



Pornography, public acceptance and sex related crime: A review

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ABSTRACT

A vocal segment of the population has serious concerns about the effect of pornography in society and challenges its public use and acceptance. This manuscript reviews the major issues associated with the availability of sexually explicit material. It has been found everywhere it was scientifically investigated that as pornography has increased in availability, sex crimes have either decreased or not increased. It is further been found that sexual erotica has not only wide spread personal acceptance and use but general tolerance for its availability to adults. This attitude is seen by both men and women and not only in urban communities but also in reputed conservative ones as well. Further this finding holds nationally in the United States and in widely different countries around the world. Indeed, no country where this matter has been scientifically studied has yet been found to think pornography ought be restricted from adults. The only consistent finding is that adults prefer to have the material restricted from children's production or use.

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1. Introduction

Recent American national public radio discussions of pornography (Justice Talking, 21 December 2007; 24 March 2008) were large on opinion and anecdote with only a modicum of law discussed. Actual data about any research demonstrated effects of pornography were sparse and many significant studies and findings were omitted from the programs' presentations and subsequent blogs. This article reviews salient issues and data regarding sexually explicit materials (SEM) that deserve to be considered in any serious overview of the topic.

Pornography can be defined as any media basically construed as intended to entertain or arouse erotic desire. This is the most common definition used by researchers and the courts. Among some persons and groups the term and associated materials have negative connotations and they wish to express that sentiment in the definition (see below). For others pornography is viewed positively. In this paper the term and pornographic materials are considered neutral. In the United States these materials are legal under the First Amendment unless judged obscene in accordance with a so-called Miller standard (see below).

Persons and organizations against the availability and ready access to pornography usually argue such materials are detrimental to social order leading to rape and sexual assault or other sex related crimes. Many such persons are so convinced in the harmful effects of these materials they believe they ought to be restricted in availability and even made illegal. Others argue, that pornography, although not always leading to

physical crimes, contribute to the degradation of women. They claim there is harm to the women who perform sexually, (whether or not they appear to consent to participate in it they are being exploited economically or physically coerced to do so): they claim there is harm to the women who do not participate in it but are denied their own, supposedly non-pornographic, sexuality, because they are encouraged to perform the acts depicted in it by men who are acculturated by it: and they claim harm in the sense that the depicted acts can lead directly to conditions of physical endangerment for all women. Among the strongest expressions of such beliefs are in the works of Robin Morgan (Morgan, 1980), Andrea Dworkin (Dworkin, 1981) Susan Brownmiller (Brownmiller, 1975) and Catherine MacKinnon (MacKinnon & Dworkin, 1988).

The other side of the argument holds that pornography is an expression of fantasies that provide pleasure (Christensen, 1990), are media that can inhibit sexual activity (Wolf, 2003), and materials that can act as a positive displacement activity for sexual aggression (D'Amato, 2006). And identified feminists like Camille Paglia (Paglia, 1991), Leonore Tieffer (Tieffer, 1986), N.B. McKormick (McKormick, 1994) and others consider that pornography actually empowers women by loosening them from the shackles of social prudery and anti-social restrictions. They consider censorship to be worse for women. Deborah Cameron, for instance, argues that she is "propornography" believing that sexually explicit representations have "liberatory potential for women ..." (Cameron & 1990).

With such strong feelings at stake what is the evidence for demonstrated negative or positive effects of pornography? Considering that the production, distribution and sale of sexually explicit materials are worldwide and part of a multi-billion dollar industry with ready

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access to anyone with a computer, or a so-called “Adult” store, one would think the negative affects, if actual, would be obvious and readily available.

2. Availability and consumer interest

Consider the following: some 10,000–15,000 pornographic movies are produced annually in the United States (Cronin, 2008). The Free Speech Coalition, a porn industry-lobbying group in the U.S., estimates that adult video/DVD sales and rentals amount to at least \$4 billion annually; while critics claim the figure may approach \$10 billion. Revenues from phone sex alone are thought to exceed \$1 billion (Best, 2006).

According to reported statistics the following were noted: Nelsen/Net reports that 9.4 million women in the United States accessed online pornography sites in the month of September 2003 (IT Facts, 2003); 10% of UK teenagers visited adult Web sites in 2005 (IT Facts, 2005); 28% of Internet users download porn at work (IT Facts, 2004b); it was estimated that in 2008 one billion dollars would be spent on mobile phone porn alone (IT Facts, 2004a,b) and it has been estimated that 40 million U.S. Adults regularly visit pornographic Internet sites and, of those women that do, 70% of them keep their cyber activities secret (Evans, 2005).

In a “Christianity Today” survey in 2000, 33% of Christian clergy admitted to having visited a sexually explicit web site. Of those who had visited a porn site, 53% had visited such sites “a few times” in the preceding year, and 18% visited sexually explicit sites from a couple of times a month to more than once a week (National, 2000). And it is not just men but women too who are increasingly indulging in both the use and production of porn (Barcan, 2002; Horin, 2007). One study in 1989 reported that college men averaged six hours of porn viewing a month while college women averaged about two and a half hours a month (Padget, Brislin-Slutz, & Neal, 1989). “Safe Families,” a Christian Internet monitoring group, reported that 34% of female readers of Today’s Christian Women’s online newsletter admitted to intentionally accessing Internet pornography (Safe Families, 2003). The Nielson/Net Ratings report for September 2003 stated that more than 32 million unique individuals visited a porn site in September of that year. Nearly 22.8 million of them were male (71%), while 9.4 million adult site visitors were female (29%) (IT Facts, 2003). A “Cosmopolitan” survey revealed that 56% of their female readers would prefer to view pornography with their male partners (cited in Playboy, November 2007, Page 25). A 2004 Elle/MSNBC survey of more than 15,000 persons found that two-thirds of women and more than half of the men claimed that the “pornosphere” has boosted their sex and love lives (Weaver, 2004). And perhaps most telling is a 2007 survey of women by Brigham Young University. In this Mormon school 50% of young women found pornography as an acceptable way to express sexuality (IT Facts, 2007). And a 2008 study of Midwestern college students, a population with more than 50% women revealed that roughly two thirds (67%) of the men and one half (49%) of the women agree that viewing pornography is acceptable, and nearly 9 out of 10 (87%) young men and nearly one third (31%) of the women reported using pornography (Carroll et al., 2008).

Also to be considered is that the production of porn is often not by large commercial entities. The proliferation of amateur and home videos available on the Internet testifies to both the domestication of pornography and the “porning” of the domestic (Hillyer, 2004) (Page 51). And speaking of commercial entities, in the early 1960s, Beate Uhse opened the first of her many sex emporia in Germany. In 2006 her pioneering business had achieved sales exceeding \$ 350 million (Hoovers, 2008). In the United States “Adam and Eve”, the largest “adult” mail-order company in this country claimed similar business success. Despite a downward economic turn for many businesses, sales to 2008 for “Adam and Eve” are up 7% over 2006. And 2007 was a record-breaking year (Reuters, 2008). This North Carolina business boasted of \$65 million in sales for 2001. In the year 2000 they shipped

more than 26,000 XXX videos ordered by some 21,000 customers in one Ohio county alone (Horn, 2001). And, according to “Family Safe Media, a conservative media watchdog group “The pornography industry is larger than the revenues of the top technology companies combined: Microsoft, Google, Amazon, eBay, Yahoo, Apple, Netflix and Earthlink ... US porn revenues exceed the combined revenues of ABC, CBS and NBC.” (Family Safe, 2008). It is obvious that the porn industry is fulfilling a major human desire.

3. Research

According to Bauserman, two questions arise in the study of pornography and its relation to sexual offending: “whether or not exposure to pornography plays a role in the development of offending behavior?” and “whether use of pornography plays a role in the commission of actual offenses (Bauserman, 1996)?” (Page 410). The literature provides much clearer data with respect to the commission of the offense as opposed to the development of a pattern of behavior.

Research on pornography has generally been of various types (Tovar, Elias, & Chang, 1999). Probably most common are studies that involve exposing experimental conditions of varying media to students or other subjects and measuring some variable such as changes in attitude or predicted hypothetical behaviors. Another type of research involves interviewing sex offenders and asking them of their experiences with sexually explicit material. And a third type involves interviewing victims of sex abuse in trying to evaluate if pornography was involved in the assault (Tovar et al., 1999). Surprisingly few studies have attempted to actually link the availability of porn in any society with associated antisocial behaviors or sex crimes in particular. None have found a causal relationship.

Against pornography the work of Donnerstein and Malamuth is frequently presented. Citing Malamuth and his colleagues’ work, Donnerstein, Linz, and Penrod (1987) state that a non-rapist population will show increased sexual arousal after having been exposed to “media-presented images of rape,” especially when the female victim demonstrates signs of pleasure and arousal. This exposure, they further claim, may also lead to a lessened sensitivity toward rape, acceptance of rape myths, and increased self-reported likelihood of raping and self-generated rape fantasies. These were their findings from paper and pencil attitude studies, not actual behavior research. Review of the research available at that time, however, prepared for the Meese Commission and for a 1986 Surgeon General’s Report found no causal link between sexual material and antisocial conduct (Pally, 1994).

What sorts of actual behavior research data are there? Examining Uniform Crime Reports compiled by the U.S. Federal Bureau of Investigation from 1960 to 1969 Kupperstein and Wilson (1970) found an overall decrease in sexual offenses with the exception of forcible rape, prostitution and commercialized vice. However, these cases accounted for fewer than 2% of arrests from 1960 to 1969. Compared to the forcible rape, arrests for criminal homicide, robbery, grand larceny, and auto thefts increased by 4% during the same period. A Danish study also revealed that the number of arrests for sex offenses dramatically decreased from 1958 to 1969, despite an extensive increase in the circulation of pornographic material (Ben-Veniste, 1971). A later study (Kutchinsky, 1973) found similar results.

It appears that despite the increase of reported rapes, the figures for such did not differ from those of nonsexual violent crimes such as aggravated assault from 1964 to 1984. The rates for rape and aggravated assault in the United States experienced similar growth but assault increased at a faster pace than rape rates in Denmark, Sweden, and West Germany. Kutchinsky suggests, “The two developments [rape and aggravated assault] are related and should be explained in the same terms (Kutchinsky, 1991)(Page 55).” This is consistent with the view that rape is an act of aggression more than a sexual act (Russell, 1980) and “refute[s] the belief that explicit sexual material is somehow related to rape” (Scott & Cuvelier, 1993).

Yet another study conducted in the United States examining arrest data in Maine, North Carolina, Pennsylvania, and Washington during the periods of time when these states' pornography statutes were in-operative, found an upsurge in explicit pornographic media, a decrease in murder and robbery arrest, and only a slight increase in rape and aggravated assault. Despite these increases, however, arrest rates for sex crimes were well below the national average. Over the fourteen-year period studied, compared to the pre-suspension periods, no significant changes occurred in observed rates of arrest for rape, prostitution, and sex offenses (Winick & Evans, 1996). Winick and Evans offer various interpretations for their findings. They postulate the possibility that there may not exist a relationship between the use of pornography and the commission of sex offenses, or that the availability of pornography may alternately increase rates of sexual offenses for one group, decrease it for others, and have no impact on the majority of individuals.

Challenging the belief that increased availability and circulation of pornography in effect leads to an increase in rates for rapes, investigation by Kimmel and Linders (1996) found just the opposite, namely, that rape rates along with aggravated assault increased while pornography consumption decreased. Thus, it is evident that "a steady decline in consumption of printed pornography and a steady rise in rape rate" were in effect. It was also found that among the cities studied (Cincinnati, Cleveland, Dallas, Indianapolis, Jacksonville, and Louisville) "the proportion of rapes reported for the core cities had decreased from 1979 to 1989 in Cincinnati, Indianapolis, and Louisville, remained fairly stable in Cleveland and Jacksonville, and [slightly] increased in Dallas." Additionally, a negative correlation between circulation rates and an upturn in the availability of pornography and rape rates between 1979 and 1989 was found nationwide. Similar correlations were found at the state level, the authors conclude that "just as legalizing pornography has not, and ... will not lead to an increase in rape rates, banning pornography [as was done in Cincinnati and Jacksonville] will not lead to a reduction in rape rates (Kimmel & Linders, 1996) (Page 17)."

In addition to refuting any so-called increase in sexually violent portrayals in adult magazines, Scott and Cuvelier (1993) state that "these data [also] question the alleged link between increased sexual violence in adult magazines and rape rates" by citing relevant literature. They argue that given the increase in X-rated video rentals in the U.S., one would expect that rape rates would have increased if the assumption that pornography causes individuals to rape held true, but this has not occurred.

Additional research has been conducted to assess the effects of both violent and nonviolent pornography. According to Donnerstein and Linz (1986), exposure to nonaggressive pornography may have one of two effects: either (1) individuals predisposed to aggress who are later exposed to nonaggressive pornography may have the opposite effect, or (2) it may reduce subsequent aggressive behavior. They go on to state that no evidence exists "for any 'harm'-related effects from sexually explicit materials." While X-rated movies are often the target of anti-porn advocates hard core erotic films usually contain less violence than R-rated films or other movies that children are permitted to see. Cartoons are often quite violent. The highest incidence of violence occurs in PG-13 pictures, followed by R-rated videos with X-rated productions trailing far behind (Scott & Cuvelier, 1993). Research may support potential harm effects from aggressive materials themselves. "Aggressive images are the issue, not sexual images" (Donnerstein & Linz, 1986).

The police sometimes suggest that a high percentage of sex offenders are found to have used pornography. This is meaningless, since most men have at some time used pornography. And as reported by psychiatrist Robert Stoller, "Men's interest in pornography appears to be statistically normal and sado-masochism may be the most popular ingredient in pornography (Stoller, 1986), Page 86)." Findings Goldstein and Kant (1973) can also be relevant here. These investigators found that rapists were more likely than non-rapists in the

prison population to having been punished for looking at pornography while a youngster. And such was by no means common among the rest of the prison population. In fact, the non-rapists had seen more pornography, and seen it at an earlier age. These investigators also found that what does correlate highly with sex offense is a strict, repressive religious upbringing (Goldstein & Kant, 1973). Green (1980) too reported that both rapists and child molesters use less pornography than a control group of "normal" males.

4. Cross national research

One can compare how pornography has affected total societies when such material has gone from being illegal and relatively scarce to being legal. Or vice versa; one can investigate what happens when a community goes from having relatively large amounts of sexually explicit material to relatively small amounts. The best known of these national studies are those of Berl Kutchinsky of Denmark who studied different countries in the 1970s and 1980s (Kutchinsky, 1973, 1983, 1991, 1992). For the countries of Denmark, Sweden, West Germany and the U.S.A., the four nations for which ample data were available at the time, Kutchinsky showed that for the years from approximately 1964 to 1984, as the amount of pornography increasingly became available, the rate of rapes in these countries either decreased or remained relatively level. These countries legalized or decriminalized pornography in 1969, 1970 and 1973 respectfully. In all three countries the rates of nonsexual violent crimes and nonviolent sex crimes (e.g., peeping, flashing) essentially decreased also (Kutchinsky, 1991). Only in the U.S. did it appear that in the 1970s and 1980s as porn became increasingly available, did rape appear to increase. But Kutchinsky also noted that how rape was then newly recorded in the United States could account for the apparent increase in sex crime rate.

In Britain, the privately constituted Longford Committee (Amis, Anderson, Beasley-Murray, & al., 1972) reviewed the pornography situation in that nation and concluded that such material was detrimental to public morals. It dismissed the scientific evidence in favor of protecting the "public good" against forces that might "denigrat[e] and devalu[e] human persons." The officially constituted British (Williams) Committee on Obscenity and Film censorship, however, in 1979 analyzed the situation and reported "From everything we know of social attitudes, and have learned in the course of our enquires, our belief can only be that the role of pornography in influencing the state of society is a minor one. To think anything else is to get the problem of pornography out of proportion (Home Office, 1979) (Page 95)."

A 1984 Canadian study found similarly. A review by McKay and Dolf for the Department of Justice of Canada reported, "There is no systematic evidence available which suggests a causal relationship between pornography and the morality of Canadian society... [and none] which suggests that increases in specific forms of deviant behavior, reflected in crime trend statistics (e.g., rape) are causally related to pornography" (McKay & Dolf, 1985). The Canadian Fraser Committee, in 1985, after a review of the topic concluded the evidence against pornography was so poorly organized that no consistent body of evidence could be found to condemn the material (Canada, 1985).

To see if these observations would hold for a different and non-Western society, Diamond and Uchiyama studied the situation for Japan (Diamond & Uchiyama, 1999). Since the 1970s in Japan, sexually explicit materials that cater to all sorts of erotic interests and fetishes were, and continue to be, readily available. At the time of study all of these materials were accessible to anyone regardless of age.

According to police records, it is readily obvious that the incidence of rape had been steadily and dramatically decreasing over the past decades. The character of the rape also changed markedly. Early in the period of observation, many of the rapes were gang (more than a single attacker) rapes, thus accounting for the number of offenders exceeding the number of rapes reported. This has now become

increasingly rare. The number of rapes committed by juveniles has also markedly decreased. Juveniles committed 33% of the rapes in 1972, but only 18% of those committed in 1995. Over the same time period, the incidence of sex assault had also decreased. However, the incidence of reported sexual assaults rebounded. It is also noteworthy that during this period, according to Japanese National Police Academy records, the rate of convictions for rape increased markedly from 85% in 1972 to more than 95% in the 1990s.

Studies of Croatia (Landripet, Stulhofer, & Diamond, 2006), and of the United States and Shanghai, China also showed significant decreases in rape as pornography became increasingly available (Diamond, 1999). To add to these data it should be mentioned that yet unpublished studies from Poland (Diamond, in preparation), Finland (Diamond & Kotula, in preparation), and the Czech Republic (Diamond, Weiss, & Jozifkova, in press) also similarly found that as the availability of pornography increased the incidence of sex crimes decreased. Thus, every country so far examined has shown parallel findings: as pornography became available sex crimes decreased or remained stable rather than increased.

By whatever methods of documentation, it can be stated that the amount of pornography available in the U.S. and world-wide now is considerably greater than twenty or even ten years ago. Such sexually explicit materials, particularly on the Internet, are available to satisfy almost every paraphilia including illegal child pornography (Thornton, 1986; U.S. Customs, 1994). Despite this availability of SEM, according to national FBI Department of Justice statistics the incidence of rape declined markedly over the twenty years from 1975 to 1995. This was particularly seen in the age categories 20–24 and 25–34. These are among the age groups with the most Internet use. In the other categories, the rate of rape essentially did not change. During the years 1980 to 1989 the contrast is great between the rates of rape, declining or remaining steady, while the rates of non-sexual violent crimes continued to increase (Flanagan & Maguire, 1990) (Page 365). In 2006 the Washington Post reported:

The number of rapes per capita in the United States has plunged by more than 85% since the 1970s, and reported rape fell last year even while violent offenses increased, according to federal crime data ... In 1979, according to a Justice Department estimate based on a wide-ranging public survey, there were 2.8 rapes for every 1,000 people. In 2004, the same survey found that the rate had decreased to 0.4 per thousand (Fahrenthold, 2006).

In 2006 an article by law professor Anthony D'Amato entitled "Porn Up, Rape Down" essentially reiterated that the trends that had been starting years ago have continued especially in the United States (D'Amato, 2006). He summed up his report this way:

The incidence of rape in the United States has declined 85% in the past 25 years while access to pornography has become freely available to teenagers and adults. The Nixon and Reagan Commissions tried to show that exposure to pornographic materials produced social violence. The reverse may be true: that pornography has reduced social violence (Page 2).

It certainly seems probable that in the past different erotic inclinations to rape, peep, "flash" or do otherwise might have been used in real life encounters as a means of resolving a lustful inclination. The ready availability of pornography, in contrast however, may facilitate a more convenient and more socially tolerable solution of masturbation or consensual coupling or other types of experience that precludes what, in the past, might have been an illegal and antisocial displacement.

5. Community standards

In the United States pornography or sexually explicit materials are illegal only if judged obscene. If not obscene, material considered

to be pornographic is otherwise tolerated under First Amendment guidelines and laws appropriate for freedom of expression and free speech. Obscenity itself is judged on three prongs of the so-called Miller standard. Based on a ruling from *Miller v. California* (Miller v. California, 1970) sexually explicit material is judged to be obscene if:

1. the average person, applying contemporary community standards, finds that the work as a whole appeals to prurient interest;
2. the work depicts or describes sexual conduct in a patently offensive way; and
3. the work taken as a whole lacks serious literary, artistic, political or scientific value.

Obscenity regarding adults is probably one of the most challenging and controversial areas of First Amendment law. Justice Potter Stewart could provide no definition of pornographic obscenity in *Jacobellis v. Ohio* (Jacobellis v. Ohio, 1964) other than exclaiming the now often quoted "I shall not today attempt further to define [obscenity]; and perhaps I could never succeed in intelligibly doing so. But I know it when I see it." (Page 1683). In that 1964 decision Stewart also said that the Court was "faced with the task of trying to define what may be indefinable (Page 1683)." Justice Hugo Black expressed his frustration with determining whether certain pornography could be prohibited under the First Amendment when he wrote in *Mishkin v. State of N. Y.* (Mishkin v. New York, 1966): "I wish once more to express my objections to saddling this Court with the irksome and inevitably unpopular and unwholesome task of finally deciding by case-by-case, sight-by-sight personal judgment of the members of this Court what pornography (whatever that means) is too hard core for people to see or read (Page 516)." And in *Jenkins v. Georgia* (Jenkins, 1974) Justice William Rehnquist weighed in on the topic by saying "nudity alone is not enough to make material legally obscene under the Miller standards (Page 281)."

Certainly individuals and commercial entities have been charged with obscenity and convicted of it. Often those charged do not contest the issue and just pay a fine considering it less costly than prolonged litigation or conducting a scientific study of community standards or decide to not call public attention to the issue. Yet, in no case was it demonstrated that the materials did not pass community standards. Juries might convict by saying the material did exceed Miller standards based only on their own belief and probable wish not to publicly be seen permissive. If allowed to express themselves anonymously no group or community has ever considered that their locale would not tolerate pornography being available to adults.

In the 1970s and 1980s when the Miller case and those related to it were being argued it seemed to make sense to consider that rural and urban communities might view SEM differently and tolerate it or not accordingly. A typical statement was something like "Country Gulch" need not accept materials accepted in Los Vegas, or New York." But currently with interstate commerce and communication a reality the reverse seems equally appropriate, i.e., "Los Vegas, or New York need not accept standards established for "Country Gulch." Especially in this digital era of the telephone, television, CDs, PSAs and photo-phones, and especially the Internet, when material can be produced in one part of the world or nation and then in the blink of an eye be sold and transferred automatically (without human involvement) from another site and finally end up in a third locale the notion of a designated community seems antiquated. But even in the past when the concept seemed appropriate no community has ever been found to deny the availability of sexually explicit materials to adults. Perhaps Justice Stephen Breyer expressed a common feeling when he wrote in a concurring opinion to the Supreme Court's vacating of 3rd Circuit's ruling of *Ashcroft v. ACLU* (Ashcroft v. American Civil Liberties Union, 2004) that "To read the statute as adopting the community standards of every locality in the United States would provide the most puritan communities with a heckler's Internet veto affecting the rest of the Nation (Breyer, 2002) (Page 162)."

The only feature of a community standard that could be found, and still seems to hold today, is an intolerance for any materials in which children or minors are involved either as actors, participants, part of production or viewers (Diamond & Dannemiller, 1989; Frieden, 2007; Peters, 2004). It might be mentioned, however, there has not been demonstrated any cause and effect relationship between viewing child porn and the actual commission of child abuse. In the only three countries known in which child porn has been legally available, Denmark (Kutchinsky, 1973), Japan (Diamond & Uchiyama, 1999) and the Czech Republic (Diamond, Weiss & Joziflova, *in press*) the incidence of child sexual abuse declined after possession of child porn was decriminalized. It has been argued that there are more problems with censorship of sexual information and other erotic material from minors than there are advantages (Heins, 2001; Levine, 2002).

Surprisingly even before the current electronic exchange potential there were few actual research studies of any community's "standard." The first known reported study was one of Lexington, Kentucky in 1978 (Tipton & Fielder, 1978). A majority of the respondents to their survey three decades ago felt that pornography should be available for adults and claimed to favor local over state or national control of such materials. But these same respondents were unwilling to let the local city council establish pornography standards.

Others research studies of community standards followed for Atlanta, Georgia in 1983 (Herrman & Bordner, 1983), Phoenix, Arizona in 1985 (Sowers & James, 1985), the San Francisco Bay Area and Valparaiso, Indiana in 1986 (Schreiner & Lempinen, 1986), and Corpus Christi, Texas in 1987 (Corpus Christi University, 1987). All of these studies found the majority of respondents favored adults having access to sexually explicit adult material. In the Midwest Benson (Benson, 1987) reported having conducted surveys of communities that ranged from lower income blue-collar families to predominantly upper income families in Indiana, Kentucky, Michigan and Ohio. He reported a consistency in responses with more than 70% of the respondents endorsing the right of adults to see SEM (Benson, 1987). And lastly J. E. Scott and colleagues reported on surveys of community standards conducted in Cincinnati, Columbus and Indianapolis as well as Dade county Florida and small cities in North Carolina and Tennessee (Scott, 1991; Scott, Eide, & Skovron, 1990). The majority of respondents in each of the communities studied were tolerant of explicit sexual materials being available to adults. The acceptance varied from a high of 79% in Dade County, Florida to a low of 65% in Allen County, Ohio.

Two states, Utah and Maine, even put a community standard "decency" referendum to a secret statewide vote. The voters in Utah were asked whether they "supported the jailing or fining of cable company executives who knowingly allowed 'indecent material' to be shown via cable programming." Indecent material was defined as including nudity scatology or sexual acts of any type. The voters of Utah rejected the proposal 61% to 39% (Fahy, 1984; Seldin, 1984). In Salt Lake County the vote was 67% against. In Maine the findings were similar (Maine, 1986). The ballot in Maine read, "Do you want to make it a crime to make, sell, give for value or otherwise promote obscene material in Maine?" To this basic and straightforward question 72% of the voters answered "No." In Hawaii, the only other state to conduct a state-wide survey of community standards (Diamond & Dannemiller, 1989) fewer than 30% of respondents found sexually explicit films, videos, books or magazines offensive. More than 75% thought that films and videos with SEM ought to be available to adults. It might be considered that Utah and Maine are usually noted to be Republican and considered conservative in character. These characteristics have not seemingly dampened their view of pornography. Indeed, Utah is reported to have the highest utilization rate for pornographic use in the United States (Edelman, 2009; Moore, 2007; News, 2007). Other "red-states" are not far behind (Edelman, 2009).

While these state-wide studies reflected the ideas of persons regarding private and personal availability and consumption of pornography Winick and Evans (1994) reviewed the attitudes of adults in

10 states regarding sexually explicit content in /mass/ media. In each state they reported that standards had become more acceptable of sexual materials and that adults have a right to obtain such materials and for adults to see materials containing exposure of the genitalia and every kind of sexual activity even in /mass/ media. And they report "relevant is the lack of statistically significant differences between the responses of men and women in 9 of the 10 states in this study."

A last comment in regard to community standards and popular considerations of pornography is of value. This is in regard to the so-called "third-person" effect. Many persons express an opinion regarding pornography (or other matters) based on what they think is the effect on others, not themselves. It has been shown that, while people themselves may not think porn is harmful or capable of inciting sexual transgressions, they often think it might have such an effect on others. Study results show that people's support for pornography restrictions parallels the discrepancy they perceive between effect on self and effect on others (Gunther, 2006; Rojas, Shah, & Faber, 1996). And Lo and Wei (2002) found that those respondents who perceive pornography to have a negative influence attribute even greater power to its influence on others than on themselves. They also found that females are more likely to believe their attitudes are more similar to those of other females than males and both males and females project worse effects to other males.

6. Attitudes toward women

It is often proclaimed that exposure to pornography is particularly detrimental regarding attitudes toward women. Indeed, this criticism is often the most often heard from those that oppose pornography and think it should be criminalized. Supposedly pornography particularly desensitizes men to women's needs and devalues them in general. Part of this is aligned with the idea that "nice" women don't engage in easy sex and reserve their sexual passions only for those they love; depicting women who deviate from such behavior and attitudes is considered prejudicial and devaluing. Several investigators have studied this matter. Psychologists Padget et al. (1989) compared the attitudes toward women in a sample of patrons of an adult movie theater with a college sample of men and women. Their findings essentially and significantly showed the patrons of an adult movie theater had more favorable attitudes toward women than either male or female college students. In a separate and more extensive set of studies sociologist Reiss (1986) conducted a similar investigation of the matter. Most tellingly he reported on six different National Opinion Research Center annual General Social Surveys that found that those men and women who had seen an X-rated movie in the past year were more gender equal than those who had not seen any. And Reiss in separate research of his own compared men who went to X-rated movies with those who didn't. He asked these men different questions that gauged their attitudes toward women under different circumstance (attitudes as to women working outside the home; women active on a government political scene, women being emotionally capable in business and industry, etc.) Reiss basically found that those men who went to X-rated movies were significantly more tolerant and accepting of women than those men that didn't. Reiss concluded:

There was no evidence of any negative impact of seeing X-rated videos, and in fact those who did not see an X-rated movie were clearly not champions of gender equality but rather were people who were less supportive of gender equality. It would be very difficult. To maintain the belief that viewing explicit sexual materials produces negative attitudes toward women. It surely seems that many people who go to X-rated movies do not view these movies as degrading to women (Reiss, 2006) Page 97).

Studies by other investigators, female as well as male, (Barak, Fisher, Belfry, & Lashambe, 1999; L. Baron, 1990; Davies, 1997)

essentially found similarly that there was no detectable relationship of the amount of exposure to pornography and any measure of misogynist attitudes. No researcher or critic has found the opposite, that exposure to pornography – by any definition – has had a cause and effect relationship between exposure to SEM and ill feelings or actions against women. No correlation has even been found between exposure to porn and calloused attitudes toward women. Kimberly Davies who studied this suggests calloused attitudes toward women may not be generated by sexually explicit videos but from features deeply ingrained in our society (Davies, 1997). And in one measure of societal attitudes Baron found, contrary to the hypothesis that exposure to porn lowers status of women, the states with higher circulation rates of pornography had higher measure of sexual equality. His conclusion is that “pornography and gender equality both flourish in politically tolerant societies (R. A. Baron, 1974) Page 363).”

Other research findings argue against exposure to pornographic material fostering negative attitudes toward women. Fisher and Grenier (1994) tried to experimentally provoke men to negative, aggressive and violent attitudes in their fantasies, attitudes and behaviors toward women. Using female accomplices they prepared situations to negatively bias men who would then be shown aggressive and even violent videos, in which women were degraded, objectified or raped. Their efforts produced essentially no measurable misogynistic effects. And Bogaert (1993) has shown that, in a free choice setting where men were offered choice of 14 different video types to view, their least common choices, in this free-choice setting, were to see sexually violent videos (4%) or child pornography (3%). The majority given a free choice chose non-violent videos with common sexual acts with sexually interested women. It seems most true, as Fisher and Barak (2001) have concluded “Most individuals have a lifetime learning history and set of expectancies about acceptable and unacceptable sexual behavior that is sufficient to deter them from accessing or acting on antisocial sexual content (Page 312).”

7. Feminism and women's perceptions; critics against pornography

With all these findings regarding pornography and the absence of proven negative influence it is worth examination of some of the opposition by its critics. There is no doubt that some people have claimed to suffer adverse effects from SEM. There is testimony enough from women's shelters, divorce courts and other venues (Phillipson, 2007; Russell, 1995). But while pornography has been accused there is no evidence it was the cause of the claimed abuse or harm.

Often times the persons making the accusations claim to be speaking on what they believe is on behalf of women in general or for feminists and think there is a singular women's or feminist's position regarding SEM. Jill Radford, for example claims “I draw on feminist definitions that identify pornography as representations of hate, as in hate speech or hate crime. This perspective links pornography to other forms of violence against women and positions it within the sex industry along side other forms of sexual exploitation: prostitution, trafficking in women and children, sex tourism, sex clubs and lap dancing (Radford, 2007) (Page 6).”

There is no such consistent approach or viewpoint. A study of women and their attitudes toward pornography was conducted by Charlene Senn (Senn, 1993) using a Q-sort technique. She identified at least 5 main unique perspectives and claims using a different sample of subjects additional perspectives were likely to emerge. She concluded that women construct for themselves their own experiences with and thoughts and feelings about pornography; some positive, some negative and some mixed. And it certainly is obvious that males as well as females can be feminists, meaning they want the best and fairest for women with no distinction in opportunity or reward for men or women just because of their gender. Some feminists see porn as positive, some as negative and some see it mixed. And there is certainly no unitary viewpoint toward pornography and legal matters.

As Law Professor Katherine Bartlett has written: “Feminist jurisprudence is not a single body of thought but rather a family of different perspectives or frameworks used to analyze the actual, and the desirable relationship between law and gender (Bartlett, 1999).”

Ann Ferguson and colleagues (Ferguson, Phillipson, Diamond, Quinby, Vance, & Snitow, 1984) discuss the differences they see among feminists in their regard to pornography. While recognizing different viewpoints they identify the extreme groups as “radical-feminists” who basically reject porn as male-dominated, heterosexually biased, often portraying S&M, alternative sex activities and women in demeaning ways, and contrast them with “libertarian-feminists” as those who tend to be heterosexual or lesbians and support any consensual activity that brings pleasure. And it is recognized these groups, the pro and con feminists, often times argue among themselves; “both sides tend to categorize each other essentially as either virgins or whores. This dichotomous thinking has served to increase the polarization on these issues (Russo, 1987) (Page 103).” Some group representatives will not even debate or attend a debate with those of the other side.

Some spokespersons for censoring SEM claim they are not against art or humorous pieces but are only against those sexual materials that are degrading, abusive or harmful to women and they have no cause against porn that shows consensual sex with adult couples. As cited above, however, they can simultaneously think that some genres of pornography are hate filled and derogatory and otherwise harmful to women and consider possession of any SEM harmful, of no value and should be illegal (e.g. (Radford, 2007). Men and women who identify as feminists and those that don't are both on the side of censorship and criminalization e.g., (Dworkin, 1981; Phillipson, 2007; Radford, 2007) and there are others who espouse free speech and sexual choice and access to SEM for both males and females e.g., (Carol, 2007; Paglia, 1991; Strossen, 1987, 1995a).

A coalition of British groups, some of which identify themselves as feminist, have unified against the criminalization of SEM, even so-called harmful, abhorrent, or offensive pornography (backlash, 2007) (Page 10). This British group has reviewed their government's attempt at criminalizing the possession of SEM which includes “explicit actual scenes or realistic depictions ... of intercourse or oral sex with an animal; sexual interference (sic) with a human corpse; and ‘serious violence.’ They claim their government has not produced any evidence that supports the claim that any SEM encourages violent or abusive behavior, the government has not found a single Internet site featuring genuine (instead of simulated) abuse and not one genuine ‘snuff’ film has yet been discovered (backlash, 2007).

The psychologist Miodrag Popovic of the British National Health Service reviewed the U.K. government's arguments in their attempts to criminalize the possession of pornography it considered “serious sexually violent.” He claimed to find the government had not demonstrated any adverse effects of the available adult material and concluded that “if psychology is to be scientific, pragmatic and involved in policy making, it should exercise acceptance and tolerance and promote diversity, freedom and hard-evidence data (Popovic, 2007) (Page 263). He further commented that more adults are likely to be harmed by oppressive agencies than by free sexual fantasies and pornography (Popovic, 2007) (Page 262).

Since there is no evidence to which those advocating censorship can point that shows any proven cause and effect negative correlation of the generally accepted categories of pornography censorship advocates say they are talking of those materials that are hate-filled, or representations of hate, or include their interpretations of power differences between men and women. And they claim such items are self-evident. But even these types of SEM have not been found culpable. Nevertheless, spokesperson Claire Phillipson for Wearside Women in Need, an advocate group for censorship, claims “I don't need cause and effect research to tell me that [pornography causes

death and harm]. Extreme pornography is harm in itself and it needs to be recognized as such (Phillipson, 2007) (Page 24)."

Avedon Carol, an American spokesperson for the British group Feminists Against Censorship has commented,

"The common understanding of the term 'pornography' is that it is recreational material intended to sexually arouse – that is how it is used by people who publish it, film or video it, sell it, purchase it, and enjoy it. Most importantly, it is how the police understand the term, and it is the sexual nature of the material that they will always focus on. It is unhelpful to try to make the term mean something else. If we mean 'sexist material', that is what we should say. The same is true if we mean 'violent' or 'degrading' material. To call something 'violent pornography' is not a redundancy; most pornography is not, in fact, violent (Carol, 2007) (Page 15)."

Further insight as to how women in-general self-perceive pornography can be drawn from a study of almost 700 men and 400 women aged 18–30 years by Hald and Malamuth (2007). Their study showed that "both men and women generally reported small to moderate positive (emphasis added) effects of hardcore pornography consumption and little, if any, negative effects of such consumption (page 621)."

Feminist attitudes toward legislative control of pornography were investigated by Gloria Cowan (Cowan, 2006). She used a sample of 119 recipients of the National Organization For Women Newsletter in a Southern California community who responded to a questionnaire assessing variables expected to be related to pornography control: demographic variables, and attitudes toward pornography, censorship, free speech, and the harm of pornography. Values were related to attitude toward pornography control especially the prioritizing of responsibility versus freedom. Attitudes toward pornography were significant predictors of their feelings; however, beliefs about the importance of protecting free speech and the harm of pornography were the strongest predictors, with the protection of free speech making the largest contribution. In understanding "mainstream" feminist's attitudes toward pornography control the most important variables she found appear to be those that assess the negative consequences of pornography censorship (Cowan, 2006).

Arguing against censorship of SEM are many feminist legal scholars. Nan Hunter and Sylvia Law emphasize the positive value of the First Amendment for women. They argue that the legal prohibition of pornography in accordance with a Dworkin and MacKinnon position on pornography and free speech reinforces sexist stereotypes about men as "irresponsible beasts with 'natural physiological responses' which can be triggered by sexually explicit images of women, and for which men cannot be held accountable" and sexist stereotypes about women such as that they are incapable of consent and that "'good' women do not seek and enjoy sex (Hunter & Law, 1987–1988)." and Nadine Strossen, Law Professor and President of the A.C.L.U. has written (Strossen, 1995a)

The pro-censorship feminists base their efforts on the largely unexamined assumption that ridding society of pornography would reduce sexism and violence against women. If there were any evidence that this were true, anti-censorship feminists—myself included—would be compelled at least to reexamine our opposition to censorship. But there is no such evidence to be found.

A causal connection between exposure to pornography and the commission of sexual violence has never been established. The National Research Council's Panel on Understanding and Preventing Violence concluded in a 1993 survey of laboratory studies that "demonstrated empirical links between pornography and sex crimes in general are weak or absent." Even according to another research literature survey that former U.S. Surgeon General C. Everett Koop conducted at the behest of the staunchly anti-pornography Meese

Commission, only two reliable generalizations could be made about the impact of "degrading" sexual material on its viewers: (1) it caused them to think that a variety of sexual practices was more common than they had previously believed, and (2) there is a need to more accurately estimate the prevalence of varied sexual practices (Strossen, 1995b) (page 8).

A number of those against pornography want it criminalized as a reinforcement of morality-based rather than harm-based standards/criteria. They don't want to accept the absence of evidence against pornography. Many are associated with the so-called "religious right." As expressed by Daniel Weiss of the conservative religious group Focus on the Family these persons or groups often assume all persons agree that porn by definition is obscene and should be banned (Weiss, 2005). Some go further and claim they see no valid distinction between common pornography and its 'extremes' (e.g. Radford, 2007) (Phillipson, 2007).

As Law Professor Carlin Meyer expressed it "In sum, porn simply is not the powerful force that anti-porn advocates imagine. It may often be sexist, vulgar, violent, and horrific. The wish to be rid of it is surely understandable. But there are no easy ways to be rid of imagery that portrays women in ways we might wish women not be portrayed – nor especially, be treated – and suppressionist quick-fix strategies do more harm than good ... While much porn does depict women in ways that may foster misogynist attitudes, it is nonetheless largely marginal to the process by which sexual relations are constituted and sexual aggression against women is generated (Meyer, 1994) (Page 1102)."

8. Criminalization

A further matter that must be considered in any discussion of pornography and its legal status is the potential legal and civil disturbance that might ensue from criminalization of its use or possession. The phenomenon of over-criminalization is already claimed to exist. Luna offers examples of laws that over-criminalize: Delaware punishes by up to six months imprisonment the sale of perfume as a beverage; in Alabama, it is a felony to maim one's self to "excite sympathy" or to train a bear to wrestle, while Nevada criminalizes the disturbance of a congregation at worship by engaging in any boisterous or noisy amusement ... innumerable local ordinances carry the possibility of criminal consequences, such as the jailable offense of failing to return library books (Luna, 2005) (Page 704).

In 2007 philosopher of law Douglas Husak reported that in the U.S., one out of every 138 residents is incarcerated. The size of the prison population has quadrupled since 1980. Approximately 2.4% of Americans are either on probation or parole. The U.S. has the highest rate of criminal punishment in the Western world (Husak, 2007). The problem with American criminal law, as Husak and many others see it, is that there is simply too much criminalization. Recent years have seen a dramatic expansion in the amount of criminal statutes, and in the resulting reliance on punishment for convictions under those laws. Husak argues that this is regrettable for several reasons, but most importantly, he says that much of the resulting punishment is unjust, excessive, and disproportionate. He also claims that it is destructive to the rule of law and undermines the principle of legality (Husak, 2007).

If pornography, its use or possession, were made illegal the size of the population attracting judicial review and potential incarceration or punishment would be extreme to say the least. And the population of those accused of criminality would extend beyond those who are obviously misogynistic to even those who, by and large, profess or demonstrate moral virtue. For instance a poll conducted by reputedly the largest Christian Internet site, ChristiaNet.com partnered with Second Glance Ministries, found that, by their own admission, "50% of all Christian men and 20% of all Christian women [responding to their survey] are addicted to pornography ... 60% of the women who answered the survey admitted to having significant struggles with lust, 40% admitted to being involved in sexual sin in the past year, and

20% of the church-going female participants struggle with looking at pornography on an ongoing basis (ChristiaNet, 2008)."

And to these millions of adults that admittedly use pornography we might have to consider the criminalization of minors. The phenomenon of "sexting" has arisen: the sending of nude pictures by teens to their peers. According to a survey done by the National Campaign to Prevent Teen and Unplanned Pregnancy one teenager in five is reported to have sent or posted naked photos of themselves (Lithwick, 2009). Should these minors be charged as felons and be labeled as sex offenders for distributing what some would consider "child porn?" Dahlia Lithwick advises, judging from evidence on other aspects of pornography effects, these activities should be seen as indiscretions that might have some untoward consequences for the individual teens involved but be of no significant harm to society in general. And it has been proposed by Massachusetts state representative Kathi-Anne Reinstein that it be a crime for anyone over 60 to pose nude or sexually for a film or photo. She would have fully functional adults be treated the same as minors in regard to SEM (Klein, 2009).

To make the possession of any genre of pornography a crime, as Avidon Carol of the group Feminists Against Censorship has stated "is to invite considerable costs to society for no positive purpose. It courts invasions of our privacy by overzealous police, expensive trials and vast miscarriages of justice when people are afraid to compound the problem by fighting back and inviting more publicity. The simple cost of imprisoning someone for a few weeks is prohibitive; the costs of being accused of a sex crime are devastating (Carol, 2007) (Page 15)." She then says "The attention focused on suppressing pornography is, then, a dangerous red-herring, diverting us over and over from finally attending to the real and more obvious culprits in the development of rapists, child abusers, sexism, and inequality in general ... (Carol, 2007) (Page 20)." And as backlash states "Sending people to prison on grounds of taste is not consistent with the values of a free and fair society (backlash, 2007) (Page 12)." Finally the words of Judge Richard Posner seems appropriate in regard to criminalizing pornography "as a matter of sound social policy ... the resources that our society is willing to devote to law enforcement are limited in relation to the amount of violence and other serious lawlessness against which they are deployed. We should not dissipate them in efforts – which are bound to fail – to suppress activities that may be as harmless as witchcraft or heresy (Posner, 1994)(Page 381)."

9. Some last thoughts

In 2003, a divided Supreme Court in *Lawrence v. Texas* (Supreme Court, 2003) declared that morality, absent third-party harm, is an insufficient basis for criminal legislation that restricts private, consensual sexual conduct. Elizabeth Dionne contends that a logical conclusion is that *Lawrence* calls *Miller v. California* (Miller v. California, 1970), which provides the legal test for determining obscenity, into question. (Dionne, 2008) If, she reasons, *Lawrence* holds that states could no longer criminalize homosexual sodomy, overturning *Bowers v. Hardwick*, (*Bowers v. Hardwick*) which held to the contrary, then anti pornography laws can be found wanting.

There is no freedom that can't be and isn't misused. This can range from the freedom to bear arms to the freedom to bear children (e.g., Octamom <http://www.deadissue.com/archives/2009/02/12/more-octamom/>). This holds true as well for any freedom to view or possess SEM. But it doesn't mean that the freedom for the majority should be restricted to prevent the abuses of the few. For those that transgress into illegal behavior there already are laws to punish offenders and they are often stiff enough to be a deterrent. The laws against rape are essentially almost as severe as those against murder.

It might also be considered that the locales or countries consistently restricting the availability of pornography are not doing it to protect or enhance the status of women. They often are the most restrictive of women's rights. Such countries include Saudi Arabia, Iran

and other Muslim countries. Donna Hughes (Hughes, 2004) writes "A measure of Islamic Fundamentalists' success in controlling society is the depth and totality with which they suppress the freedom and rights of women (Page 1)."

In those countries, despite claims to protect women, rape is reportedly not uncommon and conviction of a rapist requires Muslim male witnesses to the event (Boukili, 2006; Mehdi, 1990). And in many of these same countries "honor killings" of the victim by a member of her family often follows the event since it is the women who are blamed for the occurrence. In these same countries physical wife abuse supposedly occurs in some one third of the households (Douki, Nacef, Belhadj, Bouasker, & Ghachem, 2003) and rape of a wife is not considered an offense. In many Islamic countries such as Pakistan women are not even allowed to testify in their own defense or in any case (Mehdi, 1990; Moghadam, 1992). In Indonesia, a supposedly secular country, the Muslim majority has tried to make it "a pornographic offense" to be without a burka (the full covering used by some Moslem women) (Bellows, 2006; Diamond, 2008). There is no evidence that those places that ban pornography are doing so in defense of protecting women's status or interests. These are obvious cultural features of the societies that have nothing to do with any ban on pornography or the rights of women. These factors also are in contrast with the report of Ramzi El Khoury, the founder of an Arabic-language Internet portal, that "80% of the traffic goes to sex sites (Kettmann, 2001)."

Antipornography laws are often used for political reasons; to curry favor with one group at the expense of another. The Washington Post of September 2005 reported that the conservative Bush administration's Attorney General Alberto Gonzales was to make "one of the top priorities" an FBI anti-pornography effort. This was supposedly an attempt to please conservatives and follow the lead started in the Reagan administration with Attorney General Edwin Meese (Gellman, 2005). Canada too has used such powers. In targeting gay and lesbian book stores in response to conservative blocks it even seized copies of two of Andrea Dworkin's books considering them pornographic because they purportedly eroticized pain and bondage (Bennett, 2006). Politically noticeable is that there currently exist, in 2009, more than 50 Anti-censorship organizations in the US (<<http://www.thefileroom.org/documents/AntiC.html>>).

There are many myths that seem to persist regardless of the refuting evidence. Despite the often voiced contention that exposure to violent movies leads to violent action research has shown that film violence seems to act as a substitute for violent crime in society (Dahl & DellaVigna, 2006). And while watching many hours of television has been blamed on children's poor test scores studies have shown the opposite. Researchers compared the amount of time different children were exposed to TV and their school test scores. Gentzkow and Shapiro report "for reading and general knowledge scores, the positive effects we find are marginally statistically significant, and these effects are largest for children from households where English is not the primary language, for children whose mothers have less than a high school education, and for non-white children. To capture more general effects on human capital, we also stud[ied] the effect of childhood television exposure on school completion and subsequent labor market earnings, and again find no evidence of a negative effect (Gentzkow & Shapiro, 2006) (Page 1)." It is a similar myth that pornography has exhibited a causal relationship to antisocial or unlawful acts or sexual violence. Such a conclusion by the Meese report and others was and is based more on politics than evidence (D'Amato, 1990; Nobile & Nadler, 1986). Indeed, there is not even any correlation relationship between porn and adverse effects.

10. Conclusions

With these data from a wide variety of communities, cultures and countries we can better evaluate the thesis that an abundance of

sexual explicit material invariably leads to an increase of illegal sexual activity and eventually rape. Similarly we can now better reconsider the conclusion of the Meese Commission and others that there exists “a causal relationship to antisocial acts of sexual violence and ... unlawful acts of sexual violence” (Meese, 1986) (Page 326). Indeed, the data reported and reviewed suggests that the thesis is myth and, if anything, there is an inverse causal relationship between an increase in pornography and sex crimes. Further, considering the findings of studies of community standards and wide spread usage of SEM, it is obvious that in local communities as nationally and internationally, porn is available, widely used and felt appropriate for voluntary adult consumption. If there is a consensus against pornography it is in regard to any SEM that involves children or minors in its production or consumption.

Lastly we see that objections to erotic materials are often made on the basis of supposed actual, social or moral harm to women. No such cause and effect has been demonstrated with any negative consequence. It is relevant to mention here that a temporal correlation between pornography and any effect is a necessary condition before one can rationally entertain the idea that there is a positive statistical correlation between pornography and any negative effect. Nowhere has such a temporal association been found.

We live in what Walter Kendrick (Kendrick, 1996), (Page 95) terms a “postpornographic era,” one in which a growing slice of the nation’s leisure time and disposable income – even in times of recession – is allocated to the acquisition of highly diverse visual sexual representations, mediated sexual experiences and sexual fantasy goods. Criminalizing or legalizing pornography should depend on whether it can be shown to be seriously harmful or not; not whether it is found to be beneficial although it has been seen to have positive effects in every country studied. And while it might have been accused of negatively affecting some individuals or families it has in no community or population been found to be generally harmful. And many have derived and continue to gain pleasure from it. No community has ever voted that adults should not have access to sexually explicit material. No evidence has documented that sexually explicit materials lead to any increase in sexual crimes or social disruption or detriment to women and there is indication that the availability of pornography is linked to a decrease in sex crimes ranging from rape to exhibitionism.

Sexually explicit materials certainly seem entertaining and pleasurable to a large segments of every society investigated. And while critics invoke charges of the dishonoring of women seen in SEM, others see it as empowering and liberating for them. It appears that without evidence of social harm from its availability, there is no reason to believe that pornography should not be legally available.

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