

SEXUAL OFFENDERS AND PORNOGRAPHY: A CAUSAL CONNECTION?

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THE QUESTION OF WHETHER A CONNECTION EXISTS BETWEEN THE availability of pornography and the prevalence of sex crime is an emotive one, canvassing as it does the issue of freedom of speech. As a result there has been, perhaps, a tendency to shoot the messenger, ignore the research or, as public opinion makers Phillip Adams (1992) and Richard Neville have done, express concern while at the same time opposing censorship and not being particularly helpful in suggesting alternative remedies. Perhaps Brownmiller best summed up the philosophical problems in dealing with this vexed question:

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 devolution of the role of women through obscene, distorted depictions) have been hopelessly confused (Brownmiller 1975, p. 392).

Given the level of confusion about the meaning of pornography, it may be useful if it is defined for the purposes of this paper. The (unanimous) Canadian Supreme Court redefinition of pornography, in February 1992, as material that degrades women or promotes violence is the interpretation used here (Supreme Court of Canada 1992). This paper's concern is not about putting fig leaves on classical statues; it is about the increasingly virulent tide of material in which the primary concern appears to be to demean women and reassert their treatment as inferiors.

The following then, has three tasks: first, to demonstrate a connection between pornography and violence against women; second, to provide evidence that the connection

is a causal one; and third, to then provide a theoretical explanation of the causal connection. A fourth task also may be useful: to show that the level of sex crime is high enough to matter.

Pornography and Rape: Is There a Connection?

The literature in this area is substantial and growing. A few examples follow:

- In a comparative study of rape rates in the USA, Scandinavia, Britain, Australia and New Zealand, Court (1984) found a connection between the availability of pornography and the level of rape. He specifically refutes earlier studies that purported to show otherwise, particularly in relation to Australia, where the uniform crime data:

actually support the case for an increase [in rape rates after the liberalisation of pornography] quite convincingly (Court 1984, p. 158).

- In the USA, the eight major men's magazines (*Chic, Club, Gallery, Genesis, Hustler, Oui, Playboy* and *Penthouse*) have sales that are five times higher per capita in Alaska and Nevada than in other states such as North Dakota—and rape rates that are six times higher per capita in Alaska and Nevada than North Dakota. Overall a fairly strong correlation was found between rape and circulation rates in the fifty states, even with controls for potential confounding variables, such as region, climate, propensity to report rape and police practices (Milne-Home 1991; Baron & Straus 1985 cited in United States Attorney-General's Commission on Pornography 1986, p. 944–5).
- Exposure to pornography of less than five hours over a six-week period resulted in a halving of sentences thought appropriate for rape (Malamuth 1984). Malamuth (1986) links pornography to the level of hostility felt towards women and, further, finds the level of hostility is a significant predictor of sexual violence.
- In New South Wales, in the period 1975–91, a time during which pornography has become increasingly available, there has been a 90.6 per cent increase in the level of rape (Categories 1–3 Sexual Assault) (New South Wales Bureau of Crime Statistics and Research 1991; New South Wales Police Statistics Unit 1988–89).
- In the USA, while the overall homicide rate declined, sex-related murders rose 160 per cent between 1976 and 1984 (Faludi 1991, p. 11).

- A Michigan state police study found that pornography was viewed just before or during 41 per cent of 38,000 sexual crimes committed over twenty years (Pope 1987).

The above are only a few examples; the literature is extensive. For a more comprehensive overview, *see* Thomson (1991), a brief but well-researched article with an extensive bibliography; Weaver (1987), a PhD thesis which reviews the literature and has over 140 references; Milne-Home (1991) for a feminist overview; and of course, the report of the United States Attorney-General's Commission on Pornography (1986) which has attracted a certain amount of opprobrium from critics who allege that it is a biased report because it set out to find pornography harmful. The emotional response to the United States Attorney-General's Commission on Pornography is interesting because, although politicians may often have quite strong views on an issue at the start of an inquiry, this argument is not used to discredit the committee/commission process generally. Moreover, most politicians are quite capable of modifying their views and even changing their minds when the evidentiary weight of a committee inquiry contradicts their initial position. Committees frequently produce reports that contradict political expectations. It is interesting that critics are prepared to discredit not only the conclusions of this inquiry, but the substantial accumulation of research and testimony that forms the vast bulk of the report.

Is the Correlation Causal?

An examination of the above research might be sufficient to cause concern about the contribution of pornography to hostility towards and violence against women. However, an argument frequently presented to defend pornography in the face of such data is that correlation is not the same as cause: perhaps both these variables occur together because they are the result of some other factor. The 'other factor' generally used in such examples is the relative openness of a society: more open cultures (the argument goes) have both more pornography and more willingness to report sexual violence; therefore, there *appears* to be more sexual violence, although only the reporting rate has changed. Faludi states that crime statisticians in the USA, examining the data, 'have widely rejected this argument' (Faludi 1991, p. 504).

However, if the argument were sustainable, then moves to subsequently restrict pornography in already open societies should have no demonstrable effect. Consider, then, the following:

- in Hawaii in 1974, restrictions were placed on the sale of pornographic material. Rape figures fell for the following two years. The restrictions were then lifted, and rape immediately increased. (United States. Federal Bureau of Investigation 1973–78); and
- in Oklahoma County, 'adult' stores were closed in 1985, and a 25 per cent decrease in the rape rate occurred over the next five years 1985–90. In the remainder of Oklahoma, there was no such law and no decrease in the rape rate (Macy 1991).

The correlation between sale of men's magazines and level of sex crime cited above would also suggest that the openness argument fails, as the different states are in the same country. However, there is more cultural diversity among American than Australian states, so perhaps we should examine our own record. In 1985, South Australia had the highest reported rape rate in Australia, Queensland the lowest. South Australia was the first state to liberalise the availability of pornography while Queensland was still the most restrictive state in 1985. The figures cited are reported rapes and there are problems with using reported rape alone—but are South Australians so very dissimilar to Queenslanders? And the US magazine study controlled for variations in reporting and yet remained statistically significant.

The problem with using reported rape rates alone has created a great deal of confusion for researchers. Reported rape data, for example, are often used to deny any connection between pornography and rape. However, the reported rape rate is extremely low in Sweden, not because rape is rare but because the level of conviction is so low: in 1990 only 12.3 per cent of *charged* rapists were convicted. Not surprisingly, Swedish women are reluctant to pursue charges in the face of such a low likelihood of gaining a conviction. The statistical yearbook of Sweden for 1992 (325) reports a 34.9 per cent increase in rape from 1986 to 1990 (during a period when the population grew by 0.4 per cent). (For further discussion of Swedish and Danish data and detailed analysis of a number of critics of the pornography-rape nexus, *see* Reisman 1992).

Theoretical Explorations

Class, power and selling magazines: sociological issues

It is too soon to attempt prescriptive theories about the pornography-rape nexus. However, the definition of pornography in the introduction to this paper needs to be remembered: material that involves degradation or violence. Two particular magazines, in this context, have been instructive: *People* and *The Picture*. Until mid-1992, both magazines were sold openly on newsstands, without any submission for censorship classification, restriction or code of standards. The sorts of images of women in the two magazines included:

- frequent representations of women as animals or behaving like animals (the woman-on-a-dog's-lead cover being the most well known of these);
- images of female subordination, such as naked women being used as tables for men to rest their beers on while playing cards; and
- images of women subjected to various forms of violence (for example, covered in bruises).

The language used about women in these magazines is similarly depersonalising. These images are about violence and degradation; they are not what one would generally think of as erotica.

The publisher of the magazines, Richard Walsh, has claimed publicly (Olle, Andrew 1992, Interview with Richard Walsh and Beatrice Faust, Radio 2BL, 14 May) that they are 'good working class material' and that 'these magazines are aimed at young working class men'. One might question Walsh's glib categorisation—which is an insulting generalisation about working class men—as his target might be a somewhat different one: such as, men who perceive themselves to be of low social status because their jobs and/or environment give them little support for their self-esteem. Walsh's magazines gives them someone to look down on: no matter how low their self-image, the male readers of *People* can reassure themselves that they are superior to 50 per cent of the human race—the female 50 per cent. (A relevant comparison here is the American Ku Klux Klan, which draws its membership from a similar socioeconomic group and provides them with the reinforcement of feeling superior to blacks.)

In the same radio report, noted feminist scholar and writer Beatrice Faust states:

The sex life of the working class is nasty, brutish and short. Every survey of behaviour, whether it's sexual offences or marital behaviour or premarital behaviour shows that. I had a dear friend who used to say 'tell me how a man makes love and I'll tell you how he votes', and that is absolutely justified in terms of what we know about class attitude and conduct in sexual matters (Faust in Olle, Andrew 1992, Interview with Richard Walsh and Beatrice Faust, Radio 2BL, 14 May.).

Faust cites Miriam Dixson (1976), in *The Real Matilda*, as reinforcing this view, by arguing that Australian working men have power only over women. Unfortunately, Faust's response to the problem is to 'put down-market stuff in down-market outlets'—in other words, to ignore the plight of the working class [sic] woman and hope fervently that this nasty stuff can be kept safely quarantined from the rest of us.

Rapists in the recent ABC-TV documentary *Without Consent* did not describe their motivation and pleasure as sexual but as the thrill of exercising power over another human being. Rape is not about sex, it is about power. From Brownmiller (1976) on, the sociological literature has established rape as a crime of violence rather than lust, aggression rather than sex—a crime that is about power.

The power of the image: psychological issues

Weaver's substantial review of the literature and research led him to conclude that:

exposure to sexually explicit themes results in a general 'loss of respect' for female sexuality and self-determinism (Weaver 1987, p. 86).

How such a loss of respect might operate is a relevant question.

The visual image is processed by the right side of the brain; print by the left. The latter is rational and analytical; the former holistic and pattern-recognising. Left brain/right brain research is beyond the scope of analysis of this paper, but clearly questions need to be asked about the impact of the visual (whether photographic or film) image on the brain,

particularly the male brain, which recent research indicates has much less connection between its left and right halves than the female brain, and therefore possibly much less opportunity for the rational left to control the impulses generated by the impressionistic right.

A further point: even many apparently non-violent images of naked women show them presenting as if in estrus—as if already aroused and frequently in poses reminiscent of animal sexuality. Human females do not experience estrus, so such poses are a lie. However, they may well function to arouse the male (as pornography avowedly aims to do anyway), who is then left with no real partner to share the experience, only a magazine or film. Unsatisfied arousal may become displaced as anger and hostility against 'provocative' but unobtainable women (Reisman 1992, p. 25).

Status, violence and culture: anthropological issues

An anthropological perspective on rape is provided by Sanday (1981) using a cross-cultural examination of 156 separate societies. Although these societies were studied at different times by different anthropologists with different focuses (this last a relevant point in the likelihood of disclosing sensitive information about rape), Sanday nevertheless found sufficient information about rape to analyse ninety-five of the societies.

Some 47 per cent of the societies experienced little or no rape, 17 per cent were 'unambiguously rape-prone', while the remaining 36 per cent had evidence of rape but no clear indication of its incidence. These last were incorporated into the 'rape-prone' category. Sanday found patterns of behaviour that differed markedly between the two kinds of society. As Benderly (1982) summarises:

Societies with a high incidence of rape . . . tolerate violence and encourage men and boys to be tough, aggressive, and competitive. Men in such cultures generally have special, politically important gathering spots off limits to women, whether they be the Mundurucu men's club or the corner tavern. Women take little or no part in public decision making or religious rituals: men mock or scorn women's practical judgment. They also demean what they consider women's work and remain aloof from childbearing and rearing. These groups usually trace their beginnings to a male supreme being (Benderly 1982, p. 42).

Benderly's conclusion is that:

The way society trains its boys and girls to think about themselves and each other determines to a large extent how rape-prone or rape-free that society will be (1982, p. 43).

In other words, societies that provide negative images of females and female roles are societies which are rape-prone. Pornography specialises in negative images of women.

The Level of Sexual Violence

It is difficult to estimate the actual level of sexual violence in Australia. There appears to be little research available on, for instance, the level of actual as opposed to reported sexual violence. Moreover, the elimination of the term 'rape' from the legal lexicon, while undoubtedly promoted by the best of motives, has perhaps confused the issue: 'sexual violence' can include everything from violent language to the most brutal of rapes.

The Council of Europe survey was the basis for *Without Consent*. The survey involved over 2,000 Australians as well as similar sized samples from thirteen other countries. It found Australia to rank the highest of all in the level of 'sexual incidents' (including offensive behaviour) (van Dijk, Mayhew & Killias 1990). The Standing Committee on Social Issues of the New South Wales Legislative Council will be examining this report carefully in the near future.

Rape is the principal concern of this paper. Reported rapes (Category 1–3 Sexual Assaults) totalled 2,171 in New South Wales in 1991 (New South Wales Bureau of Crime Statistics and Research 1991, Table 4.1). Estimates of the level of actual as against reported rape in Australia vary, from 2:1 to 9:1. Taking the lowest level (2:1) as a conservative estimate (Centre Against Sexual Assault 1991—a Victorian study, as the New South Wales Bureau of Crime Statistics and Research had no figures for New South Wales), then there were at least 6,500 rapes in New South Wales in 1991. Given that over 90 per cent¹ of rapes have a female victim, and extrapolating over an, again conservative, seventy-five year lifespan, then *on 1991 rates, every female in New South Wales would have at least a one-in-eight chance of being raped during that lifespan*.

Walker (1992a) in a radio interview has estimated that the level of sex crime in Australia is 'not extraordinarily bad'. However, one of his conclusions from the data he surveyed is that the risk of a rape or an attempted rape is around 1:200 women per year. Over a seventy-five year lifespan, that equates to *three in every eight women experiencing rape or attempted rape*. One is tempted to wonder what level this crime must reach before it is perceived as being high.

Conclusion

Sexual assault is a major and growing social problem, a fact that this paper contends is directly related to the availability and increasing toxicity (in terms of violent and degrading images) of pornography, and its effects on those who become sexual offenders.

Businesses spend billions of dollars on advertising, in the belief that media can and do have an effect on human behaviour. We support and encourage the arts, in the belief that novels, films and such have the capacity to uplift and enhance human society; in other words, that the arts have a capacity to influence people. Yet we are expected to believe that the increasing tide of pornography does not affect attitudes to women.

A 1983 Minneapolis, Minnesota, USA city ordinance proclaimed pornography as sex discrimination and therefore actionable for damages. The ordinance states that pornography:

is central in creating and maintaining the civil inequality of the sexes. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. The bigotry and contempt it promotes, with the acts of aggression it fosters, harms women's opportunities for equality of rights in employment, education, property rights, public accommodation and public services . . . (Merck 1992).

Minneapolis foreshadowed the Canadian Supreme Court decision in February 1992. A reading of the judgements in that case is instructive. Yet in Australia we appear still reluctant

¹ Oral information from police; statistics available only for sex of victim across all categories of sexual assault in 1991—84 per cent female (2,568 of 3,057 cases).

to acknowledge the existence of this issue or to undertake substantial research on it or even to feature it at conferences dealing with rape (this paper is a late inclusion, following my discussions with the Australian Institute of Criminology after seeing the original program). Political freedom of speech is one thing; the systematic degradation of, and promotion of violence against, half of the population quite another.

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