

PRESENTATION OF PAPER

Dr Paul Wilson

Let me begin by saying as a social scientist one is meant to be objective when looking at any topic. As far as possible I try to be that, but I find, and have always found, very real problems in differentiating between social science research and one's own personal views. It seems to me important to say what my personal views are before I go and look at the evidence. I have to say right from the start that I deplore censorship and my views are undoubtedly conditioned by spending well over twenty years in the State of Queensland where I saw censorship operating in so many ways. In fact the Censorship Board of Queensland, the Queensland Literature Board of Review, say the object of censorship is, and I quote "...not to protect the individual from moral corruption but rather to protect and defend the very fabric of society's existence" and this is often the rationale which is given for censorship.

After being in Queensland it is a proposition which I totally and utterly reject. In the paper I have given many examples of censorship in operation in Queensland over the years ranging from the banning of films like *Pretty Baby* to the banning of the sayings of Chairman Mao collected in *The Little Red School Book* and so on. I think what really made me decide that censorship was something I found hard to come to grips with was the proposed banning of a book called *The Rape of Our Land*, which turned out to be about soil erosion. Nevertheless very serious consideration was given by the Queensland authorities to banning that particular book.

I think what, to me, was quite destructive about censorship during that time was that it created a climate of fear and there were many occasions in Queensland where in fact major theatrical productions didn't come out, not because they were banned *per se* but because they thought they would be banned. It is this climate of fear that censorship creates that really concerns me in contemporary Australia because, if I can generalise this topic, it does seem to me that at the moment there are attempts in all fields to stop people speaking out on a whole variety of social and moral and political questions which are of importance.

Let me just make one final preliminary remark too. It seems to me that when we look at the effects of sexually explicit material we should look at it in terms of demonstrable harm to individuals via crime or very specific anti-social behaviours. It does not seem to me reasonable, as happened with the Meese Commission in the United States and the Klugman Commission in this country, to relate sexually explicit material to such very ambiguous, value-laden concepts such as the growth of homosexuality or masturbation or, as in the debates in the Meese Commission (and indeed in the Klugman Commission), an anti-family attitude. It seems to me it really distorts the nature of the debate by trying to say that somehow sexually explicit material leads to an increase in these particular behaviours, because I think by saying that one is condemning them, which is a value judgement. There is not much doubt that if sexually explicit material leads to rape then that is a very specific and demonstrably social harm to society whereas the other behaviours that I talk about are not.

Let me now just very briefly move to the social science evidence as I understand it in this whole area. Again I have no intention of going through what I have said in the paper but, regarding experimental studies on sexually explicit material, my job has been done for me by a very, very good and thorough review which I detail by Stephen Lab in *Criminal Justice Abstracts* in which he attempts to review the experimental studies linking pornography and aggression. Let me just give you his general finding - a finding that I substantially concur with after reviewing most of the major social psychological studies, psychological studies - experimental studies done in this area.

Lab notes that the studies, and I quote, "...fail to present clear evidence of a causal link between pornographic exposure and aggression". Now one of the things that Lab also does is to review the enormous methodological difficulties in experimental studies in this area. First of all, many of the studies use students. It is very hard to generalise from students to a general population. There is the time lag problem - the experimental studies are very different to what happens in real life where in fact a person might react or might have a stimulus which might lead to a reaction a long time after he reads a particular erotic piece of material. There are just enormous problems with the experimental studies so that even though his general conclusion (and mine) is that there is no evidence to link sexually explicit material with criminal behaviour or other specific forms of anti-social behaviour, that conclusion has to be taken very cautiously for the reason that he gives. I would emphasise, that the experimental studies are very weak in a whole variety of ways and we can come back to that in the question time. And that leads me to the second lot of social science evidence in this area which is field studies.

Without any doubt the most significant real life study conducted on the effects of sexually explicit material is the Kutchinsky study on sex crimes in Denmark between 1959 and 1970, looking at what happened when controls on pornography were in fact abolished. Now this study has been analysed and re-analysed many many times indeed. I will not go through the reviews but the general conclusion which still holds despite analysis and re-analysis was that sex crimes in Denmark between 1959 and 1970 reduced though some of the reduction could be related to the fact that people were not reporting crime so much to the police. There was no doubt at all that there was a large decrease in child molestation which was directly attributable to the availability of hard core pornography. Now this finding has been attacked by other social scientists. One Australian who has particularly attacked the finding is Dr John Court. Dr Court is a very conscientious psychologist who has presented papers to Royal Commissions all around the world on the Danish results and he fundamentally believes that there has been an increase in sex crimes in Denmark. I don't want to get into that debate I don't have time. All I will do is point to the general conclusion reached by Professor Bernard Williams, who was head of the 1979 Williams Committee - probably the most careful Committee to look at sexually explicit material. Williams rejected Dr Court's arguments with these words and I quote: "We the Committee discount as evidence and to the extent that they rely on his work the evidence of those who quote him".

Fourteen years after Kutchinsky's original research he has presented evidence of a similar decrease of sex crimes in West Germany after controls were in fact abolished in 1973. He has found that between that year and 1980 the total number of sex crimes known to the police dropped. Now, all I can say is that of the field studies that have been done the Kutchinsky study is without a doubt the soundest, the best analysed, the best debated. That conclusion seems to hold. It doesn't mean that I necessarily accept that the study is so definitive that we can accept that there is no relationship between sexually explicit material and criminal behaviour say, for example rape. It does mean though that it is very hard, given his study, to be able to knock it down by re-analysing it or re-interpreting it in a different way. The controls in the study were in fact very impressive indeed.

There has been a lot of research, just to complete my comments on field studies, about the relationship between the level of rape in the United States and the readership of sex magazines. The most recent study I could get, which is now published, was done last year and you can read the reference yourself by Scott and Schwalm¹ where they carefully analyse the relationship between readership levels of so-called sex magazines, the number and use of 'X'-rated cinemas, and sexual assault levels. They found absolutely no relationship at all. But where they did find a relationship was between the general level of violence in the community and rape. I think what in fact that does is to confirm what feminists have said for many many years, that rape is a crime of violence. If you have communities which have much violence you will have a lot of sexual crimes and that is unrelated, I would argue, to the amount of readership of sexually explicit material or the way in which people might watch 'X'-rated videos for example. I wouldn't want to push the analogy at all because you can't draw any cause and effect relationship, but it is very interesting that in the A.C.T. which is the home of 'X'-rated videos and which has been called a decadent capital for that and other reasons, the rate of rape and sexual assault and crime generally is very low. Whereas in Queensland, for example, where strict censorship policies have been in force for years, the rate of rape is very, very high. Clearly, a cause and effect relationship cannot be drawn but I think at least it is salutary to notice that you don't find in societies where sexual explicitness is, in fact, quite predominant necessarily high rates of rape, or crimes of violence.

Let me now just very briefly mention Commissions of Inquiry which I have gone through - there have been a number of them around the world: the 1970 Commission on obscenity and pornography in the United States, the Williams' Commission Report in the United Kingdom, the Fraser Committee Report in Canada, the Report of the Meese Commission again in the United States, and of course the Klugman Committee in 1988 in Australia. Where most of these Commissions of Inquiry agree is their concern based on a review of the experimental field and other evidence that in fact violent sexual pornography may be dangerous

1. Scott, J.E. and Schwalm, L.A., "Pornography and Rape: An Examination of Adult Theatre Rates and Rape Rates by State", in Scott J.E. and Hirsch T., eds, *Controversial Issues in Crime and Justice* (1988) pp 40-53

and there may be a very strong argument for controls over violent sexual material. Where they disagree, very clearly, is in non-violent sexually explicit material, and there are big differences, for example, in the minority report of the Klugman Committee and the majority report of that Committee. There are big differences between the Meese Commission in the United States, the most recent Commission, and the earlier 1970 Presidential Commission. There are big differences between the Williams Commission in Britain, which basically came to the conclusion that sexually explicit material was harmless, and other Commissions of Inquiry.

I won't go over all that ground but I would have to say of all the Commissions of Inquiry the one which is the weakest, without any doubt at all, is the Meese Commission. The Meese Commission, which was used by some members of the Klugman Committee, has been roundly condemned. In fact an entire issue of the Criminal Bar Foundation Research Journal in the United States is devoted to a methodological scientific critique of the Commission. The Commission was roundly criticised by academics in that and other journals on the grounds that there was a selective use of witnesses and a selective use of experimental evidence. Three of the leading researchers in the field - Linz, Penrod and Donnerstein - came to the general conclusion and I quote "That the Commission's focus on harsher legal restrictions is misguided". They were highly critical of that Commission.

Let me now conclude. Despite the fact, as I said earlier, that I intensely dislike censorship I would be the first to admit that social science research does not prove that sexually explicit media material is absolutely harmless. I don't think it proves that at all. I think that is very difficult. Likewise, though, if legal sanctions and censorship were applied more stringently in Australia, as some wish to apply them in, for example, 'X'-rated videos, on the basis of social science data then these sanctions and censorship would be in my view seriously misguided. This is because as Stephen Lab's review, which I have mentioned, has pointed out, the social science evidence indicates that sexual explicitness plays a relatively minor role in producing anti-social effects, and even when these effects are shown in a laboratory situation, there are grave difficulties in generalizing from laboratory research.

But let's assume that you disagree with Lab's conclusion, with my conclusion, and you actually believe, and it is your position, that there is evidence out there that shows that sexually explicit material does lead to social harm defined by increasing rape rates or attacks on women or other specific forms of behaviour. Does that therefore lead to the necessarily social policy consideration of increased censorship by banning 'X'-rated videos for example? I would argue even if that were the conclusion (which I do not believe), that there is nothing in social science research which would allow me or you if you were a social scientist to come to that conclusion. I don't think social science *per se* allows one to have specific policy positions. What social science can do, though, is say "I think, that if you have this policy these will be the effects" and I have argued elsewhere that if you in fact, for example, ban 'X'-rated video materials coming out of Canberra, change the legislation, then what will happen is that we will have an increase in the black market, increase in organised

crime, and a further inroad into free speech in this country. I think that this is undoubtedly true.

Let me just make two other points before I conclude. I think what really disappoints me in this entire debate is the way in which the media have in fact presented issues relating to pornography erotica and particularly 'X'-rated videos. John Dickie explains very carefully in his paper what 'X'-rated videos are. The media, I think, including large public opinion polls published, for example, in *The Age* newspaper, have presented 'X'-rated videos as though they are sex and violence combined. They are not at all and I have been very critical (and still am) about how the media in this country have presented this whole debate about censorship and what 'X'-rated videos are. Here I must give a plug to a book a colleague and I have just published on how the crime is reported in Australia in which we make the same point, basically, that the way in which crime is beaten up, portrayed and mashed by the media in this country is appalling, and continues to get worse in many cases².

But no matter which side of this whole 'X'-rated business you are on, I do suggest that you actually, strangely enough, have a look at what you want to criticise or what you want to defend. In a sense, without necessarily defending 'X'-rated videos, their nature as a medium has changed. The distinction between erotica and pornography, as Ms Thornton I am sure will point out, is a very, very difficult area and often we use the words interchangeably. 'X'-rated videos are changing to the extent now that women are producing them. Women are now far more assertive in them in terms of sexual relations. I wouldn't swear by these figures, because they are presented by people with vested interests (the adult video associations), but allegedly forty to fifty percent of viewers are female, and like any popular media 'X'-rated videos are reflecting changing social values in terms of relationships between blacks and whites and so on. Now all that might be considered 'bad' by some people and not an argument or a reason to defend them, but I do think it is very important to consider that as any medium reflects social conditions and changes, so do 'X'-rated videos.

One final comment is that if one is concerned about this whole area of sexually explicit media material I think that one has to widen one's options in looking at possible social controls over them. Censorship is the preferred way to deal with social problems in this country. If we don't like something we ban it - that is the automatic Australian response. There are other ways of dealing with the problem. There is, for example, the very real possibility of emphasising media courses in schools so that kids can learn to discriminate between material in a far better way than they do now. There are groups which can lobby against 'X'-rated videos and particular stores and distributors which in fact ban them. The legal response, in other words, the banning response, is a response which I think would be very counter-productive and one which I in no way would want to support.

2. Grabosky, P.N. and Wilson, P.R., *Journalism and Justice: How Crime is Reported* (1989)