important distinctions between freedom of political expression (a democratic necessity), honest sex education for children (a societal good) and ugly smut (the deliberate devaluation of the role of women through obscene distorted depictions) have been hopelessly confused."

Dominian (1971) recognises a difficulty but nonetheless favours distinguishing the erotic from the pornographic - "the 'erotic' tries to capture and portray the beauty and richness of human sexuality in contrast to 'the pornographic' which trivializes, titillates, restricts, distorts, exaggerates and fragments. Value judgements of this kind are extremely hard to sustain in individual cases but a comparison of different works in literature, painting, sculpture and photography on sexual subjects can leave little doubt that a distinction does exist and can be made."

A failure to make some such distinctions leads us into semantic confusion and unnecessary disagreement between protagonists who unwittingly find themselves referring to different things with the same word. With Wilson's inclusive definition one may readily agree that pornography can be therapeutic, since the open presentation of facts about sexuality represents vital information for living. Both written and pictorial material can be selected for treatment programmes for those with sexual disturbances, as well as prophylactically presented to young people and adults to assist in their developing sexual awareness and in answering their natural questions.

That is, however, something quite different from programmes of education or therapy which confront individuals with material in such a way as to shock or to force confrontation with ideas and values which they find alien. It is one of the less desirable features of the trend towards providing sex education and sex therapy that its apparently liberal proponents adopt a paternalistic approach which insists on conformity to an ideal of sexuality which is far from universal.

The more restrictive definitions of pornography provide a basis for seeing some sexual materials as informative, helpful as well as artistically creative and inspirational while rejecting others as obscene and impoverishing. Following such distinctions, David Holbrook describes the cultural impact of pornography in strongly negative terms, identifying such themes as fear of women and undercurrents of hate and hostility in portrayals which humiliate and degrade (1972 (a) and 1972 (b)). Similarly, Kenyon (1975) favours a restrictive definition in writing that "the central theme in the

psychopathology of pornography is really concerned, on a fantasy basis, with the dread, fear and envy of women These fears and fantasies are dealt with, in pornography, by demeaning, degrading and denying." Recent developments in the escalation of violent pornography have been well analysed for their psychiatric and social implications by Roth (1977).

To postulate that pornography of this kind might prove therapeutic requires either a vast stretch of the imagination, or a strangely perverted view of how sexuality may be expressed. It is a remarkable feature of our time that there are nonetheless some who will go so far as to defend that material which abuses and humiliates by using the therapeutic argument.

This leads therefore to a consideration of what may be considered as therapy, as well as evidence that sexual problems may be reduced.

2. What is to be considered therapeutic?

Answers to such a question vary because value judgements are involved. The scientific basis for finding behavioural norms relies heavily on statistical frequency. If most people do something, that is sufficient to define it as normal. If only a few do something, it is statistically unusual though in this context, the term 'abnormal' might be rejected as value-laden. 'Different' is as far as the amoral definition of science may take us. By such criteria, masturbation is more readily called normal than incest, which is of lower frequency of occurrence.

Following such a line of argument, a therapist might well see the facilitation of masturbation as an appropriate goal for therapy in one who reported this behaviour as infrequent or absent. Incest does not so obviously provide a goal for the therapist to seek for his client, yet it might well also provide a goal if both therapist and client were of the view that diversity and difference were simply variations without any basis for seeing such behaviour as undesirable.

Such a reliance on scientism without regard for either the meaning of sexual behaviour, or for moral and social conventions is not uncommon among contemporary therapists. The paradoxical thing is that all too often this determination to eschew value judgements in the name of scientific enquiry and openness is pursued in spite of a significant lack of scientific evidence to support the case.

Masturbation may be taken as a case in point. Many sex therapists encourage masturbation by their clients with orgasmic difficulties, e.g. frigidity or impotence. Where are the careful, scientifically-based studies which demonstrate this to be a worthwhile goal? How many practitioners have followed their clients through for a several year follow-up to evaluate the long term consequences of this approach? If there are sometimes adverse consequences of such treatment, what are they, and how frequently do they occur?

Dr Brian Richards is a general medical practitioner who has been called as an expert witness (though 'not a specialist in sexual matters') to defend the use of pornography in therapy. A trial transcript of the Benn Books obscenity trial of 1975 gives an idea of his position. He was questioned about pictures in magazines which by the restrictive definition above may be

called pornographic.

Counsel: 'This is a picture of a female in chains tied up and a naked man pointing a sword at the woman's genitals ...'

Dr Richards: 'This is for the public good because it produces a masturbatory situation. I would certainly prescribe this for a patient.'

Counsel: 'Picture of a naked man with cat of genitals striking a woman on genitals.'

Dr Richards: 'This can stimulate a man. It has great therapeutic value.'

(Editorial 1976)

One may legitimately ask what the long-term outcome of stimulating a man to gain sexual arousal from sado-masochism will be. How many controlled clinical trials form the basis of this expert opinion? The confident statement 'I would prescribe' sounds like a drug-prescription in which a selection is made on the basis of rational criteria. Yet the arousal properties of pornography are individualistic (Stoller, 1975) so that it would be presumptuous indeed to make such a prescription. How many patients, having been so advised, prove unresponsive to the treatment or actually develop greater problems? Even the very context in which sex therapy is attempted can have a significant impact on the outcome of treatment (Court, 1973).

Such questions remain rhetorical because even the most experienced clinicians report that they find themselves unable to obtain such information. My own enquiries in California failed to locate any substantial evidence on therapeutic results with adequate follow-up.

The difficulty is in part a clinical one of finding enough clients willing to be followed over a sufficient period of time. It is also a problem of defining what may be considered therapeutic success. More frequent masturbation is a tragically limited goal for therapy if one believes sexuality is intended to have interpersonal significance. Reduction of guilt over promiscuity or inability to perform with a wider range of partners in a greater range of sexual techniques may be applauded by some, but these too at the deepest level of meaning are reductionist and deny the truly human qualities of sexuality which involve commitment.

A value system which fails to distinguish normal from abnormal or perverted will be hard-pressed for criteria of therapeutic success. Is more better, regardless of meaning? On the other hand, an evaluation which distinguishes some sexual behaviour as healthy and other forms as perverted or pathological is much better equipped to identify therapeutic success or failure.

Practitioners proceed in the firm belief that their interventions are therapeutic, but admit that careful studies have not been conducted. In Paris, at an international conference in 1976, I asked a firm which markets sexually explicit materials for therapy about the availability of pornography, and was told they do not make it available. More gentle and less explicit materials are believed more therapeutic among the most experienced practitioners. The expressed objection to pornographic material was its phony, dehumanized character.

Opinions are not good enough in an area where we are so easily able to be misled by our own expectations, philosophy of life, or psychological hang-ups. We need therefore to see if hard evidence exists to back the claim that pornography can help people with sexual problems.

3. The present quality of evidence

In March 1977, the California State Psychologist carried a newsbrief reporting that "an estimated one million people (in the U.S.) have found relief from sexual problems by exposure to pornography". The claim was based on a paper presented in a symposium at Butler Hospital by Dr Cody Wilson. Wilson, from his experience as chairman of the U.S. Presidential Commission on Obscenity and Pornography could be expected to give an informed and up-to-date statement.

The basis of his claim lies in a report to that commission by Abelson, Cohen, Heaton and Suder (1971). The substance of the report has also been more recently presented in a revised form (Wilson and Abelson, 1973).

He starts with a startling presumption about the present status of sexuality. "Consider for a moment the precept regarding sex that has in the past dominated in our society and still prevails today. In childhood and adolescence an individual should know nothing about sex, should have no interest in sex, and certainly should have no experience with sex." No documentation is offered to support this extraordinary analysis of contemporary attitudes.

After defining pornography in the inclusive manner noted above he asks 'Can pornography contribute to the prevention of sexual problems?' and answers 'Only one major study, that I am aware of, approaches this issue directly.' He proceeds to describe the study of Abelson et al (1971) who reported a study involving interviews of 2486 adults. Subjects were asked about their reactions to a range of sexually explicit themes (only some of which would be pornographic by the restrictive definition).

A major conclusion Wilson came to in presenting his symposium paper was that "two per cent of men and one per cent of women report that in their own case sexual materials have given relief to sex problems - If these figures are projected to the entire adult population of the United States, we can conservatively estimate that ... more than one million Americans have had the personal experience of obtaining relief from a sex problem by looking at or reading pornography."

That summarises in essence the available evidence offered by Wilson on the effects of pornography on sex therapy.

How adequate, then, is the evidence?

1. This, the only major study, relies on data nearly ten years old. Why has nothing further emerged in a period of unprecedented availability of pornography and a veritable mushrooming of sex therapy facilities?
2. The confidence of this 'conservative' estimate of benefit may relate to Wilson's own professional involvement in the data. As a co-author of the 1973 version he has something at stake. Greater detachment makes the 'conservative' estimate appear more ambitious.

3. The claim that sexual problems had been relieved relies entirely on the subjective verbal opinion of the respondents. No objective criteria are used, nor is any check made to indicate what people meant by this. Nor do we know if one problem has been replaced by another.
4. The data are said to be derived from a "probability sample of 2486 adults" so that generalisation to a national estimate appears justified. Wilson failed to mention here the admission made earlier (Wilson and Abelson, 1973) that this represents only 70% of the intended sample. Many unforeseen factors resulted in this loss, which, while not unusual individually for survey procedures, did make the survey something of a nightmare. The extraordinary collection of misfortunes which beset the study is thoroughly documented by Lo Sciuto et al (1971). In the light of these problems an extrapolation to one million must be at best dubious.
5. The characteristics of this probability sample have been fully described by Lo Sciuto et al (1971). The actual percentages for various categories are compared with expected percentages in the community at large, except that no detailed discussion of discrepancies of sex distribution is offered. The bland observation that "somewhat fewer men than expected, and more women" were interviewed obscures the marked skewing that actually occurred. In reality, of the total sample of 2486 subjects (or 2482 if one takes Lo Sciuto's correction) 993 (39.9%) were men and 1493 (60.1%) were women. A figure closer to 50% would have been highly desirable.
6. The extrapolation to one million arises from the responses of 1% (15) of the women and 2% (20) of the men - in other words, only 35 of the 2486 persons interviewed claimed help with their sex problems. This number is really quite startlingly low when one realises that this group could have been relating the benefits of reading something like a marriage guidance manual.
7. The ambiguity of what may have received a favourable report is heightened by the policy in the original research that the word 'pornography' should be avoided and 'sexual materials' favoured.
8. While the responses may have relevance to pornography inclusively defined, it is doubtful whether they have any significance in relation to pornography following the descriptions of Longford and Kronhausen. All respondents were asked whether they had ever encountered various kinds of material. Less than 50% of the men reported having ever seen depictions of heterosexual oral-genital or homosexual activity, and less than 30% of men had encountered sado-masochistic material. Among the women, the average frequency of viewing for these categories was 17%. Their opinions on the therapeutic effectiveness of real pornography are therefore based on ignorance.
9. The relevance of this study and the therapeutic effects of pornography may be further doubted when it is noted that the original study by Abelson et al (1971) opens with the disclaimer "this is not a study of pornography".

10. Even those who did have some experience with sexually explicit materials were in many cases recalling events from the distant past. Only 61% of the men and 50% of the women had encountered any of the materials in the prior two years. Judgements about their impact must therefore be interpreted cautiously. The dangers of distorted recall of distant emotional events are well enough known to clinicians.
11. The study reports that 2% of men and 1% of women claimed sexual materials had helped their sex problems. There is also mention of 12% of men and 8% of women who claimed their marital sexual relationship had been helped. Even assuming these figures are cumulative and not overlapping this represents fewer than 300 persons out of the total sample. Nowhere is there any discussion of the experience of the more than 2000 who did not report benefit. For how many were the experiences unpleasant or harmful? This question can be answered by reference back to Abelson et al (1971). While among men 2% claimed personal relief to their sex problems, 2% also claimed such materials had led to a personal decline in morals, and 7% claimed they had been led to lose respect for women. Among women, 1% claimed a deterioration in personal morals, and 3% believed it had led to a loss of respect for women.

Subjects were also asked about effects generally. The belief that sexual problems might be relieved was given by 28% of men and 27% of women. On the negative side however the percentages are notably greater, viz.

	Men	Women
Leading to a breakdown in morals	55%	57%
Leading people to commit rape	47%	51%
Leading people to lose respect for women	41%	46%
Making people 'sex crazy'	36%	39%

Apart from general opinion, subjects were also asked if they knew whether there had been effects on people known to them personally. Here too the balance of harm is high. Men and women reported 8% and 7% respectively on people being helped with their sex problems, but 10% and 8% respectively leading someone they knew to commit rape.

12. The question of adverse effects should have been raised by Wilson not only as a basic methodological concern but also because of the difficulties into which the research ran in trying to obtain interviewers. Wilson and Abelson (1973) found it necessary to refer to these at length. It proved impossible to get sufficient satisfactory male interviewers; interviewer turnover was "extremely high ... much of it was due to the subject matter of the study. Approximately one-quarter of the drop-outs said that their husbands refused to let them work on such a study, and another one-quarter quit on their own because of the subject matter." They refer also to high anxiety in the interviewers, in spite of specific efforts to desensitize them prior to interviewing, Lo Sciuto et al (1971) have also added that "after training two groups of people in one point in the South and having both groups resign, it was necessary to bring interviewers in from neighbouring States to do the work".

13. Finally, again in the printed report (Wilson and Abelson, 1973), but absent from the symposium presentation, is a very proper scientific caution about this study. "Very great care must be taken in interpreting and generalizing the results of a single study of pornography carried out using a selected sample of population."

This caution has been disregarded both by Wilson in his more recent paper and in secondary reporting of the data. Those engaged in sex therapy, without reference back to the original source, would reasonably come to the conclusion that there is solid evidence of therapeutic benefit from pornography.

Since the Abelson study is claimed to be the only major study to deal with the topic, there are grounds for asserting that the case has yet to be convincingly made. The kind of pornography which Richards endorses is of a quite different quality from the material encountered by the average citizen in the late sixties. To conclude that hard-core pornography will help is irresponsibly hasty.

It should also be said that the person who invokes the Abelson study to make a case for pornography being therapeutic should also be prepared to take account of respondents views on whether such material should be generally available. The study was carried out at a time when great public doubt surrounded the issue of harm from pornography. In that situation, 68% of respondents believed restrictions of some kind are needed, and "the data suggest that about one-half of adults would be inclined to sanction availability of erotic materials if they felt sure that such materials would have no harmful effects, or, on the other hand, that 8 persons in 10 would oppose full availability of such materials if they were convinced that such materials were harmful." (Abelson et al, 1971)

A major obstacle to clarity is the inclusive definition of pornography. It is comparable to a medical enquiry asking whether drugs can be effective, without specifying which drugs and for what conditions. To demonstrate that an anti-biotic could be used effectively against bacterial infection would certainly not make a case for heroin being widely prescribed in a non-specific way. Nor would any drug regime be pursued without careful evaluation of potential side-effects.

The drug analogy also has relevance to the circumstances under which sexually explicit materials became available. Even if it were possible to demonstrate scientifically that they could be used in a carefully controlled therapeutic context, this would in no way provide a basis for saying the same materials should be freely available in public places. The therapeutic administration of heroin is carried out with a clear understanding of the dangers of its unlimited distribution. Pornography, too, is characterized by its powerful influence on attitudes and behaviour. It is difficult to see why a less responsible approach should be adopted to psychological health than to physical health.

Summary

Confusion over the therapeutic applications of pornography has arisen due to multiple meanings of the word, and lack of specificity about criteria for assessing change. The case for pornography in therapy is examined critically and it is concluded that the evidence is insufficient for the defence of what most people mean by pornography. It is also argued that any discussion of the therapeutic context has only marginal relevance to the wider debate regarding pornography in the community.

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REPORT NO. 4

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RAPE AND PORNOGRAPHY IN LOS ANGELES

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RAPE AND PORNOGRAPHY IN LOS ANGELES

I. Rape - A Growing Problem

The incidence of rape in the United States is a matter of national concern. Reports reached the police every 9 minutes in 1975, and it is estimated that an attack occurs once every 2 minutes around the clock. It is not an evenly distributed phenomenon, however. The big cities typically experience high rates, though, for rather special reasons, Alaska has also developed a very high reporting rate over the last few years. (L.A. Times, 1977).

The State of California has, for a long time, had a reporting rate much higher than the national average and this continues to be the case (see Fig.1). After a period of very steep increase in the late sixties, the appearance is now of a levelling off while the national figures have continued to climb. The possible significance of this will be considered below in relation to Los Angeles, which contributes such a large part of the Californian data.

Los Angeles as an extended metropolitan area has a major problem, much of which is focussed within the jurisdiction of the Los Angeles Police Department. This includes such areas as Hollywood. The whole metropolitan area has a population of nearly 7 million people. Among the major cities of the U.S., the level of reporting of rape in Los Angeles is second only to Washington, D.C.

Actual levels of reporting cannot be compared from one country without recognition of a number of confounding factors. Even between jurisdictions within one country, differences occur in zeal, accuracy and criteria which make comparisons hazardous. Comparisons through time within a given jurisdiction are among the most certain, but here too sociological changes can influence the data.

With these provisos, one may observe the trend of report data for the single police jurisdiction of Los Angeles County. The basic information appears in Table 2. One comes closest to the 'real' figure of numbers of rape attacks by turning to 'offences reported to the police'. For comparative purposes, it is essential then to convert such raw data into rate/100,000 population in order to take account of population size. Increasing degrees of uncertainty about trends arise if one relies on numbers of arrests or numbers of successful prosecutions, since both the latter are influenced by quite complex judicial and political factors.

There are, however, two major problems inherent in relying on the number of reports coming to the police. There is the possibility that changes in absolute numbers represent not true increases or decreases, but arise from a change in readiness to report. This factor has received wide coverage over the last few years, with the development of Rape Crisis Centres and feminist publicity through various organisations.

A second important factor affecting reporting rates in Los Angeles relates to the outcome of reporting. A major consideration in any victim's mind must be whether reporting an attack will be of any use - or whether it may simply magnify or extend the trauma already experienced. Included in this evaluation will be the question whether reporting is likely to lead to apprehension and prosecution.

II. Reporting Rates

It has commonly been believed that the reporting rate for rape has been around 1 in 4. That is, to obtain the real figure one should multiply police figures by a factor of four. Over the last three or four years, increased publicity has been given to rape, largely due to an apparent increase in its occurrence, so that public attitudes and awareness may have shifted. Arguments can be advanced for there being an increase or a decrease in reporting levels. Indeed, opposite effects may co-exist at the present time.

1. Favouring a decrease in reporting rates is the Kutchinsky study in Copenhagen [1971] which suggested people had become less likely to report sex offences over the decade 1959-69. He cited a reduction of 17% for minor offences, but did not ask about rape as no reduction in level was found. This argument rests on the uncertain basis of a retrospective questionnaire on how people thought they might have behaved ten years before.

2. With the development of rape crisis centres there has been created a significant alternative to calling in the police. With or without counsellor encouragement, some victims who might have gone to the police will settle for getting crisis support and prefer to avoid police involvement. Hence, while the number of victims actually getting help may show a proportionate increase this would be reflected in police figures not as an increase but as an apparent decline.

3. Encouragement to report attacks, and media publicity, may encourage some to come forward who would otherwise have said nothing. A recent survey in England [Honey magazine, June 1977] of 290 girls aged 18-26 found just over half said they would report an incident to the police, 42% would testify in court and 37% would tell their parents. Such figures are not truly comparable with how victims actually do behave, but the most generous conclusion would be that twice as many girls are now willing to come forward than the 1 in 4 estimates of earlier years.

4. The introduction of women police specially trained to work with rape victims could eventually make for a higher level of reporting to police. This is a recent development and would certainly not affect figures before 1975.

Of these factors, two operating each way, all the last three are of recent origin. Impetus to rape awareness was given by International Women's Year in 1975 and was having some influence prior to that. It is most unlikely that figures prior to 1974 are significantly affected by these influences. Since that time, a degree of uncertainty exists over the relative influence of these factors. To increase a reporting rate from 1 in 4 to 1 in 2 over a five year period would represent an increase of 20% per annum beyond any pre-existing trends. For Los Angeles, the seventies have seen a slower rate of acceleration in trend than the late sixties, so it is doubtful if the higher reporting rate accounts for the present level. Even in the high acceleration situation of South Australia, police doubt this arises from an increased reporting rate (de Luca, 1977).

On balance, it appears that in a highly urbanized setting like Los Angeles, reporting figures now represent a lesser percentage of total offences than in the past. This view would be consistent with the recent full discussion by Radzinowicz and King (1977). In their book 'The Growth of Crime', in a chapter devoted to probing the 'dark figure' of unreported crime, they say

"Nor can I see any justification for claiming, or hoping, that the gap between crimes hidden and crimes recognised, criminals who escape and criminals brought to justice, has been narrowing. Or indeed that it is likely to narrow. On the contrary, there is much to suggest that, taking crime as a whole, it is becoming wider. . . . The dark figure tends to increase as society becomes more urbanised and anonymous, and also as it becomes more mobile."

The outcome of reporting is a consideration receiving attention by feminist and judicial groups. The point of reporting an attack to the police is to ensure that the offender is apprehended and justice meted out. It follows there will be a declining rate of reporting if the only outcome of reporting is a painful and humiliating series of cross-examinations with the offender ultimately going free.

There are strong grounds for supposing that a slower rate of acceleration in reports for Los Angeles since 1970 arises in part from such a situation.

The trend in Figure 2 since 1971 contains two features which together indicate why the recent rise is less than in the late sixties. Firstly, the very high level of reporting (over 70/100,000) indicates that the problem is probably at the highest level in the world. Even allowing caution with comparative figures, the FBI, in its annual crime report, remarks that 'females residing in the Western States were most often the victims of forcible rape' (Kelley, 1972). For 1974, this meant a reporting rate of 26.1 for the whole of the U.S.A., 40.6 for California and 71.6 for Los Angeles. These levels compare with rates of less than 15 in most other countries.

Hence, the levelling-off seen here might conceivably represent an asymptote. However, the upward trend for the U.S. as a whole shows little sign of slowing, so alternative explanations deserve consideration.

The second point to note, therefore, is that the high level of reporting is set in the context of a very high general level of crime. Rape has represented between 5 and 7% of total violent crimes for a number of years so there are many areas for police involvement. Moreover, the technical requirements for establishing evidence are so difficult and time-consuming with alleged rape that the likelihood of adequate police investigation of reports must decline if the general level of crime reaches unmanageable proportions.

The lower line in Figure 2 gives an indication of the changing relationship between reports and arrests. In 1960, the reports rate was 43.4/100,000 and the arrest rate was 12.4. The comparable figures for 1972 were 78.4 and 10.55. That is, in 1960, there was a 29% chance that a report would lead to an arrest but this had dropped to a 13.5% chance by 1972. If one assumes conservatively that the reporting rate remained at 25% of total offences, then the likelihood of arrest of an offender dropped from 1 in 14 to 1 in 30.

Added to this, there has been an unmistakable trend towards offenders receiving little or no sentence even after an arrest has been made (Radzinowicz and King, 1977; Soothill and Jack, 1975). In some cases the victim prefers not to continue with her complaint and drops charges: there may be insufficient evidence to pursue the case: there may be plea-bargaining or other legal procedures resulting in a minimal sentence or discharge. Taken together these possibilities accumulate so that perhaps 10% of arrests lead to a sentence commensurate with the offence. On such a calculation, the offender has something like a 300 to 1 chance of getting off. Viewed the other way, a victim who reports the attack stands only a 300 to 1 chance of feeling that she did the sensible thing.

Against such odds one might expect women to begin to report less and less to the police, preferring the consolation of a counsellor or private grief to the agonies of the judicial system. One may reasonably conjecture that the increase of rape which took such a striking upturn in the 1960's has not abated but is now muted by a disinclination to report and by pressures on the police to cope with many other offences.

III. Factors in the Rape Increase

Among the possible factors to be considered, the relative importance of urbanization, race and the availability of pornography will be selected, as those most commonly implicated. At the same time, an indirect answer to whether rape should be considered a crime of violence or a sex-crime will be offered.

To explore these possibilities the data from Los Angeles must be compared with other cities of various sizes, and a comparison of rape rates made between cities characterized by various proportions of blacks and whites.

While rape has traditionally been categorized as a sex crime, recent feminist writers (Brownmiller, 1975; Metzger, 1976) emphasise that it has little to do with sexual gratification as usually understood, and a great deal to do with the balance of power in society. As such it might equally be categorized as a crime of violence without specific inclusion among sex crimes per se. FBI statistics include rape as a Section I offence along with murder, robbery and aggravated assault, and distinct from other sexual offences. Japanese police reports record rape both as a violent crime and as a sex crime.

That rape is not simply a sex crime is also apparent from some of its related variables. It is widely recognised that in the United States, rape has been more common among blacks than among whites (Amir, 1971). The rate is also much greater in urban than in rural communities. One possible interpretation is therefore in terms of powerlessness of subcultures who express their rage against society. Svastolga (1962) proposed that rape is a feature of communities where males substantially outnumber females.

It is important to know which variables are operating if any progress is to be made in reducing the present social and psychological problems. It would be simplistic to hope that one single factor could be isolated, yet some deserve more attention than others not only because they prove to contribute more to the situation, but also because immediate preventive measures are possible with some factors but not with others.

The high association with blacks has certainly been evident in the American culture, as has the rate found in large cities. Such evidence provides only a partial explanation and may be proportionately less and less significant as the rape rate rises. Lester (1974) found only a low positive correlation of 0.22 ($p < 0.01$) across the whole of the United States. Even such a low correlation must itself be taken cautiously since the percentage of blacks is confounded as a variable with city-size.

Partial correlations for black population and city-size enable one to identify variables more clearly. Taking the 15 cities used in FBI statistics as representative of U.S. cities (Kelley, 1972), size of population and percentage of blacks were correlated with the rate of reports of rape. The same variables were related to reports of crimes of violence. High correlations were found for violent crime. The partial correlation between violent crime and city-size holding black percentage constant was +0.84 and +0.88 for violent crime and black population, holding city-size constant. The corresponding figures for

rape, however, were 0+23 and +0.39. This different relationship would suggest that at least some factors are discordant and that the influence of race and city-size should not be overemphasised. (It should also be noted that this is a general comment. The specific case of Los Angeles is complicated to an indefinable degree by a large number of illegal Mexican immigrants).

Such a conclusion is at first counter-intuitive. It must be noted however that these figures relate to data from 1973. (A date later than 1973 cannot be safely used for the present purpose without confounding the data with changes in reporting patterns discussed above). Generalizations about the relevant variables based on the early 60's are inadequate for the 70's. The rates of rape reports for the years 1961 - 65 were 8.8, 9, 8.7, 10.7 and 11.9 respectively. By contrast the figures for 1971 - 73 were 20.4, 22.5 and 24.4 respectively. There is, in other words a whole new group of people appearing in the area who previously were absent. Discussions about the meaning of rape and the characteristics of rapists draw on information based on rape as it was. There are now indications that the offence is changing in certain respects. In 1973, there were some 15,500 more cases reported than the 8,800 of 1961. Since it is generally conceded that the reporting rate for rape is very low, and 25% would be a conservative estimate, we need to find an explanation for more than 60,000 cases above the 1961 level. What new factors have entered to account for such a rise?

It may be argued that the sixties were a time of increasing turbulence and violence generally and that rape is merely one expression of this. Allowing an element of truth to this, it is insufficient. Violent crime in the U.S. rose on average 11% per annum in the period 1960 - 72 with the rate reducing to 6% per annum in the last three years of that period. By contrast, rape showed a 7% annual increase over the period 1960 - 72 but accelerated to 23% in the years 1970 - 72. FBI statistics show a steady rise in the rate of violent crimes from 1959 onwards, whereas the rape report rate remained steady until 1963 after which a steeper rise occurred. It therefore appears that the changing rape pattern is more than a component of the general problem of violent crimes.

The third hypothesis raised above related to the male-female ratio. This explanation is at best a marginal one relating to those new unusual frontier communities where a significant imbalance exists. Such a case can be made for Alaska which currently has the highest rate of all the states (44 in 1973, compared with a national average of 25). However, Alaska is also a prime example of another related variable viz. the presence of alcohol. Alaska has relatively few women and one bar for every 550 persons, compared to one for every 1470 in the other states (L.A. Times, 1977). Apart from such extreme circumstances, however, the case for implicating the male-female ratio was not supported in a specific test of this hypothesis by Lester (1974).

IV. Pornography as a Contributing Factor

Whether one sees pornography as a vehicle for the expression of sexual hostility (Holbrook, 1972; Stoller, 1975) or as part of the oppression of the female by the male (Russell, 1977) the fact remains that a great deal of similarity exists between the intrinsic messages of pornography and enactment of sexual attacks against women (Court, in preparation).

It is unmistakable that Los Angeles serves as one of the major producers and distributors of pornography. It was hypothesized by the U.S. Presidential Commission report on Obscenity and Pornography that a relation might be found between pornography and sex-crimes. Indeed this now appears to be the case though the association is a positive one (Court, 1977) not the negative one proposed in that report.

Pornography began to be a problem in the middle sixties in California and became a matter of national concern by 1967, leading to the establishment of the Presidential Commission. Indicators of the real size of the pornography industry are not easy to find due to the secretiveness of those in the business, and the criminal sub-culture which surrounds it.

For Los Angeles, two different estimates can be made of the growth of available pornography. Figure 3 presents evidence of a growth over the past seven years from a relatively confined trade (mostly Hollywood) of 18 shops to an extension to 143 shops in 1976 scattered in many parts of the city.

More conjecturally, police estimate sales in 1969 to have grossed \$15 million rising to \$85 million in 1976. Taken together, it is clear that an enormous growth has occurred since the findings of the U.S. Commission were publicized in 1970. This growth is, of course, contrary to the early predictions that legitimization of the trade would result in a great loss of interest among consumers or sales for the publishers (Kutchinsky, 1973). A recent U.S. Task Force on Crime has noted the difficulties which have arisen.

— "The partial legalization of gambling and pornography not only appears to have increased the levels of those activities, but also may have increased profits for organized crime." (Report, 1976)

V. Why Link Rape and Pornography?

"Hollywood today is a community hanging in the balance A wicked violent eyesore in the geographical and sentimental core of Los Angeles. . . . The porno trade receives almost universal blame for Hollywood's precipitous decline in recent years." (Goodman and Cohen, 1977)

A relationship between rape and pornography appears both at the broad level of social statistics, and with many documented cases of individuals whose sex-crimes showed a very close similarity to the pornographic materials to which they have been exposed.

Such links deserve more careful analysis than this paper can provide. A case for such an association will therefore be postulated through reference to three authors. From the many who might be selected, all are deliberately women - from different backgrounds but each in their way identifying the hostility against women which they sense expressed both in pornography and in rape.

- [1] "Hard-core pornography is not a celebration of sexual freedom; it is a cynical exploitation of female sexual activity through the device of making all such activity, and consequently all females, 'dirty'."
 "Pornography, like rape, is a male invention, designed to dehumanize women, to reduce the female to an object of sexual access."
 "Rape . . . constitutes a deliberate violation of emotional, physical and rational integrity and is a hostile, degrading act of violence."
 (Brownmiller, 1975).
- [2] "Rape is an aggressive act against women as woman Rape asserts only combat, brutalizing the communal aspects of sexuality destroying, meaning relationships and person." (Metzger, 1976).
- [3] "The point about the relationship between pornography and rape is this: pornography even at its most banal, objectifies women's bodies. Women become things. . . . An essential ingredient of much rape, particularly between strangers, is the objectification of the woman. This is not just rhetoric. It means that women are not seen as human beings, but as things. Men are reared to view females in this way, pornography thrives off this, and feeds it, and rape is one of the consequences." (Russell, 1977).

Finally, to substantiate the point made above about the changing characteristics of rape, the comments of Supt. McAulay of the S.A. Police are relevant. He describes new features which appear to bear a very close similarity to the current genre of sadistic pornography.

"Teenagers are making an increasingly high proportion of the attacks. . . . Furthermore, rapes are becoming more violent. The offenders are using more force. And we have noticed rapists are subjecting women to indecent acts far more than before." (de Luca, 1977).

VI. Conclusions.

Rape has been an escalating problem in the U.S. for the past decade. Among the worst-hit cities has been Los Angeles. The data which might give the impression that the steep rise in attacks is abating are examined in relation to various influences which contribute to rape, to reporting behaviour, and to police activity.

It is concluded that the absence of further increase is more apparent than real. There are strong disincentives to report in the context of such a high level of crime and a low probability of the offender being sentenced.

This high incidence of rape is occurring concurrently with the growth of pornography. The themes of pornography have a strong affinity to the philosophy of rape. There does not appear to be a case for arguing that a vicarious exposure to sexual gratification has reduced the likelihood of committing offences, but rather to the contrary.

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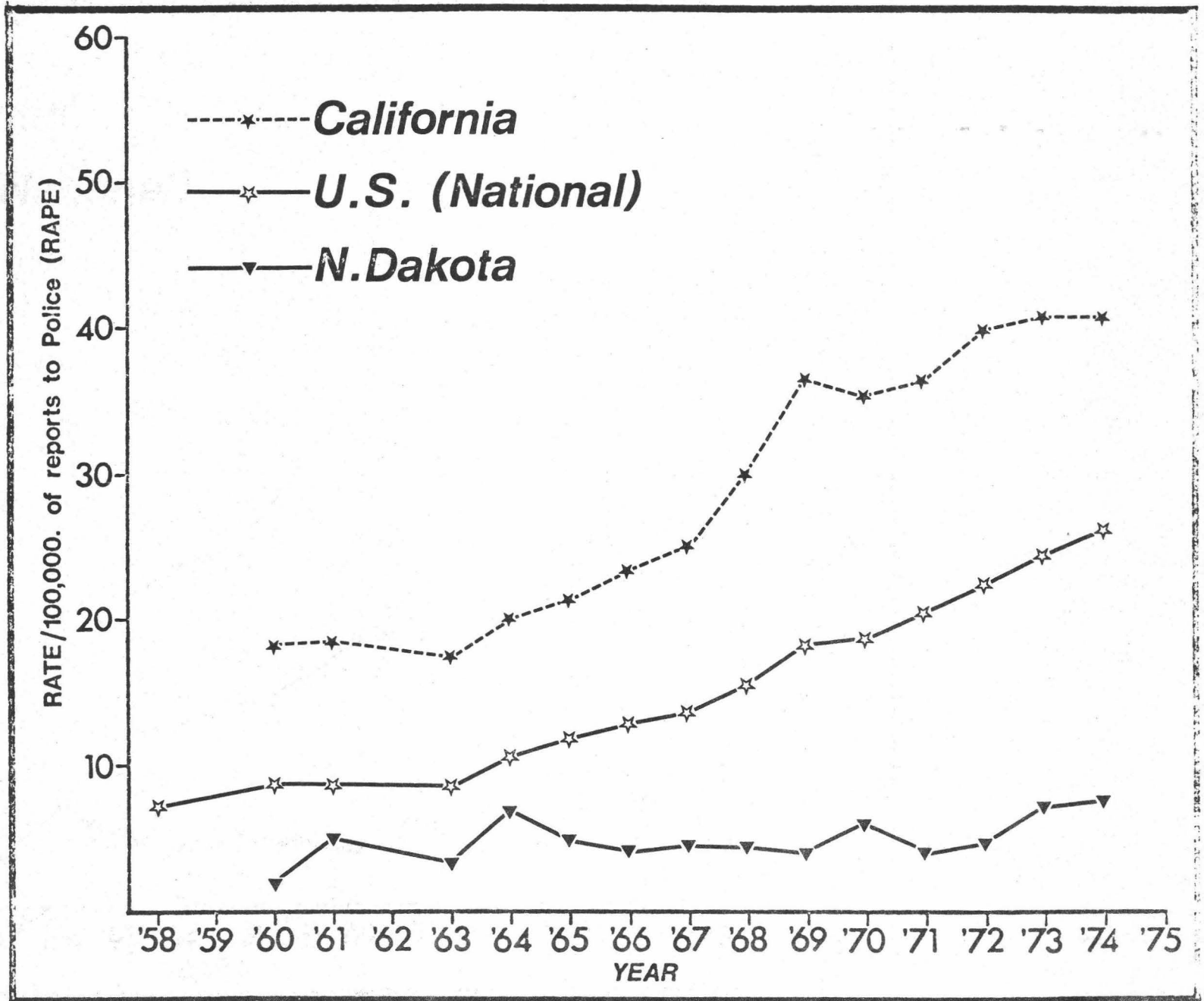
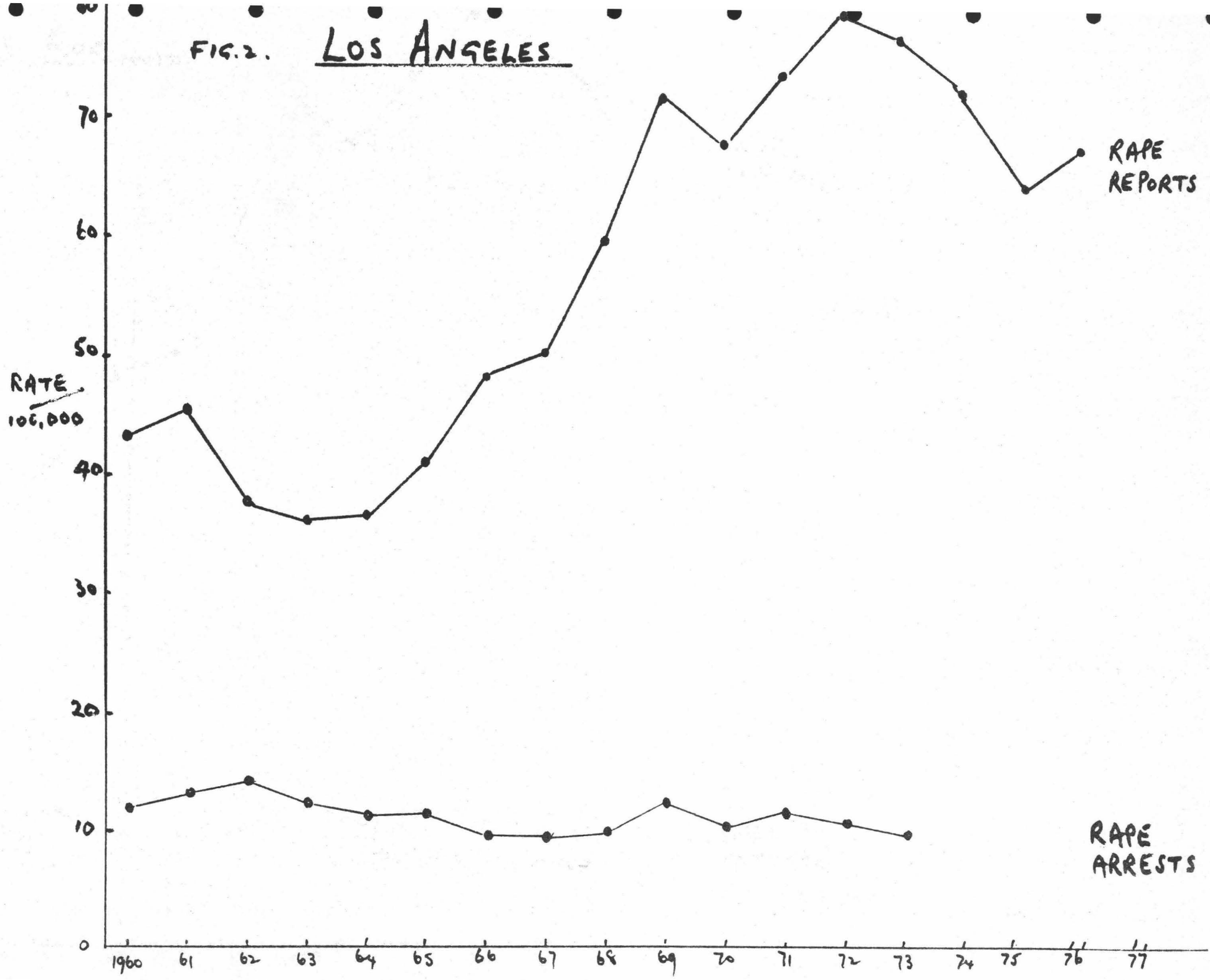


FIG. 1.

FIG. 2. LOS ANGELES



PORNOGRAPHY
RETAIL OUTLETS

LOS ANGELES PORNOGRAPHY TRADE

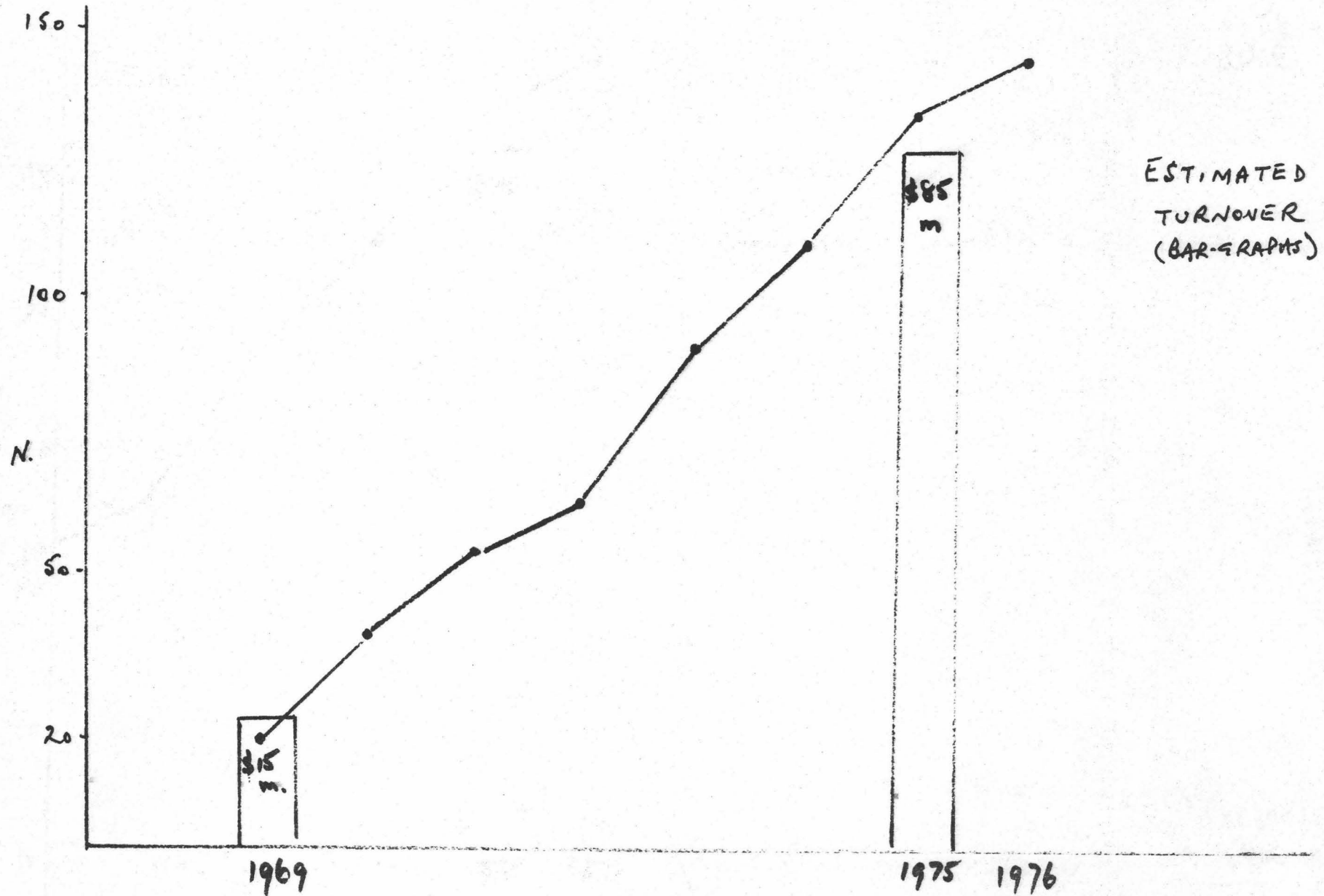


FIG. 3.

REPORT NO. 5

PORNOGRAPHY AND RAPE : PROMISE AND FULFILMENT

by

John H. Court, Ph.D.

The common elements between pornography and rape are identified. The expectation that ready availability of the former might be associated with an increase in the latter is confirmed. Some alternative explanations for the present high incidence of rape are examined. It is concluded that by restraining the intrinsic messages of hostility found in pornographic materials, there could be real improvements in civil liberties, especially for women.

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The last fifteen years have seen the rise of two social phenomena to unprecedented levels. Pornography, once surreptitious and illicit, has burgeoned into a multi-million dollar industry with high visibility, constantly pressing for First Amendment protection. At the same time, the incidence of rape has escalated to the point where a whole literature on the subject is developing as women become increasingly fearful. The relationships which may exist between these two phenomena have been confused by the diverse philosophical and ideological commitments brought to the subject. The liberal tradition, while deploring rape, defends pornography because of the potential threat to civil liberties posed by censorship. The feminist movement generally follows the same line. The conservative tradition typically deplores pornography and campaigns against it, while showing little response to the rape problem.

Pornography and rape need to be understood as co-existing for similar psychological reasons. Holbrook (1) has for some years been making the link between the exploitation of women in pornography and the expression of hatred and hostility. Drawing on the psychiatric writings of such as Masud Khan, Winnicott and Stoller, he has interpreted pornography as a vehicle for the ventilation of hostility.

More recently, Brownmiller (2) wrote a substantial commentary on rape from a feminist viewpoint, breaking company with many feminists in identifying the close association between the acceptance of pornography and a corresponding acceptance of rape in a society where men exercise the power. There is nonetheless support from the feminist-inspired Brussels Tribunal of 1976.

A former pornography model testified, "On July 1st, 1969, pictorial pornography was legalized in Denmark. One of the strongest arguments for changing the law was that women would not be raped as much as they had been before. But it is a big fat lie. With the legalizing of pornography it is also legal to regard women as sex objects, to rape and accost according to need, because pornography ideologically establishes that a woman's innermost wish is to subject herself to men." (3)

The dynamics of both phenomena appear to have a great deal in common. While it is scientifically invalid to conclude a one-to-one correspondence between the acceptance of pornography and the rise in rape rates, the similarities between the two deserve emphasis at a time when many are seeking ways to counter the high incidence of rape. In order to determine just how much the two relate together, other variables traditionally associated with high rape rates must also be considered.

Is rape a sex crime?

While rape has traditionally been categorized as a sex crime, recent feminist writers (2, 4) emphasize that it has little to do with sexual gratification as usually understood, and a great deal to do with the balance of power in society. As such it might equally be categorized as a crime of violence without specific inclusion among sex crimes per se. FBI statistics include rape as a Section I offence along with murder, robbery and aggravated assault, and distinct from other sexual offences. Japanese police reports record rape both as a violent crime and as a sex crime.

That rape is not simply a sex crime is also apparent from some of its related variables. It is widely recognised that in the United States, rape has been more common among blacks than among whites. (5) The rate is also much greater in urban than in rural communities. One possible interpretation is therefore in terms of powerlessness of subcultures who express their rage against society. Svastolga (6) proposed that rape is a feature of communities where males substantially outnumber females.

It is important to know which variables are operating if any progress is to be made in reducing the present social and psychological problem. It would be simplistic to hope that one single factor could be isolated, yet some deserve more attention than others not only because they prove to contribute more to the situation, but also because immediate preventive measures are possible with some factors but not with others.

The high association with blacks has certainly been evident in the American culture, as has the rate found in large cities. Such evidence provides only a partial explanation and may be proportionately less and less significant as the rape rate rises. Lester (7) found only a low positive correlation of 0.22 ($p < 0.10$) across the whole of the United States. Even such a low correlation must itself be taken cautiously since the percentage of blacks is confounded as a variable with city-size.

Partial correlations for black population and city-size enable one to identify variables more clearly. Taking the 15 cities used in FBI statistics as representative of U.S. cities (8), size of population and percentage of blacks were correlated with the rate of reports of rape. The same variables were related to reports of crimes of violence. High correlations were found for violent crime. The partial correlation between violent crime and city-size holding black percentage constant was +0.84 and +0.88 for violent crime and black population, holding city-size constant. The corresponding figures for rape, however, were +0.23 and +0.39. This different relationship would suggest that at least some factors are discordant and that the influence of race and city-size should not be over-emphasised.

Such a conclusion is at first counter-intuitive. It must be noted however that these figures relate to a relatively recent situation. (A date later than 1973 cannot be safely used for the present purpose without confounding the data with changes in reporting patterns which appear to have arisen in response to the activities of the women's movements.) Generalizations about the relevant variables based on the early 60's are inadequate for the 70's. The rate of rapes for the years 1961-65 were 8.8, 9, 8.7, 10.7 and 11.9 respectively. By contrast the figures for 1971-73 were 20.4, 22.5 and 24.4 respectively. There is, in other words a whole new group of people appearing in the area who previously were absent. In 1973, there were some 15,500 more cases reported than the 8,800 of 1961. Since it is generally conceded that the reporting rate for rape is very low, and 20 per cent would be a conservative estimate, we need to find an explanation for at least 75,000 cases which are above the 1961 level. What new factors have entered to account for such a rise?

It may be argued that the sixties were a time of increasing turbulence and violence generally and that rape is merely one expression of this. Allowing an element of truth to this, it is insufficient. Violent crime in the U.S. rose on average 11 per cent per annum in the period 1960-72 with

the rate reducing to 6 per cent per annum in the last three years of that period. By contrast, rape showed a 7 per cent annual increase over the period 1960-72 but accelerated to 23 per cent in the years 1970-72 (9). FBI statistics show a steady rise in the rate of violent crimes from 1959 onwards, whereas the rape report rate remained steady until 1963 after which a steeper rise occurred. It therefore appears that the changing rape pattern is more than a component of the general problem of violent crimes.

The third hypothesis raised above related to the male-female ratio. This explanation is at best a marginal one relating to those new unusual frontier communities where a significant imbalance exists. Such a case can be made for Alaska which currently has the highest rate of all the states (44 in 1973, compared with a national average of 25). However, Alaska is also a prime example of another related variable viz. the presence of alcohol. Alaska has relatively few women and one bar for every 550 persons, compared to one for every 1470 in the other states (10). Apart from such extreme circumstances, however, the case for implicating the male-female ratio was not supported in a specific test of this hypothesis by Lester (7).

The characteristics of rapists

Generalizations about rapists contribute little to the present increasing problem. Even if generalizations can be made about that core of rapists who have represented a fairly stable percentage of offenders in the past, they contribute less to an understanding of those who now offend who apparently would not have done so a decade ago. At best one may argue that they come from a group with psychopathological similarities and greater impulse control, and that control has broken down under some new influences. Alternatively there could be some quite novel reasons emerging to account for the growing problem.

Those who have investigated the problem typically find diversity. Barber (11) studied a series of rapists and found a whole range of features such that a typical profile does not emerge. Stoller (12) in analysing the dynamics of perversions, including rape, identifies components of risk, revenge and the need to overcome childhood trauma with a sense of triumph. A similar diversity appears in the etiological study of sadism by Siomopoulos and Goldsmith (13) which has many parallels with the offence of rape. Brownmiller (2) presents a composite picture of the 'police-blotter rapist', but in so doing makes it clear that there is diversity hidden behind police statistics. Some emphasise the component of aggression and domination, some prefer to identify the wish to humiliate, and some emphasise the sexual components in the behavior. Rader (14) examined the personalities of rapists appearing before the courts, and on the basis of MMP1 profiles, found more psychological disturbance than with other sex offenders and with a wide range of significant pathology.

The population of rapists may be not only heterogeneous but changing. Not only have the actual numbers of persons involved increased in recent years, but some of the characteristics of rape attacks are changing. There is an increasing tendency for the offence to be against a person unknown to the rapist. The age-range of victims may be extending to include more very young girls and very old women. The pack rape or 'gang-bang' is also more common than in the past. At least two possibilities must be considered. One is that a group who would previously not have offended at all is now committing rape. Or, perhaps more probably, some who previously committed

less serious offences have developed a greater degree of disinhibition permitting them to attempt rape.

While this diversity makes classification difficult, the same themes which identify rape and rapists appear in discussions of the nature of pornography. The possibility therefore arises that the fantasies provoked by pornographic stimuli contribute in some way to the behavior of the sex offender and the rapist par excellence.

Pornography and rape compared

Apart from a number of obvious and dramatic sex crimes which have been clearly linked to the viewing of similar material by the offenders, there are indications also in the literature of intrinsic similarities between the symbolic significance of pornography and the dynamics of sadistic sexual attacks including rape.

The following comparisons of recent writings on both topics give an indication of the significant overlap of content area.

Writings about Pornography

"Hard-core pornography is not a celebration of sexual freedom; it is a cynical exploitation of female sexual activity through the device of making all such activity, and consequently all females, 'dirty'." (2)

"The pornographer ... deprives woman of her individuality and reduces her to an object of contempt, thus reinforcing those attitudes and prejudices which have made men ill-treat and enslave women through the ages." (1)

"Pornography, like rape, is a male invention, designed to dehumanize women, to reduce the female to an object of sexual access." (2)

"What the sexual revolution offers us is something that is destructive of the erotic" (1)

".... At its heart is a fantasied act of revenge There is always a victim, no matter how disguised." (12)

"Pornography is characterized by an absence of the reality constraints that mark erotically realistic works of fiction ... all standards are violated" (15)

"... the images and words 'usurp' the natural functions of instinct ... we have an intense mental concoction of often brutal imagery - as in the cinema, where rape, and other gross acts of sadism are now frequent. The effect of these mental brutalities is to 'disregard the person' ... she is humiliated and subjected to contempt as a mere sex object ... it encourages us to have contempt for other people, especially women." (16)

"We see in pornography repetitive seduction themes involving a 'victim' who is in fact a willing collaborator, rapes or defloration in which little concern for the victim's pain or resentment is expressed, and a generally exploitative view of human relationships." (20)

"In pornography it is the exploitation rather than the love of women which predominates." (23)

Writings about Rape and Sadism

"Rape ... constitutes a deliberate violation of emotional, physical and rational integrity and is a hostile, degrading act of violence." (2)

"Rape is an aggressive act against women as woman Rape asserts only combat, brutalizing the communal aspects of sexuality, destroying meaning relationships and person." (4)

"The delight in perversions is caused by ... the destruction, humiliation, desecration, the deformation of the perverse individual himself and of his partner." (16)

"The gut distaste that a majority of women feel when we look at pornography ... comes, I think, from the gut knowledge that we and our bodies are stripped, exposed and contorted for the purpose of ridicule This, of course, is also the philosophy of rape." (2)

"To be sadistic means to live aggressively and for the most part destructively through other persons." (17)

"Rape is one manifestation of society's intent to depersonalize woman." (4)

Promise and Fulfilment

In reporting to the Presidential Commission Report on Obscenity and Pornography in 1970, Ben-Veniste noted that, "pornography portraying some forms of deviant sexual behavior, especially sadism, may adversely influence potential offenders" (19). Goldstein, Kant and Hartman have pointed to the risk of rapists in particular having their behavior triggered by emotional stimuli relevant to their own particular fantasies (20), and Berkowitz has made a similar prediction (21).

In the period since such promises were made, the fulfilment has become apparent in the growth of sexual offences generally, and rape in particular, experienced in countries where pornography has gained the freedom of the market place (9). Pornography, through its fantasies, promises a hostile and destructive encounter with women in which their wishes are disregarded. Rape fulfils this fantasy in an extreme form. Other sex offences typically contain perverse elements within them which also, to a lesser degree, epitomise that erotic form of hatred which Stoller calls perversion (12).

The fact that society currently condones both pornography and rape is no doubt a significant commentary on the nature of relationships between the sexes. The co-existence of the two has a complex relationship. That their growth has been so close suggests that pornography may now be at least as significant a variable as some of the traditionally-identified factors such as race or urbanization (22). However, whereas little can be done in the short-term to control many of the societal factors in rape, effective implementation of existing laws relating to pornography could bring about a dramatic reduction in the opportunities for destructive sexual fantasy which lie behind many aggressive sex crimes.

The fears of those liberals who believe effective control of pornography represents a threat to freedom of speech should be exposed as confused or ideologically perverse in the face of the far greater threat to civil liberties which currently exists with the increased rate of sex crimes. Brownmiller rightly distinguishes the issues when she writes that:

"pornography has been so thickly glossed over with the patina of chic these days in the name of verbal freedom and sophistication that important distinctions between freedom of political expression (a democratic necessity), honest sex education for children (a societal good) and ugly smut (the deliberate devaluation of the role of women through obscene, distorted depictions) have been hopelessly confused." (2)

If clearer distinctions can lead even to a fifty per cent reduction in the incidence of rape, then civil liberties and human dignity will be greatly enhanced.

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REPORT NO. 6

Report No 6.

Pornography - An Unfulfilled Dream

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Running Title: Pornography



Pornography - An Unfulfilled Dream

Since the findings of the American Presidential Commission Report on Obscenity and Pornography (1) were made widely known, it has become an almost unchallengeable belief that one consequence of making pornography freely available would be a decrease in sex-crimes. The strength of this idée fixe with the man in the street as well as the profession would suggest that there existed a prior need to believe this.

The belief rested on flimsy evidence by any standards. One exploratory paper by Kutchinsky (2) in which a number of observations were pieced together has formed the total body of information from which innumerable generalizations have been generated by others. The original paper dealt only with observations relating to the city of Copenhagen, over a limited period of time, and contained within it sufficient flaws to make one doubt the validity of the conclusions drawn (3, 4). They were nonetheless given credence in the Commission Report, a document which was itself the subject of extensive criticism for its lack of objectivity (5, 6).

With minor changes Kutchinsky has repeated his claims of the benefits of pornography in several places, though failing to overcome the essential limitations of the initial data (7, 8, 9). Some of the changes which have occurred in Kutchinsky's writings, while minor in their wording, are major in their implications, leading readers to a far greater confidence in his conclusions than is warranted. For example, in discussing an apparent decline in the production of pornographic materials in Denmark following

legalization, his most recent account [9] omits the interpretative note given earlier [10], viz. "Another factor which undoubtedly contributed to the remarkable reduction in the sale of pornographic books was the increased sale of pornographic picture magazines. In a certain sense, these magazines took over where the books left off."

Similarly his assertions that Danes soon became bored or satiated with pornography based on estimates of readership have an increased confidence in 1976, whereas in 1973 they were qualified by the comment "this estimate, however, should not be taken too seriously."

I. Issues to be confronted

1. The tenor of Kutchinsky's writing is that a causal association exists between availability of pornography and the decline of sex crimes he reported for Copenhagen. Such a direct association has been clearly claimed in a Danish Government publication [cited by [11]] and challenged [12]. The claim has been extrapolated as a basis for removing all censorship restrictions on pornography on the rational basis that a decline in sex crimes would benefit society. Such decisions having now been made in several countries, and the outcome being identifiable over several years, a reconsideration of the expected benefits is appropriate.

2. The extent to which the original findings can be generalized is important. Even supposing the original material accurately represented trends in Copenhagen, it does not necessarily follow that the data would generalize elsewhere, a point Kutchinsky himself recognized.

3. The category of sex crimes is a diffuse one. A division into various types of offences was undertaken by Kutchinsky who claimed to show stark reductions in the incidence of voyeurism and exhibitionism. He remarks with surprise "that during the period from 1965 to 1972 the number of cases of peeping reported to the police in Copenhagen dropped from 76 cases to two!"(9). Such benefits seem worth sharing especially since he claims this reduction is not a function of changed attitudes to reporting.

A similar reduction was not reported for more serious offences such as rape. It therefore remains to be investigated whether the downward trend in sex crimes has been found elsewhere, and whether the observed trends relate differentially to major and minor offences.

1. The Association between Pornography and Sex Crimes

The assumption of a causal link is a dangerous one in the absence of carefully controlled experiments. By the very nature of the case one would expect the association to be more complex. The most probable explanatory principle at this stage is the kind of triggering or instigating influence which is being increasingly refined in relation to the perception and initiation of violence (13, 14). A constellation of social circumstances must combine with an individual's pre-existing needs and learning experiences before anti-social behavior is emitted. Hence, some people are more likely than others to demonstrate overt responses both to the display of violence and to pornographic materials.

Considerable attention was paid for some time to the catharsis hypothesis which proposed a reduction in violence following viewing [15]. This hypothesis, like Kutchinsky's, was attractive in its implications, but extensive study since that time has led to its relegation to the status of an aberrant finding [14]. Quany [16] reinterprets the data in terms of a social-learning hypothesis and adds that "all we know for sure is that the traditional linear cause-and-effect model is woefully inadequate." Wertham [17] goes further and asserts that the evidence generally points to an increase rather than a decrease of violent behavior following the viewing of violent material. This view is supported by numerous experiments [e.g. 18].

The association between viewing pornographic materials and enacting comparable sexual behavior may well follow the same principles. Several authors have argued for such comparability [19, 20]. In which case, we may predict that the Copenhagen findings represent the aberrant exception, while the more general finding would be an increasing problem.

Indeed, even within Denmark itself, the optimistic picture presented by Kutchinsky is not confirmed by others. Harry reports that "proven cases of rape have not decreased — there were 150 cases in 1966, 159 cases in 1968 and 218 cases in 1971." [21].

2. Generalization

Since the effect of pornography is postulated to relate to pre-existing personal characteristics of the viewer, evidence

from several different settings is essential. The social climate of Copenhagen differs from Paris or Tokyo or Los Angeles. The cultural conventions relating to sexual behavior vary from culture to culture. Some individuals will be more at risk due to their background of sexual instruction or ignorance, as well as broader emotional factors, than others. Age, social class, race and other demographic variables could well contribute to the variance.

No single study can explore all such factors. Nonetheless, comparisons of trends across several countries can offer the basis for explanatory principles since the availability of pornography varies widely, as does the time when laws governing its availability became operative.

3. Major and Minor Crimes

Dramatic claims have been made for a reduction in minor sex offences. The possibility that such benefits would not necessarily follow in relation to major sex offences has been noted by several authors [22, 23].

Evidence on the matter is fraught with problems. Official figures on sex crimes suffer from the low level of initial reporting relative to actual incidence [24, 25]. Administrative decisions often determine whether complaints are registered and acted upon. Other pressures, such as the escalation of other types of crime, or reductions in effective police strength can so shift priorities that final figures in reports bear little relationship to actual trends.

In the material presented below every effort has been made to exclude data which appeared to suffer from such limitations to the point that comparisons were invalid.

II. Findings

1. Rape and Attempted Rape Reports

Evidence collected in several countries around the world fails to confirm the prediction that sex crimes will go down following the availability of pornography.

Data have been presented elsewhere (3) to show that countries changing their policy on pornography towards a liberal position experienced notable rises in reports of rape and attempted rape coming to the police. This upward pattern, occurring in close temporal contiguity to legislative change, was shown for the United States, Britain, New Zealand and Australia. A rise was also found in Copenhagen.

No case was found where liberal pornography laws were associated with a reduction of such reports. There was, however, evidence of a stable trend in rape reports for Singapore, a country which has taken a tough line against pornography in recent years.

Further evidence is now available from Japan which has similarly taken a firm stand in recent years against pornography. Figure 1 shows how there has actually been a reduction in reports both for Japan as a whole, and Tokyo in particular. This decline can also be related to strict and intensive police activity in the country. It is of particular interest since the present strict

policy is in contrast to an earlier cultural acceptance of aggressive sexual material [26].

Differential trends can also be detected even within countries which are large enough to show geographic separation and have different laws. Two countries, the United States and Australia, have both characteristics in common. Both countries include states with liberal policies on pornography as well as more restrictive policies: both countries are sufficiently large that an essentially local style can emerge which is distinguishable from other states.

In the United States the obviously liberal state is California. The activity in this state was a focus for several Presidential Commission studies (e.g. 27). Since the time of those studies, the pornography industry has continued to flourish in marked contrast to Kutchinsky's predictions [10]. Police estimates of pornography outlets in Los Angeles county alone are of 18 in 1969 growing to 90 in 1973 and 143 in 1976. Their estimate of sales of pornographic materials is of \$15 million in 1969 increasing to \$85 million by 1976 [27].

Such an explosion has not been matched by a corresponding reduction in sex crimes. Figure 2 compares this high pornography state with the national average and shows also the trend in a low pornography state. [Other factors which contribute to such differences will be presented elsewhere]. Pornography was becoming increasingly available throughout California in the sixties. Reports of rape increased throughout that time rather than

decreased. The overall level of reporting has been consistently among the highest in the country.

A similar difference can be detected between Queensland and South Australia. Both states were subject to federal legal changes in 1970 giving increased access to pornographic materials. However, state legislation in Queensland maintained a tighter policy than the federal standard, whereas South Australia went notably further and made hard-core pornography more readily available. Figure 3 indicates that the level of reporting of rape and attempted rape showed little difference between the states until 1971. Since that time the problem has been much greater in the state with the more liberal pornography laws. (The figures for Queensland prior to 1975 are spuriously inflated due to a policy of recording pack rapes as multiples, but a consistent policy for all states has been adopted since July 1974).

2. Major and Minor Offences

A fair comparison with the evidence from Copenhagen can be made with similar data from Los Angeles.² This city has been a focus in the United States for the production and dissemination of pornographic materials of all kinds. It has had a high density of retail outlets until the recent past when the associated crime problems have necessitated police activity to close some outlets (28). If any city were to show a decrease in sex crimes due to the availability of pornography, the effect should be most evident in Los Angeles.

In order to examine a time scale comparable to that used in Copenhagen, data are reported where available, from 1958. This antedates the pornography business and enables one to look at the trend through the sixties as pornography became increasingly available, and changed its characteristics to become more hard-core.

For the serious offence of rape, comparable records are available of reports to the police from 1960 to 1973. For the lesser sex crimes, records are not available for reports to the police. The less satisfactory "number of arrests" is also available from 1960. This figure seriously underestimates the number of reports and the relationship between the two is affected by relative pressures of other duties. For example, violent crimes as a group roughly doubled over the period 1958-73, while forcible rape represented only 5% of violent crimes.

This relationship for Los Angeles county is expressed in Table 1 where it is evident that the proportionate rate of arrests remained unchanged over thirteen years, while the number of reports increased by 76%. If this trend is occurring for such a serious offence, it is presumably even more apparent with offences such as exhibitionism and peeping.

The changing relationship between report and arrest data in Table 1 is such that a clearance rate of 28.6% for 1960 has dropped to a clearance rate of 13.9% by 1973. This relatively low figure correlates with size of city. The F.B.I. reports a relatively higher percentage of clearances from rural areas compared with city areas [29].

Information relating to minor sexual offences is recorded only in relation to arrests. In the light of Table 1 we may reasonably conclude that an appearance of no change in level represents an increase in actual offences, but pressures on police resources do not allow further deployment in this area. If minor sex offences really are going down, a dramatic decline in arrests comparable to that noted by Kutchinsky could be expected.

The major categories of sexual offences are shown in Table 2 with the number of arrests in raw figures and related to population size (rate per 100,000). Those categories with raw frequencies of typically less than 100 per year have not been included. Detailed information within the category "other sexual offences" is available only from 1965, but the overall trend for the group, which represents all sex offences other than rape or prostitution is recorded here from 1958.

There is no evidence here for a dramatic reduction in any of the offences noted. A decline in police activity due to other pressures is the most probable explanation of the slight decline seen in arrests between 1965 and 1973. Further support for such an hypothesis may be derived from a comparison of arrest rates between cities of various sizes. Arrests for sex offences in the large cities of the United States (over 250,000 population) have remained at a stable rate (51.4 in 1968 and 50.5 in 1974), whereas in smaller cities an increasing rate of arrests has occurred (from 20.9 to 25.0 in cities of 10-25,000 and from 15.0 to 24.3 in cities of less than 10,000) (29,30).

YEAR OFFENCE	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1960	1971	1972	1973	% change
PROSTITUTION AND ALLIED OFFENCES	3201 53.4	3046 50.8	3964 65.6	2748 44.1	2164 33.8	2413 36.6	2558 37.9	2234 33.0	2361 34.0	3219 45.7	3188 45.8	2944 41.9	2648 37.6	3750 53.0	3322 47.5	3954 56.8	+ 6.4
OTHER SEXUAL OFFENCES	2082 34.7	2228 37.1	2643 43.8	2267 36.3	3218 50.2	4079 61.9	4055 60.2	4135 61.1	4423 63.6	4334 61.6	2704 38.8	3707 52.7	2901 41.2	2907 41.1	3469 49.6	3783 54.3	+56.5
CRIMES AGAINST CHILDREN								491	500	416	428	361	338	354	355	346	
SEXUAL PERVERSION								219	238	188	181	213	390	385	287	291	
INDECENT EXPOSURE								403	422	404	363	821	1021	412	405	391	
LEWD CONDUCT								3099	3334	3352	1803	2305	1677	1750	2485	2826	

Table 2. Numbers of arrests for sexual offences other than rape. (Raw figures and rate per 100,000 in each cell).

Note: The four offences in rows 3-6 are selected categories from within the data in row 2.

The clearest picture to emerge is of a slight increase in arrests in the period from 1958 for prostitution [+6.4%] and a large increase for other sex offences [+56.5%]. This, together with a 76% increase in reports of rape over the same period highlights an unsolved problem.

III. Discussion

A significant relationship between availability of pornography and the level of sex crimes in the community was proposed and investigated by Kutchinsky [2]. His work has been widely quoted as making a case for removing all restrictions from pornography on the grounds that sex crimes will diminish. The catharsis theory is often invoked as a theoretical basis for such a prediction.

The only observations are open to numerous objections. The prediction of a dramatic reduction of sex crimes has not been replicated elsewhere. On the contrary, striking rises have been found in reports of rape and attempted rape in countries where restrictions have been removed [3]. These rises have occurred at such a time that they provide strong support for a link with the availability of pornography.

The evidence presented here provides further lines of evidence for the same hypothesis. Those jurisdictions which take a stand against pornography characteristically demonstrate a lower rate of reports of rape and attempted rape than do those jurisdictions when a permissive policy is adopted.

Furthermore, it is now shown from the experience in Los Angeles that there has been no dramatic decline in minor sex offences of the kind many have expected. Even though numerous factors operate to minimize the trends of recent years, a rise in level stands out clearly when compared with the pre-pornography days. The pro-pornographer's dream remains unfilled.

Such observations provide neither a necessary nor sufficient causal explanation for the continuing rise of sexual offences. Other factors such as city-size, racial differences, and the general growth of violent crime may be cited as confounding factors. These elements will be considered elsewhere.(28).

Apart from such specific variables, one must recognize that the growth of pornography and its wide dissemination in the community have both mirrored a social change and helped to create further change. It would be methodologically impossible to disentangle the reciprocal influence of pornography, together with other sexually explicit materials, and other changes in sexual mores.

What does emerge as a common component in both pornography and those sex offences discussed above, is the interrelationship of sexuality and hostility. It is that perversion of sexuality which seeks to hurt rather than be tender, to lust rather than love which provides the dynamic for many sexual offences (31). It is that same element which characterizes so much of pornography (23, 32).

The wide availability of pornography, together with the less extreme materials whose common theme is of dehumanization, exploitation and hedonism without concern for consequences, provide a source of fantasy materials which can not only trigger an anti-social response from the sexually disturbed, but also minimize concern from the rest of the community at the violation of women and children.

Summary

Predictions that the growth of available pornography would lead to a reduction in sex-crimes are examined. The causal nature of the association is examined critically and an association comparable to the instigating influence found with violence material is advocated. Evidence from diverse contexts shows an increase both in serious and more minor sex offences in those places where a liberal approach to pornography has been adopted. Regions where a more restrictive policy to pornography has been adopted do not show this increase.

FOOTNOTES

- ¹ Prepared while Visiting Professor at the Graduate School of Psychology, Fuller Theological Seminary, Pasadena, California, 1977. This research was supported in part by Grant 35/76 from the Australian Institute of Criminology.
- ² Appreciation is expressed to members of the Los Angeles Police Department for providing access to official records, together with helpful comments about their limitations. Interpretation remains this author's responsibility.

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Fig. 1. Rate of reports of rape and attempted rape received by police — Tokyo and Japan.

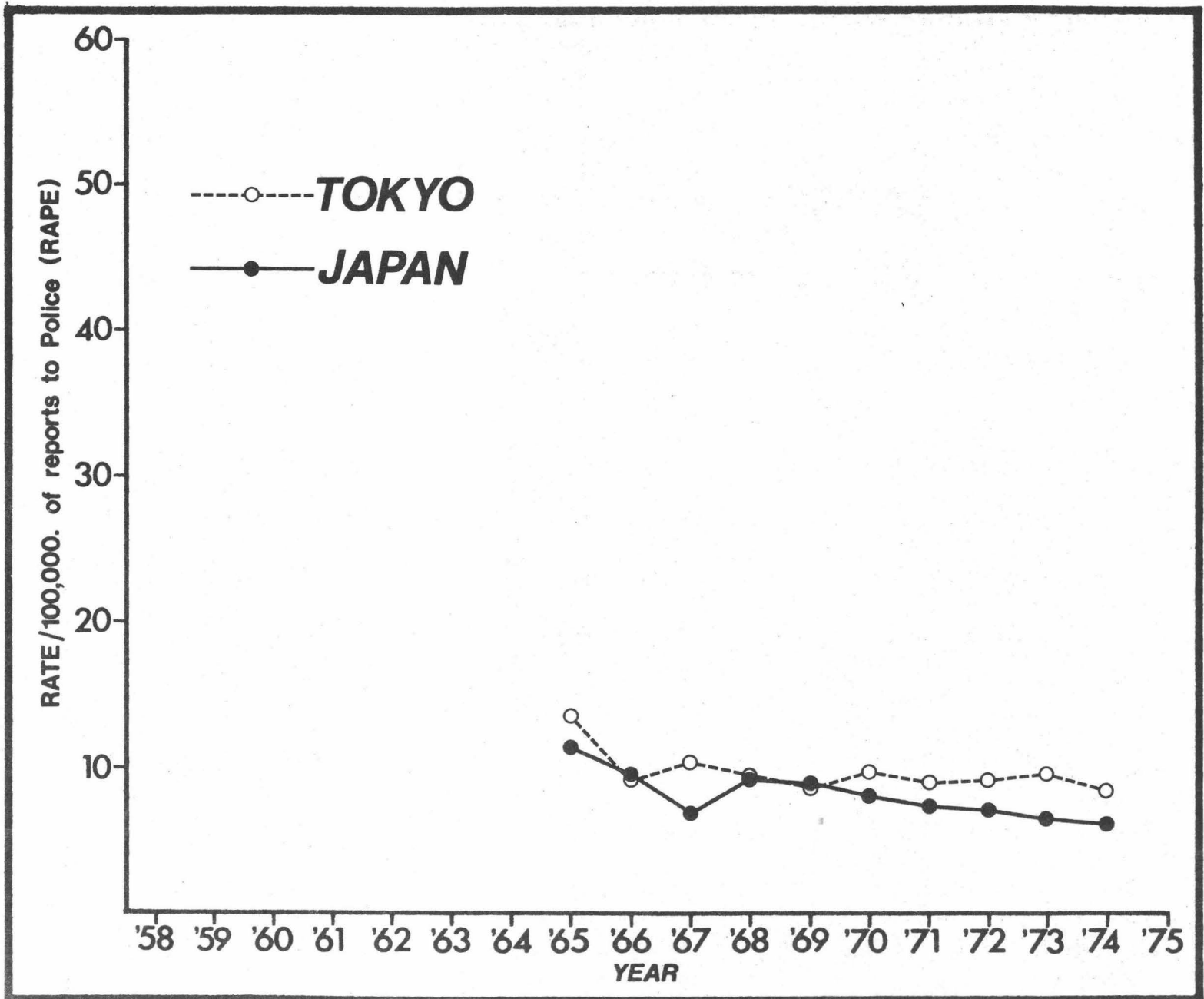


Fig. 2. Rate of reports of rape and attempted rape received by police. California (High-porn) compared with North Dakota (low-porn) and the U.S. national average.

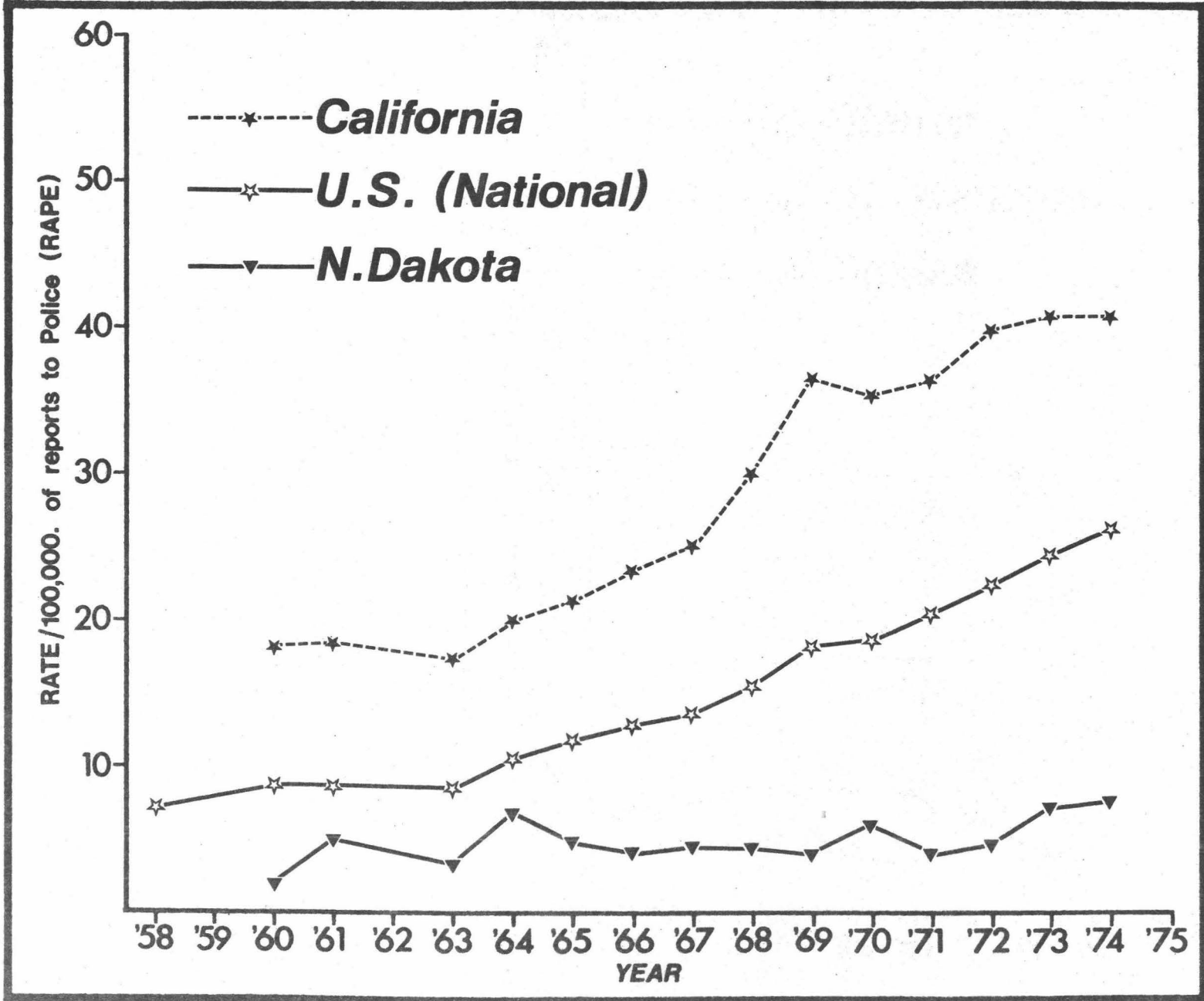
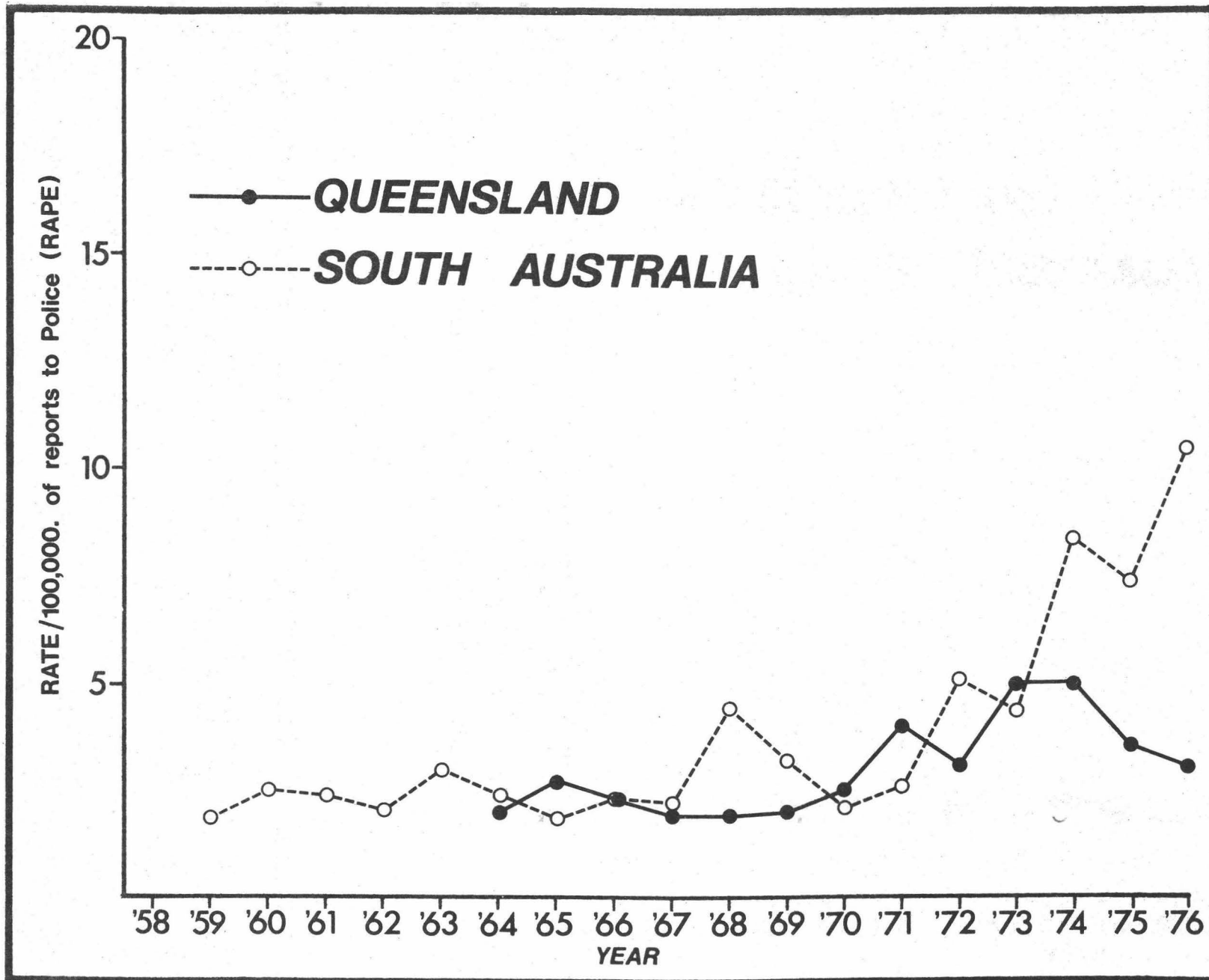


Fig. 3. Rate of reports of rape and attempted rape received by police -- South Australia and Queensland.



REPORT NO. 7

Report No 7



The Flinders University of South Australia

BEDFORD PARK SOUTH AUSTRALIA 5042
TELEPHONE 275 3911

School of Social Sciences

12th October, 1977.

Mr. W. Miller,
Criminology Research Council,
P.O. Box 28,
WODEN. A.C.T. 2606.

Dear Mr. Miller,

I have at last received a reply to my enquiries of Dr. Kutchinsky regarding the paper over his name contained in Report No. 7 to the Council.

In the light of his reply I think it important that the report should be modified to note that Dr. Kutchinsky does not accept responsibility for the paper entitled "The effects of not prosecuting pornography".

While my critique is, I believe, fair regarding the content, it would not be appropriate to take this as Dr. Kutchinsky's work even though his name is attached to it and it does refer to his research.

A quotation from Dr. Kutchinsky's letter to me (dated October 5, 1977) will establish the rather unsatisfactory credentials of the report

"I have not written an article on "The effects of not prosecuting pornography". Most unfortunately, an article of that name was published in the British Journal of Sexual Medicine in April 1976, and my name was placed as if I were the author of that article. That was a serious mistake. The article was written by Dr. E.J. Trimmer, the Editor of that journal, who had interviewed me about one year earlier. Dr. Trimmer thought he had sent me the manuscript for correction (which he had not) and that my lack of answer was equal to acceptance. I could not persuade him to publish the fact that he and not I had written the article, but he did take in a note in the next issue correcting some of the worst errors as being due to "the editing".

I cannot take any responsibility for the article and ask you not to quote it."

Would you kindly attach this information to the reports you have received. I shall meantime now I know the source, seek out the note referred to in a later issue and published by way of correction.

Yours sincerely,

J.H. Court.

Marie.
Pl. file a pass to Mr. Bks
R
14/10/77

Criminology Research Council: Report No. 7.

(Grant 35/76)

On the prosecution of pornography

Dr. J.H. Court
School of Social Sciences
Flinders University
Bedford Park. S.A. 5042

The research findings of Dr. Berl Kutchinsky on the consequences of changing the laws relating to pornography have generated world-wide interest. The influence of his work has been greatly extended by quotation by others who have accepted his findings uncritically. A number of the assertions presented by Dr. Stürup when he visited the Australian Institute of Criminology in November 1975 were based on Kutchinsky's work (see AIC Report 31 by C.R. Bevan).

My own findings have largely been very different from his. Since the legislative conclusions from our data are diametrically opposite, a careful analysis of the data-base for both positions is important.

The following report relates to a paper published (apparently) in 1976 in a medical journal. On receiving a copy, I prepared the attached response but was unable to submit it for publication as it has not yet been possible to locate the source. The article is not cited in Index Medicus. It clearly comes from one of the commercial journals published for the medical profession. I have twice written to the author for full identification of the article, but have received no reply. I therefore submit the original and my response as a report for the information of the Council.

RESPONSE

Some Side-effects of not prosecuting pornography

Who would believe that sales of chloral hydrate provide a good measure of use of tranquillisers in 1976? Who would believe that evidence on the numbers of tonsillectomies performed in Liverpool has anything to do with the incidence of malaria in West Africa? No-one in the medical profession would be so misled.

How many readers gave uncritical acceptance to Berl Kutchinsky's comments on pornography? (The Effects of NOT prosecuting pornography). The following is intended to indicate that his optimism is misplaced, and suffers the same fallacies as the questions above. In essence his argument was that if only Britain would stop prosecuting pornography, interest and demand would quickly and painlessly show spontaneous remission. Such an effective and inexpensive cure is beguilingly attractive. There is, however, much more to be said, even if one relies only on his own data.

1. His paper is a rewrite of a paper which was originally presented to the International Publishers Association in 1972 and subsequently published in the International Journal of Criminology and Penology. He admitted then that the content referred to data-collection only up to 1969 - the year when the changes in Danish law were completed. He then predicted the demise of pornography. Seven years later it remains alive and well - how embarrassing!

2. He concludes from his evidence of a decline in production in 1969 that "the porno wave was over". Is it really true that one can measure a decline of interest in pornographic publications because the publishers no longer print "Fanny Hill"? In reality, the drop in production was an outcome of gross over-production of erotic novels of that kind when the publishers saw the maximum chance for high prices. Kutchinsky admits this but fails to add here that many of the publishers failed to keep pace with the rapid change in tastes towards more perverted material which occurred after 1967, so that, since his study finished, the market has changed radically.

A better appraisal comes from one of the best-known porn producers, Maurice Girodias. He was interviewed in 1971 on the transition which had occurred and said that "the transformation happens more quickly with Protestant countries like Sweden and Denmark, more slowly with the Latin countries ... he likes such protracted revolutions since he can then do the most profitable business. He admits that in Holland and Denmark, with their small populations he was overtaken by the sexual revolution and his books were already obsolete before they came out, weakened and desexed by the sudden torrent of stronger game".

3. Reduced production of erotic novels tells us nothing of the increased production of the glossy magazines advocating sado-masochism, bestiality, incest etc. which are now the staple diet of porn readers. Strangely, Kutchinsky has omitted from his present paper his admission in the earlier version which read "Another factor which undoubtedly contributed to the remarkable reduction in the sale of pornographic books was the increased sale of pornographic picture magazines. In a certain sense, these magazines took over where the books left off."

4. He has yet to acknowledge that to count how many books are produced in Denmark in 1969 has little or nothing to do with actual consumption there and elsewhere in succeeding years. How many porn shops in other countries including Britain are now stocked with Danish porn? And how much porn is now also being produced in other countries, with some of it imported to Denmark? These are the questions which need answering. Denmark's decisions have had international repercussions. He admits that "underground publications, pirate editions and foreign imported pornography were not included" in his count. That they now form a significant market

is intriguing in the face of his general argument that there is little demand anyway! The growth of the porn industry in places like Amsterdam and Australia has followed the Danish no-prosecution policy.

5. How thorough was his survey of consumption of pornography? "Research on the consumer side in Denmark has been confined to Copenhagen involving a survey of 198 men and 200 women, aged over 18 and interviewed in 1969". How many doctors would accept a drug firm's evaluation of the Pill as adequate after testing on a sample of 398 people? Surely we need better evidence before we ignore a multi-million dollar industry.

6. Kutchinsky repeats his oft-quoted finding that child molestation went down after 1965. He may be right; how would have been fairer to say the number of reports dropped. It would have given a still fairer picture if he had also mentioned that rape reports went up - and up. He might also have wondered why venereal disease has escalated over the same period (gonorrhoea rising from 7,752 cases in 1963 to 15,646 in 1971). These are the kind of side-effects that were always suspected and are now being confirmed in many other countries besides Denmark.

7. The bland assertion that Danes became familiar with porn and "the satiation point was quickly reached" sounds as if it is based on substantial evidence. Reference back to his earlier paper reveals that he actually failed to appreciate the difference between saturation (how many people had ever seen porn) and satiation (individuals seeing as much as they wanted). Following his reasoning we would conclude that since, say, 95 per cent of the population has drunk alcohol by the age of 21, satiation has now occurred and there is no longer a market for beer. That doesn't sound right!

It is a pity this section of his paper has now been abbreviated because the earlier version included the honest comment on readership that "this estimate, however, should not be taken too seriously."

8. A documentation of the "complete departure of the 'international porn Mafia' from the scene in Denmark" is called for. A personal visit to the Danish police in mid-1974 confirmed for me that the machinery was still working very efficiently then. Police in Australia assure me that the advent of porn has attracted similar influences. A grand jury in New York in April 1973 reported that 90 per cent of pornography was tied up with organized crime. Britain would be unwise to believe with naive optimism that it can escape the same influence when the possibilities for exploitation are so attractive.

9. If Britain were really to take Kutchinsky's advice and stop prosecuting it would be not only unwise but illegal. Denmark changed its approach only after withdrawing as a signatory to the International Convention for the Suppression of the circulation of and traffic in obscene publications. The United Kingdom remains a signatory to this Convention which makes it a punishable offence to

"make or produce or have in possession obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects".

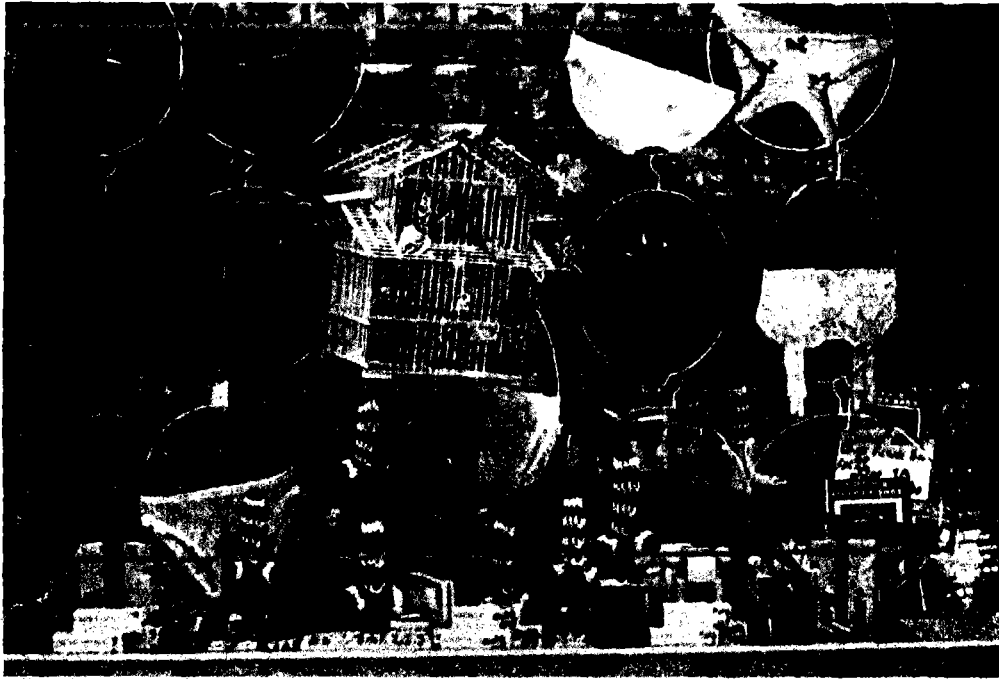
10. Evidence since Kutchinsky stopped collecting data in 1969 clearly indicates that his predictions have not come true. There is evidence which suggests the harm one always suspected does in fact occur. The links are as tenuous as those between smoking and lung cancer. In these

circumstances the classic medical principle "primum non nocere" applies.

And, in the light of the international agreement noted above, those practitioners who have come to believe in the therapeutic value of porn should consider the ethics involved in breaking the law by introducing it to their patients.

The Effects of Not Prosecuting PORNOGRAPHY

By Berl Kutchinsky



The window of a porn shop in Copenhagen.

With reference to the general availability of pornography, the UK finds itself very much in the same stage as Denmark was in 1968.

The Danes reaction to pornography resembled the way they took to bananas after suffering the deprivation of World War Two. When the banana boats started bringing in their cargoes again, everyone was eager to buy. But after a few months satiation point was reached—and the banana took over its modest position among the daily consumables of the country.

During the years 1963 to 1968 there was a huge upsurge in production and

consumption of erotic literature in Denmark. At least 5,600,000 books belonging to the categories "pornographic, erotic realism or sexual education" were printed in the country—a figure greater than Denmark's population.

This terrific porno harvest was not, as often thought, the consequence of legislative changes, but was rather the combined result of a provocative publishers' policy and permissive court practice.

In the year when the penal law ban on pornographic literature was repealed—and therefore at a time when publicity for this kind of

publication was stronger than ever—production reached a peak. Most of Denmark's population became to a greater or lesser extent, familiar with it. But because interest was mainly based on curiosity rather than genuine need, the satiation point was quickly reached.

Two facts become prominent when one views the relationship between law and eroticism in a general perspective. Firstly, in nearly every country the law is used to suppress eroticism in varying degrees; and second, there is nevertheless a general tendency in most countries towards a disengagement of the law in this field.

In Denmark the situation took a crucial turn in 1967 when Parliament decided to abolish all restrictions on pornographic writings. This step—itsself part of the universal movement towards greater freedom of sexual expression—undoubtedly also became a factor which provoked similar developments in other countries.

To some authorities and people in those countries, Denmark's trend was regarded mainly as a nuisance—a course of "smut" sweeping across borders. Many other people saw it as a natural experiment in liberalism which offered a lesson that might be useful in their own planning.

Until 1967 Denmark's penal code laid down punishment from fines to imprisonment for the production or distribution of "obscene publications". The interpretation of "obscene" has often been in dispute, but prosecutions in Denmark were mainly concerned with writings in which the erotic descriptions were of a considerable "gravity" (that is hard-core pornography) and which were lacking literary, artistic or other cultural values.

A fundamental change in the legal view came in 1964 when two publishers prepared a Danish edition of John Cleland's "Memoirs of a Woman of Pleasure"—a book which had been the subject of an obscenity conviction in 1958. The Danish version, under the title "Fanny Hill", was acquitted by the Supreme Court.

This finding threw considerable doubt on what could in future be considered obscene and led to Denmark's Minister of Justice asking the Permanent Criminal Law Committee to consider the whole question of pornography.

The Committee presented its report in 1966, recommending a total repeal of the ban on pornographic writings.

Two years after Parliament had acted on this, it was decided to carry the liberalisation a step further by repealing the remaining restrictions on pornographic pictures and objects, except for the sale of such material to anyone aged under 16.

While these legislative changes were a consequence of the changing views on the necessity of engaging the law in the protection of decency and morality, an influential factor was the number of erotic books flooding the country.

Some of these books were used as

pile drivers against the crumbling walls of the relevant Penal Law. In other words, the repeal of the ban on pornographic literature in 1967 was a consequence of an enormous production of pornographic books, rather than a cause of such production.

This fact, not well-known outside Denmark, is borne out by information obtained through questionnaires sent to all publishers in Denmark who might have issued any kind of "pornographic, erotic realism, or sexual education literature".

Of the 146 publishers approached, 20 had published books within the categories mentioned. And in the period covered by the questionnaire—1953-1969—a total of 7,211,000 such books were published in the country. Underground publications, pirate editions and foreign imported pornography were not included.

After a wave of books beginning in 1955 with Jean Genet's "The Diary of a Thief", Henry Miller's "The Rosy Crucifixion" and Ragnar Mykle's "The Song of the Red Ruby", a decline set in towards the end of the fifties. After 1961 a new wave started, based mainly on some books by Danish authors.

From 1965 the increase turned into a steep upsurge. In 1966 the production figure of erotic and pornographic literature passed the million mark and the following year—in 1967, the year of the repeal—the peak was reached with an output of 1,405,000 copies of erotic fiction books.

In the same year, 242,000 sex education books were produced, their popularity being attributed to the inclusion of numerous photographs of coital positions.

The year 1968 was the second largest year in terms of production (1,208,000 erotic fiction books) but the following year showed an impressive drop, only 116,000 such books being produced in 1969. Denmark's porno wave was over.

The reason for the tremendous drop in production of these books in 1969 is attributable, firstly, to the population's satiation with pornography during the mid-sixties and, as a consequence, the considerable over-production of such books in 1967 and 1968.

As a result, many publishers were stuck with large quantities of unsold books which were later cast on the

market at prices often marked down below production cost.

Research on the consumer side in Denmark, has been confined to Copenhagen, involving a survey of 198 men and 200 women, aged over 18 and interviewed in 1969.

No less than 87 per cent of the men and 73 per cent of the women admitted having read at least one pornographic book. But the average number of books read by all respondents in the survey was estimated at 13.1 per person.

Although men tended to read more pornography than women, the difference was not very striking. For example, while 40 per cent of the men admitted reading two to nine such books, the figure for women reading similar numbers was 33 per cent.

The reading of at least 10 pornographic books was more often found among young men than among middle-aged and older men. Among males aged 18-29 years, 48 per cent had read at least ten pornographic books as against 29 per cent who were aged 30 or older. An unexpected outcome which emerged from an analysis of the high availability of hard-core pornography in Denmark was a considerable decrease in at least one type of serious sex offence, that of child molestation.

Between 1965, the first year of hard-core pornographic pictures, and 1969, the number of cases of this type dropped from 220 to 87. In 1974 a further reduction occurred and almost a zero level reached now.

Nearly all pornoshops not situated in tourist areas have gone out of business. Live "sex shows" have virtually disappeared from Denmark due to police action. In this instance, the police are ostensibly acting in defence of public health and fire regulations, although there is a certain amount of Government pressure being brought to bear on Chiefs of Police so that Denmark does not enjoy the dubious honour of being the Porn Centre of Europe.

One of the results of the Danes' way of dealing with pornography generally has been a complete departure of the "international porn Mafia" from the scene in Denmark.

If the "porn wave" in Britain follows the Danish pattern, a substantial resolution of the problem, occurring spontaneously and without Governmental involvement or expense should occur quite soon.

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CLASSIFICATION OF PUBLICATIONS -

A BOARD SIMULATION EXPERIMENT

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At no time since its creation has the Classification of Publications Board taken steps to ascertain the views of 'reasonable adult persons' in regard to the classification of pornography. This study was therefore initiated for a dual purpose. The first, to ascertain whether the Board is, in fact, classifying pornography in accordance with the wishes of the public. The second, to ascertain how the adult population of South Australia would classify pornography if informed of recent research indicating that there may exist a relationship between this type of material and sexual crime. In order to investigate these aims, individuals and groups within the community were approached and asked if they would be prepared to take part in a study of this kind. The results clearly indicate that the Board is not acting in accordance with public opinion and that the public would impose a tighter control on the availability of pornography.

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Introduction

In recent years there has been widespread advocacy of the principles that "adults should be free to see, read and hear what they wish", this libertarian principle being derived from the philosophy of John Stuart Mill (1859). This position is commonly associated with certain caveats, including the principle that members of the public have the right to protection from exposure to material which they would find offensive, and that children should be protected from unsolicited materials which could be deemed offensive. In addition, the question of harm arising from exposure to certain materials is judged by many to be an important consideration.

The extent to which people subscribe to the libertarian view was investigated for the U.S. Presidential Commission on Obscenity and Pornography which presented its Report in 1970. Two technical reports (Abelson, Cohen, Heaton and Suder, 1971; Lo Sciuto, Spector, Michels and Jenne, 1971) were followed by a more readily accessible account (Wilson and Abelson, 1973) which analysed data obtained from 2,486 subjects in the U.S. This study, intended to constitute a national probability sample, provides the fullest data currently available on attitudes to sexual materials, though there are a number of technical limitations to the study necessitating cautious interpretation (Court, 1978).

The study is important in showing that the concept of an agreed "contemporary community standard" cannot be supported as attitudes vary according to a number of demographic variables. The limitations of this approach have also been emphasised by Wallace (1973) and Court (1975). Not only did Wilson et al (1973) demonstrate that adult attitudes are a function of age and educational level, but it has also been shown that socio-economic status (Higgins and Katzmann, 1969; Katzman, 1971), religiosity, political activism and degree of media

consumption (Wilson and Abelson, 1973; Wallace, 1973) affect people's judgements about what they deem offensive or acceptable.

Nonetheless, the South Australian Government in seeking to give expression to the libertarian principle, enacted the S.A. Classification of Publications Act, 1973-74 to remove all censorship. The terms of reference of the S.A. Classification of Publications Board, include reference to classification decisions based on the views of "reasonable adult persons", following thereby the concept of some abstract community standard.

The guiding principles of the Act are:

- (a) ... "that adult persons are entitled to read and view what they wish, and
- (b) ... that members of the community are entitled to protection (extending both to themselves and those in their care) from exposure to unsolicited material that they find offensive". (Section 12).

The Classification Board comprises (in accordance with Section 5 of the Act):

- i) a legal practitioner;
- ii) a person skilled in the field of child psychology;
- iii) a person with wide experience in education; and
- iv) three persons who possess, in the opinion of the Governor, other proper qualifications to participate in the deliberations and functions of the Board.

The Classification of Publications Board is charged with the responsibility of carrying out the provisions of the Act in such a manner that would achieve a reasonable balance in the application of the above principles. To do this the Act authorises the Board to assign any one of three distribution restrictions to pornographic

publications. These restrictions are set out in Section 13 of the Act, but briefly are as follows:

- i) if in the opinion of the Board a publication describes, depicts, expresses or otherwise deals with matters of sex in a manner that is likely to cause offence to reasonable adult persons, or is unsuitable for perusal by minors, then the Board shall classify that publication as a 'restricted publication';
- ii) if the Board considers that to impose conditions in respect of a publication could not give proper effect to the principles that the Board is bound to apply, then the Board may refrain from assigning a classification for that publication; and
- iii) if, in the opinion of the Board, a publication is unlikely to be offensive to reasonable adult persons and is not unsuitable for perusal by minors then the Board shall classify that publication as suitable for unrestricted distribution.

In respect of a restricted publication, the Board is authorised to impose all or any of six conditions regarding the sale, delivery, and exhibition or display of that publication. These conditions are set out in Section 14 of the Act and give rise to the classification levels, in order of increasing severity, of ...

- (a) A,
- (b) AB,
- (c) ABC,
- (d) ABCD,
- (e) ABCDE.

On assigning a certain classification level to any publication, the Board not only must achieve a reasonable balance in the application

of the principles cited above but must also "...have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons" (Section 12, Clause 1).

The terminology of 'reasonable adult person' is used throughout the Act; yet, when considering what is offensive to or acceptable by reasonable adult persons the Act provides no means by which the Board can ascertain the views of such persons and thus base its judgements for classifying pornography, as set out in Sections 13 and 14 of the Act.

Since the Board undertook this task, there have been indications from time to time by various individuals and community groups that the Board is not accurately reflecting the views of reasonable adults. On behalf of the Uniting Church of S.A., Dr. G. Scott wrote to the Premier seeking advice on the basis used by the Board for determining its criteria. In his reply, the Premier (D.A. Dunstan) indicated that the Board did not have access to any evidence on accepted standards in South Australia, but based its views on evidence from elsewhere (Central Times, 1978). In addition, it was recognised that individual members of the Board held their own subjective views while seeking collectively to come to an objective consensus.

There are several difficulties in achieving a consensus by the Board which corresponds to the views of the wider community. Firstly, as already indicated, no such consensus can be shown to exist. "There does not exist anything approaching consensus in attitudes regarding the availability of sexual materials" (Wilson and Abelson, 1973). Secondly, while one might achieve some approximation to community views by sampling according to those variables known to affect attitudes, the selection criteria of Section 5 of the Act ensure that Board members are not representative. They are chosen for some type of expertise or special

interest. They are certainly not selected to represent such demographic variables as age, education or socio-economic status. Thirdly, by virtue of continued service on the Board, members become increasingly exposed to pornographic materials to a level beyond that experienced by the average citizen. Such exposure necessarily affects judgements such that one could expect criteria to shift over time irrespective of any changes in the wider community. Evidence that this may have happened appears in the First Annual Report of the Board, tables in 1978 after three years of operation.

"The Board believed that community attitudes now equated heterosexual and homosexual conduct in pornography

It seemed to the Board that community standards in fellatio and cunnilingus have moved into the conventionally accepted behaviour pattern of the community and that therefore less severe restrictions were now warranted."

In the absence of evidence to demonstrate that community opinion has in fact changed, one may equally hypothesise that the changes have occurred within the Board, either through a gradual shift in attitudes of existing members, or through the infusion of new thinking by changed membership of the Board (two members changing in April, 1977).

Fourthly, the appointment of the Board by the Labor Government means that members are more likely to represent the views of that party than the community as a whole. Speaking in Parliament (September 13, 1978), one Opposition member, Mrs. Jennifer Adamson, expressed the view that "the Premier simply appoints to the Board people whom he knows share his libertarian views and lets them get on with the job." Such a view can be evaluated in the light of the opinion expressed by the chairperson of the Board (Judge Robyn Layton) who, when asked on A.B.C. radio in March 1978 whether the members of the Board were 'fairly radical' said:

"Possibly at the moment it is, but it has not always been that way I think radical is the wrong word but it is probably slightly to the left of being moderate we are not radical by any means."

One may hypothesise that the combined effect of these four factors would be for the Board to make decisions more liberal than those which would be made by any group of citizens chosen to represent a spectrum of adult opinions. However, in the absence of evidence to the contrary, neither the Board, nor anyone dissenting from the Board's opinion is in a position to assert that the standards of the Board diverge from those of reasonable adult persons.

It was therefore the aim of the first part of this study to provide a form of machinery to enable the Board to become aware of the views of 'reasonable adult persons' by asking groups of subjects to simulate as closely as possible the task undertaken by the South Australian Classification of Publications Board.

Experiment 1. Board Simulation - Method

Subjects. Due to the nature of this study two requirements needed to be met by subjects. The first was that they should be 18 years of age or over and the second that they were aware that they would be viewing pornography. All subjects were volunteers who were obtained from contacts throughout the community and as far as possible representative of the community. Subjects included people from student bodies, parent organisations, youth groups, community service clubs, church organisations and sporting organisations. For details of the extent to which these subjects are representative of the population of South Australia, see the 'discussion' section below.

One-hundred and three (103) subjects participated in this study. Of this number 51 were male and 52 female. Table I gives a complete breakdown

Insert Table 1 here

of subjects into age, marital status, subjects with children and age range of children, education and previous exposure to pornography. The subjects took part in the study in one of 14 groups. Twelve groups were drawn from different areas of the Adelaide metropolitan area, together with two groups from outside this area. All groups consisted of six to ten subjects.

Apparatus. Twelve magazines were used throughout the procedure. Each magazine had been before the Classification of Publications Board but classification markers had been removed for the purpose of this study. The experimenter administering the procedure was also unaware of the Board's classifications for each magazine. Only after data collection was completed were the Board's classifications revealed. The 12 magazines represented a cross-section of those available on the South Australian market in the middle of 1978 and as a result the magazines also represented a cross-section of classification categories from 'U' (unrestricted distribution) to 'ABCDE'. For ethical reasons no magazines which had been refused classification were included. For the titles, together with the classifications and numbers assigned to each magazine, refer to Appendix A.

Procedure. An identical procedure was used for each of the 14 groups. Each member of the group was given three sheets of printed material. The first was an introductory sheet explaining briefly what the study was attempting to achieve and the way in which the study would be conducted (refer to Appendix B). The second set out Sections 12, 13 and 14 of the Act (refer to Appendix C). The third was a response sheet on which the subjects could indicate their age, sex, marital status and level of education and on which they could give their response to the Board Simulation task (refer to Appendix D).

The experimenter read aloud the introductory sheet and the relevant sections from the Act. It was made clear to the subjects that their task was to simulate the activity of the Classification of Publications Board by using as their criteria for classification Sections 13 and 14 of the Act while keeping in mind the principles set out in Section 12 of the Act. Subjects were asked that during the course of the proceedings they act independently of one another and refrain from any discussion until the completion of the task. Subjects were then given 15 minutes to peruse the 12 magazines provided so that they might gain an overall impression of the range of materials to be judged. The magazines were placed on a table around which the subjects sat. Subjects were thus able to pick up randomly a magazine and peruse it. At the conclusion of the 15 minute period subjects were asked to begin classifying having gained an overall impression of the magazines before then.

In order to quantify subjects' responses, each classification category was assigned a numeric equivalent as shown in Table II, such that increasing degrees of restriction were associated with increasing

Insert Table II here

numerical values. It was reasoned that the numeric equivalent should also increase. Equal intervals between classifications were assigned in the absence of evidence for any alternative.

Results

Classifications assigned by this group of subjects are closely similar to those assigned by the Board.

Insert Figure 1 here

Figure 1 indicates that classifications of increasing restriction assigned by the Board are matched by the subjects in the sample. A significant correlation was obtained using Kendall's rank correlation coefficient ($r = +0.77$; $df.22$; $\alpha < .001$). There is a separation, however, with respect to the levels of classification assigned with the present sample typically using more restrictive categories ($t = 2.29$; $df.22$; $\alpha = .025$).

Discussion

The first important finding from this study is that a group of subjects, many of whom had had little prior contact with pornography, was able to make discriminations between different categories. These discriminations were similar in type to those assigned by the Board. The correlation of $+0.77$ may be taken as an indication of good validity of judgement by these subjects.

Secondly, although there is a close similarity between the way in which the Board and sample population rated the 12 magazines, the Board's classifications are significantly more liberal than those of this sample of 'reasonable adult persons'.

While in general the sample gave a stricter classification for most magazines than did the Board, Figure 1 suggests some agreement for magazine numbers one, three and ten. It must, however, be allowed that the closer the materials came to the upper end of the classification range, the greater becomes the problem of attenuation. Subjects wishing to be restrictive of material labelled ABCDE by the Board could only assign the same classification or an 'R' classification. It is therefore useful to examine how subjects chose to respond at this upper end of the range. Table III summarises this information.

Insert Table III here

For publication one 55.5 percent of the sample population classified at a higher level than the Board. For magazine numbers three and ten 41.8 and 40.8 percent of the sample population classified at stricter levels than the Board. Clearly, as the Board's classifications approach the upper limits of the available range, subjects in the sample became less able to adopt a stricter classification. Hence an artificial narrowing of the gap has occurred. To test what would happen if the sample were given unlimited freedom to extend its classification categories beyond the present upper limit R (classification refused), an 'extrapolated linear regression' was applied to the results represented in Figure 1. This result is represented in Figure 2. It is clear that given unlimited

Insert Figure 2 here

classification categories the sample's reaction to pornography would not only differ from that of the Board but the gap would actually widen in relation to the more restrictive categories.

Classification trends for the major sub-groups of the sample were examined to discern any differences within the sample which might suggest that the term 'reasonable adult person' is too broad. The parameters of age, educational level and sex were open to examination. A rough indication of socio-economic status was available through the location where testing was carried out, though this was contaminated by some subjects being tested outside their own home area, as well as by the general limitations of such data.

A significant age effect was found ($t = 2.33$; $df.11$; $\alpha = .05$) with the 50+ subjects being more liberal than the younger subjects (aged 18-29). This finding is in contrast to Wilson and Abelson (1973) who found younger subjects typically more liberal.

Educational level did not affect judgements significantly. This may be because more than half of the total sample identified themselves as tertiary educated. Many subjects who identified themselves as tertiary educated were in fact referring to trade and apprenticeship training so this category may lack discrimination due to ambiguity. There was a slight but non-significant tendency for males to be more liberal than females, a trend found by Wilson and Abelson (1973). With socio-economic status, the fifth quintile group ($t = 2.96$; $df. 11$; $\alpha = .05$), this finding being consistent with reports that upper-SES groups are generally more liberal (Higgins and Katzman, 1969; Katzman, 1971). (See Tables IV and V).

Since this group as a whole has differed significantly in its judgement about level from the Classification Board, and since some within-group differences indicate that the adult population is not homogeneous, the question arises as to how far the present sample can be taken as representative of the wider population.

In order to determine this an age by percentage of population tabulation for both males and females was calculated and is shown in Table VI. Not only is the sample representative of the adult population of South Australia ($\chi^2 = 11.77$, $df. 13$, $\alpha = .05$), but the male and female samples are representative of the male and female adult population of South Australia ($\chi^2 = 4.93$ and 6.85 respectively, $df = 6$, $\alpha > .05$).

The locations in which the 14 sample groups were tested were related to Stimson and Cleland's (1975) socio-economic breakdown of the Adelaide metropolitan area, as represented in Figure 3. It can be seen from this

Insert Figure 3 here

figure that the groups sample the various quintiles within the Adelaide metropolitan area, as well as drawing from the nearby rural community.

A necessary limitation to the representativeness of the sample is that all subjects were volunteers. It is difficult to know whether a

bias has resulted from this, and if so, in which direction. Two opposite effects were noted which may compensate for one another. In seeking volunteer groups, requests were initially made in the University, from school parent groups, and through the National Council of Women. Then in order to offset a possible bias of social and education level, approaches were made to a sporting group and to young people in a low SES area. Only one refusal was obtained, viz. from Women's Electoral Lobby, who feared the study might be biased. To the extent that they declined to participate, such a bias is acknowledged. On the other hand, if one predicts a generally liberal rating from that group on libertarian grounds, this may be offset by a number of people who on becoming aware of the task to be performed, declined to participate. These were typically older people of conservative temperament who on seeing the magazines to be classified were unable to continue. The loss of such people from the sample may explain the unexpected finding of a more liberal average rating from among the older subjects.

One further possible bias deserves comment. No measure of religious affiliation was obtained. When individuals volunteered to bring their friends together, they were requested not to invite simply those who might share their own view on pornography, whatever that might be. Nonetheless, those with religious convictions would tend to have friends with similar views. Therefore efforts were made to compensate for what might be an important bias in two ways. Firstly, through contact with individuals and groups where religious interests would not be over-represented (e.g. school parents, sporting) and secondly through the inclusion of two university student groups. Wallace (1973) in a study which specifically acknowledged a liberal bias to his results, found that 'religiosity' was a significant variable towards conservative judgements of offensiveness and against acceptance. This was in contrast to his 'student' category which proved most accepting and judged materials least offensive. In the

present study, the average judgements by the tertiary group (52% of the total) were all more liberal than those of third year educational level (15%).

Such considerations make it unlikely that the present findings arise from any major bias in the sample. Differences between the Board's judgements and those of this group more probably represent an inherent bias in the Board for the reasons noted above. It is nonetheless worth considering a replication of the present study with a more detailed attention to gaining a representative sample of the population, including broader representation of the rural community.

Experiment 2. Informed Public Task.

Over the past decade there has been a great deal of discussion as to whether pornography is harmful to community standards and in part responsible for the increasing sexual crime rate. In 1970, the United States Presidential Commission Report on Obscenity and Pornography effectively gave a clean bill of health to pornography when it stated that:

"in sum, empirical research designed to clarify the question has found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults. The Commission cannot conclude that exposure to erotic materials is a factor in the causation of sex crimes or sex delinquency"

(page 32).

Many academics, governmental leaders and members of the general public were accordingly influenced. Yet, despite this wide acceptance others remained unconvinced. Researchers such as Gillette (1973), Court (1977(a), 1977(b)) and Brown et al (1976) continued to investigate the possible effects of pornography and with the passage of time and a continued build-up of knowledge these researchers and others began to be concerned that

pornography was not the harmless or even therapeutic tool that the U.S. Commission Report heralded it to be.

In the eight years since the U.S. Commission Report, citizen groups in many countries have become concerned about the possible adverse effects of pornography and have campaigned against its continued availability. Such concern is demonstrated here in South Australia by groups such as the Young Women's Christian Association, the Commission for Social Justice of the Uniting Church (Central Times, 1978) and the Status of Women Committee of the U.N.A.A. Wilson and Abelson (1973) showed quite clearly that 56% of their American sample believed that pornography led to a breakdown of morals. Their study showed that 49% of the sample believed that pornography would incite certain individuals to commit rape.

In summarising public attitudes to the availability of pornography in their report to the Commission, Abelson et al (1971) concluded that

"public sentiment is more on the side of restriction than on the side of availability. The consensus seems clear in some respects. People favour controls over availability as follows: No erotic depictions on television, whether as entertainment or as part of the story; No erotic materials available, should it be demonstrated that these have harmful effects on people; No erotic materials readily available to young people." (p.5).

The libertarian position has been maintained on the basis that no harm will arise from making pornography available to adults. The position appeared to derive support in 1970 from the Commission's conclusions, though the minority report to that Commission raised serious doubts about these conclusions. There was, for example, the Mosher and Katz (1971) study of male aggression against women which found that "the data clearly support the proposition that aggression against women increases when that

aggression is instrumental to securing sexual stimulation (through seeing pornography)" (U.S. Commission Report, 1970, p.469). Evidence accumulating since that time has strengthened the view that harm can and does arise from exposure to pornography (e.g. Donnerstein, et al (1975)).

Perhaps the most forceful statement made on the potential hazards of pornography has been made by Eysenck and Nias (1978). After reviewing all the available evidence these researchers have concluded:

".....that pornography has effects on viewers and readers can no longer be disputed, but these effects can be quite variable. It may produce titillation in some, in others it may elicit feelings of guilt or revulsion, while in yet others it may provoke anti-social sexual revulsion, or help condition them into deviancy. It may lead to marital maladjustment and sex problems, and have all manner of subtle effects, such as modifying fantasies and attitudes to one's sex partner. There is even evidence that it may lead to aggression and violence" (p.253).

Eysenck and Nias continue by pointing out that although the evidence is strong in supporting the contention that pornography is harmful to community standards, the general public has not been fully aware of this due to the tentative way in which researchers report their findings. Politicians and laymen alike have as a result tended to state that "nothing is really known" or "it is impossible to come to any conclusion" (p.254). But they add "this is not so".

It is to the issue of the layman's view of the effects of pornography that this second part of the study is directed. That is, given the opportunity of being informed of recent research findings, how would the adult population of South Australia classify pornography if given a free hand to classify as they wished? Would laypeople, acting from their own assessment of the situation, accept the libertarian view of the

research or would they respond to the evidence of potential harm?

Method

Subjects and Apparatus. As for Experiment 1.

Procedure. When all subjects in each group had finished the Board Simulation Task their 'introductory' and 'response' sheets were collected so they no longer had a record of how they had responded in Experiment 1. They were asked to retain the sheet containing the relevant extracts from the Act so that they might refer to it for this 'Informed Public Task'. Each subject was then given a further response sheet and a paper setting out a summary of the possible relationship between hard core pornography and sexual crime (see Appendix E). Briefly, this summary pointed out that should such a relationship exist, and given that reasonable adult persons are desensitized by such material, then it might be beneficial for all for pornography to be classified in the light of the individual who is the habitual user of hard-core pornography. This would be particularly important if such individuals are stimulated to such an extent by what they have seen or read that they become unable to resist the impulse to go out and re-enact their sexual fantasies with an unwilling partner.

This information was not introduced in order to direct the subjects level of classification, but merely to inform them of evidence regarding a matter they may not have considered before and discover whether prior judgements would alter systematically. Such considerations were specifically irrelevant in Experiment 1 when subjects were required to respond only to the wording of the Act. The summary was read aloud to the subjects. The subjects were then asked to re-classify the 12 magazines as they wished, free of any pressures.

Results

Figure 4 shows a close similarity between the simulated Board Task

Insert Figure 4 here

and the Informed Public Task for the sample. Using the Kendall Rank Correlation Co-efficient a positive correlation of +0.88 was obtained. This is statistically significant ($r = +0.88$; $df. 11$; $\alpha < .001$). Figure 4 also demonstrates a difference in the level of the samples ratings between the simulated and informed tasks. Using the 't-distribution for paired samples', this difference is statistically significant ($t = 6.93$; $df. 11$; $\alpha < .001$).

Discussion

The consistent move towards stricter classification in the light of the consideration of possible harm is consistent with the view that this sample would favour stricter control if there is a relationship between hard-core pornography and harm to others, as did the American sample of Abelson et al (1971). This adult sample considered that stricter classification levels should be imposed on pornographic publications than the current provisions of the Act allow. This is represented by the sample's significantly increased classification levels even beyond the levels imposed in Experiment 1.

In demonstrating their wish for stricter classification levels, the sample has also clearly shown by their discerning approach that their responses had high reliability. Rather than haphazardly classifying the magazines the sample population have shown that they clearly discriminate what they considered to be a decreasing order of acceptability of the magazines placed before them. This is shown in Figure 4 and is reflected by the fact that there is such a high correlation of +0.88 between responses on the two tasks.

Under this second condition, there is a greater tendency for subjects to use the 'refuse to classify' category, with a total of 37.3% of responses compared with 25.3% in Experiment 1. These figures compare with the Board's ratings whereby none of the publications used in this

study was refused classification.

This evident concern about the harmful consequences of pornography is consistent with the evidence reported by Wilson and Abelson (1973) on the basis of a U.S. national probability sample survey designed to provide an empirical description of the national experience with explicit sexual materials and the public's attitudes toward these types of materials. They presented a table under which certain item headings gave a percentage score of what the U.S. population saw as the effects of sexual materials. This table has been summarised and reproduced here as Table VII. This table indicates many people in the United States

Insert Table VII here

believe pornography may well have a bearing on the rate of sexual crime. This belief was based on their own experience of explicit sexual materials, since Wilson and Abelson reported that an overwhelming majority of adults reported having been exposed at some time in their life to explicit sexual materials (over 90% of men and over 80% of women). This situation is echoed in the current study where 97 of the 103 subjects (85%) reported having seen and/or read pornography occasionally or often. It is therefore possible that the adult population of South Australia has reached a similar conclusion on the effects of pornography from their own experience, to their American counterparts.

Conclusion

The adult population of South Australia, as represented by this sample, is very concerned about the impact of pornography on community standards. Experiment 1 indicates that the Classification of Publications Board's classification criteria do not correspond with the wishes of the reasonable adult persons in this sample, in that the Board's criteria

for classification are significantly less strict than those of the public. At the same time, lay subjects perform reliably in making meaningful discriminations between different types of pornography. If one takes the Board's own judgements as a basis for assessing the sample's performance, then the lay public is also capable of making valid judgements after a very brief introduction to the task.

Further, from Experiment 2 it appears that the adult population feels that there may well exist some relationship between pornography and sexual crime and if so, would like to see tighter restrictions placed on the availability of pornographic publications.

In the light of these findings, it is proposed that

- (a) the activities of the Board could be carried out effectively by lay members of the community;
- (b) the appointment of a panel in a manner similar to jury selection would create a more representative sample of reasonable mature adults. The Board will still need to function under the chairmanship of a non-voting legal practitioner, who might provide continuity of procedure while panels could change frequently;
- (c) the need for a form of restriction more severe than "refuse to classify" is needed (e.g. 'prohibited') in order to give expression to the degree of restraint desired by this sample;
- (d) recognition should be given in the Act to the full expression of the libertarian principle which acknowledges harm to others as a basis for restriction;
- (e) an annual review procedure should be established whereby the views of reasonable mature adults can be scientifically determined as a guide to those called on to classify

publications. Such a review would need to be more extensive than the present one, with attention to representative sampling of those variables shown to influence judgements.

Footnote:

On October 12, 1978, as this report was being finalised, it was reported in 'Central Times' that

"there is a lack of objective criteria for the Classification of Publications Board to determine classifications and standards of public acceptability"

to which the Premier was reported as saying that

"Finance for such research was not available".

The data in Experiment 1 represent an attempt to provide the feedback necessary for the Board to become aware of the current standards of 'reasonable adult persons'. This study was completed at a cost of less than \$40. It is envisaged that fuller studies sampling more widely could be undertaken by a research assistant annually at a cost of well under \$2,000 per annum.

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TABLE I

A BREAKDOWN OF SUBJECTS INTO AGE, MARITAL STATUS, EDUCATION, NUMBER OF CHILDREN
AND PREVIOUS EXPOSURE TO PORNOGRAPHY.

	MALE	FEMALE	TOTAL	AGE
18 - 24	8	9	17	
25 - 29	7	8	15	
30 - 34	8	8	16	
35 - 39	6	7	13	
40 - 49	11	8	19	
50 - 59	6	6	12	
60 +	5	6	11	
MARRIED	44	42	86	MARITAL STATUS
SINGLE	6	7	13	
WIDOWED	1	3	4	
3rd YEAR	5	10	15	EDUCATION
4th YEAR	9	17	26	
5th YEAR	4	5	9	
TERTIARY	33	20	53	
	36	39	75	NUMBER OF SUBJECTS WITH CHILDREN
NEVER	9	7	16	EXPOSURE TO PORNOGRAPHY
OCCASIONALLY	39	41	80	
OFTEN	3	4	7	
<u>THE AGE RANGE OF SUBJECTS' CHILDREN</u>				
AGE RANGE OF CHILDREN	NO. OF CHILDREN OF MALE SUBJECTS		NO. OF CHILDREN OF FEMALE SUBJECTS	
8	24		23	
9 - 13	13		20	
14 - 18	7		7	
19 - 23	8		7	
24 +	9		8	
IF ANY SUBJECT HAD MORE THAN ONE CHILD IN ANY ONE GROUP THERE WAS ONLY ONE RECORDING MADE FOR THAT GROUP.				

TABLE II

CLASSIFICATION CATEGORY (AS DETERMINED BY THE SOUTH AUSTRALIAN CLASSIFICATION OF PUBLICATIONS ACT, 1973-1974) AND ITS NUMERICAL EQUIVALENT, ASSIGNED FOR THE PURPOSES OF THIS STUDY.

CLASSIFICATION CATEGORY	NUMERICAL EQUIVALENT
U	1
A	2
AB	3
*ABC	4
ABCD	5
ABCDE	6
R	7

* NOT USED BY THE BOARD.

TABLE III

PERCENTAGE BREAKDOWN OF HOW THE SAMPLE CLASSIFIED MAGAZINE
NUMBERS 1, 3, 7, 10 AND 11.

		MAGAZINE NUMBER				
		1	3	7	10	11
CLASSIFICATION	R	28.3	41.8	61.4	40.8	66.2
	ABCDE	27.2	23.3	22.3	27.2	19.4
	ABC \bar{D}	6.7	12.6	5.8	7.8	4.8
	AB	8.7	2.9	-	2.9	-
	A	5.8	1.9	.9	.9	.9
	U	3.9	-	.9	-	-

TABLE IV

DEMOGRAPHIC CHARACTERISTICS AND LEVEL OF CLASSIFICATION FOR EACH MAGAZINE FOR
SIMULATION TASK.

(MEAN CLASSIFICATION SCORE)

CHARACTERISTIC	MAGAZINE NUMBER											
	1	2	3	4	5	6	7	8	9	10	11	12
<u>AGE:</u> 18 - 29	5.81	3.75	6.56	4.53	6.50	4.78	6.68	3.78	2.84	6.37	6.72	6.06
30 - 49	5.23	3.46	5.90	3.90	5.42	4.67	6.54	3.48	2.21	5.94	6.63	5.35
50 +	4.57	3.39	4.74	3.91	3.91	3.04	5.35	3.52	2.17	5.17	5.65	5.04
<u>EDUCATION:</u>												
- 3rd year	5.67	3.93	6.07	4.40	6.00	4.67	6.60	3.93	3.07	6.20	6.73	5.93
4th - 5th year	5.37	3.63	5.83	4.17	5.31	4.00	6.46	3.57	2.23	5.89	6.57	5.43
Tertiary	5.08	3.32	5.75	3.96	5.32	4.47	6.15	3.49	2.32	5.83	6.26	5.34
<u>SOCIO-ECONOMIC STATUS:</u>												
1st Quintile Group	5.33	2.58	6.67	3.58	5.92	5.00	6.50	2.75	2.42	6.25	6.67	6.33
2nd Quintile Group	4.13	2.40	4.93	3.27	4.60	3.60	6.00	2.73	1.73	5.33	6.07	4.27
3rd Quintile Group	5.48	3.78	5.70	4.24	5.82	3.91	6.45	3.79	2.12	5.97	6.52	5.36
4th Quintile Group	4.59	3.36	5.59	3.95	4.73	4.10	6.00	3.64	2.41	5.41	6.18	5.32
5th Quintile Group	6.38	4.62	6.52	4.90	5.81	5.43	6.57	4.28	3.28	6.52	6.71	6.33

TABLE V

MEAN CLASSIFICATION FOR MALES AND FEMALES

SEX	MAGAZINE NUMBER											
	1	2	3	4	5	6	7	8	9	10	11	12
MALE	5.10	3.33	5.88	3.94	5.31	4.29	6.25	3.35	2.29	5.94	6.37	5.37
FEMALE	5.42	3.69	5.77	4.25	5.52	4.38	6.38	3.80	2.50	5.87	6.50	5.54

TABLE VI

AGE DISTRIBUTION OF SOUTH AUSTRALIAN POPULATION OVER EIGHTEEN YEARS OF AGE EXPRESSED IN PERCENTAGES* TOGETHER WITH PERCENTAGES OF SAMPLE FOR EACH AGE GROUP.

*(FIGURES TAKEN FROM COMMONWEALTH CENSUS, 30th JUNE, 1976)

AGE	MALES		FEMALES	
	POPULATION	SAMPLE	POPULATION	SAMPLE
18 - 24	7.8	7.8	7.7	8.7
25 - 29	6.3	6.8	6.2	7.8
30 - 34	5.1	7.8	5.0	7.8
35 - 39	4.4	5.8	4.3	6.8
40 - 49	8.5	10.6	8.1	7.7
50 - 59	8.0	5.8	7.8	5.8
60 +	8.9	4.8	11.4	5.8

TABLE VII

EFFECTS OF SEXUAL MATERIALS

(A SUMMARY OF WILSON AND ABELSON'S TABLE IX)

TAKEN FROM WILSON, W.C. AND ABELSON, H.I.:

EXPERIENCE WITH AND ATTITUDES TOWARD EXPLICIT

SEXUAL MATERIALS. JOURNAL OF SOCIAL ISSUES,

VOL. 29, NO. 3, 1973.

ITEM	GENDER OF RESPONDENTS			
	MALE		FEMALE	
	Believe has this effect	Belief based on personal* knowledge	Believe has this effect	Belief based on personal* knowledge
Excite People Sexually	72%	48%	63%	27%
Lead People to Commit Rape	47%	10%	51%	8%
Lead to a Breakdown of Morals	55%	16%	57%	12%

* "PERSONAL KNOWLEDGE", DEFINED AS HAS HAPPENED TO RESPONDENT OR TO SOMEONE HE KNOWS PERSONALLY.

APPENDIX A

TITLES AND CLASSIFICATIONS ASSIGNED BY THE SOUTH AUSTRALIAN CLASSIFICATION OF PUBLICATIONS BOARD FOR EACH OF THE 12 MAGAZINES USED IN THIS STUDY TOGETHER WITH THE NUMBER ASSIGNED TO EACH MAGAZINE FOR THE PURPOSE OF EASIER SUBJECT RECORDING.

<u>TITLE</u>	<u>CLASSIFICATION</u>	<u>NUMBER ASSIGNED</u>
Voyeur, No. 3	ABCD	1
Game, Vol. 2, No. 5.	U	2
Erotisk Tvang	ABCDE	3
Game, Vol. 3., No. 4	A	4
Bonds of Pleasure, Vol. 1, No. 2.	AB	5
Pim, Nr. 1.	U	6
Animal Bizarre, No. 7	ABCD	7
Men Only, Vol. 43, No. 9.	A	8
New Zealand Naturalist, No. 80.	U	9
Bondage - King Size, No. 3.	ABCDE	10
Animal Orgy, &	ABCD	11
Bawdy, No. 31, March 1978	AB	12

APPENDIX B

Introductory Sheet for the Classification of Publications Board Simulation Project

Introduction

There has been a great deal of publicity in recent months relating to the availability of pornography in South Australia.

Decisions about such material are made at the Federal level (in Canberra) and by the Classification of Publications Board in this State. That Board is charged with the responsibility of classifying such material as may come to its attention. It is called upon to take into account the views of "reasonable adult persons" in reaching its decisions.

There is at present no machinery to enable the Board to become aware of the views of such persons. This project represents an attempt to determine such views by asking you, along with others, to give your opinion on selected magazines which have already been before the Board.

Procedure

You have available to you those parts of the Classification of Publications Act, 1973-74 which give the basis for making decisions (Sections 12: 13(1-3)).

You have also the range of decisions available to the Board. These range from Unrestricted (U) - Section 13(2) through various restrictions on conditions of sale (A-E: Section 14) to refraining to assign a classification (Section 13(3)). In practice the Board operates within a more restricted range of possibilities and it is this range you should consider viz:

- U.
- A.
- AB.
- ABCD.
- ABCDE.
- R (refusal to classify)

Please fill in the first part of your response sheet. Do not put your name, but please complete all other details as we wish to compare various groups within the community.

We now ask you to peruse the magazines provided for you for a total of 15 minutes in order to gain an overall impression of the range of materials to be judged.

Take any magazine from the pile and record its number on your response sheet. Alongside that number assign a classification.

Proceed to the next magazine at your own pace, classify it, and continue until you have responded to all the magazines.

When you have finished you may want to record your reactions to what you have seen and done. Space is left for you to do this. While not a necessary part of this experiment, your own personal reactions will be of considerable value in helping us understand the responses you have made.

Thank you for your assistance in this project.

J. Court, Ph.D.,
Mr. W. Gardiner, B.A.,
Discipline of Psychology,
Flinders University.

JC:lmeo

APPENDIX C

SECTIONS 12, 13 AND 14 OF THE CLASSIFICATION OF PUBLICATIONS ACT (1972-74)

12. (1) In considering questions as to whether a publication is offensive, or suitable or unsuitable for perusal by minors, the Board shall have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons.
- (2) In performing its functions under this Act, the Board shall give effect to the principles -
- (a) that adult persons are entitled to read and view what they wish;
- and
- (b) that members of the community are entitled to protection (extending both to themselves and those in their care) from exposure to unsolicited material that they find offensive,
- and in a case where the application of those principles would lead to conflicting conclusions, shall exercise its powers in a manner that will, in the opinion of the Board, achieve a reasonable balance in the application of those principles.
- (3) In performing its functions under this Act the Board shall -
- (a) have due regard to decisions, determinations or directions of authorities of the Commonwealth and of the States of the Commonwealth relevant to the performance of those functions;
- and
- (b) have due regard to the nature of the publication under consideration and to all other relevant factors that bear upon the classification or conditions that should be assigned to, or imposed in respect of, the publication.
13. (1) Where the Board decides that a publication -
- (a) describes, depicts, expresses or otherwise deals with matters of sex, drug addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a manner that is likely to cause offence to reasonable adult persons;
- or
- (b) is unsuitable for perusal by minors;
- the Board shall classify that publication as a restricted publication.
- (2) Where the Board decides that a publication is not likely to be offensive to reasonable adult persons and is not unsuitable for perusal by minors, it shall classify that publication as suitable for unrestricted distribution.
- (3) The Board may refrain from assigning a classification to a publication where the Board is satisfied that to assign a classification to the publication or to impose conditions in respect of the publication, could not give proper effect to the principles that the Board is bound to apply.
- (4) Where a publication under consideration by the Board consists of an issue or instalment of a series of publications that are issued periodically or by instalment, the Board may classify future publications of the same series on the basis of the publication presently under consideration.

14. The Board may impose all or any of the following conditions in respect of a restricted publication -

- (a) a condition prohibiting the sale, delivery, exhibition or display of the publication to a minor (other than by a parent or guardian or a person acting with the authority of a parent or guardian) or the exhibition or display of the publication in circumstances in which it is likely to be perused by minors;
- (b) a condition prohibiting or restricting the exhibition or display of the publication in a place to which the public has access or in such a manner that it is visible from any such place;
- (c) a condition prohibiting the sale or delivery of the publication except to adults making a direct request for the publication;
- (d) a condition prohibiting the delivery of any such publication otherwise than to a purchaser who personally makes a request for the publication;
- (e) a condition prohibiting or restricting the publication of advertisements in respect of the publication.

and

RESPONSE SHEET FOR BOARD SIMULATION TASK AND INFORMED PUBLIC TASK

Identification Details

1. Group _____ 2. Sex M F
3. Age _____ (or ring decade 20+ 30+ 40+ 50+ 60+ 70+)
4. Marital status S M W D other.
5. If you are a parent, please give the age(s) of your child(ren).
Boys _____ Girls _____
6. Highest level of education.
3rd Year (10th) 4th Year (11th) 5th Year (12th) Tertiary
7. Have you seen pornographic publications before?
Never Occasionally Often
8. Before seeing the present selection, have you an opinion about pornography generally? (Optional)

<u>CLASSIFICATION</u>		<u>OPTIONS</u>	<u>OFFICE USE ONLY</u>
<u>MAGAZINE NO.</u>	<u>CLASSIFICATION</u>		
		U	
		A	1
		AB	2
		ABCD	3
		ABCDE	4
		R	5
			6
			7
			8
			9
			10
			11
			12

Your reactions to the task.

APPENDIX E

INFORMATION MADE AVAILABLE TO SUBJECTS FOR THE INFORMED PUBLIC TASK

Classification of Pornographic Material: The View of an Informed Public.

You have just classified the magazines before you adopting the criteria required by the Classification of Publications Board. However, in the light of experience overseas and our increasing knowledge at home it seems that it may be useful to use an extended criterion for classification of such material.

It is authoritatively maintained in the United States, Japan and Scandinavia, for example, that there exists a relationship between 'hard core pornography' (of the violent, aggressive type) and sexual crime; in particular rape. This opinion based on significant findings is echoed here in Australia. Representatives of our own police force have stated on a number of occasions that such a relationship appears to exist (statement made in The News; July, 1977). Such comments are based on the fact that rape has become far more violent and aggressive, as has hard core pornography. This together with the fact that the premises of apprehended rapists, when searched, have sometimes been found to contain large amounts of this violent, aggressive type of pornography would seem to justify our authorities in concluding that a relationship does exist. (This is further supported by the statement in The Advertiser, Adelaide; Monday May 8, 1978 "...Courts have found that rapists were either habitual consumers of pornography or possessed pornographic material at the time of the offence.")

If we must have control of pornography then perhaps it is reasonable that we consider the above relationship when we classify such material; but in doing so we may have to consider a further issue, namely, does it follow that the long term user (habitual consumer) of hard core pornography is likely to be a potential rapist? You as "reasonable adult persons" would probably, with further exposure, become desensitized by the material you have before you; that is, grow tired of and bored by it. However, what of the person who is stimulated to greater heights of activity by pornography? Could it be that this person is so stimulated, so activated by it that he sees the 'logical' extension as going out re-enacting or modifying what he has seen or read? (This is so as such material usually depicts rape as a pleasurable, although violent, experience for women and an acceptable activity for men). Perhaps the hard core pornography has acted as the catalyst which has taken the person from imagery in his own environment to enactment with unwilling recipients.

In support of this contention findings from overseas as well as here have been that while the general crime rate is slowing the sexually violent offence rate is increasing. It is apparent therefore that more individuals are committing this offence where in the past they would not. Why are they? Undoubtedly many factors must be taken into consideration, such as the effect of television, advertising, films and our own changing social attitudes. Even with these we as the general public tend to desensitize while the potential sex offender tends to be stimulated. At the present time a new factor in the situation is hard core pornography.

If this is so, as evidence suggests, then in classifying pornography would it not be a beneficial exercise to classify with the person in mind, who is most likely to be adversely affected by such material? By making it harder to obtain (legally) and as such, allow the policing agencies a clearer ground upon which to base prosecution of those selling this material, we may help overcome one of the many possible causes for this spiralling yet horrifying increase in the violent, sadistic and humiliating act of rape.

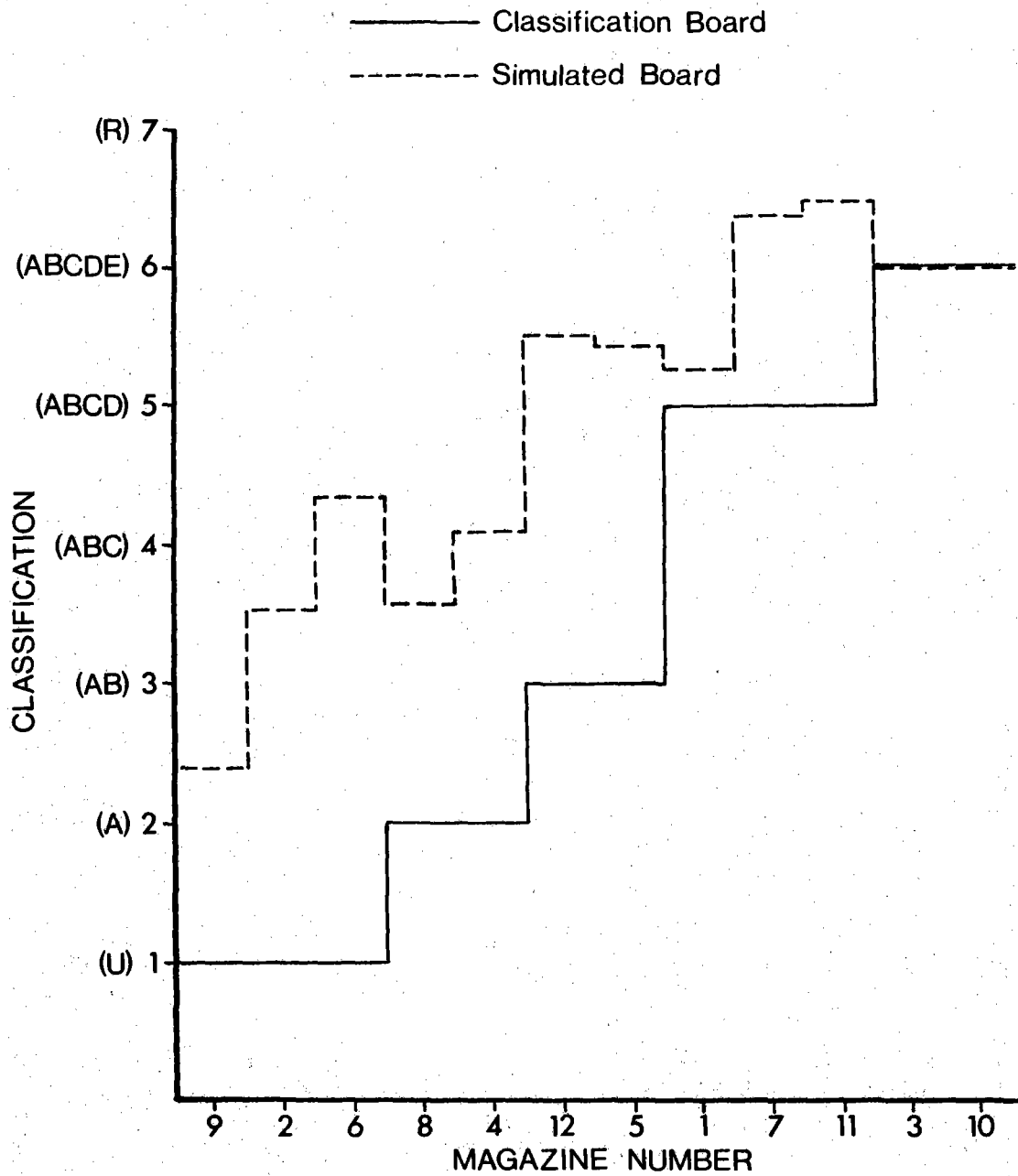


FIGURE 1: Board Classifications Compared with Mean Classifications of Sample Population for Simulated Board Task.

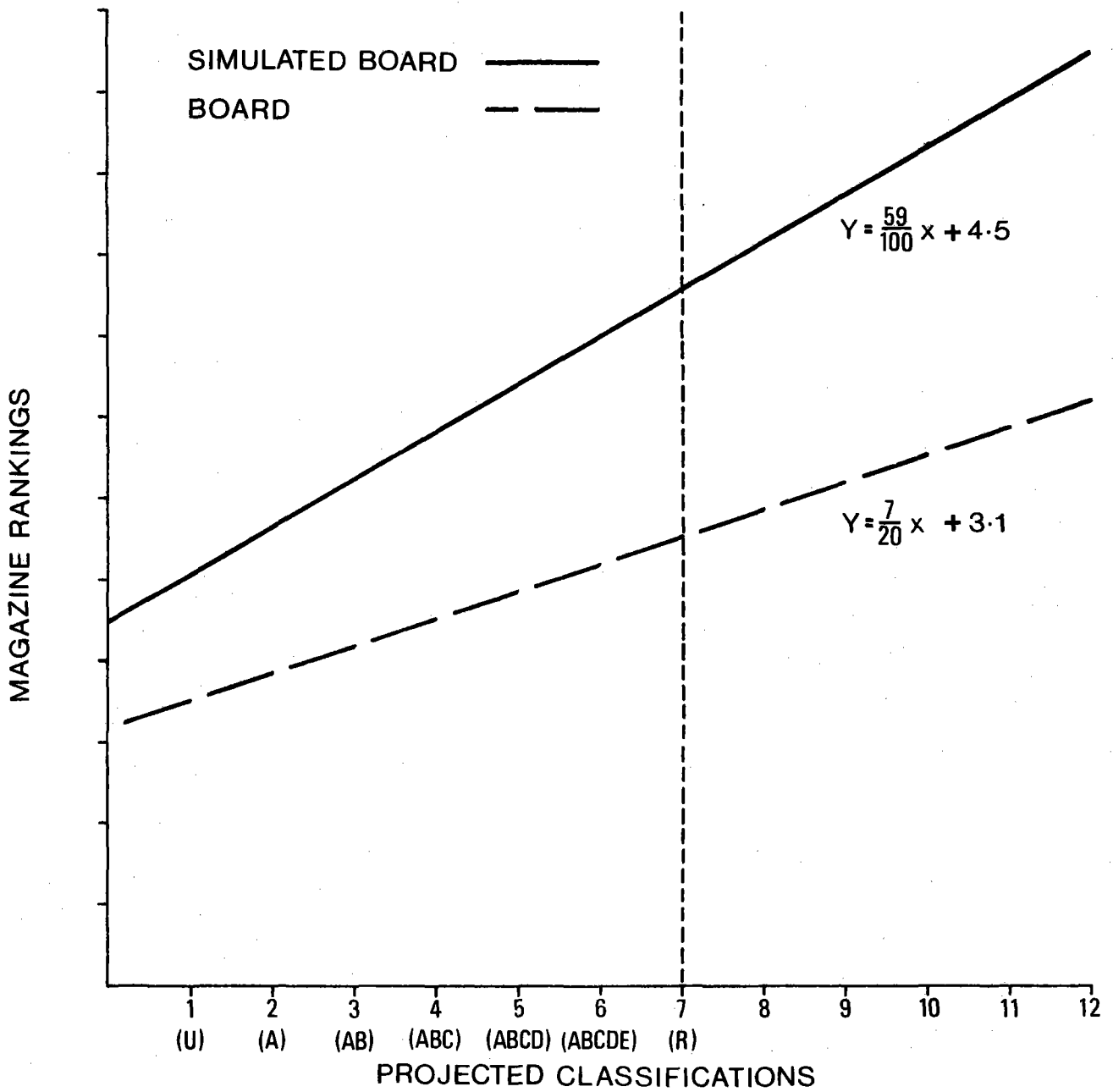


FIGURE 2

AN IDEAL LINEAR REGRESSION EXTRAPOLATED TO COMPARE THE BOARD'S AND SIMULATED BOARDS' CLASSIFICATIONS OF MAGAZINES AVAILABLE IN SOUTH AUSTRALIA.

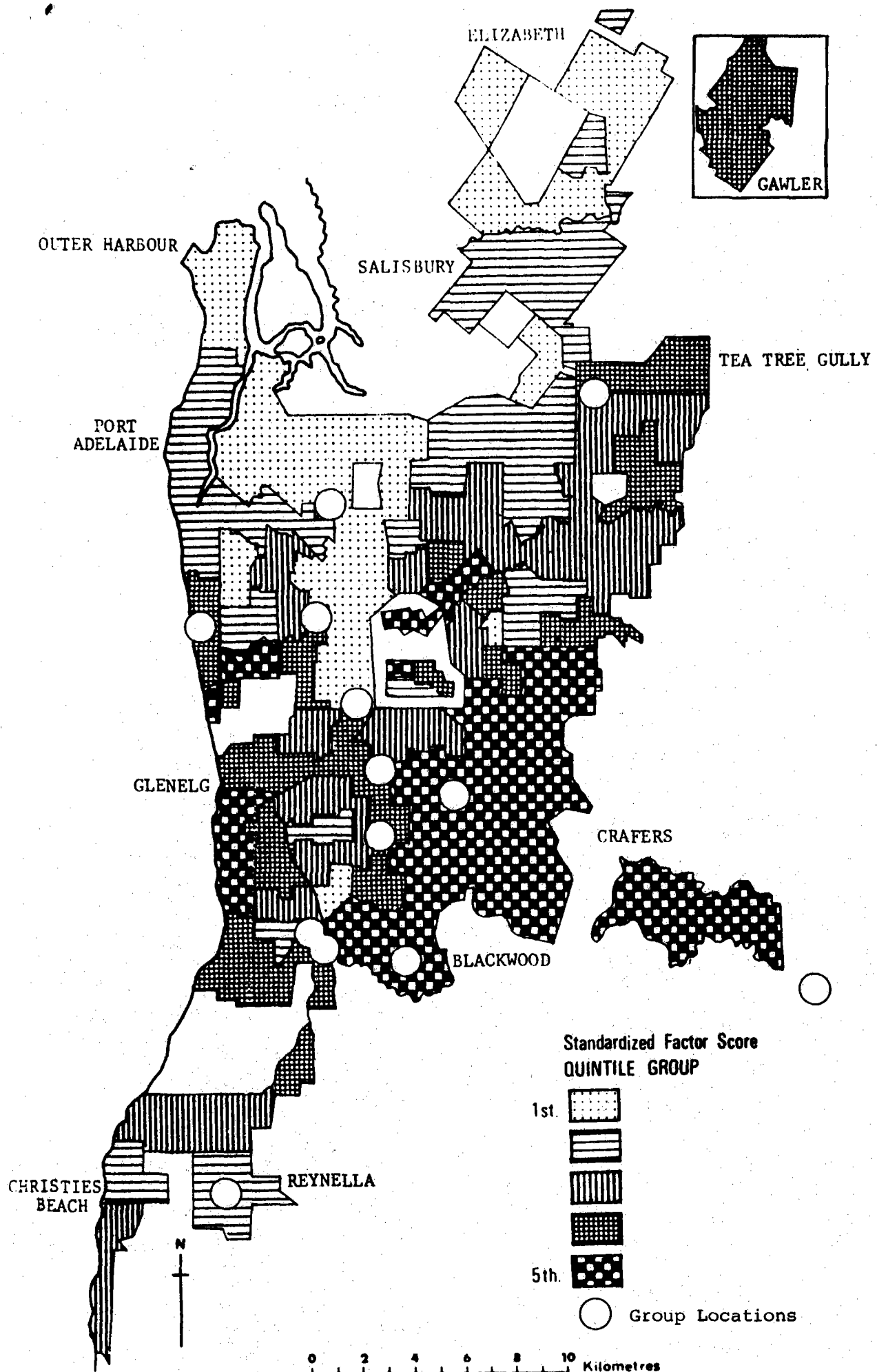


FIGURE 3

SOCIO-ECONOMIC STATUS OF ADELAIDE METROPOLITAN AREA (BASED ON STIMSON AND CLELAND, 1975) WITH LOCATIONS USED FOR CLASSIFICATION.

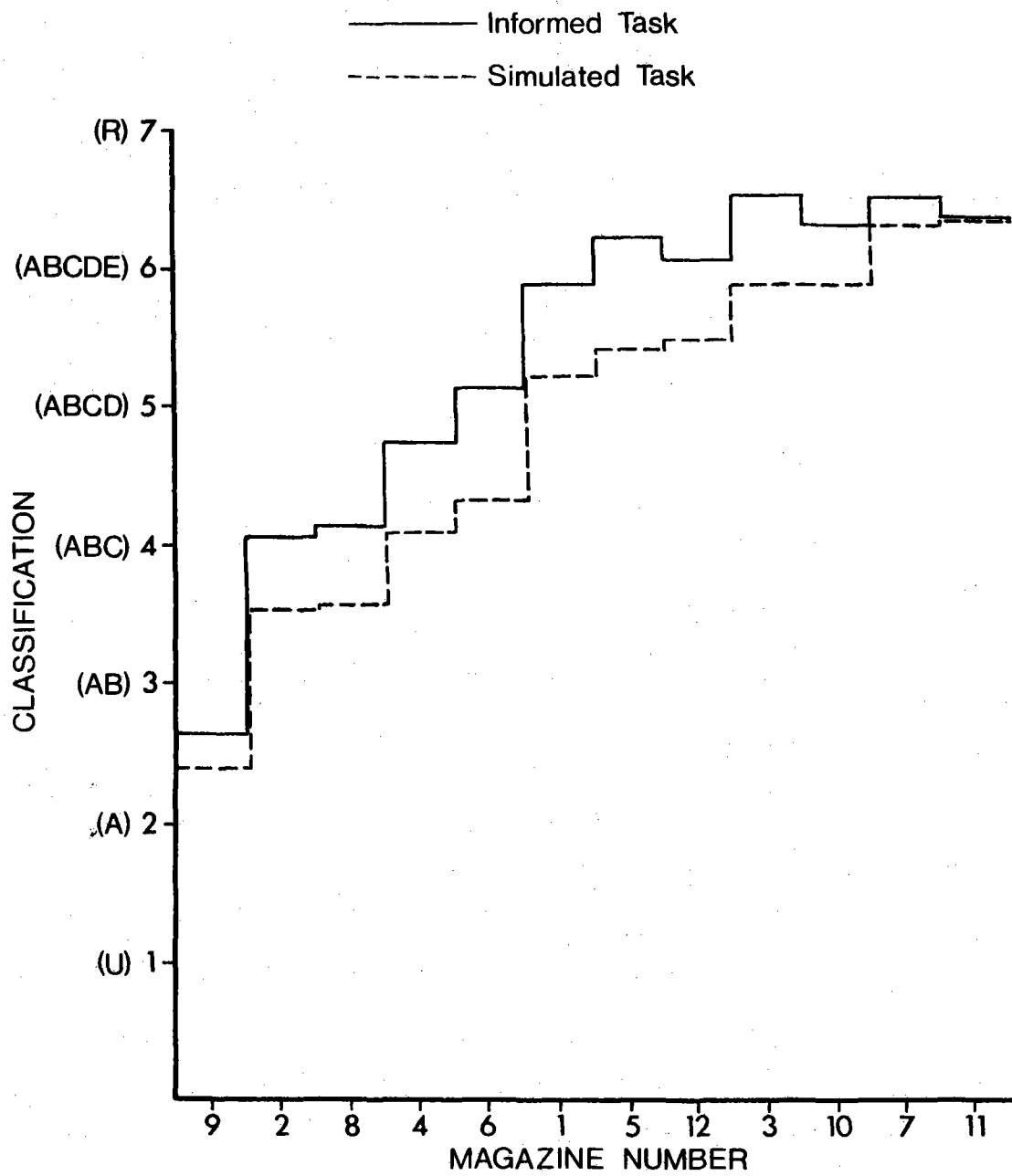


FIGURE 4: Mean Classification Scores Ordered by Rank for Simulated Task Compared with Mean Classification Scores for the Informed Public Task.

APPENDIX

CRIMINOLOGY RESEARCH COUNCIL. - APPENDIX 46
TO REPORTS (GRANT 35/76)
The Flinders University of South Australia



BEDFORD PARK SOUTH AUSTRALIA 5042
TELEPHONE 275 3911

School of Social Sciences

18th August, 1977.

Hon. J.R. Cornwall,
Legislative Council,
Parliament House,
North Terrace,
ADELAIDE. S.A. 5000.

Dear Dr. Cornwall,

Thank you for making time to discuss the matters raised in question in the House on August 2nd regarding a Sunday Mail report of my research relating to pornography and rape.

I appreciated receiving copies of those reports relating to recent events in Queensland, as contained in the National Times while I was overseas. As you suggested, I have now read them and feel I should respond in the light of this to the matters you raised in the House and then in our conversation.

I do not know if you will have the opportunity to convey any of this to other members of the Council when you receive your reply from the Attorney General. In case you do not I have arranged for copies of this material to go to Council members for information, since some of the matters have far reaching implications.

First, it is clear that the activities of Mrs. Kyburz in Queensland in relation to train rapes occurred in early 1977 (National Times, June 20-25, 1977) while the comment about a letter from the Premier tells us little about police policy in the state.

Since your remarks in the House I have been in touch with the police departments both in Queensland and here in South Australia, as well as studying the comments in National Times (November 29-December 4, 1976) suggesting reduced police activity.

I read the Queensland report saying that there has been a low report rate in the Ingham area, but this does not imply a similar trend elsewhere in the state. Taking the figure quoted - "sensible people had suggested that 30 or 40 local women had been raped" the most one can fairly conclude is that 25% of these might have reported. These ten added to the 1975-76 total would only raise the State rate from 2.98 to 3.5 - if they had occurred in the '75-'76 reporting period.

.../2.

18th August, 1977.

However, all this has little to do with the research reported in the Sunday Mail. The Queensland figures mentioned above appear to be related to the year 1976-77, for which totals have not been published. South Australian figures recently published were also for the year to June 1976, so any discussion of trends relating to police activity in Queensland in recent months is irrelevant to presently available data. So too in relation to South Australia the changes to which you referred arise following the publication of the Mitchell Report in mid-1976, so any changes upwards will be reflected in the next figures, not the current ones.

For the record, you may care to consider the trends for the two States brought up to date. The attached graph adds on 1975 and 1976 figures for both States. Queensland data for 1975 and 1976 cannot be altogether fairly compared with figures prior to 30 June 1974 since until that time pack rapes were recorded by the number of attackers. Since July 1974, Queensland practice conforms with other States and Federal practice in recording each rape as one event.

The effect of this is to over-estimate the Queensland numbers up to 1974.

Also in June 1976, the Attorney-General indirectly accused me of misusing the evidence. Speaking on 5DN with Neil Adcock about the Mitchell Committee Report he said when asked about the reasons why rape is increasing:

"In fact, that's the case, although if you look at the report itself Neil, I think you'll see that they have gone into the statistics to some extent. In the back of the report there is a very good table showing how many rapes have occurred. Now, if you take the opportunity to obtain a copy of the report you'll see that in some years there's been far more rapes than others. And, in fact, I think I made this point on your programme some time ago, I think some of the people who have been concerned with this area have been in my view misusing these figures. For example, if you quote the figures from 1965 against 1975 you'll find an enormous increase in the number of rapes because in the year 1965 there were only 2 rapes recorded. Whereas, in 1975 I don't have the figures offhand, I think it was something like 16 or something of that order. Now, that's an enormous increase of course. However, if you look at the years 1966 or 1968 you'll see that in, for example, 1966 I think there were 7 rapes and in 1968 there were 10 and in 1967 on the other hand there were only 3. Now it clearly goes up and down from year to year and so, taking a ten year period and using the base as a year in which there were a low number of rapes, is a bit misleading."

I therefore wish to place it on record that his statement was quite incorrect.

1. The Mitchell Report did not include "a very good table showing how many rapes have occurred." No one knows. It did not even include a table of numbers of reports to the police. It did include the number of people indicted in the Supreme Court 1965-1975 (pp. 67-69).
2. In our conversation you accused me of using terms loosely and causing confusion, though without producing evidence. In view of that suggestion, the following will I hope more clearly indicate whence the confusion arises.

Allowing that he meant to refer to that table, Mr. Duncan further misled his listeners in the above comments by being wrong 4 times out of 5 in the figures he quoted. You may compare this with the following figures.

	<u>Mitchell Report</u> <u>Indictments</u>	<u>Duncan</u>	<u>Reports</u> <u>to Police</u>	<u>Reports</u> <u>x 4</u>	<u>Indictment</u> <u>Percentage</u>
1965	2	2	20	80	2.5
1966	4	7*	25	100	4.0
1967	8	3*	24	96	8.3
1968	13	10*	49	196	6.6
1969	7		36	144	4.9
1970	5		24	96	5.2
1971	7		31	124	5.6
1972	9		60	240	3.8
1973	18		52	208	8.7
1974	23		100	400	5.8
1975	24	16*	91	364	7.1

* Wrong

Clearly the figures do not go "up and down from year to year."

Whatever we may feel about the trends, the facts are clear.

The most recent information is that Queensland, in 1975-76 with a population of 2,014,900, had 60 reports of rape. South Australia, in 1975-76, with a population of 1,261,600, had 131 reports of rape.

I will not here attempt to show the calculation of percentage change over a decade for the two States for fear of being accused of abusing the data. But I invite you to calculate the difference between the Queensland rates of 2.25 for 1966 and 2.98 for 1976 on the one hand, and the corresponding rates for South Australia of 2.3 (1966) and 10.4 (1976).

3. Since the National Times emphasised that one reason why reporting figures could be reduced was because of the difficulty in obtaining justice, I have added two columns above to show that South Australia at least in the period reviewed by the Mitchell Committee had a similar problem. Taking the number of police reports and multiplying by the conservative constant of four to estimate the 'real' number of rapes, one may compare this with the number of indictments. A constant level below 10% can give little encouragement to any who might consider coming forward.

If we are to take the interpretations from Queensland seriously (and I believe we can), we may equally reasonably accept the opinion of Superintendent McAulay of the Police Crime Intelligence Unit in Adelaide, reported in The News last month as saying of rape "I believe the percentage of those not reported probably has remained constant over the years."

Next year one may need to modify that but in any case I was even more cautious. In the Sunday Mail, the data on my graph carefully stopped at 1974 in order to avoid any contention about current reporting rates or police policies.

Hence the question as asked in the House was largely irrelevant to the data I was reporting. The issue itself, however, is most relevant to present policies. It was back in January 1974 (also in the Sunday Mail) that I first predicted a notable rise which at that time was just beginning. My predictions were widely disregarded or explained away.

In June 1976, I drew attention to the difference emerging between South Australia and Queensland. At that time, the Attorney-General first said any apparent rises were because of the increasing population size. (Failing to note that I was referring to rate per 100,000 population).

Then he admitted that there was a difference but said Queensland had a worse problem than South Australia. "If (pornography) is related to rape why does Queensland have a higher rate of rape than South Australia?" This was also incorrect.

Now we are being asked to believe that changes in police policy in 1976 can affect what happened in 1974!

I confess I found it difficult initially to understand why you found the pornography issue so relatively trivial in the face of such social problems as drug abuse. It is clearer now you have indicated that you have never seen any pornography. Since you are necessarily confronted with legislative decisions about it, I find this unawareness disconcerting. I would like to arrange for some examples of material to be delivered to you personally. I have an example simply entitled 'Rape' which might well make clearer to you why I relate the two problems. I would not wish you personal distress, but I do know of others in the House who have had cause to rethink on becoming aware of what pornography is all about.

... Since you called my reporting of data into question, I enclose a reprint of one of my more recent publications which takes up the issues in more detail than the Press can hope to. I would want however to emphasise, since the Sunday Mail report was questioned, that Brian

Hon. J.R. Cornwall.

- 5 -

18th August, 1977.

Francis impressed me as an outstandingly careful reporter who did unusual justice to his topic. He was careful to explore the possible explanations with me before writing his article, and he used the graph of South Australia with full awareness that I was deliberately stopping discussion at 1974. I propose to send him a copy of this letter as a courtesy and for information, but not for publication.

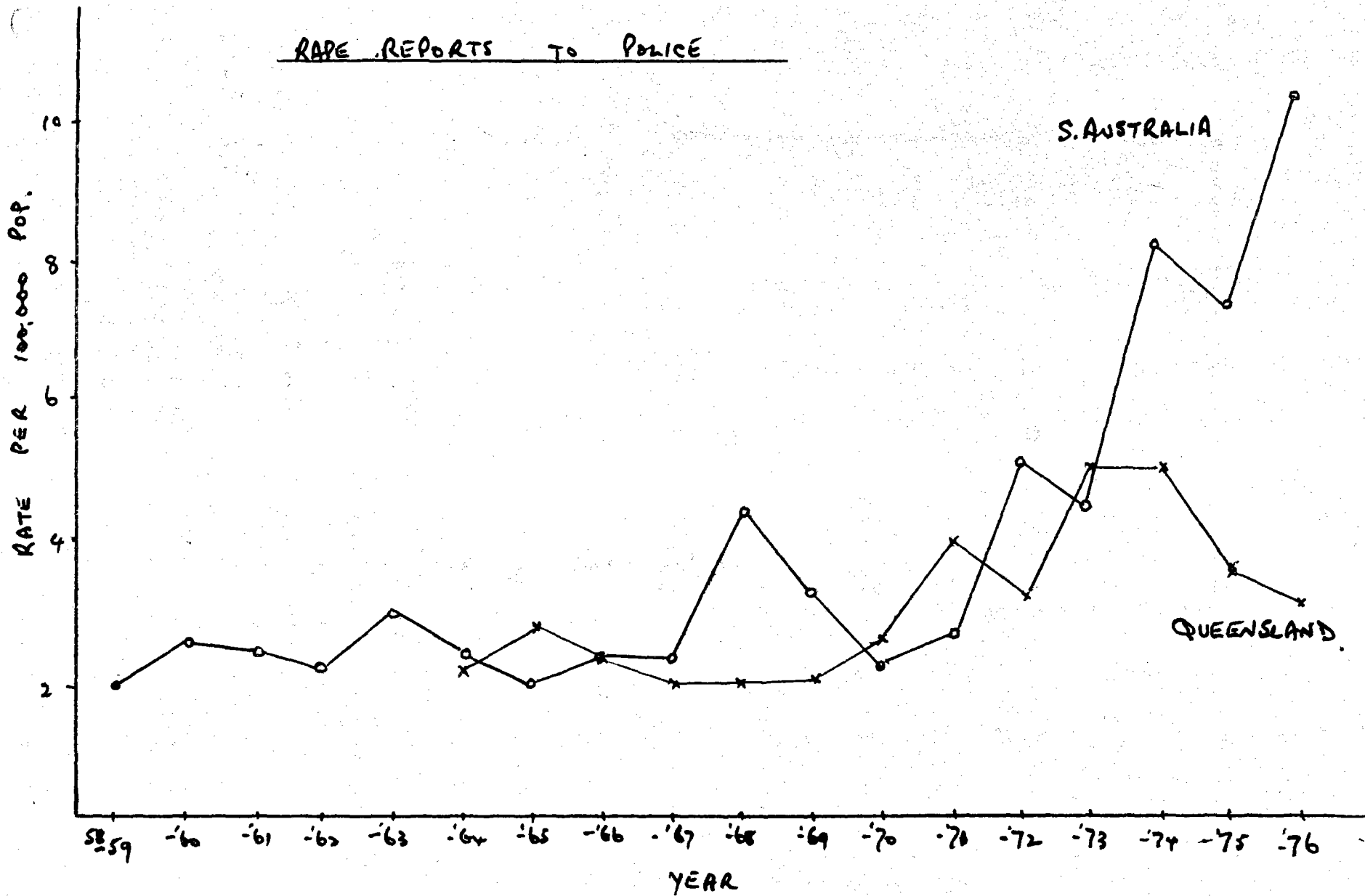
Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J.H. Court', with a stylized flourish at the end.

J.H. Court,
Senior Lecturer in Psychology.

Enc.
JHC:1mo

RAPE REPORTS TO POLICE



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COURT, John H.

Reports for the Australian Institute
of Criminology under grant 35/76 from
the Criminology Research Council; nos. 1-7,
10; and appendix

