

Pornography and prostitution

a report on exploitation and demand

2016



Unizon represents over 130 women's shelters, young women's empowerment centres and other forms of support which work for an equal society free from violence.

www.unizon.se

Pornography and prostitution

Produced by Unizon 2016.

All interviews have been read and approved by the person interviewed. In some cases names have been removed or changed. The opinions and proposals put forward by the participants in this report do not necessarily reflect the views of Unizon.

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Translated by Marion Söderström, reviewed & revised by Max Waltman

Unizon represents over 130 women's shelters, young women's empowerment centres and other forms of support which work for an equal society free from violence. Our member organisations offer support and protection and work with prevention and advocacy, using their knowledge of violence, gender and power and the relationship between them.

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Preface

Unizon is a national association comprising over 130 women's shelters, young women's empowerment centres and other support activities which work for a gender equal society free from violence. We work every day for the rights of women and children, always in line with our knowledge about violence, gender and power. In this report we show how men's violence against women expresses itself in the pornography and prostitution industry. Using research, quantitative data and interviews we present a picture of the relationship between these phenomena, on both a societal and an individual level.



Zandra Kanakaris and Olga Persson, Unizon

a researcher and teacher in political science at Stockholm University, shows how the pornography industry contributes to violence and attitudes that support violence against women and why the pornography industry is an obstacle in the work for an equal society free from violence. He summarises the current knowledge and makes proposals for political solutions.

A number of things have become clearer during the work with this report. The first is that the Act on Prohibition of the Purchase of Sexual Services (the Sex Purchase Act) is a help in the feminist, social work. The shelters and centres can refer to the Act to make it clear that the person who buys sex is responsible for their actions and is committing a crime, and the Act is a way of relieving feelings of guilt and shame from the person seeking support.

The second is that Unizon's call for more social support for persons in prostitution must be repeated. New centres must be opened in addition to those in Stockholm, Malmö and Gothenburg and both social services and non-profit women's shelters and young women's empowerment centres must have a greater general understanding of how we can help people with experience of prostitution. Many shelters and centres already work actively to listen for, ask about and be open to stories of experiences of prostitution from the women they meet, and even more can become better at it. We know that there is a high number of unreported cases, even among those who turn to the shelters, and that women often initially seek help for some other form of exploitation.

Part One of the report describes the work of the shelters and centres in their meetings with, primarily, women and girls who are victims of and in prostitution. The shelters and centres meet women who are forced to have sex with their husbands in order to clothe themselves and their children, girls in their last years of school who meet sex purchasers as a form of self-harming, women who sell sex in exchange for drugs or a roof over their heads and women who are victims of human trafficking. We want to present a picture of what prostitution is like in Sweden today, and we are sharing our knowledge and ideas with you who work with people in some way. In Part Two, Max Waltman, PhD and

The third is that while there are many different experiences of having received payment for sexual acts they are often linked to other forms of exploitation. As with women in the pornography industry, they involve other forms of sexual assault, substance abuse, poverty, self-harming or some other exposure to violence.

As a national association for women's shelters, young women's empowerment centres and youth support centres we are taking our responsibility for the lessons learned through this report by working to increase the knowledge about the pornography and prostitution industry among our members. At the same time, we will continue to demand that the government, municipalities and other organisations also take their responsibility for developing the support and the preventive work which targets the real problem, men's demand for pornography and for the right to buy sexual services. This work must build on the knowledge that buying sex is a crime which is committed primarily by men and which affects women, girls, men, boys and transgender persons.

The purchase of sex and what is today mainstream pornography, the so-called gonzo porn, have no place in an equal society free from violence. With the Sex Purchase Act, society has taken some of the responsibility. What remains now is to increase the support to those exploited, more work with prevention, to strengthen the legislation and the way it is applied by the judicial system.

Zandra Kanakaris

Chair, Unizon

Olga Persson

Secretary General, Unizon

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Part 1. Exploitation

– meetings with people in prostitution and stories from social work

Unizon's member organisations offer support, accommodation and protection to thousands of women, young people and children every year. In this first part of the report we have taken a close look at the shelters' meetings with, first and foremost, women and girls who have experience of prostitution. We also describe the work of the shelters, what they are calling for in order to be able to develop their own activities and how support from society in general can be improved. This includes an interview with the PRIS network with tips and advice for both the shelters and social services, and an example of a counselling method which is used by some of Unizon's shelters.

Member survey on the work with individuals who have received payment for sex

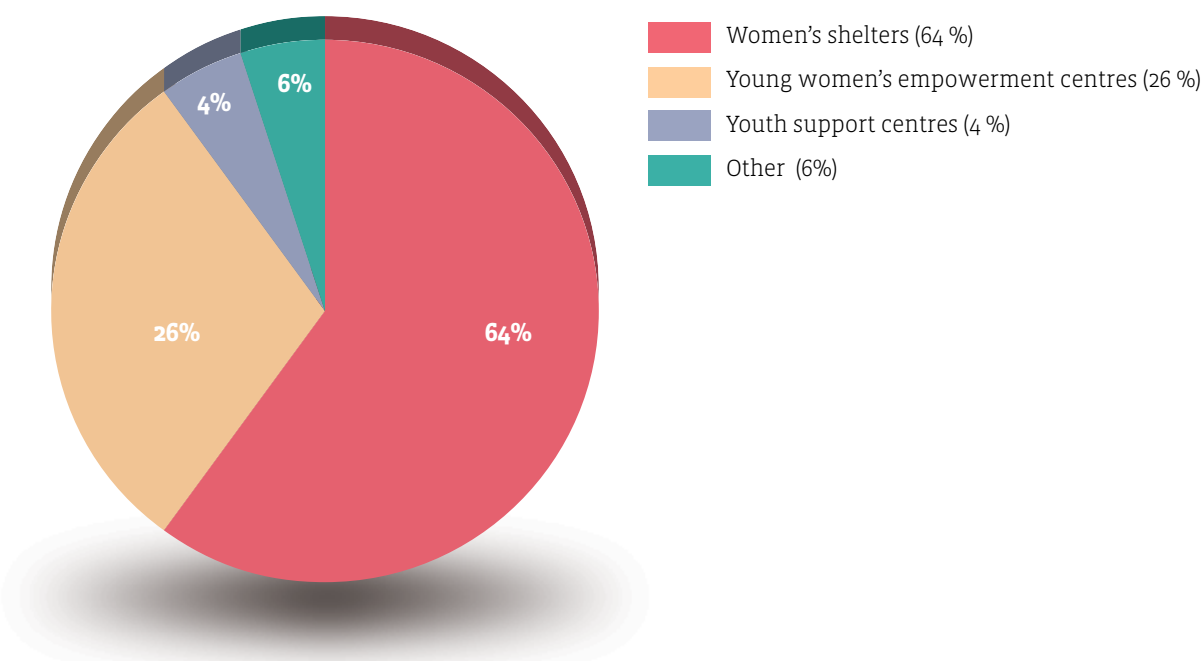
Result - summary

- ▶ Almost one in two of Unizon's member organisations had in 2014 had contact with people seeking support who have reported that they have been paid for sex
- ▶ In one year 48 shelters and centres supported 262 individuals with experience of prostitution
- ▶ At an estimate, Unizon's member organisations came into contact with approximately 450 individuals with experience of prostitution in 2014
- ▶ The number of unreported cases is probably high – the most common reason for contacting a shelter or centre is not sex in return for payment but some other form of violence or abuse
- ▶ Almost 9 in 10 of those who report experience of prostitution are women and girls under the age of 18
- ▶ The most commonly described need for support in relation to experiences of prostitution is help to deal with feelings of guilt and shame
- ▶ Most of the conversations regarding pornography describe how a boyfriend/husband forced the person seeking support to watch pornography, or filmed them having sex.

About the survey

The responses from a member survey of Unizon's member organisations conducted in February-March 2015 are shown below. The survey was web-based and consisted of 10 questions about prostitution and pornography. The answers relate to 2014. The survey was sent to 112 shelters and centres and the level of response was 43%. The participating shelters accurately reflect the make up of the association. Since the shelters do not always have information regarding, for example, the exact age of the person seeking support, the statistics are based on estimates.

Participating organisation



One in two shelters

Almost one in two of Unizon's member organisations had in 2014 come into contact with people seeking support who have described experiences of prostitution/being paid for sex, 23 of 48 of the shelters and centres which took part in the survey. In 2014 the 48 shelters which responded to the survey supported a total of 262 individuals, the majority of whom were women and girls under the age of 18, with experience of being paid for sex. If the shelter which had contact with the largest number of individuals seeking support (133) is excluded from the selection this implies an average of almost three individuals with experience of prostitution seeking support per shelter/centre and year. Unizon's 112 member organisations (including the shelter with a very large number of individuals seeking support in this category) came into contact with an estimated 450 individuals with experience of prostitution in 2014. There is, however, reason to believe that considerably more of those who seek support have experience of prostitution than those who talk about it.

The number of support contacts within this category varies strongly from organisation to organisation. Many shelters and centres had come into contact with a small number of individuals who said they had received payment for sex, while one shelter which specialises in sex as a form of self-harming, sex for payment and sexual assault had come into contact with 133 individuals with experience of prostitution. One shelter which specialises in women with addiction problems had also come into contact with significantly more women with experience of prostitution than the average.

The majority contact a shelter or centre because of another form of abuse – unreported cases likely

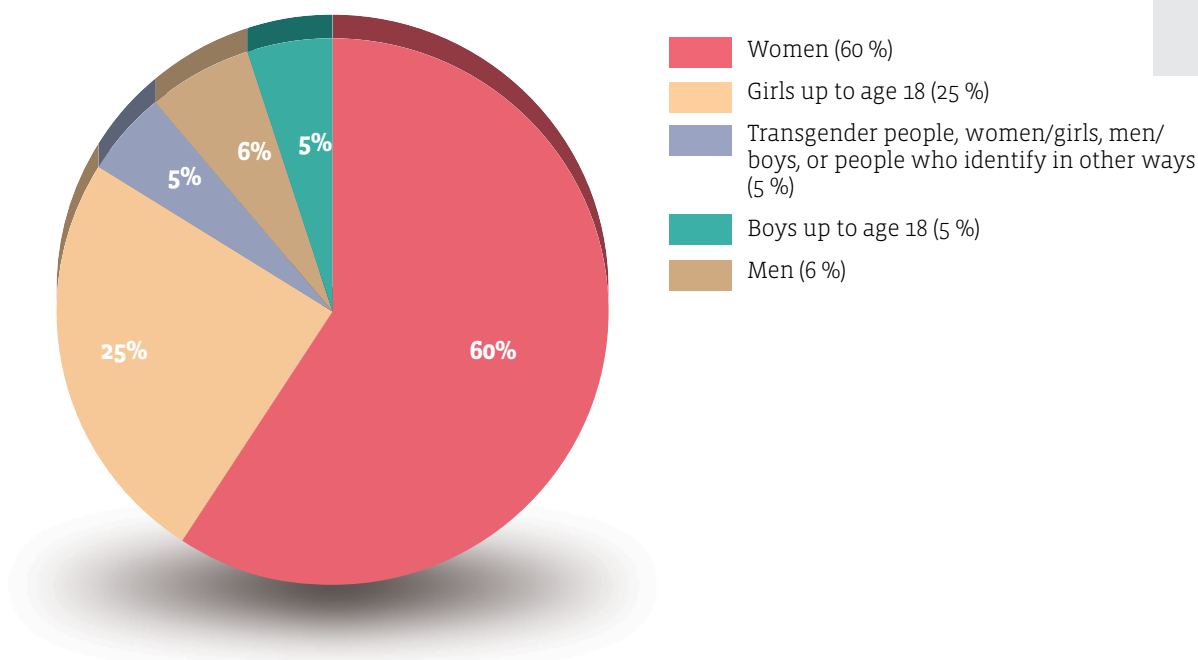
In the majority of cases, the individual has contacted the shelter or centre because of another form of violence or abuse, and the experiences of prostitution have emerged later during conversation. In some cases prostitution is part of a wider pattern of violence which includes physical, mental, economic and sexual violence. The person seeking support may have an addiction or self-harming behaviour which is in some way related to the experience of prostitution. They may also be ashamed to say that someone has given them money, drugs, food or things in exchange for sex, or that they have been forced into having sex with their partner in order to buy clothes for themselves or their children. The survey shows that the most com-

mon need for support in this target group is to deal with feelings of guilt and shame. It is probable that a larger number of those seeking support would describe various forms of sex in return for payment if the shelters and centres were more active in asking about and drawing attention to the question of payment for sex.

The majority are women and girls

Almost 9 out of 10 (85%) who report experience of having sex in return for payment are women and girls, but boys under the age of 18, transgender people of different ages, and men also seek support from the shelters and centres for experiences of prostitution. The shelters and centres estimate that 6 in 10 of those who report experiences of prostitution are adult women while one quarter are girls under the age of 18. Approximately 1 in 20 (5%) who contact the shelters regarding this question are transgender persons, and the same figure applies to boys under the age of 18 and men respectively. The most common type of sexual purchase is physical sexual services, such as intercourse or oral sex, followed by sexual services online, for example via a web camera. There are also cases of sexual services being provided over the telephone, participation in pornography or striptease.

Who describe experiences of prostitution?



Need for support

The need for support described by most shelters is help to deal with feelings of guilt and shame in relation to having received payment for sex. Other needs highlighted are the need to talk about what they have been through and to be given confirmation that the guilt and responsibility lie with the person who purchases sex or subjects them to violence. Help to exit prostitution is another need mentioned by several shelters, for example help to break a pattern of anxiety behaviour or dependence. Other needs for support described are fear of the perpetrator, help in contacts with the authorities, the need for accommodation for people in addiction, feelings of isolation and resignation and a need for support related to some other form of violence.

1. Since some shelters do not keep statistics of ages or know the age of the person seeking support, these estimates are based on the number for which the shelters have estimated gender and age. These were 191 of the total selection of 262 individuals.

Examples of needs for support described by the shelters:

- ▶ Remove the guilt. Reduce anxiety. To have the opportunity to talk about it
- ▶ Feels shame for own part played and needs to be relieved in question of who is responsible. This also applies in cases as young as 12-14 years old.
- ▶ Is what he did OK (morally and legally)? Handle guilt and shame. Need to talk about it.
- ▶ Afraid of the perpetrator.
- ▶ Questions in relation to addiction, sex in return for alcohol, need for accommodation for people with ongoing addiction.
- ▶ Questions about the "relationship" with the person who uses them for sex. E.g. a teacher the person seeking support has sex with in exchange for things
- ▶ The sex has become an addiction. How to cut down? Diseases.
- ▶ Needs to talk to someone, have confirmation that it is not his fault other men want to have sex with him
- ▶ Contacts with authorities, protected personal details, counselling.

Examples of conversations about pornography:

- ▶ Most common: watches pornography, has a partner who uses pornography in various ways in acts of violence.
- ▶ Forced to take part in a film, watching pornography and filming pornography.
- ▶ Abused by e.g. being forced to watch porn films. Also girl who was coerced into sending naked pictures of herself to boys.
- ▶ Help to break obsessive-compulsive watching of porn.
- ▶ Questions about why pornography is often insulting to women, and what kind of pornography one can watch which is not like that.

Conversations about pornography

One shelter in four reports that they receive questions from, or have conversations with, people seeking support which are related to pornography. In the majority of cases the person seeking support has been forced to watch pornography by a partner and/or a partner has filmed them having sex.

Interview

“At least 70-80 %, say that porn plays some part in the act of violence”

The Frida women’s shelter is located in a residential area in Hässleholm. It offers women who have been subjected to violence support in the form of accommodation, counselling and advice on what support the various authorities can provide. The shelter also has activities and counselling conversations for accompanying children, and is planning to open a shelter for men or couples who have been subjected to, for example, honour-related violence and oppression. Lotta Otterdahl, the executive manager, describes the shelter’s work with women who have experience of prostitution.

Describe your target group.

Most of the people we meet are women who have been subjected to violence by a man they are in a relationship with, and children who have witnessed violence against their mother. We also meet women who have been the victims of honour-related violence and oppression. Sometimes women who are threatened by criminal gangs need protection and accommodation at the shelter. The threat is often a consequence of the woman’s husband or son being involved in criminal behaviour, and the woman or mother is then used as a target in order to get at the man.

Do you meet women who have received payment for sex?

Yes, mainly two kinds. We meet many women who have been subjected to violence who are forced to have sex with their husband or boyfriend in order to get a bus pass or clothes for themselves and their children. This is something she does so she and her children can survive. We also meet women who have been forced to sell sex or have been the victims of trafficking. Here in the country we often meet women who have been lured to Sweden under false pretences by a Swedish man who has sold her to other men. Others have been exploited and abused in different ways throughout their lives, in their home country and then in Sweden.

Does the subject of porn ever come up in conversation?

I make a risk assessment with everyone who is given a place in the shelter and that includes questions about pornography. 70-80%, at least, say that porn plays some part in the violence. It’s part of everyday life. Sometimes the person seeking support is forced to watch porn films, or her partner wants her to wear clothes or do things that he’s seen in porn films. And she often goes along with it so that he won’t be angry or the violence won’t get worse. It’s also common that men have filmed sex and threaten to distribute photos and films. But when we report these threats or the distribution of photos to the police they don’t take it very seriously. And that’s terrible, because if you’re going to violate someone then sexual degradation is one of the worst ways. We have to be better at seeing and talking about sex and sexual violence on all levels.

What kind of support is needed?

Women who have been forced to sell sex and been subjected to trafficking have been so severely violated. They often feel they are completely worthless. So it takes a lot of time and effort for them to rediscover their own worth, process the violence and find their own sense of pleasure. Or build up a feeling that they are worth something for the first time. Some of the women we meet have been abused since they were children so it’s a huge job just to break the normalisation of assault and the purchase of sex.

How do you work?

We provide accommodation, dialogue, advice regarding contacts with the authorities, and also make sure we get extra support from professional counselling outside the shelter when necessary. Prostitution has

often been a way to survive economically, so she needs both economic support and security so she won't be exploited again. We have to remember that just as a woman whose husband subjects her to violence finds a certain security in the relationship, so women in prostitution may feel some security in that. So we have to help her build up a new form of security, and to start with, we represent that. If the crime has not been reported, we contact the police with the agreement of the woman. Unfortunately, I think that the women who are victims of human trafficking or forced to sell sex are invisible in the judicial system. If the victim of a crime has been both subjected to violence and forced to sell sex, the question of prostitution fades into the background during the trial. The focus is on the violence. I think there is an idea sometimes that women from a migrant background who are forced to sell sex in Sweden "did it so they could come here". It is seen as a strategy on her part, which is considered as mitigating circumstances in the crime of which she is the victim.



We meet many women who have been subjected to violence who are forced to have sex with their husband or boyfriend in order to get a bus pass or clothes for themselves and their children. We also meet women who have been forced to sell sex or have been the victims of trafficking"

How could support from society be improved?

The municipalities and county councils must be open to these stories. The women who are forced to sell sex and who have been victims of trafficking have been placed with us by the local social services because they have been subjected to violence. Not because someone has seen that she has been exploited in prostitution or forced to have sex in order to support herself, and reacted. Prostitution and human trafficking must be recognised as the big problems they are and all of us who work with women who have been subjected to violence must be really open. Dare to ask, dare to see and listen to their stories. Never impose guilt but be clear about what rights she has. If you have established trust with the person who is abused she will not take offence but rather see it as a sign that you care. When I make risk assessments I always tell them first that there will be questions of a sexual nature, so that it does not come as a surprise. And I also say that I've heard it all before, so there is nothing that can shock me.

Questions from individuals seeking support online at Tjejjouren.se and the women's shelters

Question from: Aaa

I live with my partner and our three children. We've been together for 13 years, we were young when we met. Right from the start of our relationship he showed signs of a need to control. It didn't take long before he wouldn't let me see my friends, he said they weren't good for me, that they weren't real friends. One of these friends was my best friend since we were children. He always wanted to know where I was who I was with even



If I want more I usually have to do a deal with him. Or I'll have to agree to something sexual"

if I was out with my mum. He asked questions to test me it was like a cross-examination.

[...] If we're going to do something at work like go out together for a drink after work or the Christmas party or whatever. I can forget about going. It's such a hassle. Two months of arguments beforehand he has to make me feel small or buy me out of going to the party. If you skip the party then you and I and the kids will go and buy you some new clothes or you can order something. When I have managed to get him to let me go there are always rules he has to pick me up and there's always a time like 11pm. If I'm not there on time I have to be punished. Not assault or anything like that but things he gets to buy or I'll let him do to me or things I have to go along with that I don't want to. And then there's more and more and more.... [...] I should also say

that I don't have any money. I have to put my salary into his account because he takes care of the bills and the shopping and I have to ask for money and tell him what I want it for. And we're only talking about 50-100 kr if I want more I usually have to do a deal with him. For example ... if I get 300 kr then he's allowed to buy some electronic gadget for 1000 kr. Or I'll have to agree to something sexual. I should point out that this is everyday life for me, this is what my life has been like since we met. [...]

Question from: Should I

hi! My boyfriend wants me to strip for him... Is it OK to do that? I don't really know what I think OK, he often films us when we're doing things i can go along with that... but stripping feels weird. I got so mad with him when he said it .. i was like WHAT? I don't even really know how to do it ... i've had a look at youtube and stuff ... i mean I knew what it was but i've never like thought about it before i feel that it's not really like me. But I'm up for most things, I mean what can go wrong ...? Should I or shouldn't I? I don't know Thanks in advance!



My boyfriend wants me to strip for him... Is that OK?"

Interview

“The purchase of sex can be like a normal chat conversation where the boundaries are moved. Or that a friend of a friend gives you money for sex”

Over 40 young women’s empowerment centres and youth support centres are members of Unizon. They meet young people who wonder about and need support in questions related to violence, assault, family, relationships, their body and much more. In this interview we meet the leader of a young women’s empowerment centre in a medium-sized Swedish town. Relatively few of those seeking support that the centre comes into contact with describe experiences of prostitution. We have therefore decided not to name the centre in question.

Describe your target group.

The people who contact us are mainly young women and girls. The average age is 17 but we come into contact with both 12 year olds and 27 year olds. Last year we had 328 counselling conversations and the most common topic is identity and self-esteem, closely followed by rape and sexual violence and different kinds of problems they experience in their family. Around ten girls who contacted us last year told us they had experience of being paid for sex.



The people seeking support need someone who will listen, not judge, and lay the blame where it belongs – in this case with the person who buys sex”

What kind of situation might those who have experience of prostitution be in?

The public debate focuses on adult women in street prostitution. I think very few young girls identify with that. For them, the purchase of sexual services can be like a normal chat conversation where the boundaries are moved. Or that a friend of a friend gives you money for sex. The purchase of sexual services has moved into the private rooms thanks to the internet and telephones. Sex in return for payment is often one of several problems the girls who have experience of prostitution who contact us tell us about. She may have been raped, and sex in return for payment has become a form of self-harming behaviour. She feels disgusting and that she is a bad person and thinks that sex and being abused are all she is good for. Or maybe she wants to have the same things as everyone else but the family is too poor and she is too young to work. Or she might be a single mother with no further education. Then it becomes a way of making money, there is a market.

What kinds of support are needed?

There are strong feelings of guilt and shame among those who have been paid for sex, because they themselves have been active in some way when they have met the buyer and sometimes taken the initiative. Some are worried and want to know if they have done anything illegal and want to check with us: Do we think she’s OK? Or do we think she’s disgusting and a bad person in some way. Apart from this, the need for support is more or less the same as for other people seeking support. Someone who will listen, not judge, and lay the blame where it belongs – in this case with the person who buys sex. The Sex Purchase Act is a great help because we can explain that the legislation has been designed to protect the person who receives payment for sex while the purchaser is actually committing a crime.

And how do you respond to them?

We have our guidelines that apply to all counselling conversations: to listen, support and reinforce and not to judge, value, or impose guilt. In individual chat conversations we must realise our limitations and try to do what we can so that she does not become more vulnerable. Is there anyone who knows where she is or what she does? Is there a risk that she will be subjected to violence? When we can support them for a longer period of time we can go into things more deeply and have more possibilities to focus on how she is feeling, what her options are and what kind of network she has. The Sex Purchase Act helps us to lift the burden of guilt and responsibility from her shoulders. At the same time there's a fine line between laying the blame where it belongs, with the buyer, and at the same time not taking away the support seeker's agency or ability to take action. If all we do is say "you are a victim" and "you have been exploited" then I think we're doing the person seeking support a disservice. Because she often feels that she has been active and that makes her very ashamed. Instead we can confirm that she is a capable person who has now realised that taking payment for sex makes her feel bad – and that she can use her energy to find alternatives which make her feel better. It is very important to make sure she sees her active behaviour, not least the big, brave step of contacting us and telling us what she has been through.

Questions from individuals seeking support online at Tjejjouren.se and the women's shelters

Question from: Mathilda

[...] I desperately need money. And a man has offered me 500 kronor for every time I let him see me naked on the cam plus send him pictures. I haven't answered him, but I've promised lots of people I care about that I won't do it. And I won't do it. I'm so



I desperately need money. And a man has offered me 500 kronor for every time I let him see me naked on the cam plus send him pictures. I'm so tired of all the dirty old men out there"

tired of all the dirty old men out there. How can they dare and how can they even think of asking a thirteen year old girl if she wants camsex and stuff like that. It's so sick. I just want to wipe them all out. How did I get like this? How did I come to be just about sex. Why does it feel like I've become some kind of sex symbol? It's just not right. I hate it. How the hell can I get rid of this feeling? I'm so afraid of my thoughts too. My life isn't at all super bad But I still secretly pray that I'll be in a car crash or something and die [...]

Question from: Angry

Ive got a question about sex discrimination, don't know how to spell it. So why is it ok for young boys (like in year 4) to talk about "porn" they've seen on the internet and stuff like that and everyone thinks it's so fucking normal?! ive watched



Why is it ok for young boys (like in year 4) to talk about "porn" they've seen on the internet and stuff like that and everyone thinks it's so fucking normal?!"

some as well, girls/boys with hardly any clothes on and im a girl. But if i talked about it everyone'd think it was disgusting. Why is it like that, us girls are at least as sexual as the boys (maybe not all of us) we just dont show it. And another thing as well is that, everyone accepts that boys "masturbate". But if a girl said she masturbated, guess what the reaction would be?// Angry

Question from: I don't get it!

I watch porn but I only enjoy it when it's two girls doing it but I'm not lesbian because I'm madly in love with a boy. I don't really enjoy any other porn. Is that abnormal??? Please answer!!!

Conventions and legislation

1949: United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

First Convention which mentions “traffic of women for sexual purposes” specifically and as a form of slavery.

1979: Convention on the Elimination of All Forms of Discrimination against Women

The Convention states that parties “shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of female prostitution” (Article 6).

2000: UN supplementary protocol to prevent, suppress and punish trafficking in persons, especially women and children (Palermo Protocol)

Supplementary protocol to the UN Convention on Transnational Organised Crime. Contains the first comprehensive internationally recognised definition of the crime of traffic in persons. Includes articles on how states shall prevent human trafficking by means such as legislation which counters the demand for the exploitation of women and children which drives human trafficking. It also obliges states to take measures to assist victims of human trafficking with physical, psychological and social support.

1989: UN Convention on the Rights of the Child

The Parties to the Convention commit to protecting children against all forms of sexual exploitation and sexual assault. The Parties to the Convention adopt in particular all appropriate national, bilateral and multilateral measures to prevent the exploitation of children for prostitution or other unlawful sexual activity and the exploitation of children in pornographic performances and in pornographic material.

1993: Swedish ban on arranging public pornographic performances

The aim is primarily to counter prostitution and on inception was aimed primarily at sex clubs.

1999: Swedish ban on the purchase of sexual services (The Act Prohibiting the Purchase of Sexual Services) and other relevant legislation

The first Act in the world that makes it illegal to purchase, but not to take money for, sex. Attempts to purchase sex are also forbidden by law, as are procuring and gross procuring.

2002: Swedish ban on human trafficking for sexual purposes

2011: EU directive on the prevention and combating of human trafficking and the protection of its victims

Orders the member states to appoint national rapporteurs and lays down, among other things, that: “All Member States should establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage or reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings [...]. In such initiatives, Member States should adopt a gender perspective and a child-rights approach.” (Article 25).

Interview

“Some women have been lured to Sweden with false promises of a job, or accompanied someone they are in love with who has sold them for sex”

ATIM is a women’s shelter and young women’s empowerment centre in Malmö. They have a home for women who have been subjected to violence and their children, as well as an open centre which offers support via telephone, email or face-to-face meetings. For a number of years the shelter had a separate home for survivors of human trafficking for sexual exploitation in collaboration with Malmö municipality. The shelter regularly meets women who have experienced some form of prostitution.

Describe your general target group.

We meet women who have varying life situations and backgrounds, but by far the most common case is a woman who has been subjected to violence by her husband or boyfriend. We work with everything from physical and sexual violence to cases of stalking, economic violence and honour-related violence.

What is your experience of meeting women who have experience of prostitution?

We used to have one place reserved for women who had been subjected to human trafficking for sexual exploitation in our shelter, in collaboration with Malmö municipality. We were responsible for the daily support and contacts with the authorities, while Mika Malmö, a municipal organisation which supports people in prostitution, was responsible for the more long-term work with treatment. The police took care of police matters, and social services were responsible for the economic support. Unfortunately the formal collaboration with a reserved place disappeared because many of these women did not have a residence permit, which meant we received no funding from social services. We had to pay the costs for the place ourselves and we could not afford that in the long run. It would have been different today, when Malmö has a more open attitude and a certain level of support for immigrants without papers. We still meet women who have experience of being paid for sex, but now they have been sent to our shelters by social services because of other forms of violence. Their experience of prostitution comes up later, in conversation.

What kind of situation might they be in?

Some of the women we meet have been paid for sex in another home country than Sweden, some have been traded as commodities, and that can be a reason they have fled. Others have recently arrived in Sweden or have a migrant background and are economically vulnerable. In such cases, different forms of prostitution can be an opportunity to get money or clothing. Some women have been lured to Sweden with promises of different jobs, or come with someone they were in love with who has then sold them for sex. Then it can be a combination of violence in a close relationship and serious, organised crime. We also meet women who have been victims of rape or other sexual assault and who meet buyers as a way of harming themselves. In these cases social services have sometimes refused to fund a place in a shelter because they do not understand the mechanisms. They think she can just stop. That is very sad because it means the progress we have made together with the woman is destroyed. What is often needed is a long-term approach with support on many levels, with everything from counselling to economic support, and which sometimes includes working with relatives.

Describe your support work.

We have what we need to be able to give support in the daily life and to manage crises. We work with empowerment and knowledge of rights, and actively communicate that we will listen to stories of sexual

violence and prostitution. Nothing is off limits here. What is important is to have a big amount of knowledge and a small ear to listen out for different kinds of violence: “this could be prostitution”, or “this could be economic violence”. So you can understand the differences in the stories and can ask more about things that should perhaps be highlighted and processed. But we respect the expertise needed to work long-term and to treat experiences of prostitution and so we work with Mika Malmö. Our experience shows that it is difficult to talk about being abused. It is often even more difficult to talk about sexual assault and prostitution and we need more time if we are going to do a good job. There’s a fine line between not taking away the person’s own agency, but not accepting the version that they are solely responsible for what they have been through. They are not. We have to confirm the defence mechanisms a woman has developed in order to survive, and highlight protection strategies and resistance. And at the same time help to make the assaults she has been subjected to visible and put them into words. But it has to be done gently and with respect.

Does the subject of porn ever come up in conversation?

Yes, girls and women sometimes have questions about what they should agree to do in sexual relationships. For example, if a boyfriend or husband wants to do something he has seen in porn. Or if she has been forced to watch porn with her partner. Sometimes men have filmed or taken photographs during sex, or just when she is naked, and used these as a threat. So porn can be part of the violence used.

How could the support for women with experience of prostitution be improved?

Migrationsrätten behöver stärkas i form av ökad rätt till uppehållstillstånd för personer som utsatts för The immigration law needs to be strengthened, to give people who have been victims of crime, for example sexual assault or the purchase of sexual services increased rights to residence. Women who have come to Sweden to join close family members may be afraid to report assault or that they have been forced to sell sex because of the fear of not being allowed to stay if they do not stay with their partner. Malmö municipality has a relatively open attitude to immigrants without papers, with some possibilities of support from the municipality, and the same should apply in all Swedish municipalities. In general, what is needed is a greater knowledge about violence among everyone who comes into contact with people in their work. It is not enough just to “be there”, it requires a certain understanding of violence and the processes of violence so they do not flinch when they are entrusted with someone’s story.

Questions from individuals seeking support online at Tjejjouren.se and the women’s shelters

Question from: Isabelle

HELLO! I'm panicking and don't know what to do right now ... But seriously I can't keep all this to myself any more ... I've been awake all night with panic



The ones who call themselves 'regulars' are really violent”

attack after panic attack. It's like this, I, like, sell myself, or whatever you call it. I'm a whore. But now it's gone totally out of control, or did some time ago. I've been doing this for maybe two and a half years, I'm 16.... I get texts and phone calls every day from men. Most of them are 30+. Most of them don't pay me any more, but it doesn't matter I don't want them. the ones who call themselves “regulars” are really violent, they take me back to their place, tie me up in their beds, hit me, push things up inside me Fuck, writing this makes me feel sick. But I can't tell anyone who knows who I am. Or anyone who might report it. They've said that if I stop doing this or tell anyone they'll kill me. Some of them. Have even threatened me with weapons. I can't fucking take this any more. I'll fucking kill myself soon, I can't fucking take any more. My body hurts so bad all over, I can't even fucking sit down. I fucking hate myself, for everything, for being the one who made the first contact. Because I let them do whatever they want to me and don't say anything, not a fucking thing! Fuck I only have myself to blame. I don't know what I want to say, just want to let off some steam...

Interview

“They often feel overwhelmed by the number of propositions from boys and men who want to buy sex and who keep calling until they get an answer”

Zandra Kanakarlis is the founder and executive manager of the young people’s support centre 1000 möjligheter (1000 possibilities), where Jenny Holmberg also works as a therapist. 1000 möjligheter is open for young people of all genders and specialises in supporting young people who have experience of sexual assault or prostitution, or harm themselves through various forms of sex. In collaboration with another Unizon centre, Novahuset, they run the chat line Stöd online (Support online) which focuses specifically on sex in return for payment.

Describe your target group

Most of those who call the Stöd online chat are young women aged between 18 and 20. They are a mixed group, mainly young women, but it would be misleading to say that “anyone” might receive payment for sex. Often something has happened to them which has led to the contact with sex purchasers and they may have a history of not feeling good. Some have been subjected to sexual assault, others have a self-harming behaviour. Some of those who contact us are in care. But most live at home, are in their last years at school, and some say they keep up an image of themselves as happy and “successful”.

What usually causes someone to contact you for support?

The young people who contact us often feel really low or suffering from severe panic, they may be finding it difficult to break the contact with sex purchasers or turn down propositions. In some cases it might have started when they put out an ad on the net, in other cases, purchasers have contacted them via social media or dating sites. They often feel overwhelmed by the number of contacts and propositions from boys and men who want to buy sex and who call them over and over again until they answer. They get in touch with us when they have understood that they do not feel good, that they need help and they have taken the important step of asking for it. Sometimes they may have tried to get support somewhere else, for example from the school counsellor, but not been given the support they need.

Who are the people who buy sex?

Men and boys of different ages. No-one has talked about women buying sex since the chat started. Most of those who buy sex make contact via internet. Sometimes it starts with them buying or being sent pictures then it moves on to physical contact. It is also quite common for the sex purchasers to have subjected those seeking support to violence or filmed the act of purchasing sex. Many young people we come into contact with persuade themselves that they are in control each time they meet a buyer. But their limits are not respected when they meet the purchasers and it often ends with them doing far more things than they had planned or being forced to do things they do not want to do. In an initial contact via a web camera this might mean taking off more and more clothes. When they meet a purchaser it might mean agreeing to anal sex even though they do not want to, that they have arranged to meet one person but more turn up, that they are raped and that the acts of purchasing and assault are filmed.

What questions and need for support do those who contact you have?

They need to talk to someone. But they also need practical advice and strategies for how to break the contact with the purchaser. Close down the net, switch off the phone, change phone number. It is hard for the person seeking support to break free from the sex purchasers because it means they must isolate themselves from the forums where they are also in contact their friends. They have to switch off a large

**Zandra Kanakaris,
founder and
executive manager
of the young people's
support centre 1000
möjligheter (1000 pos-
sibilities)**



part of their lives. For many of them, the meetings with the purchasers become a way of reducing their anxiety. It might be the only time they feel something or the only time they manage to switch off their emotions. That is why we also talk about sex as self-harm. Meeting the buyers both creates and reduces anxiety in a vicious circle. Some say they wish someone would lock them up and take away their phones and computers. The boys and men who want to buy sex are always just a click away. So the need for support consists of everything from help with acute diversion tactics so the person seeking support will not need to meet a sex purchaser, to finding substitutes for surviving the anxiety. The need for money, on the other hand, is very rarely mentioned.



It is also quite common for the sex purchasers to have subjected those seeking support to violence or filmed the act of purchasing sex”

What kind of support do you offer?

Many of those who contact us can tell us a lot about how they feel and what they have been through. At the same time they are often wary and afraid. They recoil easily. Pressure and exceeded limits are exactly what sex purchasers have subjected them to so many times. That makes it difficult to sustain a contact through all the steps in the support model; the first step – the first contact – is often repeated several times. The aim of our support method for this group is to give the person seeking support the courage to seek support outside the internet. Young people in prostitution or who harm themselves in different ways through sex often need more long-term and continual contact. They need practical strategies to break the contact and support to build up their self-esteem. Many of them think that sex is all they can do. They also need help to understand how they feel. For example, there may be a conflict between feeling that they meet a sex purchaser of their own free will and that it is no big deal on the one hand – “it’s only sex” – and feeling very bad about themselves on the other. Many of them have difficulty seeing the connection between being paid for sex and other things in life which cause and are a result of not feeling good, like problems sleeping and anorexia. The fact that they meet the purchasers of their own free will and that they themselves make contact means they don’t see that the person who purchases is committing a crime. And that he is in a position of power in a number of ways in relation to the person who receives money for sex.

What happens after the contact with you?

We have to work from the assumption that the rest of society works as it should. Our support model is in many ways a form of initial support. Unfortunately it is not easy to find long-term help and we spend a lot of time looking for counsellors, social workers or psychologists with the right knowledge and tools. We have built up a network in larger towns and cities but it is hard to do this in many parts of the country. We do not want to let someone seeking support go until we know they are in the right place.

Do you have any suggestions for other people who come into contact with young people?

When a young person is depressed, is being difficult or their grades at school are falling – ask them about their experience of sexual assault and receiving payment in return for sex. Ask, ask and ask again! And talk to young people, not least the boys, about relationships, limits and reciprocity rather than about how to have sex. Don’t be afraid to talk about porn and the impressions of sex and relationships communicated in the media and on the internet.

Questions from individuals seeking support online at Tjejjouren.se and the women’s shelters

Question from K.M

Hi.I heard about someone who had checked out a porn site to see what it was like and now I feel sick nearly all the time it was so fucking revolting the girls had to have the boy’s dick so far down their throats that they almost threw up! As soon as I hear the word sex I feel really sick! Is that what it’s like? if not why is it like that on porn sites? Now I NEVER want to have sex!!!!!!!!

Counselling method: Stöd online

The 1000 möjligheter and Novahuset centres jointly run the chat site Stöd online, where they use a counselling method with the same name. The method has been developed as an initial support for young people with experience of prostitution, in collaboration with Åsa Landberg (child psychologist and psychotherapist), Linda Jonsson (social worker and doctoral student in child and youth psychiatry) and Mika Nagata (Mikamottagningen in Stockholm).

Other actors can also use the method in conversations with young people, provided that they have the relevant knowledge of violence, prostitution, treatment and counselling techniques. The method consists of five steps which are briefly described below. The full instructions manual can be downloaded from 1000mojligheter.se, and other sites. The Stöd online chat is at stodonline.se.

Conversation 1 - Security, trust, offer. The purpose of the first conversation is to build trust so the person seeking support will want to return for more counselling. This first step is repeated many times for many of those seeking support. Building trust can take time.

Conversation 2 - A picture of the exploitation. The second conversation takes its point of departure in questions like: How does the person seeking support feel right now? What kind of abuse do they face? What do they want to talk about?

Conversation 3 - Life situation and network. Starts with questions such as: What is a “good” adult? Are there any “good” adults in their immediate environment, for example teachers, relatives, parents or friends or sports instructors? This awakens the thought of seeking further help or receiving support as a strategy for “survival”.

Conversation 4 - Motivation for change. In the case of anxiety – what can replace the contact with sex purchasers as a means of relieving anxiety? What dreams does the person seeking support have, what kind of life do they want?

Conversation 5 - Summary and evaluation. The aim of the final conversation is to establish forms for any continued support and to help the person seeking support to move on to, for example, social services, police or counselling.

Treatment

Some examples of starting points in counselling young people who have received payment for sex:

- ▶ Listen to their story and show that we are not deterred
- ▶ Remove guilt and shame. Clear focus on the perpetrator in the question of guilt.
- ▶ Talk about any feelings of pleasure. Feeling pleasure or experiencing an erection/ejaculation, orgasm/wetness during an assault can lead to strong feelings of shame and guilt. It is not unusual and it can be necessary to talk about it in order to remove these feelings
- ▶ Focus on the support seeker’s reality and any fears. They are the ones who are living in this and the fear can be a reason for not daring to take the next step in the process.
- ▶ Provide hope. It does not always need to feel like this and there is a life where the abuse will not always define who they are..
- ▶ Dare to see, dare to ask!!!!

Note that the method must be used in conjunction with the instructions in full and with previous knowledge. Taken from Samtalsmetod. Stöd online. Novahuset and 1000 möjligheter, 2013.

Interview

”Experiences of prostitution among women with addictions are seen as secondary, part of the “general violence” which people believe characterises the world of addiction”

Qjouren is a shelter in Stockholm for women who have been subjected to violence. Qjouren takes women who have an ongoing addiction to alcohol, medication or drugs. The shelter has five places and takes women from the whole country, but no children. Lea Honorine has worked at Qjouren since it opened in 2008.

Describe your target group.

The thing the women we meet have in common is that they have been subjected to violence. Other than that they are a rather heterogenous group. We meet women who have an ongoing addiction or a history of addiction. We meet women who lead well-ordered lives with a job and a family who have developed an alcohol addiction as a response to their partner’s violence, or women who have a hidden addiction to prescription drugs. But most of those we come into contact with live at least to some extent outside the welfare system. They are women who do not have anywhere to live or who move between hostels and rehab centres.

What are their experiences of violence and prostitution?

Most of them have been subjected to violence by a man they are living or have lived with. Some have been abused by several perpetrators: sex purchasers, pimps, or perhaps someone in the police force or at a rehab centre. And many of them have experience of prostitution. The purchaser might be a pimp who supplies them with drugs in return for sex, men they meet online, ordinary customers on Malmskillnadsgatan, neighbours, rehab staff or the friends of a boyfriend. For some it is an active way to get money, for others something that happens now and again that they do not regard as prostitution. They get drugs, protection or a home from a man and they know what to expect. Now we’re seeing a discussion about young people who receive payment for sex and people are talking about it as if it was something new. What has happened is that the internet means a new, very big arena where men who want to buy sex can find children, whereas they may previously have had access mainly to children who did not have anywhere to live or who lacked protection from adults. But there have always been men who want to buy sex from children and many of the women we meet have been those children. They just have not been children that anyone has cared much about.

Do you ask the women you meet about experiences of prostitution?

Women are not usually referred to us by social services as a result of their experiences of prostitution but because they have been subjected to some other form of violence. I think it is unusual that their experiences of prostitution are recognised by the social authorities. Sex in return for payment comes up in the conversations we have here at the shelter, but it is often the last thing a woman talks about. The shame associated with prostitution is often worse than all other kinds of shame. We take it for granted that most of the women we meet here have some sort of experience of being paid for sex and try to make it clear that it is not something we will shy away from if they want to talk about it. But I think that both we and others need to be better at talking about experiences of prostitution. There are often more ideas than knowledge, and many veils which make people uncertain.

**Lea Honorine,
Qjourn.**



What are the needs for support?

Some of the women we meet have a very long history of violence and assault and their need for treatment is immense. Living in prostitution and constantly having a high pace of survival takes its toll on both the body and the mind. There is no way we can meet all their needs. But we do much more than offer a place to stay and someone to talk to. In life, you do not go from the bottom to the top in one big step so the help must be adapted to that process. In Sweden there are shelters for when you are at the bottom and then the places you can turn to when you have decided to start again. We need support and open places for the people who are in between. Some of the women we meet feel too far gone for centres that work with prostitution and prefer to turn to places for the homeless. These nearly always take both men and women, which is a problem.

Why?

I can give you an example. A woman who lived with us went to an open treatment centre for her addiction, in



They get drugs, protection or a home from a man and they know what to expect"

a mixed group. At one of the meetings two of the counsellors realised that most of the women in the group had experience of prostitution. So they decided to give the women some time together while the men had coffee in the kitchen. What the counsellors did not realise was that many of the men in the group were sex purchasers the women had met on occasions. None of the women were comfortable talking about their experiences of prostitution in that situation. Unfortunately I think that says a lot about how the experiences of prostitution among women with addictions are regarded – as an aside which can be a bit of a problem. It is the same with experiences of being subjected to violence. It is regarded as part of the “general violence” which people believe characterises the world of addiction rather than as the crime of violation of the integrity of women it is. The rest of society treats them as if prostitution and violence are a normal part of the way they have lived. The women we work with are part of a strong normalisation process and it is our duty not to normalise violence and the purchase of sex.

How could support from society be improved?

The social efforts must make the link between addiction, lack of money, homelessness, prostitution and violence. Many of those we meet lack a home, a job and a social network and are therefore extra vulnerable to men who are not looking for an equal relationship or who want to buy sex. Understanding the whole picture is essential if a woman is to be able to find help to create the conditions for getting away from the prostitution or a violent partner. If the social services made use of the knowledge which shows that a majority of women in addiction are victims of violence, then support in the question of violence would be an obvious part of the efforts for this group. Instead, they rarely ask about experiences of violence and we often have to fight to have a woman placed with us. She is regarded as an addict first and a victim of violence second. When the budget decides, it is cheaper for social services to place a woman in a hostel than in Qjouren. But how can you escape from an addiction if you are subjected to violence, or get out of prostitution if you have no money or home? We need more money for accessible and parallel forms of support which build on a holistic understanding of addiction, material conditions, sex purchasing and violence.

Questions from individuals seeking support online at Tjejjouren.se and the women’s shelters.

Question from: Unhappy girl

Hi am a 20-year-old girl who has had a hard time financially and I don't get any help from my local council because I've been sick for a



I don't want to do this any more, but it's hard when you're hungry and need healthcare"

while etc. I'm trying and have tried to find a job every day. It's got to a point where I haven't had any money at all and have had to sell myself for money so I can afford to buy food, go to the doctor etc. I've got some allergies and other problems which mean I need to take medicine every day. Because I don't have any financial

assistance even though I've told them about my problems, I just get rejection after rejection. Since I started in prostitution I've been better off financially but mentally I haven't felt good at all. There have been lots of times when I've thought about killing myself because I feel so disgusted with myself. I don't want to do this any more, but it's hard when you're hungry and need healthcare. Now I've got chlamydia and that's made me feel I have to stop doing this, but I don't feel like I have a choice.

Question from: ...

Hi, i'm 13 & nearly 14, but my boyfriend is 15 now & he's been watching porn since he was little & he's always trying to turn me on and stuff.. I've managed to persuade him that i don't want to have sex till i'm 15, but of course he wants us to do it on the day i'm 15.. & so i feel i'm under even more pressure, and surely that's not what sex is supposed to be like? I also want to know what masturbation and oral sex are? Thanks for your answer:)



My boyfriend is 15 now & he's been watching porn since he was little... i feel i'm under even more pressure, and surely that's not what sex is supposed to be like?"

Simple and discreet

– a documentary film about men who buy sex

Many contacts for purchasing sex today are made via internet. But what are these meetings like? The short documentary Simple and Discreet shows conversations and meetings with men who want to purchase sex. The following dialogues are taken from the film.

Do you swallow?

No

It's just that once you've crossed the line you've crossed it. That's why I'm not sure.

Do you suck without?

No

Yes, well, I understand you. But at the same time it depends on your willpower. If ... not a good reason, but there is a reason, a goal or a dream you have. I mean if you can have such strong willpower and stop ... then it can't be a problem. Why don't we start like this. We can start with a quick blow job and then you can If it feels alright after that then maybe we can meet again.

OK, but I'd like to start with that anyway. I mean between your breasts, if that's ok.

Do you need money?

Yes.

Yes, of course you do. Everyone needs money.

Yes, I'm saving up for a holiday at New Year. So that's what I'm trying to save up for. But I'm not sure if that's going too far, you know, selling sex to get enough money, but ...

Are you sixteen?

Yes

Really. It didn't say that

Right.

That's not for me to say. It's up to you.

OK... That's not great, is it.

If you want it with a condom that's absolutely fine.

OK... That's nice of you.

OK, sure. But you'll have to put the condom on.

Or we can meet in half an hour and you can do something nice with your hand for ten minutes, then we'll say goodbye.

No, I don't want to..

Yes you do. Please. Please.

Are you still at school?

Yes, I don't get any student allowance now, so I'm desperate for money.

Where do you live? On campus?

No, I don't actually live there. I'm in my last year at school.

Oh right... This is a nice town. A great day.

What?

It's lovely weather.

No, I don't know. I don't know if I want to do it. I don't know if it's a good idea

It would have been fun

What did you say?

I said it would have been fun. We could ... do it in the car or something. If you think that's ok.

**Simple and Discreet was made by Ylvaa Johansson and Anna-My Novotny.
Contact Unizon or one of our member shelters to book a viewing of the film.**

Interview

”We need more shelters and centres to take responsibility for prostitution”

Prostitutes’ Revenge in Society, PRIS, is a network of people who are currently in or have experience of prostitution. The network has 35 members from around Sweden who offer each other support, spread knowledge and take joint initiatives. Linda Hansson is a member of PRIS and has lived in safe accommodation at a number of women’s shelters. She describes her experiences of social support and how this support could be improved.

Tell us something about PRIS.

We are a network of members of all ages across the whole country. Mostly it works like a mailing list, so you can be quite anonymous. Everyone who has experience of some form of prostitution is welcome, as long as they have not bought sex or are a pimp or running some kind of brothel. It would not feel at all safe if these people were allowed to join. If something happens or I need support or just want to get my thoughts down on paper I can do it, at three in the morning if I want to, and there will always be someone who answers.

What experience do you have of other forms of support?

The police put me in touch with Mikamottagningen² in Gothenburg. It was during a procuring case, and they supported me when I had to testify. Then I had counselling with them for four years and we’re still in touch. They helped me in my contacts with social services and healthcare and I don’t know where I’d be today if it wasn’t for them. I know lots of others who feel the same. Sometimes you hear that you have to have quit or be on your way out of prostitution when you contact Mikamottagningen. That’s not true, it doesn’t matter who you are or what your situation is.

Have you had any other support or protection?

From what I have seen there is very little support for adult women in prostitution. I have lived in different municipalities and had contact with different social services, and I have only ever met one case officer who understood that I needed protection. She had worked earlier with questions about the violation of women’s integrity. In most cases social services have not done any kind of threat and risk assessment. I have had to fight for protection and then heard “well, change your number then” or “don’t bother to answer”. That’s not really how it works. Lots of buyers might know where you live, or have information they can use against you or threaten you. Everyone should have the right to protection, even if they’ve put themselves at risk. And I don’t understand how you can grant someone protection and then not take any interest in what’s going on around them or what happens later. I’ve kept all the numbers of the men who bought sex and can contact them as easily as anything. And I have done, when I’ve felt bad and not had anyone there to support me. I wish I’d had social services behind me then. But it’s always outpatient psychiatric care’s problem, or a matter for the women’s shelter or someone else’s responsibility. There aren’t any treatment homes either if you “only” sell sex or “only” have sex as a means of self-harm. So they often throw out questions to find a solution: “Don’t you have a mild addiction, so you can go to that unit?”

In my experience, social services don’t know how to treat people with experience of prostitution, so they try to reduce or ignore the problem. When I applied for money once I told the case officer that I’d man-

2. Mikamottagningen in Göteborg works with questions to do with prostitution and human trafficking. They offer counselling, support and practical help for people with experience of receiving payment for sex or using sex to self-harm.

aged to get out of prostitution for a while but that I'd fallen back into it. And she said: "Well then, you do get money if you're doing that." She talked about it as a source of income. I didn't know what to say. When you need money and end up in different situations that are hard to get out of, that can be a reason why you fall back on prostitution. They put the blame on you and think you can choose not to be in prostitution. But maybe you can't always when you're in a difficult situation, and you're often alone. Prostitution isn't something you tell your friend about, it's such a taboo and most people have a very special picture of it.

What experience do you have of contact with women's shelters?

I've been to several women's shelters in different municipalities. Most of them have been really good, but they haven't known much about prostitution. I think many shelters have a picture of an "ordinary" woman who has children and who is beaten by her husband. And as an adult woman who has experience of prostitution you also stand out among the women staying at the shelter. I understand that the shelters have a lot to deal with and can't please everyone, but you shouldn't have to fight for protection and then feel: "What am I doing here? Do I have the right to be here?" I think the shelters should be able to put resources into helping women with experience of prostitution in the same way as they do by having children's experts.



If I'm subjected to violence by someone who buys sex, or if I sell sex and it doesn't feel right, then that's just the same as having sex against your will or someone doing something to you that doesn't feel right. Why should we say there's a difference?"

What advice would you give the shelters?

At PRIS we don't think there should be such a big difference between talking about prostitution and other sexual violence. If I'm subjected to violence by someone who buys sex, or if I sell sex and it doesn't feel right, then that's just the same as having sex against your will or someone doing something to you that doesn't feel right. Why should we say there's a difference? What we need is to be treated properly, for the problem to be taken seriously and the need for protection to be recognised. You don't want to be judged, you don't want to be afraid to talk about what you've been through, and you don't want to hear "So why don't you just stop then?" I can contact the buyers myself in just the same way as when you're in a relationship and you go back to the person who hurts you. You need support to be able to get out. It's great that there is chat support for young people today. Sometimes it's easier to write about it than to talk about it. But we also need support and protection for adult women.

How could support from society be improved in general?

The Sex Purchase Act has given me security and I know that it has been the same for many others. At PRIS we believe that the discussion questioning the Sex Purchase Act is unnecessary when there's so much else to deal with. Social services need more knowledge and the collaboration with the women's shelters needs to be better. At the moment the municipalities are using the shelters to do all kinds of things, like looking for flats for women, and that also makes it more difficult for them to take in women who don't match the standard type. But women like us who have been exploited also have the right to protection. So we need more shelters with responsibility for working with prostitution and human trafficking.

Unizon's demands

- ▶ Better support for people in prostitution and people who want to leave prostitution
- ▶ The Swedish government must work to make more countries criminalise the purchase of sex
- ▶ Criminalise the act of purchasing sex abroad by Swedish citizens
- ▶ Give people who are purchased in prostitution the status of victims of crime to make it clear that they are victims of the crime of purchasing sex
- ▶ Continue efforts to prevent young people from ending up in prostitution with a particular focus on young girls who use sex as self-harming behaviour and LGBT individuals, and to prevent young boys becoming sex purchasers, with a special focus on norms for masculinity
- ▶ Tighten up the legislation regarding children and the purchase of sexual services including the age at which strict liability is established.
- ▶ Highlight how pornography affects people, a governmental commission should be assigned to investigate how the legislation can be strengthened and how the circulation can be limited
- ▶ Introduce sex education as a separate subject in school
- ▶ Introduce pornography-free environments

Part 2 Demand

Pornography and men's violence against
women

Max Waltman, PhD
in collaboration with Unizon

2016

All translations are the author's own unless otherwise stated.

Max Waltman is a Wenner-Gren Fellow and will be a visiting researcher at Harvard University the academic year 2016/2017 at Weatherhead Center for International Affairs. Prior to that, Waltman was an assistant professor (*universitetslektor*) in political science at Stockholm University and Södertörn University. He has published scholarly and media articles on the politics of legal challenges to sexual exploitation (prostitution/human trafficking), and on the politics of legal challenges to pornography and its connection with sex inequality and gender-based violence. He defended his doctoral thesis (monograph) entitled *The Politics of Legal Challenges to Pornography: Canada, Sweden, and the United States* at Stockholm University. Waltman's work covers Canada, Sweden, the United States, and international law. His doctoral thesis analyzes the obstacles and potential of democracies to legally and effectively address the empirically documented harms arising from the production and consumption of pornography, with proposals for alternatives. It compares the politics of legal challenges to pornography within various democratic and legal frameworks, taking its point of departure in an analysis of the large body of empirical evidence and the cumulative research and knowledge showing that pornography is an unequal social practice – a form of sexual exploitation that contributes to sexual aggression and attitudes supporting violence against women and thus counteract equality. Waltman has participated in international conferences, been consulted by legislative bodies both in Sweden and abroad, and works with policy initiatives together with survivors of prostitution and human trafficking and with feminist groups. He was twice a visiting research scholar at the University of Michigan Law School during the period 2006–2008.

Preface

This illuminating report provides a comprehensive, reliable, up-to-the-minute analysis of the available information on pornography and its harms and offers proposals for effective legal action against it. Focusing like a laser on frequently asked questions and widespread confusions, the review of current knowledge on the realities of pornography's making and the effects of its use is careful, lucid, and accessible. If you have asked if pornography changes those who use it, or inquired whether the studies on its effects really do validly diverge, or pondered whether individual variation in responses undermines group effects, you will find answers here. If you have heard all about heterosexual pornography but want to know more about gay male pornography, including the treatment of male performers, this report is for you. If you have wondered how the women in pornography got there, or whether nonviolent pornography can feed violence against women, or what is the difference between civil remedies and criminal proposals for stopping it, you have come to the right place.

Beginning with the best available review of information on the people who are used to make pornography, the harms of its production are detailed. The vast majority of so-called performers or models are shown to be the same population that is exploited in prostitution: abused in childhood, desperately poor, discriminated against based on sex, race, ethnicity, and gender identity, often homeless and lacking in options, not freely choosing among them. Perceptively applying the now considerable knowledge produced by the growing international opposition to prostitution as an institution of gender-based violence, culminating in the Swedish model which prohibits buying people for sexual use, pornography production is exposed as a predatory arm of the sex industry.

The engaging and concise description and critical dissection of the technical social science evidence from expert studies of consumers of pornography shows that the materials mass produce the same harms of sexual abuse inflicted in its production, mainly to women and children. Testimony and recent studies also show that some men and intimate relationships are damaged as a result of its consumption. Bringing together psychological experiments, real world population surveys, specific studies of vulnerable groups, and individual qualitative data, the report calmly documents beyond doubt its conclusion that “the majority of pornography consumption today leads to both more men’s violence against women and more attitudes that trivialize this violence” (chapter 3).

The genius of the Swedish model against prostitution is that it goes after what drives prostitution: the demand. To stop the pornography, what drives it must also be addressed: the supply. Prostitution, mostly controlled by pimps and traffickers, is supplied because there is a demand. Pornography is a business of organized crime designed to manipulate the consumer to want, hence to buy, more and more of ever more violent and abusive materials, so he becomes unable to be excited or satisfied sexually without it. It works. Pornography is demanded because it is supplied. It can only be stopped by going after that supply as a business, making the industry pay the actual cost of the damage pornography increasingly inflicts on societies through its production and consumption. This, together with the negative experience with prosecutors being typically unwilling to bring criminal cases against pornographers — a problem analyzed here as an additional reason to think outside the box — counsels in favor of providing civil routes of relief that can be effectuated by its direct victims to complement monetary relief and other penalties provided by criminal laws against sex trafficking.

Pornography is a technologically sophisticated form of trafficking in women and children that is penetrating ever more deeply into societies and colonizing them ever more widely, including transnationally through the internet. Pornographers are by definition third parties benefiting from sexual exploitation for trafficking, at once a human rights violation and a transnational and domestic crime. Countries that have adopted the Convention on the Elimination on All Forms of Discrimination Against Women (art. 6) and the definition of trafficking in the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the U.N. Convention Against Transnational Organized Crime, are legally in a good position to implement them by interpreting or passing both civil and criminal laws against sex discrimination and sex trafficking that cover pornography, combining satisfaction of human rights imperatives with international due diligence obligations.

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5 november 2015

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1. Introduction and summary

Pornography is a deeply polarizing issue. Its critics raise concerns of sex inequality, sexual violence and exploitation – in other words, that pornography causes harms of discrimination, in particular against women. Its defenders invoke freedom of expression and sexual freedoms, focusing on the dangers of regulation. Differences in opinion are particularly strong if we compare men and women as groups. Opinion surveys in countries such as Sweden and the United States have long shown that at least half of all women want to see stronger regulation to limit pornography – not infrequently a “total ban.”¹ By contrast, significantly fewer men share that view, even if around 35–40% may similarly wish to see stronger regulation.²

Yet the reason pornography is an important issue for women’s shelters and other organizations working to prevent and combat men’s violence against women is not primarily that it gives rise to differences in opinion between men and women. Historically, pornography has often played a part in the shelters’ work with clients; their experience shows that it acts as a catalyst and inspiration that contributes to men’s sexual aggression and negative attitudes toward women (cf. below chapter 3, pp. 63–64). These experiences are further corroborated today by a large number of international scholarly studies and public inquiries into pornography’s link to men’s violence against women that have been conducted in various countries since the 1970s (see further chapter 3).

Production and consumption

Material, production method, and production conditions

What is pornography and how is it produced? In media research and psychology it is commonly defined as “sexually explicit media that are primarily intended to arouse sexual desires in the audience.”³ Broad definitions are generally followed by more specific sub-definitions in which the materials are categorized according to whether they present sexual intercourse, oral/anal sex, sex with elements of violence, or posing, etc.,⁴ or whether they are violent, or nonviolent but nonetheless dehumanizing or degrading, or if they present equal, mutually pleasurable reciprocal sexual depictions that are not violent and do not degrade or dehumanize.⁵ Producing this kind of media, however, requires people who perform and are subjected to these sexual acts, unless the material consists of, say, drawings or animations.

The question, then, is which group of people typically participates?



“The shelters’ experience shows that pornography acts as a catalyst and inspiration that contributes to men’s sexual aggression and negative attitudes toward women”

Studies and empirical evidence (described in greater detail in chapter 2) show how producers of pornography generally exploit the social vulnerability of individuals in order to recruit them. These performers have often been involved in various forms of prostitution prior to or in connection with their entry into pornography, and generally suffer from multiple disadvantages, which may include extreme poverty, severe sexual abuse and neglect during childhood, as well as discrimination on grounds of race, ethnicity, and gender or transgender identity/expression. Many lack an education and are generally ill-equipped in other ways to survive on the labor market and find alternative means of support, which in turn often leads to homelessness or other problems – a position of vulnerability making it easy for unscrupulous producers to exploit them to produce pornography. Current empirical evidence (see chapter 2) appears to

suggest that few groups, if indeed any, apart from, for example, some male sex purchasers, genuinely allow themselves to be purchased for sex in pornographic productions of their own free will for other reasons. In practice, the majority of *prostituted persons*⁶ lack real and acceptable alternatives to prostitution, whether or not it takes place in front of a camera. The link between prostitution and pornography is not, however, found only in the production stage; prostitution is also associated with the consumption stage.

The effects of consumption on sex purchasing and men's violence against women

Studies have shown an association where men who use more pornography are also generally more inclined to purchase sex than men who consume less pornography are (see further chapter 3, pp. 65–66). Research as well as the experiences of both the sex purchasers themselves and of prostituted persons indicate that it is partly the sex purchasers' use of pornography that inspires them to pay for sex with prostituted persons to a greater extent, for example to be able to imitate what they have seen in pornography together with other people (pp. 64–66). When partners or casual acquaintances are unwilling to take part, it is easier to purchase sex from prostituted persons who often lack other alternatives (see chapter 2) and thereby have little choice but to accept the wishes of the sex purchasers.

Looking at a large number of psychological studies that have used both experimental methods (experiments with control groups) and naturalistic methods (e.g., questionnaires and interview studies), it is clear that men from among the normal population (not convicted, mentally disordered, etc.) who view more pornography become more sexually aggressive, are more likely to trivialize violence against women, and assume more gender-discriminatory attitudes than men who view less pornography (see further chapter 3). Thus, pornography is linked to equality between men and women on a societal level, even if some men are certainly more influenced by pornography than others on an individual level.

The percentage of men and women who consume pornography

In contrast to perceptions that women have increasingly begun to consume pornography in recent years, new anonymous surveys that offer a more precise measurement of consumption do not show any such change (see chapter 2, p. 39). On the whole, it is still only men who use pornography. A majority of young men report, for example, that they

watch pornography on their own initiative at least every month, either on a daily basis or less frequently. Young women report that they watch pornography considerably less often (at the very most a small percentage

do so more than once a week). It is more common for women to watch pornography after being initiated to do it by others (e.g., boyfriends, partners or casual acquaintances), in contrast to men, who normally watch alone and on their own initiative. In other words, the negative effects of the consumption of pornography on equality between men and women are also reflected in the fact that it is almost only men who actively watch pornography.



Those who are most affected by pornography's harmful effects are primarily women who are abused by men, for example in prostitution or in close relationships"

Particular vulnerability to consumption effects: prostitution and intersectionality

While pornography appears to influence the relationship between men and women in general, research and experience suggest that those who are most affected by its harmful effects are primarily women who are abused by men, for example in prostitution or in close relationships (see, e.g., chapter 3, pp. 63–67). In other words, the negative effects have particularly serious consequences for groups who experience discrimination within more than one social structure – for example, women who belong to particularly vulnerable groups and are disadvantaged in different ways, such as by poverty, sexual abuse and neglect during childhood, violence in close relationships, or racism, homophobia and transphobia. In the field of gender studies and feminist research this situation of multiple disadvantages can be described in terms of *intersectionality* – a term used when several discriminatory social structures converge, exacerbating the situation for the individual and making the politics required to change the oppression more complicated.⁷

Politics and legislation

Pornography and men's violence against women

Within the women's shelter movement, men's violence against women, which has been shown to be linked to pornography, has been particularly regarded as a question of equality since it occurs systematically all over the world and contributes to sustaining men's dominance over women. Consequently, along with working to raise consciousness among its active members, the movement has also worked to introduce men's violence against women on-to the political agenda. This was done very successfully during the 1990s. One example is that the UN system (and, later, other international and regional conventions and instruments that regulate human rights) now expressly recognizes that "violence that is directed against a woman because she is a woman or that affects women disproportionately" constitutes sex discrimination and, as such, a violation of women's human rights.⁸ This type of violence is now often referred to in international law as *gender-based violence*, implying that this category can also more explicitly include closely related violence against homosexual, bisexual or transgender persons, as a result of norms regarding gender.



If pornography contributes to gender-based violence, the question also arises to what extent democracies should combat pornography in the same way they combat men's violence against women in general"

Democracies are now generally committed to combating gender-based violence, recognizing that it is a form of gender discrimination regardless of whether it is committed by private individuals or states.⁹ It should be possible to refer more or less directly to this recognition, for example, by demanding faster processing of men's violence against women in the judicial system, or that women's shelters should receive more public funding, as well as calling for legislation that does not simply protect vulnerable groups "on paper," but also in practice.

If pornography contributes to gender-based violence, the question also arises to what extent democracies should combat pornography in the same way they combat men's violence against women in general. Opinions, politics, and the legal situation are less clear on this issue than on the general question of gender-based violence, even if international sources of law do make declarations that place responsibility on states to combat pornography as a step in promoting equality.¹⁰ In order to judge how democracies should treat pornography in the light of men's violence against women, the existing knowledge about the connection between pornography and gender-based violence must be systematically taken into account. This report therefore summarizes analyses of research and knowledge of the harmful effects of pornography with regard to, among other things, men's violence against women. It further analyzes what previous politics of legal challenges to combat the harmful effects of pornography can teach us about the obstacles and potential we have today to move forward in preventing and putting an end to gender-based violence and its connection with pornography.¹¹

Production and dissemination under Swedish law

► *Production.* A number of important legal changes have taken place in Sweden that enable more effective legislation to combat the exploitation and harmful effects in the production of pornography than previously. The legislation on prostitution from 1999, which criminalizes those who purchase sex or promote/exploit the prostitution of others, but grants those who are purchased for sex the right to support to exit prostitution, can now also be applied to the production of pornography (see below chapter 4, pp. 71–76). It is not possible to apply such a law effectively in countries where the prostituted person is seen as an "accomplice," or where sex purchasing, brothel businesses, or other third party profiteering on other people's prostitution is legal.¹² In Chapter 4 it will be shown that there are no obstacles in Swedish constitutional law (the "basic laws") to prevent the procuring laws from being applied to anyone who "promotes or in an improper way financially exploits that a person has casual sexual relations in return for payment" (Criminal Code 6:12) – even if the promotion/exploitation is integral in producing pornography whose dissemination is currently protected by the freedom of expression (below pp. 73–76).

One good example that demonstrates that there is a general legal principle of applying ordinary laws in areas that fall under the Swedish basic laws of freedom of expression is the noted verdict against the artist Anna Odell in 2009 (for more detail, see chapter 4, pp. 73–76). After making a film about the problems of psychiatric care, Odell was convicted of *violent resistance* and *dishonest conduct* despite the fact that her actions constituted an integral part of her artistic efforts that were otherwise protected by freedom of expression. Other good examples include rapists who have filmed their assaults, often with clear artistic ambitions, but who have nonetheless not cited freedom of expression even to reduce their sentence (ibid.). In other words, it is difficult to see any reasonable legal principle as to why specifically pimps or sex purchasers who exploit prostituted persons to produce pornography do not need to follow the general law, while artists and other sex offenders do. If the judicial system were to apply the law as it is written, this would send a strong message to the general public that consumption of pornography is not acceptable, since it is typically based on the sexual exploitation of vulnerable human beings.

► *Dissemination.* When it comes to limiting the dissemination of pornography (notwithstanding the production and the legal questions it actualizes), Swedish law, like American, is relatively restrictive compared to countries such as Canada.¹³ Despite this, it is possible to make the existing laws in Sweden on pornography more effective by supplementing the constitutional law with anti-discrimination legislation – that is to say, bringing an action for damages, rather than a criminal prosecution (see further chapter 4, pp. 77–83). Such a law would make it possible for those groups affected by the harmful effects of pornography in particular to bring an action against those who produce or distribute the kind of pornography that scientific methods can show leads to discrimination and harm (ibid.). Organizations such as women’s shelters or anti-discrimination offices would then be able, for example, to legally represent individuals who wished to use the law, thus giving the initiative to individuals who have been directly exposed to the harmful effects of pornography, for example, through violence in close relationships, prostitution, or sexual harassment in schools or workplaces. This is in contrast to the current legislation against, for example, unlawful depictions of sexual violence (Sw. Criminal Code 16:10c; TF 7:4(13)). There, the approval of the Chancellor of Justice is often required to start a legal process (TF 9:2; 9:4). Furthermore, in many cases the defendant can demand a special freedom of the press jury comprising nine members, where a majority of at least six is required for a conviction, and where the sentence cannot be increased by the court against the pronouncement of the jury – not even in a higher court (TF 12:2).

2. Supply, demand and production harms

Supply and demand

In order to gain an understanding of the extent of modern pornography production it is appropriate to first consider the demand and the content. It is easier to estimate the latter two since, unlike the production, they are not included within the framework for criminal activity (more on this below). As will be shown in this chapter, the nature of the demand also influences the content produced, which adds to the image of the production conditions that will be discussed later.

Consumption, quantity and gender

One method that has proven reliability, even in the case of sensitive information such as self-reporting criminal acts, is anonymous surveys.¹⁴ A number of researchers have therefore used this method to estimate the extent of pornography consumption in various Western countries. The findings indicate that around two-thirds of young men in countries such as Sweden, the United States, Denmark, Norway, Canada, and Hong Kong regularly watch pornography, from a few times a month to more or less daily; in contrast, over three-quarters of young women appear not to watch pornography regularly, although almost all believe they have seen pornography on some occasion.¹⁵

In Sweden, a large survey of 4,343 pupils in the final year of high school conducted anonymously between April 2003 and January 2004 found, for example, that while only 6.5% of the girls said that they watched pornography more than a couple of times a year, the equivalent figure for the boys was 64.8%.¹⁶ Of all the boys, 9.9% reported that they watched pornography more or less daily, while only 0.2% of the girls did the same.¹⁷ Similarly, 27.0% of the boys but only 1.3% of the girls said they watched pornography at some time during the week, while 27.9% of the boys and 5.0% of the girls said they watched pornography at some time during the month.¹⁸ Figures from other studies of young men and women aged 18–32 in both Sweden and other Western countries found similar percentages of how men and women watch pornography.¹⁹

Men's pornography consumption also differs qualitatively from women's; men prefer to consume alone and women tend to do so on the initiative of others (e.g., boyfriends or partners), and to a significantly lesser degree.²⁰ There is also data indicating that women overestimate their consumption compared to men, for example in studies where there is no clear definition of pornography.



Two-thirds of young men in Western countries watch pornography from a few times a month to more or less daily

Researcher Sven-Axel Månsson and associates observed, for example, that in a national survey from 1996 more Swedish women than men stated they had seen pornography on mainstream TV channels (i.e., not cable or satellite TV); the findings were remarkable since almost no pornography was shown on mainstream TV at that time.²¹

If women overestimate their consumption due to a lack of knowledge about the content of pornography, there is a further risk that women underestimate its harmful effects. One expression of such political trivialization might be the response that an American study from 2008 received from young people aged 18–26, where one man in five considered that watching pornography was not “acceptable” behavior even though they engaged in it themselves, while around one woman in five in the same group accepted pornography consumption despite the fact that they themselves did *not* watch pornography.²²

The industry perspective

Given that the majority of younger men regularly consume pornography, the fact that in 2005 the pornography industry was estimated to have raised a total of 97.06 billion dollars in



Consumers become desensitized and seek out the more 'extreme'

revenue in the 16 countries with partial figures available is not unreasonable.²³ The figure was reportedly greater than the total revenues generated by Microsoft, Google, Amazon, eBay, Yahoo!, Apple, Netflix and EarthLink. In the United States the pornography industry itself reported in 2005 that its revenues amounted to 12 billion dollars,²⁴ which is similar to the figures some American journalists have put forward, although others believe the revenues are lower.²⁵ The criminal elements within the pornography industry, which were documented by the U.S. Attorney General's Commission on Pornography as early as 1985,²⁶ suggest, however, that the figures regarding the size of the industry have probably been underestimated. Lobbyists attempted to orchestrate a media storm to discredit the said Commission in 1986,²⁷ but since pornography has provably been produced under conditions such as war and genocide,²⁸ in connection with sexual murders,²⁹ or as part of pimping activities or sex purchasing,³⁰ the Commission's conclusion that it is also the object of other criminal activities is hardly unreasonable. "Ordinary" companies have, however, become increasingly involved in the distribution since the 1980s.³¹

Desensitization and changed preferences

The demand for certain types of pornography might also be expected to influence the conditions of production together with factors such as unequal bargaining positions between parties (see below). As early as 1986, psychologists Dolf Zillman and Jennings Bryants published a telling experiment involving 160 human subjects to show how demand ("preferences") is influenced by prolonged consumption.³² Half of the subjects were nonstudents with a mean age of about 35. The other half were college students with a mean age of about 22 (Zillman & Bryant, 565). The subjects were exposed to either "commonly available pornography" without violence over a period of several weeks ($n = 80$) or to control materials consisting of "sexually innocuous situation comedies taken from prime-time broadcast television" ($n = 80$) (p. 566). Both groups were then given the opportunity to choose to watch in private different pornographic or nonpornographic video films that had been labeled with clear lists of the contents, on the pretext that a delay had arisen in conjunction with a follow-up experiment (pp. 567–69). The 80 individuals who had been exposed to common pornography chose to watch violent or extreme pornography, such as bondage & sadomasochism (BDSM) and bestiality, to a much larger degree (with the exception of the group of 20 female students³³) (p. 575 tbl.2). The remaining 80 in the control group who had been exposed to TV comedies chose almost exclusively to watch "common" pornography or nonpornographic materials (p. 575 tbl.2).

At the same time as the experiment, Zillman and Bryant interviewed employees in pornography stores who confirmed that their regular customers often changed their preferences from "common" pornography to more uncommon or "unusual" material, indicating that the laboratory experiment had ecological validity, that is, it reflected the reality.³⁴ Similarly, a number of more recent anonymous opinion surveys and internet studies, as well as studies of "best-selling" pornographic movies, lend support to the hypothesis that consumers become desensitized and seek out the more "extreme" (see below).

Popular presentations, aggression, and health

A survey of a random sample of 50 of the 275 best-selling/most rented pornographic movies in the United States (December 2004–June 2005) found that 88.2% of all scenes contained physical aggression (89.8% with verbal aggression included). Only 9.9% of the scenes included kisses, laughter, embraces, caresses, or verbal compliments,³⁵ and in these, an average of four aggressive acts occurred (Bridges et al., 1077).



Almost 90 % of all scenes contained physical and verbal aggression - only about 10 % of the scenes included kisses, laughter, embraces, caresses or verbal compliments"

The most common forms of physical aggression were when one party engaged in spanking, gagging, open hand slapping, hair pulling, or choking (p. 1075). Verbal aggression also occurred in 48.7% of all scenes, most frequently with degrading and dehumanizing name calling such as “bitch” and “slut” (p. 1077). The response from the targets was ostensible pleasure or indifference in 95.1% of the cases, but in those cases where the opposite response was expressed, men were four times more likely to express dislike than women (p. 1077).

The findings from the study on the most popular films are particularly important in the light of psychological experiments that have compared changes in behavior of subjects after (1) exposure to violent pornography where the woman abused in the pornography does *not* display a negative reaction with (2) exposure to violent pornography where the woman abused in the pornography displays a negative reaction. Exposure to pornography where the woman did not display a negative reaction to the violence gave rise to both more aggression toward women and to stronger attitudes supporting violence against women among the subjects, compared to exposure to pornography with an explicitly negative reaction from the abused woman.³⁶ The convergence in the effects of consumption of pornography on both behavior and attitudes is a particularly strong indication, as the type of attitudes studied that support violence against women have been shown to significantly predict sexually aggressive behavior toward women in a number of different types of studies where several measurements and methods have been *triangulated*,³⁷ such as anonymous self-reporting, criminal records, controlled experiments, and surveys of attitudes.³⁸ The type of pornography that appears to have the most negative consumption effects is thus, unfortunately, also that which has today become the most popular and sought after.

In addition to general aggression, it is worth mentioning acts that are obviously harmful to health. So-called *ass-to-mouth* (ATM) sequences, that is to say when a woman performs oral sex on a man immediately after he has penetrated her anally, occurred in 41% of all scenes in the best-selling/most rented films during the period December 2004–June 2005 (Bridges et al., 1074). In contrast, only one scene (0.3%) contained any form of discussion of sexually transmitted diseases (STDs) or pregnancy and only 11% of all scenes contained sex using condoms (p. 1074). The sequences containing ATM and verbal aggression were the only two of nine different categories of content that significantly predicted more physical aggression in the film scenes (pp. 1078 & 1079 tbl 4). Since ATM scenes were eight times more likely than the average to contain physical aggression and three times more likely to contain verbal aggression (pp. 1077–78), ATM pornography appears to be closely linked to aggression against women (cf. p. 1080). Other researchers’ observations regarding how consumers discuss pornography online indicate that “fans” take particular pleasure from the obvious degradation, revulsion, and feeling of disgust that the women, according to comments made by the fans, display in the films showing ATM.³⁹

Previous studies confirm developments

It is no coincidence that the best-selling/most rented films in the United States 2004–2005 contained a great deal of sexual aggression and activities hazardous to health, given that other studies have shown that there is a greater demand among consumers for more extreme material – something that was foreseen by Zillman and Bryant back in 1986 when they published their experiment on the effects of repeated consumption (above). An internet study of pornography consumption done as early as 1995 that compiled a representative selection of 292,114 files with



The fans take particular pleasure from the obvious degradation, revulsion, and feeling of disgust that the women, according to comments made by the fans, display in the films showing ‘ass to mouth’

detailed lists of contents from a larger database of over 917,410 files of pornography found that 48.4% of the files that the consumers downloaded contained child pornography, sadomasochism, bestiality, “incest” or similar more extreme material – despite the fact that more “common” pornography made up the greatest part of the material, that is to say 71.5%.⁴⁰ The documented demand for violent pornography is also reflected in the widespread occurrence of, for example, torture pornography found in previous internet content studies,⁴¹ or in the less common but nonetheless freely available category of “snuff pornography,” which appears to show murders in a sexualized context.⁴³

In the light of the fact that pornographers appear to be prepared to go to great lengths to produce popular material, it becomes easier to understand other testimonies, which might otherwise appear unreasonable, as expressions of the dynamics of the production. To take one example, in its final report in 1986, the U.S. Attorney General's Commission cited a testimony from a man in Los Angeles who professed to have participated in over one hundred films, and who testified that producers, directors, and photographers regularly forced women to have anal sex despite their manifest resistance.⁴³ Other witnesses described in similar terms how pornographers used violence on the performers (pp. 205–06). For instance, one was said to torture women and young girls, inflicting permanent physical injuries, in order to meet the publisher's demand for sadomasochistic photographs with a higher commercial value (pp. 205–06). The photographs were published in a national publication that the Commission later managed to acquire in an outlet in Washington, DC (p. 206 & n.799).

Gay male pornography

A particular section of the pornography industry is comprised of *gay male pornography*. Among other things, analyses of the content have studied the extent of unsafe sex in gay material. One such example is a study from 2014 that analyzed 302 randomly sampled internet videos from five large and relatively representative free sites.⁴⁴ The study found that potentially high-risk sexual behavior was a frequent occurrence. Among other things, unsafe anal sex occurred in 34% of the videos, rimming (oral–anal contact) occurred in 17%, ejaculation into the mouth occurred in 8%, “ejaculation in/on or rubbed into the anus” occurred in 7%, and 99.5% of all oral sex in the movies was performed without protection (Downing Jr. et al., 814–15). The study found no warnings in the movies or other attempts to promote safe sex (p. 819), which reflects the findings from content analyses of heterosexually oriented internet and video pornography.⁴⁵ The percentage of violent sex in the 302 gay male pornographic movies was somewhat lower than the researchers appear to have expected, with for example 10% of the videos showing BDSM (Downing Jr. et al., 815 & n.1). Other qualitative studies of gay male pornography have, however, indicated a high popularity rate for violence and domination, for example sexual torture, BDSM, sexualization of stereotypical racial hierarchies, and references to subordinate males in feminized terms.⁴⁶

Divergent perceptions in the literature – a comment

The desensitization among consumers that Zillman and Bryant (above) documented using experimental methods appears to lead to a greater demand for violent pornography, and thereby stronger incentives for producers to coerce performers into more extreme and harmful acts. Among researchers, there are those who argue that the incidence of violence and aggression is over-estimated. One such is Alan McKee, who, in an article published in 2005, claimed to study a sample of the best-selling pornographic movies in Australia.⁴⁷ In contrast to the study by Bridges et al. (above) he draws the conclusion that only 1.9% of the films in his sample could be defined as “violent” (McKee, 285).

Yet McKee applied a number of restrictive criteria in his definition of violent pornography, such as that the violence is explicitly met with a *negative reaction* by the target of the violence (pp. 282–83). With such a definition, even Bridges et al. would no doubt have found a lower percentage of aggression – just 12.2% compared with 89.8%, since their definition of aggression, unlike McKee's definition of violence, also included a target who expresses a *neutral* or *positive* reaction after the aggression (Bridges et al., 1079–80).

Although McKee (p. 282) referred to the discussion in the literature on the results of previous experimental psychological studies, where the researchers found that exposure to so-called positive-outcome rape pornography (in which the target initially resists but later expresses pleasure) led to considerably more aggressive behavior among subjects than so-called *negative-outcome* pornography,⁴⁸ he did not draw the logical conclusion that his restrictive definition of violent pornography is counter-productive since it excludes the very category that has been found to produce the strongest negative effects among consumers. Instead McKee defended his definition by claiming that, for example, sadomasochism is “categorically different” from so-called *positive-outcome rape* because the targets of the violence in the former never express displeasure before arousal, which the targets in the latter do (McKee, 282).

McKee presents no empirical evidence for his assertion that exposure to sadomasochism leads to less aggressive behavior among consumers than positive-outcome rape pornography does. Against the background of the numerous experimental studies that have shown with statistical significance how exposure

to nonviolent pornography also causes aggressions and attitudes supporting violence against women (see chapter 3 below) it is reasonable to assume the opposite to what McKee suggests – namely that sadomasochism could desensitize the viewers and inspire even more aggression and attitudes supporting violence against women because, like much nonviolent pornography, it lacks a clear negative message. The findings of the two most important meta-analyses⁴⁹ that have compiled data from over 45 experiments studying the effects of violent and nonviolent pornography consumption on aggression and attitudes supporting violence against women have further presented *homogenous* (i.e., unambiguous) correlation effects.⁵⁰ In meta-analyses, the homogeneity, in contrast to the heterogeneity, indicates that there is a lack of moderating pornography that gives rise to notably weaker (or stronger) effects, such as sadomasochistic pornography or other categories of content whose consumption effects according to McKee’s argument would be markedly different to the average.⁵¹

Production harms

The research that has shown how consumers become desensitized and seek out more extreme and violent video materials, including those with unsafe sex, and the economic incentives thereby created, raises the question of which persons are participating in the productions and thereby risk being subjected to harm

Exploitation of vulnerability

The U.S. Attorney General’s Commission of 1985–1986 found that the personal conditions among the performers were generally similar to those who were exploited in prostitution and had been studied by other researchers.⁵² The performers were often young, poor and had been subjected to abuse during their childhood (Att’n General’s Comm., 242).



The performers were often young, poor and had been subjected to abuse during their childhood”

The pornography industry offered these people “extremely poor working conditions” where they were exploited and exposed to “serious health hazards” (p. 242). The Commission did note that shortcomings in the then existing information made it difficult to draw clear conclusions, but also that the industry had been unwilling to share more of its knowledge (p. 242). Partially as a result of a lack of transparency in the production conditions, it has been difficult to study groups who have systematically taken part in pornographic films, although it has been possible to strengthen the conclusions of the Commission with the help of more recent research.

In 2011 a large American survey was published that studied 134 female performers who had been contacted by email via American databases or internet websites advertising jobs in the pornography industry.⁵³ Although the researchers warned of underestimation since an online survey risks excluding more vulnerable subgroups (Grudzen et al., 2011, 644) it was corroborated, via a comparison with 1,773 demographically matched women from California, that the performers had often had a more difficult childhood: for example, 21% of the performers compared with 4% of the control group reported that the authorities had moved them to a foster home, 37% of the performers compared with 13% of the control group reported that they had been victimized by *forced sex* before the age of eighteen, and 24% of the performers compared with 12% of the control group reported that they belonged to households on welfare (p. 641 tbl.1 & 642; p <.01).

The link to prostitution

Other research has shown that the performers are also often prostituted within other parts of the sex industry. An international study published in 2004 studied 854 *prostituted persons*⁵⁴ in nine countries, both under different laws as well as in diverse forms of prostitution such as brothels, strip clubs, street prostitution, etc. (the respondents were not seeking help).⁵⁵ Of these, 49% reported they had been exploited in prostitution to make pornography.⁵⁶ Similar percentages have been mentioned in other mapping studies.⁵⁷

The link between pornography and prostitution is also frequently pointed out by sex purchasers. In two anonymous interview studies of just above 100 sex purchasers in Chicago and London (UK) respectively,

for example, around half or more replied that they considered pornography to be an extension of prostitution.⁵⁸ One sex purchaser who was interviewed in a similar study in Scotland developed his argument: “Porno’ is from the Greek word for selling the body. Hard core porn is prostitution.”⁵⁹ His reasoning is etymologically correct: pornography comes from the Greek words *pornē* (“whores”) and *graphos* (to “write, etch, or draw”).⁶⁰ Given that the number of prostituted persons exploited in pornography is high, it is also possible to compare the extent to which qualitative testimonies from survivors of the pornography industry are reflected in quantitative data on the sex industry found in more general studies.

Poverty

The U.S. Attorney General’s Commission found that the primary reason for performing in pornography was the need for money (Att’n General’s Comm., 231). In the more recent online survey of 134 performers in pornographic productions that was published in 2011, as many as 50% said they had lived in poverty in the preceding 12 months.⁶¹ Similarly, extreme poverty is the most common reason for prostitution given by prostituted persons themselves in studies from all over the world – both from industrialized welfare states and from rural or urban development regions.⁶² Poverty can be a huge obstacle to exiting the sex industry for these persons, even in welfare societies like Sweden, if, for example, they have dropped out of school and cannot present a CV with references, if they have a mental illness such as post-traumatic stress syndrome (PTSD), low self-esteem, and on top of that are homeless – factors that may all be linked to early abuse, neglect and experience of prostitution (more on this below).⁶³

Sexual abuse in childhood

In addition to the economic misery that characterizes the conditions for persons exploited in the sex industry, 60–90% of prostituted persons (depending on the type of study) have been subjected to sexual abuse and assault in childhood.⁶⁴ As a comparison with the population in general, the occurrence of sexual abuse in childhood among women in the United States is three times lower (approx. 20%–30% depending on the study).⁶⁵ As has been mentioned earlier, the online survey of performers in pornography from 2011 showed an almost three times greater prevalence of “forced sex” among these in childhood compared with the control group (Grudzen et al. 2011, 641 tbl.1 & 642; $p < .01$).⁶⁶

The above figures for the instances of abuse in childhood do not say how serious these have been. They might imply one or hundreds of assaults. A Canadian study compared 33 female survivors of prostitution with 36 women in a demographically matched control group of the same age in more detail and found strong statistically significant differences: the sexual abuse of the survivors started in earlier years, occurred with much greater frequency and over much longer periods, involved many more perpetrators and demonstrated a “dramatic” greater diversity and more serious abuse than among the control group.⁶⁷

Minors, homelessness, and vulnerability

Prostituted persons who have been subjected to sexual abuse in childhood commonly state that this was a strong influence on their entry into prostitution.⁶⁸ It is therefore no coincidence that many have run away from home (sometimes as a result of assault),⁶⁹ and been homeless. In the study from nine countries, 75% of the prostituted persons ($n = 761$) said that they were, or had earlier been, homeless.⁷⁰

Neither, in the light of early homelessness, is it any coincidence that prostituted persons give a low mean age of entry, since prostitution is one of few alternatives by which lone children can support themselves. As an example, 47% of 854 respondents in the nine countries reported entry at an age under 18 ($n = 751$).⁷¹ Among 222 prostituted adult women in greater Chicago, 61.7% said they were in prostitution before the age of 18; 35% of the total number were prostituted before the age of 15.⁷² An even lower age of entry was reported among 200 prostituted women and teenage girls in San Francisco who were recruited informally via “word of mouth,” flyers, advertisements, etc., in order to avoid a biased sample of “arrestable” or “service oriented” respondents⁷³: 78% began under the age of 18, 62% under 16 and “a number” of respondents began before the ages of “9, 10, 11 and 12.”⁷⁴

The respondents in San Francisco reported an “almost total lack of positive social supports, and . . . an extremely negative self-concept” at the time of entering prostitution.⁷⁵ The “primary picture” was a vulnerable runaway teenager who was exploited sexually “because they have no other means of support due to their young age, lack of education, and lack of the necessary street sense to survive alone.”⁷⁶ Studies froa-

round Gothenburg in Sweden confirm the same strong link between abuse in childhood, neglect, homelessness and prostitution as studies in other countries have shown.⁷⁷ A Swedish Government Inquiry from 2004 reported that the number of children who are exploited sexually in Sweden is still “considerable.”⁷⁸ It is also, of course, easy for pornographers to exploit young people who are at risk of sexual exploitation in prostitution.

Over-representation of vulnerable minorities

National surveys conducted by the Swedish National Board for Youth Affairs (*Ungdomsstyrelsen*) further show that socio-economic factors and foreign nationality increase vulnerability to prostitution among young people.⁷⁹



Sex purchasers are very well aware of the difficult social circumstances of the prostituted persons”

In most countries, vulnerable and discriminated minorities are found in prostitution more often than the majority population. Consequently, in Sweden it is common for women from Eastern Europe to be exploited in crossborder prostitution, such as Romany or Russian-speaking minorities from the Baltic region.⁸⁰ In the United States, Afro-Americans are over-represented in relation to their share of the population.⁸¹ Similarly, First Nations people in Canada are over-represented in prostitution.⁸²

Sex purchasers’ knowledge of prostitution

Somewhat surprisingly, many international studies have long shown that sex purchasers are very well aware of the difficult social circumstances of the prostituted persons described above, even when they try to minimize their own role.⁸³ Among 110 sex purchasers in Scotland, 73% recognized that prostituted persons are prostituted “strictly out of economic necessity” and 85% recognized that prostituted women do *not* receive pleasure from sex in prostitution.⁸⁴ A similar awareness among sex purchasers was presented in surveys with sex purchasers in Boston, Chicago, and London (UK).⁸⁵ As has been previously mentioned, sex purchasers are also keen to point out the links between pornography and prostitution.⁸⁶

Unequal bargaining power and extreme vulnerability

Pornography production exploits the inequality and oppression that is present in society in order to recruit people who have few other alternatives in the same way as prostitution does. Consequently, the performers also lack strong bargaining power, which is reflected not least in the many harmful actions they must accept – for example, unsafe sex, ass-to-mouth (ATM), violence and aggression (see above). It is no



Pornography production exploits the inequality and oppression that is present in society in order to recruit people who have few other alternatives in the same way as prostitution does”

coincidence that a study of 18 women and 10 men who performed in pornographic movies in Los Angeles, published in 2008, confirmed the problem of unequal bargaining power and extreme exploitation. In in-depth interviews, for example, “many” stated explicitly that they were forced to accept unsafe sex in order to obtain work.⁸⁷ Several respondents further stressed that more risky acts, including anal sex and “multiple partners,” meant more money (Grudzen et al. 2008, 72–73, 75). The 28 persons were aged between 21–63 (mean age 31.6) and 20 had performed in over 100 scenes (p. 69). Six performers explicitly admitted they had been harmed during filming and a further six performers admitted that this occurred, citing common symptoms such as anal tears (sores in the rectum) (p. 74). Some informants felt they had control over who they had sex with while others, however, said they were forced to have sex with violent persons in order to obtain work (p. 74).

Lack of transparency and under-reporting

It should be noted that when informants from the sex industry are dependent on the industry to support themselves they may not always talk about difficult or criminal circumstances such as unsafe sex or assault;

such information might lead to indirect reprisals if their employer becomes the subject of an enquiry. Furthermore, prostituted persons often have little confidence in researchers, journalists, social workers, the police, doctors and others, partly because of prejudices or lack of understanding of the intimidation within the sex industry, which also creates problems that can lead to under-reporting of bad conditions.⁸⁸

There is information to suggest that respondents in the qualitative study from Los Angeles above, who exposed a relatively large number of bad conditions, were, nonetheless, also cautious in their answers. For example, 16 of them described how agents and so-called “suit-case pimps” exploited and treated the women badly, but no one explicitly described her own experiences of these agents or pimps (Grudzen et al. 2008, 75). A similar example is found in a study from London (UK) where all the women interviewed who were prostituted in legal prostitution taking place in apartments described how *other* women accepted unsafe sex with sex purchasers, partly in order to earn enough to pay the high rents and fees more quickly. Yet no one admitted that they themselves had done so, despite the fact that several other studies have shown that this is very common in legal brothels.⁸⁹

Furthermore, third-party profiteers in the sex industry, both legal and illegal, often use force against prostituted persons and threaten them so they will not report abuse to the authorities or researchers.⁹⁰

Gross abuse in the sex industry – asymmetry, power, exploitation

Despite the problems of transparency and under-reporting, there have been reports of gross abuse in a number of public hearings and other inquiries related specifically to the pornography industry.⁹¹ In Sweden, the Prostitution Inquiry’s report from 1995 includes examples from police preliminary investigations in which young women were reported to have been subjected to gross gang rapes at so-called sex clubs (e.g., Pir 59, Roxy and Kings Club); any member of the male audience who paid the SEK 80 entrance fee could have sex with the women there while pornographic movies were recorded.⁹²

One well-known American example that also illustrates the extent to which violence and force may be needed to make women perform in pornography was Linda Boreman – the woman who played “Linda Lovelace” in the classic pornographic movie *Deep Throat*. She was subjected to aggravated assault, threats, and rape (sometimes daily) by her pimp as a means to make her perform in movies that included sex with animals and oral sex where a man’s penis reached down to the back of her throat (which also required training in hypnosis to block her gag reflex).⁹³ Unless the viewer observes the bruising on Boreman’s body, there is no sign of violence in the movie,⁹⁴ in contrast to the now very popular aggressive films discussed above.

Other survivors have also testified in public hearings how they were covered in bruises throughout their time in the pornography industry.⁹⁵ Boreman’s case is thus unfortunately not unique – rather, it reflects the asymmetrical power relations and vulnerability to sexual aggression among the performers, which is also apparent in other forms of prostitution. Among the two hundred prostituted women in Chicago mentioned above, for example, 21% reported *explicitly* that they had been raped over 10 times – the percentage was virtually the same both in escort prostitution and street prostitution and in the home (so-called in-call prostitution).⁹⁶ Among the 200 prostituted persons in San Francisco, 70% said that sex purchasers had raped them or similarly victimized them “beyond the prostitution contract” on average 31.3 times.⁹⁷ An even more remarkable and shocking example is the case of 55 surviving women who were prostituted in Portland (Oregon), of whom 84% reported they had been subjected to aggravated assault on average 103 times per year, 78% mentioned rape on average 49 times per year, and 53% reported they had been sexually tortured on average 54 times per year – frequently during the filming of pornography.⁹⁸

Mental health problems as an expression of traumatic production conditions

Studies of post-traumatic stress disorder (PTSD), a symptom of extreme violence or traumatic experiences of having witnessed such violence,⁹⁹ have been conducted on different groups of prostituted persons. Sixty-eight percent of the 854 prostituted persons in nine countries who were studied in various forms of prostitution (see above) met clinical criteria for PTSD on average on the same level as Vietnam veterans seeking treatment, despite the fact that these persons were not seeking treatment; the level of their symptoms was also the same as that of abused women in shelters or refugees from state-organized torture.¹⁰⁰

In the study from nine countries the researchers also examined whether there were any significant differences between prostituted persons who reported experience of pornography and other prostituted

persons. The correlation between higher levels of PTSD and pornography stood out in comparison with other variables such as sexual and physical abuse in childhood, assault and rape in prostitution. PTSD had already reached such high levels for all the subjects studied that *only* the effect of pornography – none of the latter factors – could be distinguished (the “statistical ceiling effect”).¹⁰¹

Unlike the other alternative factors, pornography could with statistical significance predict higher PTSD; the 49% who reported experience of pornography were diagnosed with “significantly more severe symptoms” of PTSD than the other 51%.¹⁰² A similar statistical correlation between being used in pornography and higher levels of emotional stress was also found in a group of 43 prostituted women from legal brothels in Nevada (USA) who were interviewed, where around half said they had been exploited in pornography. It is notable that only performing in pornography in the nine-country study significantly predicted higher levels of PTSD among prostituted women, reinforcing the conclusion that violent and traumatic production conditions can prevail.

Regardless of the specific effect of pornography production, studies of prostituted persons in countries such as Mexico, Canada, Switzerland, and Korea have further tested whether the statistical effect of prostitution as a whole disappears when researchers control for other relevant factors that can be linked to mental trauma. These factors included, inter alia, rape in connection with prostitution, other assault, different types of prostitution (indoor, outdoor, escort, strip club, etc.), abuse in childhood, and early separation from a parent. In all these studies, researchers found that there is a connection between experience of prostitution and greater mental health problems, even when the alternative factors have been statistically controlled for.¹⁰⁴ In other words, prostitution appears in itself to be a deeply harmful activity for those purchased for sex, and pornography production here distinguishes itself as an even more harmful part of the sex industry – in complete contrast to the myth of pornography as a more glamorous form of prostitution.

Worth noting is also that 89% of all prostituted persons in the nine countries who responded to the question ($n = 785$) stated that they most of all wanted to leave prostitution.¹⁰⁵ Other studies have found similar proportions.¹⁰⁶

The myth of alternative, amateur and women-directed pornography

From time to time, it is claimed in the general debate that there is now pornography that is “alternative,” “home-made,” or produced by “amateurs,” in which the production conditions are characterized by equality and reciprocity. To date no one has presented any credible empirical evidence to show any such production of any significance. Industry professionals in commercial pornography have dismissed the claims as myths that are in fact used to market commercially produced sub-genres.¹⁰⁷

With regard to alternatives such as having a women director, a comparative study from 2008 of the best-selling/most rented pornographic movies in the United States in 2004 and 2005 found that scenes directed by women contained at least as many degrading and aggressive acts against women as those directed by men.¹⁰⁸ This is not unexpected, as there appears to be a total lack of demand for alternative heterosexually-orient-



Men often have a similarly difficult social background and, like the women, they perform mainly because of lack of money and other alternative means to support themselves”

ted pornography where women are presented as equal with men and where sexuality is characterized by reciprocity and consent. A group of Canadian psychology researchers realized this when they were forced to cut together excerpts from a number of different scenes because it was impossible to find a full-length pornographic movie that did not also contain degrading or violent scenes.¹⁰⁹

Male performers in pornography

When it comes to the question of whether production conditions are different for the men who perform in pornography, research and public inquiries indicate that the men are indeed treated differently from the women in certain respects, for example having to present less of a neutral response to aggression from others than women do in heterosexually-oriented productions.¹¹⁰ However, men often have a similarly difficult social background and, like the women, they perform mainly because of a lack of money and other

alternative means to support themselves.¹¹¹ Moreover, men are subjected to serious health risks as a result of unsafe sex, implicit demands to use drugs such as Viagra, plastic surgery and extreme diets; they are also paid less per scene, although they normally have a longer “career” than the women.¹¹² Research into gay male pornography indicates that the performers there have also been exposed to similar risks and have similar social backgrounds to the performers in heterosexually-oriented pornography.¹¹³

The discussion in Sweden sometimes speculatively suggests that it is more common these days for boys and young men to have experience of being purchased for sex than girls and women have.¹¹⁴ But these claims are often based on observations from general population surveys that are conducted via postal surveys for adults, during school hours at high school, or as web surveys.¹¹⁵ Such methods do not capture the more vulnerable persons in prostitution, namely those who do not go to high school or who drop out, are homeless, cannot bring themselves to respond to web surveys, etc. Moreover, such surveys also measure occasional sex purchases – a category that may be much more common among the Swedish population as a whole than systematic prostitution, thus presenting a biased sample if the objective is specifically to describe particularly the latter group. The problem was noted recently by researchers at Linköping University, who found very different outcomes in their general population studies compared with their study of the prostitution units’ clients.¹¹⁶

Source criticism and credibility of researchers and representatives

Another recurring problem in the discussions on research into the pornography industry and prostitution more generally, is that some studies claim to show another much less problematic picture of the situation, with fewer abuses, less economic exploitation, and more satisfied people. But as was noted above, it is not at all certain that informants in the sex industry feel able to expose the bad conditions to outsiders since this can lead to indirect reprisals or other problems in their lives, particularly when they are dependent on pornography or prostitution to support themselves.¹¹⁷ The reader must thus take a critical approach, so that biased information that romanticizes or trivializes the sex industry is not accepted unquestioningly.

One example of biased information is the study on the pornography industry in Los Angeles that, despite many doubts (more on this below), was accepted for publication in *Journal of Sex Research* in 2013.¹¹⁸

An article by James Griffith et al. compared a group of female performers with a control group

using a convenience sample; the former were accessed via a questionnaire that was distributed at a private health clinic run by the Adult Industry Medical Healthcare Foundation (AIM) – an operator supported by the pornography industry in Los Angeles for the purpose of conducting regular mandatory tests for sexually transmitted diseases (STDs), among other things (Griffith et al., 623). The study by Griffith et al. was thus conducted in close cooperation with an industry organization that, in addition to having a direct interest in the question, was also the target of public criticism at the time the study was being conducted – the authorities went so far as to force the clinic to close in December 2010 as a result of, among other things, a lack of transparency and lack of follow-up of patients.¹¹⁹

Griffith et al. report surprisingly positive health outcomes compared with previous research: it is claimed that the performers report better self-esteem, sexual satisfaction, and financial situation, more social support, a better quality of life, and more positive feelings than the control group reports (p. 626). In addition to these doubtful findings, the study by Griffith et al. also presents serious problems of methodology.¹²⁰

Despite, for example, mandatory monthly visits to the clinic where the receptionists encouraged the performers to answer the questionnaire – note that the survey was administered over a four-month period, meaning that each person should have had four occasions to answer – the response rate is only 15% (see Griffith et al., 623–25, on method and sampling). The authors’ note: “It is certainly possible that there was a self-selection bias such that those who chose to participate were different from those who chose not to participate” (p. 630). Yet no attrition analysis was conducted despite the admission that “[t]his is an im-



The knowledge of pornography shows that it includes exploitation and harmful production conditions of a particularly serious nature, which has been strongly corroborated by a large number of different sources over a time period of over 35 years”

portant methodological issue” (p. 630). The publication of the doubtful findings is defended here by Griffith et al. as a consequence of the fact that interest in the issue is so great: “although there has been interest in the characteristics of pornography actresses for decades, there has been a lack of studies because of the difficulty in accessing this population” (p. 630; citation excluded). On the contrary, the great interest and the difficulties in accessing this population should have made the researchers *more* cautious in so uncritically publishing what was without question a very doubtful result.

It is difficult not to believe that the responses in the study by Griffith et al. have been modified in order not to attract the attention of the authorities. One example that suggests this is that the performers reported around three to nine times higher probability than the control group that they had tried one of ten different drugs (from marijuana to ecstasy) during their lifetime, although in the most recent six months they reported only a higher use of marijuana than the control group (pp. 626–27).

Just as doubtful research results should be viewed with skepticism so too should there be skepticism with respect to so-called sex workers’ organizations that claim to represent prostituted persons while at the same time working for the decriminalization of sex purchasers and third-party profiteers. The founders and leading members of several of these organizations (including International Union of Sex Workers, COYOTE, SWOP and others) are not infrequently ex-pimps, “madams,” brothel owners or other third-party profiteers, and the organizations admit such members more or less openly.¹²¹ Other organizations that represent survivors, such as the Swedish PRIS, the Canadian sextrade101.com, and Breaking Free in Minneapolis, often work to achieve the opposite, namely the criminalization of sex purchasers and third-party profiteers, along with the decriminalization and support to leave the sex industry for those exploited for sex.¹²² Organizations in which both “employers” and third-party profiteers as well as “wage earners” are gathered under one roof can hardly claim to represent the interests of the prostituted persons; rather, they are stakeholder organizations for the commercial sex industry.

The knowledge of pornography shows that it includes exploitation and harmful production conditions of a particularly serious nature, which has been strongly corroborated by a large number of different sources over a time period of over 35 years. When students or other inexperienced observers meet the type of information presented in the study by Griffith et al. or by so-called sex worker organizations it is easy for them to be misled, as they do not have the knowledge about other studies or the necessary training (e.g. in scientific methods) to understand why these statements lack reliability. These unreliable sources more or less deliberately spread misleading information glamorizing the sex industry. This chapter has aimed to illuminate the current knowledge and show what makes pornography production possible in a society that is still characterized by a serious lack of resources, options, and influence for those groups exploited in pornography.

3. Consumption harms

In the light of the conditions of production described in the previous chapter, where pornographers exploit social vulnerability, inequality and people who have been subjected to severe abuse, the question arises whether such coercive conditions will be reflected among consumers. Put another way: if it is to all intents and purposes impossible to produce common pornography without at the same time exploiting and abusing people, will such actions spill over to the consumers so that they also begin to exploit and abusing other people in order to experience what they have seen in pornographic materials? To study this question, research on the association between pornography consumption and men's violence against women has used a number of methods and measurement instruments.

Research design: an introduction

Triangulation of experimental and naturalistic methods

The research on the effects of pornography has used *triangulation* as a strategy to ensure that the results are reliable. The term is understood here as a way to validate and strengthen scientific conclusions by using several methods or measurement instruments. The use of different methods to study the same phenomenon and research question guards against the flaws of each individual method. Using several measurement instruments, such as when psychologists use a number of similar attitudinal scales to measure an aggressive personality propensity, guards against sources of error in certain measurement instruments.¹²³ The majority of studies that were first produced in the early 1970s and onwards¹²⁴ can be divided into two groups: experimental methods or nonexperimental naturalistic methods.

Psychological experiments can control the effect of exposure via the use of control groups. Answers can thereby be found to questions regarding causal associations (i.e., whether pornography consumption leads to more aggression). Researchers usually expose one group to pornographic materials and another group to control materials (comedies, nature or documentary films, etc.) or do not expose them to anything at all. Alternatively, groups are exposed to different types of pornography (e.g., violent and nonviolent pornography, with or without degradation, rapes with so-called positive outcome or negative outcome). After exposure/control, the groups are studied statistically with respect to, for example, attitudes supporting men's violence against women (questionnaires with different attitudinal scales) or simulated rape trials, to see what effect the pornography has had on the subjects. Other means of studying the effect have used different exercises that measure men's aggressive tendencies toward women. These have used, for example, fictional negative evaluations, noxious noise, or electric shocks to provoke the subject as part of mock performance-based exercises, where the subjects are later given the opportunity to mete out (as they believe) similar treatment in combination with a pretended tolerance of aggressive behavior.¹²⁵

Over time, aggression experiments were replaced by attitudinal surveys after a large number of studies identified a clear set of attitudes that, with statistical significance, predicted sexual aggression in men in experiments as well as in naturalistic interview or survey studies.¹²⁶ These attitudes sometimes go by the epithets *rape myths*, or *Attitudes Supporting Violence Against Women (ASV)*, and support or trivialize men's violence against women. Men who exhibited a greater proportion of ASV than other men reported to a greater degree in anonymous surveys that they had been sexually aggressive,¹²⁷ that they might be more likely to commit



Men who consume more pornography are also more likely to act toward women in a sexually aggressive manner, including also rape, and are more likely to purchase sex from prostituted women and coerce them to imitate pornographic acts”

rape,¹²⁸ and they were also more aggressive toward women in laboratory experiments (in one of the experiments, data also showed that the more aggressive men also had reported more sexual aggression in social contexts).¹²⁹ Men with similar attitudes were also more aroused by pornographic depictions of sexual aggression,¹³⁰ and such attitudes and associations are commonly found among convicted sex offenders.¹³¹ In other words, triangulation of methods, concepts, and measurement instruments has allowed researchers to reliably show that it is possible to conduct studies into whether pornography increases men's sexual aggression simply by studying the effect of pornography on attitudes that have been shown to predict such aggression.

In the experimental studies, the subjects sometimes viewed pornography several times over a number of weeks before the effect was studied. In other cases the effect was studied in a laboratory directly after exposure the same day. There is sometimes a misunderstanding that experiments were only conducted on college students. However, several later and larger experiments have been conducted with other and older adults with varying demographic characteristics, and these experiments suggested no critical differences in how adults other than students react to pornography.¹³² The ecological validity of the psychological experiments has nonetheless been questioned because they are usually conducted in laboratories or teaching situations and not in a real social context where "numerous factors interact and jointly impinge on the individual."¹³³ Researchers have therefore also conducted so-called naturalistic studies using, among other things, survey and interview methods to study whether the experimental associations are also found in social contexts. The findings have corroborated the experimental studies; men who consume more pornography are also more likely to act toward women in a sexually aggressive manner, including also rape, and are more likely to purchase sex from prostituted¹³⁴ women and coerce them to imitate pornographic acts (more on this below).

A number of the naturalistic quantitative studies have been based on more advanced prior research on sexual crimes. This foundation made it possible to further control for whether sexually aggressive men are more psychologically receptive to the effects of pornography than men who are less sexually aggressive. The studies showed, not unsurprisingly, that men who are predisposed to be sexually aggressive appear to be most affected by pornography, but also that it is possible to observe a weaker statistically significant influence among the least predisposed men (more on this below).

The combination of both experimental and nonexperimental naturalistic methods implies both that it is possible to discern a causal association, since experiments can control for the effect using statistical control groups, and that the experimental associations can be validated by studies in a social context.

Meta-analyses

Research in fields such as psychology is generally made more difficult by the fact that those who conduct experiments (and to some extent naturalistic survey studies) do not always include a sufficient number of subjects for their statistical conclusions to be deemed reliable. Too small a sample may result in a correlation between pornography consumption and greater aggressivity being incorrectly dismissed as a result of chance – something referred to as a "Type II error." A Type II error is a failure to detect an effect that is actually there, which is why they are also referred to as "false negatives" because Type II errors erroneously dismiss the hypothesized positive effect correlation (e.g., between increased pornography exposure and increased aggression/ASV). Meta-analysis is a method that has been developed partly to deal with Type II errors in which the researcher aggregates data from several studies (at least two) in order to increase the number of subjects and thereby achieve higher statistical reliability.

As researchers who have performed meta-analyses of the pornography research's effect studies have pointed out, an important reason for previous controversies within the research has been that many individual experiments lacked sufficiently large sample groups to be able to draw statistically reliable conclusions independently. These researchers argue that the problem has led to a tendency for traditional literature reviews to make Type II errors and then conclude that the research does not have any reliable answers.¹³⁵ Meta-analyses therefore have better preconditions to investigate the statistical question marks than the overly conservative literature reviews, as long as the studies included in the meta-analysis are comparable (that is to say, they study the same phenomenon, pose similar research questions, and use comparable indicators, etc.).¹³⁶ One problem of meta-analysis that should not occur in the research on pornography is that researchers are unwilling to publish studies that do not show any statistical correlation – which, however, has occurred within other research fields where meta-studies have been conducted.¹³⁷ Yet it is well-known that political interests have long promoted the argument that pornography does not have any

effect on men's sexual aggression. For this reason, studies that confirm the "null hypothesis" have therefore rather had very favorable conditions for being published due to the strong interest in confirming this hypothesis in particular.¹³⁸

Meta-analyses use statistical tests, for example, homogeneity and heterogeneity tests,¹³⁹ to clarify the correlations. A *homogenous* (i.e., unambiguous) correlation is an indication that individual differences among the subjects are a result of flawed sampling/selection. If, on the other hand, the correlations are *heterogeneous* (i.e., ambiguous) it is important to identify potentially *moderating* variables – in other words, factors that reduce, amplify, or counter the effect of pornography.¹⁴⁰ Such moderating variables might consist of the differences between violent and nonviolent pornography, aggressive and nonaggressive personality propensities, or different genders among the subjects. If the individual studies that comprise the meta-analysis offer information about moderating variables, it is possible to conduct homogeneity/heterogeneity tests within each subcategory. If a comparison of subcategories shows both significant statistical differences between them, and also homogeneity in correlations within each subcategory, the categorization (the choice of moderators) is particularly relevant for the understanding of the phenomenon.¹⁴¹

Experimental Studies

Aggressions in laboratories

Most experiments with subjects where researchers have studied the effect of pornography on aggression were conducted during the 1970s and 1980s.¹⁴² For obvious reasons, research ethics committees did not permit actual sexual aggression in experiments. The researchers, however, needed to test causal associations and therefore used more general indicators of aggression, such as negative assessments, noxious noise, or electric shocks. This was before the research had clearly mapped attitudes that were found to support men's violence against women (see above). Even if the experiments on general aggression can be regarded today as a thing of the past, they contributed to the understanding of the situations under which the effect of pornography can be actualized.

Many exposure experiments were conducted as a teaching situation that was presented to the subjects as if it were the actual experiment. Usually this was done using a female graduate student in psychology who pretended to be a subject but was there to test the real subjects, for example through provocation. Early research had indicated that in order to observe the effects, social inhibitions that normally prevented men from being aggressive toward women in a public context had to be neutralized.¹⁴³ This was done through, for example, deliberate provocations on the part of the graduate student, and then giving the subjects the opportunity to retaliate using fictional punishments. The subjects were divided into different groups that were exposed under pretext to either pornographic or control materials (or not exposed) between the provocations and the acts of retaliation. Summaries of some typical experiments are given below.

In 1978 a study was published that tested, among other things, whether *social inhibitions* (e.g., psychological thresholds in men that counteract aggressive behavior toward women when among other people) influenced the effect of pornography. The experiment showed both that exposure to nonviolent pornography led to more acts of aggression toward a female target than in two control groups (one group viewed a nonpornographic aggressive movie, another group saw no film), and that the effect was statistically significantly stronger when the subjects were given a further opportunity for aggression ten minutes later.¹⁴⁴ The findings indicated that the subjects' social inhibitions against aggression were lower on the second occasion, which was most probably influenced by the fact that no sanctions were expressed after their first aggression. Likewise, it can be assumed that the effects of pornography will be more salient in an environment where social inhibitions are weaker or women are perceived as legitimate targets, for example, in the home environment or in prostitution.¹⁴⁵

Another experiment published earlier (1974) had tested the aggressive effect after subjects were exposed to *diverting media* immediately after being exposed to different types of media materials: (1) a neutral control sequence from the movie *Marco Polo's Travels*, (2) an aggressive sequence from the boxing movie *The Champion*, (3) brutal fatal violence from the movie *The Wild Bunch*, and (4) nonviolent pornography with foreplay and intercourse with no aggressive elements.¹⁴⁶ After exposure, the subjects were shown a one-minute film of natural landscape and rain. Only those who had earlier been exposed to the nonviolent pornographic movie were statistically significantly more aggressive in a subsequent experiment than the

subjects in the neutral control film about Marco Polo.¹⁴⁷

In another experiment published in 1981, the subjects were exposed to the following films: (1) nonsexual talk show (control material), (2) nonaggressive pornography with intercourse, (3) aggressive pornography with a woman who is bound and subjected to violence and aggression by two men with a “positive outcome” where she smiles and stops resisting, and (4) aggressive pornography similar to the previous, but with a “negative outcome” where the woman suffers.¹⁴⁸ Each of the two different endings in the aggressive pornographic movies was reinforced by an introductory speaker voice. In contrast to the other two experiments above, the nonaggressive pornography did not lead to any statistically significant increase in aggression toward women, although there was a tendency in that direction (Donnerstein and Berkowitz, 716–17). But the authors noted that, unlike previous studies that used the same nonpornographic movie, their experiment used a much stronger provocation before exposure. Not surprisingly, their control group acted more aggressively afterwards than the control groups in the previous studies, but the aggression among the group that was exposed to the nonaggressive pornographic movie was much the same as before (p. 717). The authors also referred to the above-mentioned study from 1978, which gave the subjects two opportunities for retaliation. The social inhibitions appeared to be reduced on the second occasion, when the group that had been exposed to nonaggressive pornography became more aggressive (above). The researchers of the 1981-experiment noted that unless a similar method is used, the effect of nonaggressive pornography may be hidden in laboratory experiments (p. 717). The comparison with earlier studies illustrates the difficulties of conducting a well-balanced experiment.

As part of the experiment from 1981, a follow-up experiment was also conducted with male subjects and a female provocateur to compare the effect of both violent pornographic movies. When the subjects were *not* provoked, only the violent pornography with a positive outcome produced a stronger aggressive effect; with provocations, however, both produced a stronger effect compared to the control group (p. 720). In a subsequent survey, all the subjects reported that the woman suffered most in the “negative” movie, yet compared with the men who were not provoked, the men who were provoked thought that the woman in the negative movie enjoyed the situation more (p. 719). One interpretation of the finding is that men’s anger toward individual women can desensitize them to women’s suffering in general – a collective apportioning of blame to women that may become amplified in sexualized contexts.

Meta-analyses of aggression experiments

A meta-analysis of experimental studies on the effect of pornography that was published in 1995 presented *homogenous* correlation effects for both pornography with elements of violence and pornography without elements of violence, where both were shown to increase the subjects’ aggression against women compared with the aggression of the control group.¹⁴⁹ It is particularly worth noting the consistency of the findings given the difficulties in provoking aggression against women in a laboratory environment (see above). The only exception consisted of nude or semi-nude still photographs with no sexual activity (more on this below).

A total of 1,300 studies on pornography were scanned for the meta-analysis. Experiments were included if they studied how pornography influenced a person to knowingly attempt to harm another person “either physically, materially, or psychologically” (Allen, D’Alessio, & Brezgel, 266). Self-reported aggression and physiological arousal, among other things, were not included in the meta-analysis (p. 266), as this would otherwise have meant mixing types of studies that were too dissimilar, some of which do not in fact answer the question of the effect on men’s violence against women.¹⁵⁰ Before a study was included it needed endorsement from at least two researchers. No distinction was made as to whether, for example, the studies included strategies for countering social inhibitions to aggression or whether they used more sensitive instruments. This implies that the meta-analysis’ estimation of aggressive effects is more conservative, since certain experiments may have lacked strategies to counter the subjects’ social inhibitions against behaving aggressively toward women when among other people. A total of 33 experiments were included, with primary data from 30 separate studies that included 2,040 subjects (Allen, D’Alessio, & Brezgel, 266).

In a first meta-analysis (raw correlation) of the 33 experiments, the pornography led to more aggression, but the analysis showed *heterogeneous* correlation effects (p. 269). Following the meta-analysis method (see above), controls were made for potentially *moderating* variables. The only moderators¹⁵¹ that were

both statistically significant and demonstrated *homogenous* correlation effects were the three categories of pornography: (1) violent pornography, (2) nonviolent pornography, and (3) nude /semi-nude pictures with no sexual activity (Allen, D'Alessio, & Brezgel, 274). As mentioned above, subcategories with homogenous correlation effects are particularly relevant (cf. 268).¹⁵² The difference in effect of violent pornography compared with nonviolent pornography was not statistically significant (Allen, D'Alessio, & Brezgel, 271), which gives cause for further interpretation regarding exactly what it is in pornographic material that stimulates the psychological processes that lead to more aggression, since the violence is clearly not the deciding factor (more on this below).

The most important finding from the meta-analysis is thus that both violent and nonviolent pornography lead to more aggression. The only exception was nude or semi-nude still photographs such as covers of *Playboy* or *Penthouse*,¹⁵³ which in the



Both violent and nonviolent pornography lead to more aggression”

meta-analysis led to statistically significant less aggression compared with control groups (Allen, D'Alessio & Brezgel, 271). However, one experiment that used more sensitive measurement instruments, where the subjects who were exposed to photographs in *Playboy* handed out electric shocks of longer duration than the control group, indicated the opposite (the length of the electric shock has been shown to be under less “cognitive mediation” than shock intensity).¹⁵⁴ Certainly, this effect on the electric shock duration was statistically only “marginally significant.”¹⁵⁵ It is, however, relevant when taking into account later experiments with nonpornographic sexist advertisements and sexist Hollywood movies containing no violence, which produced a statistically significant increase in attitudes supporting men’s violence against women.¹⁵⁶ Pornography consumers also appear to become desensitized and seek more “extreme” material (see above, chapter 2), a process to which nude photographs may contribute. The validity of the aggression experiments using nude and semi-nude pictures can therefore be called into question.¹⁵⁷

Meta-analyses of attitudinal experiments

As has been mentioned above, the research in the 1980s produced statistically significant evidence that certain attitudes support men’s violence against women and trivialize women’s suffering (see above). These include attitudes such as rape myths, a term coined by the researcher Martha Burt, which generally reflect perceptions such as that it is usually “promiscuous” women or those with a “bad reputation” who are raped, that a woman who initiates sex “would probably have sex with anybody,” or that women report rapes in order to take revenge on former boyfriends.¹⁵⁸ A series of similar attitudes has also been shown to produce the same effects as *rape myths*, such as perceptions that women are more sexually manipulative by nature, that men must use force because women say no to sex so they will not appear “loose,” or that women enjoy being raped.¹⁵⁹ These attitudes also covary with subjects’ estimations of the likelihood that they would rape if they could do so with impunity. Another attitude that has been measured in the experimental research is the trivialization of women’s suffering in simulated rape trials where the subjects hand out a recommended sentence.

A meta-analysis of 16 experiments that studied the effect of pornography on any one of the attitudes mentioned above using a total of 2,248 subjects was published in 1995.¹⁶⁰ The analysis included studies using pornographic movies as well as written pornography and audio recordings (Allen et al. 14–15). Despite these relatively diverse types of media, the experiments demonstrated *homogenous* effects of pornography that produced a statistically significant increase in attitudes that support or trivialize men’s violence against women (pp. 18–19). When the researchers examined the different subcategories they also found homogenous and significant correlations in the three types of statistical comparisons made in the studies: (a) control groups–violent pornography; (b) control groups–nonviolent pornography; and (c) violent pornography–nonviolent pornography (p. 19). Studies that directly compared the effects of violent pornography with nonviolent pornography found that violent pornography led to a generally stronger increase in attitudes supporting/trivializing men’s violence against women (p. 19). In an indirect comparison between, on the one hand, studies that examined the effects of nonviolent pornography compared with control groups, and on the other hand studies that examined the effects of violent pornography compared with control groups, the researchers found a stronger effect of nonviolent pornography in contrast to the

more direct comparison (p. 19).

Why nonviolent pornography feeds violence against women

Researchers in the 1980s produced evidence of psychological processes that appear to explain why non-violent pornography leads to aggression against women, which is sometimes forgotten in the debate.¹⁶¹ Men in various studies tended to categorize women according to stereotype dichotomous categories such as “whore–Madonna,” “promiscuous–prudish,” or sexually “permissive–nonpermissive.”¹⁶² In light of this, a couple of researchers conducted two experiments to examine the association between such stereotypical attitudes and pornography consumption. First, male subjects looked at a series of pornographic images while a female confederate in an adjoining room pretended to comment on the same images in one of three ways: (1) sexually permissive (“I’d like to try that”), (2) neutral (no comment), or (3) nonpermissive (“this is disgusting”).¹⁶³ In the subsequent aggression experiment, the men were statistically significantly more aggressive toward the women who had made sexually permissive comments than toward the other women.¹⁶⁴

The research literature is of the opinion that the above experiment promoted aggression through a process that devalues the “target.”¹⁶⁵ In other words, the male subjects probably thought along the lines of “let the bitch have it” and then projected such thoughts on to the women they perceived as being more promiscuous.¹⁶⁶ Stereotype impressions of women’s permissive attitudes to sex in combination with exposure to similar suggestive pornography thus made the men more inclined to perceive the woman as legitimate “prey.” Several experiments have confirmed this psychological process that dehumanizes women by showing how nonviolent pornography leads to attitudes that support or trivialize men’s violence against women.

One telling experiment was conducted using different types of pornographic movies to clarify their separate influences on men’s and women’s relative trivialization of rape in a simulated rape trial.¹⁶⁷ In the experiment, the control group recommended a prison sentence for a rapist of 823/869 months (men/women). The subjects who had seen pornographic movies showing *female-instigated* sex with women presented as promiscuous, and which did not contain either force or violence (e.g., *Lady on the Bus*), recommended a sentence of 514/515 months (men/women) (Zillman & Weaver, 118–119 & tbl.4.3).



Exposure to nonviolent pornography also reduced support for ‘women’s liberation’ and led to an increase in attitudes that support men’s violence against women”

Male subjects who had seen movies with *rape pornography* where men coerce and assault women recommended, somewhat surprisingly, a longer sentence than the women (599/503 months). Male subjects who had seen so-called “slasher movies” with eroticized violence (e.g., a naked woman who unsuccessfully offers sex in an attempt to avoid murder) recommended the shortest sentence, while the women in that group recommended a significantly longer sentence (481/671 months). Subjects who had seen films with “consensual” sex, for instance, where romance led to passionate sex (e.g., *Lady Chatterly’s Lovers*), recommended a shorter sentence of 775/719 months (m/w) that was not, however, statistically reliable compared to the control group.

The researchers conducted experiments with the four types of films in order to additionally understand how the stereotypical categorization of women as legitimate targets for sexual aggression was related to, inter alia, the fact that rape pornography did not have the strongest trivializing effect. The experiment therefore conducted a questionnaire survey both a week prior to and at the time of each of the four exposures to pornographic materials, in which the subjects were asked to review different stereotypical descriptions of “wild, promiscuous” and “nice, virtuous” girls respectively (p. 116). After being exposed to the film with *female-instigated* sex without violence, the men among other things rated the descriptions of stereotypical “nice and virtuous” girls of their own age as more promiscuous than they rated such descriptions before they saw the films (pp. 116–17). By contrast, female subjects were most inclined to categorize these stereotypical “virtuous” girls as promiscuous after exposure to the *rape film* (pp. 116–17). The researchers interpreted the finding as showing that the influence of pornography on people’s perception of female promiscuity has a strong influence on their relative trivialization of rape, which was reflected in the shorter sentences recommended by the subjects, even though the psychological process was slightly different for

the women than for the men (p. 119). Other experiments with nonviolent pornography have confirmed these consumption effects.

An experiment published in 1988, for example, showed how subjects who viewed common nonviolent pornography over a six-week period for a total of around 6 hours were more inclined to perceive women as sexually promiscuous and to accept male dominance and female servitude one week later than a group who had not been exposed.¹⁶⁸ Similarly, an earlier experiment published in 1982 had shown, among other things, that consumption of common nonviolent pornography over a six-week period for a total of about 5 hours made the subjects more likely to believe that people have more sex than the control groups believed; on average, the group who were shown pornography believed that around 30% of all adults have anal or group sex, in contrast to just over 10% in the control groups.¹⁶⁹ The same study also included a simulated rape trial. Those who had been exposed for around 5 hours recommended on average around 5 years imprisonment – a considerably lower penalty than the almost 10 years recommended by the control groups.¹⁷⁰ Exposure to nonviolent pornography also reduced support for “women’s liberation” and led to an increase in attitudes that support men’s violence against women.¹⁷¹

The experiments with commercial nonviolent pornography above show that it leads to women becoming legitimate “prey” for sexual aggression in the eyes of consumers and thereby devalued to a more legitimate “target” for aggression. The same processes have been studied by other researchers, including the Canadian psychologist James Check, who had a strong influence on the courts in the 1980s. In Canadian case law, Check’s three-pronged definition of pornography was adopted in the case of *R. v. Wagner* (1985). There, pornography was categorized as either (1) violent, (2) nonviolent but “dehumanizing or degrading,” or (3) nonviolent “explicit erotica” that does not degrade or dehumanize.¹⁷² Only the third category, “explicit erotica,” was considered by the courts to be harmless.¹⁷³ To more closely define the second category, that is, dehumanizing pornography without violence, examples were given that included portrayals where “[w]omen, particularly, are deprived of unique human character or identity and are depicted as sexual playthings, hysterically and instantly responsive to male sexual demands.”¹⁷⁴ The concepts of “dehumanizing” and “degrading” thus also include such stereotypical pornographic presentations of women as exaggeratedly promiscuous – that is to say, a type of material that has been shown to trivialize and support men’s violence against women even though it is not openly violent.

In contrast to a reoccurring misunderstanding that pornography cannot be defined in a way that is politically or legally useful, Check and his research colleagues have further shown that material classified according to *Wagner’s* three-

pronged definition is similarly perceived by ordinary human research subjects. In an experiment from Toronto with a total of 436 subjects (319 nonstudents, 117 college students, and 115 men in control



It is essential to highlight the extent to which women (and also men) are subordinated, dehumanized, and presented as legitimate targets and objects for sexual aggression in order to combat the effects of pornography”

groups), Check et al. compiled three different pornographic films according to the *Wagner* definition. As mentioned earlier, they had to edit and cut together fragments of different scenes to create a coherent “erotic” film without any degrading or violent scenes as they were unable to find commercial pornography that was not violent or degrading.¹⁷⁵ The first part of the study consisted of a test to see if the material had been accurately categorized. The findings showed that the subjects’ ratings “generally conformed quite well” to the three-pronged definition (Check & Guloien, 168). The violent pornography was consistently rated as comparatively “the least educational, realistic, and affectionate,” and as the most offensive, aggressive and degrading (pp. 168–69). The nonviolent but “dehumanizing” pornography was rated somewhere between the violent and “erotic” categories, while the latter was rated the most educational (p. 169).

The next part of the experiment studied the effects of exposure to the three pornographic movies. The subjects were shown one type of film on three occasions within a 6-day period. After 4–5 days the subjects were studied with regard to a number of attitudes that support men’s violence against women, together with a control group that had not been exposed at all (Check & Guloien, 166). Both the violent pornography and the dehumanizing nonviolent pornography resulted in the subjects statistically significantly

estimating on average a higher likelihood of committing rape or forcing women to have sex than the men in the control group did (p. 170–71 & tbl.6.1.). More than twice as many men in these two groups than in the control group reported that they had some inclination to rape (p. 177). Dehumanizing or degrading nonviolent pornography produced the strongest effect – *not* violent pornography (p. 179). The effect of the third category, “erotic” material, was the weakest and not statistically significant as the other two, even though its direction appeared the same (p. 171–72 & tbl.6.1.).

A further statistically significant association in Check & Guloien’s study was that the dehumanizing nonviolent pornography had a stronger influence on the 241 subjects who reported they consumed pornography at least once a month than it influenced the remaining 195 subjects, who reported they consumed pornography less than once a month. The influence on the latter group did not reach statistical significance (1989 pp. 175–76). This implies that those who already consume pornography are the major social and political problem, additionally because those who largely do not consume pornography would be expected to demonstrate a considerably higher acceptance of stricter regulation.

Further statistical analysis was also made of other predispositions to media influence. All the subjects were classified on a scale of 0 to 20 for symptoms of psychoticism (0 = no symptoms); no-one was over 8 on the scale (p. 168). However, a group of 186 subjects lay between 1 and 8 ($M = 2.9$). The remaining 250 subjects lay between 0 and 1 ($M = 0.50$). The group displaying stronger symptoms was influenced more by pornography than was the other group. It was only in the first group that there was a statistical risk of 1 in 20 or less that the effects of violent or dehumanizing pornography were a random outcome (pp. 172–73; $p < .05$). When the 186 men who were more predisposed were further divided into students and nonstudents, the risk that the effects of these two films was a random outcome of 1 in 20 or less was only found among the students (p. 174; $p < .05$). It should, however, be borne in mind that when the groups in the experiment were divided up into smaller groups with regard to both symptoms of psychoticism and the predisposition of students/nonstudents, and each of the three films thereby demanded their own new subgroup plus a fourth control group for each new subgroup, the risk of a Type II error became exponentially greater within each group. As mentioned earlier, Type II errors mean that the weaker effects can be real even when they do not demonstrate statistical significance. One reason the meta-analysis method was developed was specifically to counter Type II errors (see above).

The meta-analysis of 16 experiments conducted on 2,248 subjects that was discussed earlier demonstrated *homogenous effects* of pornography on attitudes that support men’s violence against women.¹⁷⁶ These attitudes also included the measurement instrument that Check & Guloien used on the effect of pornography, namely self-estimated likelihood to rape or force someone into having sex, and their experiments were included in the 16 experiments in the meta-analysis.¹⁷⁷ The authors of the meta-analysis noted that their homogeneity test did not support “the existence of a moderating condition.”¹⁷⁸ Put another way: Check & Guloien’s subjects may have been influenced by the pornography to varying degrees but they were all influenced to some degree. We will have cause to return to the question of the individual propensity to be influenced by pornography, since this has also been studied in nonexperimental naturalistic survey studies (more on this below).

Summary. The degree of violence in pornography is not in itself sufficient to explain why consumers become more sexually aggressive or adopt more attitudes that support or trivialize men’s violence against women than those who do not consume pornography. Many studies have lacked the categorization of pornography that more careful experiments have used, for example, in material that dehumanizes, degrades, or portrays stereotyped promiscuous women. These categories make the consumers even more inclined to perceive women as “legitimate targets” for sexual aggression, which in turn feeds aggressions and attitudes that support or trivialize men’s violence against women. The psychological processes behind dichotomous categorizations of women as “whores” or “Madonnas” conceptualize why unadulterated presentations of “nymphomania” with a “total absence of coercive or violent action” nonetheless lead to “the strongest trivialization of rape.”¹⁷⁹ In the eyes of the viewer, such pornography appears to objectify women and rob them of some of their human value. Put another way, pornography *subordinates* women through its influence on the consumers. Pornography thereby comes into conflict with democratic values because subordination on the grounds of gender is a form of discrimination that is incompatible with sex equality. A strategy that aims to combat pornography that promotes violence against women must therefore go beyond the simplified perception that only violent pornography is a problem. It is essential to highlight the extent to which

women (and also men) are subordinated, dehumanized, and presented as legitimate targets and objects for sexual aggression in order to combat the effects of pornography. Such sexual objectification can clearly take place with or without violence, as the meta-studies also suggested since the negative effects of violent pornography and nonviolent pornography did not demonstrate any notable differences.

Naturalistic nonexperimental studies

Naturalistic studies of the correlation between pornography consumption and men's violence against women that have been conducted with a population sample illustrate whether the effects demonstrated in the laboratory experiments also occur in the social context. Such a successful triangulation of research methods (see above) is used to counter the criticism that laboratory experiments sometimes have low ecological validity (in other words, the argument that the effects only occur in laboratories, not in social contexts). The studies on pornography consumption that also control for known moderators or other factors that reduce, amplify or counteract the associations with sexual aggression or attitudes that support men's violence against women are of particular relevance. Certainly, a more simple naturalistic correlation between relatively high pornography consumption and relatively more such aggression or attitudes would appear to corroborate the experiments' ecological validity. The correlation could, however, be an expression of a stronger interest among persons with a sexually aggressive propensity in wanting to watch pornography, which would not in itself be certain to influence them to commit more acts of sexual aggression or adopt attitudes that support men's violence than if they had not watched pornography. However, prior research shows it is possible to statistically control for alternative causes for sexual aggression among men, such as aggressive or promiscuous personality disposition (more on this below), which provides stronger support for the experiments' ecological validity if the correlation between increased pornography consumption and increased sexual aggressivity still remains when such factors have been controlled for. A number of U.S. naturalistic survey studies appear to corroborate the findings from the experimental studies in this way.

Sexual aggression

A study published in 2000 studied almost 3,000 male college students with an average age of 21 from a representative sample of American colleges and universities in the mid-1980s using surveys.¹⁸⁰ Although these subjects were studied before the digital age, the "fundamental psychological processes" linking pornography use and sexual aggression are unlikely to have changed substantially.¹⁸¹ Prior research showed two main personality predispositions that predicted more sexual aggression that are labeled Hostile Masculinity (HM) and Sexual Promiscuity (SP) (or Impersonal Sex) (Malamuth, Addison & Koss, 60). "Hostile masculinity" (HM) includes persons who have "(1) an insecure, defensive, hypersensitive and hostile-distrustful orientation, particularly toward women, and [get](2) sexual gratification from controlling or dominating women," while "sexual promiscuity" (SP) entails a "promiscuous, noncommittal, game-playing orientation towards sexual relations, which is statistically predicted by certain early familial aggression and adolescent delinquency."¹⁸²

These two constructs, HM and SP, have been developed into a theoretical model labeled the Confluence Model, since the empirical risk for sexual aggression has been shown to rise particularly when they exist alongside each other (coincide) in one and the same individual (Malamuth, Addison, & Koss, 59–61). The validity of the model has been corroborated by independent groups of researchers in various countries and empirical studies.¹⁸³ In controlling for these two umbrella concepts, the researchers thus include statistically relevant moderators that are assumed to reduce or amplify sexual aggression alongside pornography consumption. The 2000 study measured HM using two psychological scales that had been developed by a number of researchers: the Negative Masculinity Scale and the Hostility Toward Women Scale (Malamuth, Addison & Koss, 65). Sexual promiscuity (SP) was measured through questions on the age of first intercourse and number of sexual partners since age 14, which in prior research has been shown to measure the personality disposition represented by SP (pp. 64–65). Through the responses on HM and SP the respondents were classified as individuals with either a low, moderate or high risk of committing sexual aggression. It was thus possible to control whether pornography consumption would predict more or less sexual aggression independently of the other risk factors (more on this below).

The “independent variable” that measured pornography consumption consisted of a question asking how often, on a four point scale, subjects “read any of the following magazines: *Playboy*, *Penthouse*, *Chic*, *Club*, *Forum*, *Gallery*, *Genesis*, *Oui*, or *Hustler* (Check one)” (p. 63). The researchers argued that the choice of these magazines was appropriate for testing more common pornography (p. 63). Certainly, these magazines are not particularly representative today, given supply of pornography available on the internet and other sources. But they were relatively representative in the mid-1980s when the survey was conducted. However, the relatively limited definition may mean that the correlations measured have been watered down. One effect of repeated consumption that had already been noted in the 1980s was desensitization and the transition to more extreme materials (see chapter 2 above). More extreme consumers may therefore have been placed on a par with those who “only” consume common pornography.

The measurement of frequency that was used might also have been more precise. The subjects were asked to say whether they watched pornography “(1) Never, (2) Seldom, (3) Somewhat frequently, or (4) Very frequently,” which the authors admitted was a subjective interpretation compared to reporting, say, how many hours or minutes a week or times a month on average they viewed pornography (p. 63; italics omitted). Such more precise measurements have been used by researchers to study, among other things, young adults’ pornography consumption in Sweden (see chapter 2 above). There is a greater risk here that the variation in the correla-

tions is underestimated if low consumers overestimate their consumption and high consumers underestimate their consumption. Both scenarios are probable given that por-



Pornography consumption is an independent variable that predicts which men are more likely to perpetrate more sexual aggression against women”

nography is surrounded by a large number of taboos, which means that it is not certain that respondents have a frame of reference for quantity. How does a male student, for example, know if around four times a month is “somewhat frequently” or “seldom” without knowing the mean?

The “dependent variable” that measured sexual aggression consisted of a battery of 10 questions about to what extent, if any, the subjects had behaved in a sexually aggressive way since the age of 14. The questions ranged from more gross abuse, such as using violence and through pain coercing someone into having sex, including anal sex, or while using alcohol attempting or making someone accept unwanted sex, to less gross aggressions such as persuading someone to have unwanted sex using continual arguments and pressure.¹⁸⁴ Around 25% of the male students in the survey indicated they had performed one or more of the ten types of sexual aggression since the age of 14 to various extent (Koss, Gidycz & Wisniewski, 166–68). However, the researchers believe that this is a substantial underestimation (p. 169). If this is the case, it might even lead to the statistical correlations between pornography consumption and aggression that have been found being watered down and appearing as less than they in fact are. Something that suggests underestimations is that in a parallel study directed at the same college population at the same time, but with only the female students (i.e., around 3,000 female college students at the same colleges and universities as the men who were studied), about 54% of the women reported that they had experienced the same sexual aggressions since age 14 that only 25% of the men admitted perpetrating (p. 169). It could have been possible to explain the discrepancy through the fact that the perpetrators did not take part in the survey (e.g., older nonstudents). However, if this is the case it is surprising that the number of times 25% of the men admitted having committed certain acts of sexual aggression is “identical” to the number of times the 54% of the women reported they had been subjected to such acts (p. 169; see also p. 167 tbl.3). This need not, however, be the result of a deliberate denial. Previous research has among other things observed how convicted rapists demonstrate stereotypical rape myths and do not perceive coercion in the sexual situations they have experienced.¹⁸⁵

A further source of underestimation of various correlations in the study is that when there was data missing on some survey questions the researchers inserted the average for all respondents – a “conservative” method that typically reduces the differences between groups (Malamuth, Addison & Koss, 62).

Despite the likely problems of underestimation that can contribute to correlations being watered down, with regard to pornography consumption in particular but also to sexual aggression, the hypothesis that pornography independently predicts part of the sexual aggression was surprisingly well-corroborated

even after the researchers held constant the alternative factors, namely the HM and SP moderators. In the light of, among other things, other naturalistic studies that have shown similar correlations, it is therefore important to note that there was a statistically significant linear trend among the almost 3,000 students in which pornography consumption also predicted more sexual aggression in the low-risk group, albeit with a considerably weaker strength than in the high-risk group (p. 77). In the moderate risk group, a similar statistically significant linear was exhibited (s. 78). In the high-risk group, which constituted 7% of the total sample, the link between sexual aggression and pornography consumption was statistically significant and considerably more “dramatic” among the respondents who had reported the highest level of sexual aggression than in either of the lower risk groups (p. 78). The findings therefore also corroborate the Confluence Model of risk factors.

A smaller follow-up study using a convenience sample of 102 male psychology undergraduates, published in 2007, used similar methods to the study above by Malamuth et al.¹⁸⁶ The follow-up studied the link between pornography consumption and sexual aggression by controlling for the moderators HM and SP as well as for other predispositions found in convicted criminals. The correlation was found to be very strong in the group with a high risk for sexual aggression but was not indicated in the middle and low-risk groups (Vega & Malamuth, 112–13) as it was in the previous study, where the linear correlation was statistically significant in all risk groups, albeit to varying degrees (see above). The follow-up was, however, conducted with a much smaller sample of 102 subjects compared with the almost 3,000 college students who had been studied in the first study. The smaller sample makes it considerably more difficult to achieve statistical significance, even though the correlations are just as real in both samples (i.e., there is an inherent risk of Type II errors). Further, similar definitions of pornography consumption were used with subjective frequency measurements in both studies,¹⁸⁷ which in all probability also watered down the correlation in the follow up (cf. above).

In addition to the two studies above, among other things a survey has been done of 480 male college students and their pornography use where other factors that can predict sexual aggression were controlled for, including moderators such as impulsivity, anger, hostility, psychopathology and peer pressure. The findings were reported in a doctoral dissertation in 1994.¹⁸⁸ Pornography was found to be the strongest predictor, accounting for 12% of the total variance (that is, the differences between individuals) in sexual aggression and remaining significant after the other variables had been controlled for.¹⁸⁹ Another naturalistic study done with 477 male college students and published in a scientific journal in 1994 also found that pornography consumption predicted sexually aggressive behavior and an increased self-reported likelihood of forcing someone into having sex.¹⁹⁰ Both these studies also compared the association vis-à-vis certain types of pornography (e.g., violent or nonviolent pornography). The doctoral dissertation found a correlation where men who used more violent pornography were more likely to have coerced someone into having sex, including rape. However, the second study performed, as was pointed out in the literature, an incomplete statistical analysis, which makes its findings less reliable with regard to distinguishing the effects of different types of pornography.¹⁹¹ As mentioned earlier, research has indicated that consumption of nonviolent pornography often leads to desensitization and the demand for more extreme or violent pornography (see chapter 2). Unless the effects of different categories of pornography are satisfactorily separated it is difficult to know if stronger correlations arising from violent pornography are rather a reflection of an increased consumption of pornography in general.

Summary. Naturalistic population-based surveys show that pornography consumption is an independent variable that predicts which men are more likely to perpetrate more sexual aggression against women, even when relevant alternative factors to such behavior have been controlled for. The findings are of high importance even if nonexperimental studies cannot in themselves answer questions about causal relationships, because the findings are consistent with experimental studies in which causal relationships to aggression and attitudes supporting violence against women have been identified. Triangulation of these two methods supports the conclusion that pornography also causes more sexual aggression in the social context. The correlation certainly appears to be considerably stronger among the men most predisposed to be sexually aggressive, but given the vague frequency measurement of pornography used and the underreporting of sexual aggression that likely occurred in the largest population study above, it is nonetheless telling that a weaker statistically significant association was also found there among the less predisposed men. We will now situate the findings on sexually aggressive behavior in relation to what has been repor-

ted on the association between pornography and *attitudes* that support men's violence against women.

Attitudes that support or trivialize violence against women

As has been mentioned, attitudes that support or trivialize men's violence against women predict, with statistical significance, the kind of sexual aggression that the studies above investigated.¹⁹² In other words, Attitudes Supporting Violence Against Women (ASV) indirectly measure sexual aggression. The two indicators therefore mutually triangulate in such a way that they are an expression of the same underlying phenomenon. As a complement to the meta-analysis of experimental aggression studies, a meta-analysis of the effects of pornography on men's attitudes that support or trivialize violence against women (hereafter referred to as ASV) was published in 2010.¹⁹³ The study also corrected a couple of serious errors in an earlier meta-analysis of nonexperimental connections between pornography and ASV that was included in the same publication that contained a meta-analysis of ASV from 1995 (see Hald, Malamuth & Yuen, 15–16). The principal author of the older meta-analysis has also admitted the error (p. 16), for which reason the study from 2010 is the correct one.

The meta-analysis from 2010 comprised nine studies with a total of 2,309 respondents, and which met a number of key quality criteria.¹⁹⁴ The researchers found that increased use of pornography among men predicted an increase in ASV with statistical significance (p. 18; $r = .18, p < .001$). When the correlation between violent pornography and ASV ($r = .24, n = 1394$) was compared with that between nonviolent pornography and ASV ($r = .13, n = 1617$) the former was seen to be statistically significantly stronger than the latter ($p < .001$). As was pointed out above it should, however, be borne in mind that consumption of violent pornography can covary with increased pornography consumption in general, since consumers often become desensitized and seek more extreme material (see chapter 2). In other words, the stronger correlation between violent pornography and ASV can rather be a reflection of the fact that more consumption of pornography in general leads to more ASV. In addition to these findings, the meta-analysis found that both the combined correlation and the correlation for violent and nonviolent pornography separately demonstrated heterogeneous correlations (p. 18). The heterogeneity suggests the existence of moderators, that is, variables that reduce or amplify the link (more on this below).

A later American nonexperimental study from 2011 of 489 fraternity members (members of a male student club) studied the correlation between types of pornography and ASV, and the researchers admitted it was a limitation that they did not measure the consumption frequency.¹⁹⁵ They simply asked the respondents which of three types of pornography they had seen in the previous 12 months. Eighty-three percent reported they had seen “graphic sex acts,” 27% reported they had seen “sadoomasochistic portrayals,” and 19% reported that they had seen “explicit rape” (Foubert, Brosi & Bannon, 219–22). Self-reported consumption of all categories predicted more ASV (pp. 220–22). There was certainly a significantly stronger correlation between some ASV and the two more violent categories of pornography compared with nonviolent categories and ASV (pp. 220–21). In the light of prior research on desensitization, it is relevant to note the markedly smaller number of male students who reported consuming violent material compared with the men who reported consuming nonviolent pornography (pp. 220, 222). This relationship implies that the higher ASV of the former is more likely to be linked to relatively greater consumption of all types of pornography rather than specifically violent pornography. However, it is not possible to draw reliable conclusions as long as we lack data on the extent of the consumption.

There have been attempts in the literature to develop the question of the heterogeneous correlations in the meta-analysis of ASV from 2010, which suggest that there are moderators that reduce or amplify the connection. Two years later, a larger nonexperimental analysis of the same data from the middle of the 1980s that was used to study the correlation with sexual aggression among almost 3,000 male college students in the United States was published, but the objective here was to illuminate the correlation between pornography and ASV (not aggressive behavior).¹⁹⁶ The raw correlation between pornography consumption and ASV was statistically significant ($p < .001$) and roughly as strong ($r = .12$) as the correlation between nonviolent pornography and ASV in the nonexperimental meta-analysis above ($r = .13$). However, this correlation is likely an underestimate. The study from 2012 is, for example, based on the same vague consumption frequency as the parallel study of sexual aggression from 2000, namely a question asking whether respondents had read a number of common pornography magazines “never, seldom, somewhat frequently or very frequently.” The question may lead to low-level consumers overestimating and high-

level consumers underestimating their consumption if they are unaware of the mean, which should be common given the taboos that surround pornography (cf. above). A further source of underestimation of different correlations is that where the survey questions lacked information, the researchers inserted a mean for everyone, a “conservative” method that typically reduces the differences between groups.¹⁹⁹

With regard to the effect of moderators that reduce or increase the links, the authors assumed in 2012 that the same theoretical model on converging factors (the Confluence Model) that explained the moderators’ influence on the variation in aggressive behavior might also explain the moderators and variations in attitudes supporting or trivializing violence against women (ASV). However, this assumption is surprising, since one of the models’ two independent variables/moderators, hostile masculinity (HM), is based on attitudes very similar to those measured in ASV. Previous Confluence studies even used the same sorts of ASV specifically to measure HM.²⁰⁰ This implies that HM measures the same underlying phenomena measured by ASV. Examining whether HM *predicts* ASV is therefore tautological – rather like asking “to what extent do hostile attitudes lead to hostile attitudes”? Perhaps in an attempt to avoid this dilemma, two other constructs were used to measure HM, Negative Masculinity and Hostility Toward Women.²⁰¹ However, these two constructs contain attitude scales that are very similar to ASV,²⁰² meaning the relationship between HM and ASV still appears tautological. Consequently, the HM moderator’s correlation with the variation in ASV would appear to be unreasonably strong if the objective is to study the influence of independent factors and consequently to exponentially hide the link between other factors and ASV, such as use of pornography.

Something that made the interpretation of the moderators’ influence on the association between pornography consumption and ASV even more difficult and may contribute to the underestimation of the effect of pornography was that the study from 2012 divided the respondents into six separate risk groups based on the Confluence Model – four low-risk groups, a moderate-risk group, and a high-risk group.²⁰³ In contrast, the study from 2000 deemed that three risk groups was “more appropriate” since six groups would have made each group so small that it would lead to the risk of Type II errors, that is, that an actual correlation would not appear as statistically significant.²⁰⁴

Despite the researchers’ problematic design with regard to underestimations and theoretical models that exaggerated the effects of the moderators, they did find a statistically significant correlation between pornography use and ASV among men in the high-risk group.²⁰⁵ Although there was an increasing linear trend across all five lower-risk groups showing pornography use predicted more ASV,²⁰⁶ the trend was not statistically significant *within* each individual risk group when the converging variables were controlled for. Yet the absence of statistical significance within each of the five groups must be placed in relation to the design problems discussed above that are likely to have led to significant underestimations of the correlations between pornography consumption and ASV. This refers here to the fact that (a) the division into six risk groups in contrast to three risk groups (as in the study on aggression) increased the risk of Type II errors; that (b) one of the two moderators measures the same type of attitudes that exist in dependent variables; and that (c) missing data on individual questionnaires were replaced with the mean, thus reducing the differences between groups; that (d) the vague and subjective frequency measurements of pornography consumption can also reduce differences between groups. Researchers are advised not to conduct a similar survey without correcting these four methodology problems.

Summary. Even if naturalistic surveys cannot in themselves provide answers to questions about causal associations, the studies in this section significantly reinforce the ecological validity in the experimental studies. As has been mentioned, the causal associations in the influence of pornography on attitudes can be shown in experiments. In the same way as the naturalistic survey studies above found that pornography consumption predicted sexual aggression among men, even if other factors partly reduced or amplified the associations, so the studies in this section show a similar association between pornography consumption and attitudes supporting or trivializing men’s violence against women (ASV). It is true that it has not yet been clearly determined which variables reduce or increase the association between pornography and ASV, and problems with the methodology have further meant that the association is probably underestimated. However, on the whole, all types of studies indicate that the majority of men are influenced in some way by pornography in their attitudes toward women, albeit to different degrees. The fact that the findings in both attitude and aggression studies reach the same conclusions, namely that increased pornography consumption leads to both more sexual aggression and more ASV, reinforces the credibility of both types

of study. Taken together, the method triangulation of experiments and naturalistic surveys, as well as the conceptual triangulation of aggression and attitudinal studies, provides strong support for the conclusion that pornography consumption contributes to men's violence against women. The question of how far this association is politically significant depends largely on how people assess the harm that sexually aggressive men inflict on their targets. The consequences for the most vulnerable groups, for example, women who have sought refuge in shelters, or prostituted persons, are here particularly relevant.

Particularly vulnerable groups

Survey studies of women abused by men

Survey studies of clients in women's shelters or healthcare services shed some light on the extent of the problems indicated in the general population studies above. They can also verify the ecological validity of the experimental causal associations. A survey study of 2,135 women who sought refuge in women's shelters in an American metropolitan area between 1998-2002 asked if their partners viewed pornography or utilized the sex industry in some other way (without, however, specifying frequency measurements).²⁰⁷ Just over 40% gave an affirmative response and reported with statistical significance that they had been subjected to more *sexual violence* (sexual abuse, rape, or stalking) than women whose partners were not reported to use pornography or other forms of the sex industry (Simmons, Lehman & Collier-Tenison, 410-11). The accounts of the men who were reported to use pornography or some other form of the sex industry also showed statistically significantly more controlling behavior toward the women than the other men's accounts, such as threats, intimidation, minimization, denial, blaming, economic abuse, enforced isolation and/or enforcing "male privileges" (pp. 410-11).²⁰⁸

An earlier study of 271 women who had been subjected to men's violence and who participated in a support program in New York between 1988-1991 analyzed surveys containing questions about the abusers' use of pornography and alcohol (but without frequency measurements) as well as the length of the relationship.²⁰⁹ The women

reported that 30% of the abusers used pornography (Hinson Shope, 63). In addition to general assault, 46% of all women reported being sexually abused. Women whose batterers were reported to use



In public hearings in the United States, survivors of prostitution have also testified how sex purchasers constantly refer to pornography that they want the prostituted women to imitate"

pornography ran an increase odd of 1.9 of having been sexually abused, which was comparable with women whose abusers were reported to use alcohol. When the researcher separated the joint effects of pornography and alcohol, both factors independently showed a statistically significant increase ($p < .01$) in predicting sexual abuse, with odds of 1.277 for pornography "only" and 1.270 for alcohol "only" (p. 65). Although the odds that the abusers who were reported to use *both* alcohol and pornography would abuse sexually were as high as 3.2, the difference was not statistically significant when this group was compared with those who were only reported to use pornography (p. 66). The researcher explained: "It appears that alcohol does not exacerbate the effects of pornography on the odds of sexual assault" (p. 66).

A prior American study published in 1998 examined the connection between *violent pornography* and men's violence against women, using an ethnically stratified sample of 198 women drawn from public medical clinics who had reported abuse a year prior to (or during) a pregnancy.²¹⁰ The sample consisted of one-third each of African Americans, Hispanic and White Americans respectively (Cramer et al., 324). Among all the women, 40.9% indicated that their abusers watched violent pornography, of whom a markedly higher percentage were White American (58.7%) than Hispanic (38.5%) and African American (27.1%) women (p. 326). The most severe violence was reported with statistical significance by women who reported that their abuser had "forced" them to "look at, act out, or pose for pornographic scenes" – a group comprising 25.8 % of all 198 women (p. 327). The findings were also corroborated after controlling for the age factor (p. 327).

The background to the research surveys above can probably be traced to the time when witnesses from women's shelters began to describe in public the role pornography played in men's violence against women, as in, for example, public hearings in the state of Massachusetts, where a women's shelter or-

ganization submitted a written testimony in 1992. The document described how the organization had asked clients whether or not their abusers had used pornography as part of their abuse. According to a “conservative” estimate, half of the abusers had done so.²¹¹ In another example from New York ten years previously, a founder and director of a program for sexual assault survivors testified in a similar public hearing in Minneapolis in 1983 that she was meeting an increasing number of throat-rape survivors. Some who had been victimized described how their assailants referred to the pornographic movie *Deep Throat* prior to assaulting them.²¹² Furthermore, prosecutors with considerable experience of sexual abuse investigations, clinical psychologists treating sex offenders or survivors, and other representatives from women’s shelters have testified how pornography played a similar important role in literally hundreds of cases of sexual abuse.²¹³ There is also an abundance of individual testimonies from ordinary women and girls given at public hearings and elsewhere in the United States reporting how they have been abused by men who forced, or attempted to force them to imitate pornography.²¹⁴

Summary. Men’s use of pornography predicted with statistical significance more violence against women who were treated at shelters and in the healthcare system, which is in line with how pornography in the experiments led to aggression and attitudes supporting men’s violence against women. This section therefore corroborates through method-triangulation the experiments’ ecological validity in the same way as the more general population studies above did.

Prostituted persons on sex purchasers

An understanding of the role played by pornography in violence against women is clarified further in studies with prostituted persons, as in the interview study of 200 prostituted women and girls from San Francisco previously mentioned in Chapter 2 where the researchers deliberately avoided “arrestable” or “service-oriented” respondents in order to gain a more representative picture.²¹⁵ A large number of the respondents mentioned spontaneously that violent sex purchasers made references to pornography during the abuse.²¹⁶ Similar reports of sex purchasers who force or attempt to force women to imitate pornography are also found in later studies, including the one conducted in nine countries mentioned above where 47% of 802 persons in varying types of prostitution (e.g., indoor and outdoor) reported being upset by attempts at making them imitate pornography.²¹⁷ The Prostitution Inquiry in Sweden also wrote in its final report in 1995 that social workers in Gothenburg described how sex purchasers not infrequently pointed to pictures in pornographic magazines to describe their wishes to the prostituted persons.²¹⁸

In San Francisco, many of the 200 prostituted persons described *spontaneously* that they had been exploited in pornography already before age 13 (Silbert & Pines, 865–66). In a group of 60% who reported sexual abuse during childhood, 22% also gave spontaneous accounts of how the adult had used pornography before the abuse, among other things either to persuade the child and legitimize the abuse, or to arouse the adults themselves (pp. 865–66). Similar corroboratory accounts of abuse during childhood have been given by nonprostituted women, as well as by various experts on sexual crimes.²¹⁹ In public hearings in the United States, survivors of prostitution have also testified how sex purchasers constantly refer to pornography that they want the prostituted women to imitate.²²⁰ A woman in Minneapolis who represented a large group of prostitution survivors explained why: “[m]en witness the abuse of women in pornography constantly, and if they can’t engage in that behavior with their wives, girlfriends, or children, they force a whore [*sic*] to do it.”²²¹

From 73% of the 200 prostituted persons in San Francisco, the researchers received reports of a total of 193 cases of rape where 24% of the respondents gave spontaneous unsolicited accounts of how the rapists consistently referred to pornography materials they had seen (Silbert & Pines, 863). Moreover, the perpetrators claimed that the materials suggested that the prostituted woman or girl not only enjoyed being raped, but also enjoyed being subjected to other extreme violence (p. 863). In 19% of the 193 rape cases, the respondents mentioned how they had tried to stop their rapist by saying something like, “Calm down, I’m a hooker. Relax, and I’ll turn you a free trick without all this fighting” (p. 864). However, this information *nonetheless* had the opposite effect in all cases: the man started yelling and his violence led to even more serious injuries than in cases where the woman had not mentioned her prostitution (p. 864).

In 12% of the 193 rape cases where the woman/girl disclosed her prostitution spontaneously she was subjected to more comments about pornography than the others who were victimized by rape were (p. 864). A consistent theme in the perpetrator’s reaction was then that (1) their language became more ag-

gressive, (2) they became markedly more violent, (3) they said that they had seen prostituted persons in pornography and the majority named specific materials, and (4) after vaginal rape the woman was further sexually assaulted in a way the women in the pornographic materials that the men referred to were said to enjoy (pp. 864–65). One perpetrator was reported to have said: “I know all about you bitches, you’re no different; you’re like all of them. I seen it in all the movies. You love being beaten” (p. 864). Another victimized person reported what a perpetrator had said: “Then he told me he had seen whores [*sic*] just like me in (three pornographic films mentioned by name), and told me he knew how to do it to whores like me. He knew what whores like me wanted” (p. 865).

The behavior and statements of the perpetrators above is similar to the psychological process that has been recorded in pornography experiments. As mentioned earlier, subjects who were exposed to common nonviolent pornography categorized women as stereotypically promiscuous stereotypes rather than prudes (“whore/Madonna”) more often than control groups did. The effect of pornography thus led to the objectification of women, where women were dehumanized and made legitimate “targets” for sexual aggression. The process led, among other things, to more general aggression against female actors in laboratory experiments and a stronger trivialization of rape in simulated trials than in control groups (see above). The San Francisco study shows us how these processes work in a social context. When the man who is assaulting a woman is informed that she is prostituted it feeds his stereotypical perceptions that prostituted women are legitimate targets for aggression, which he sees as justification for subjecting her to even more violence and assault. Pornography literally inspires him to objectify prostituted women and to dehumanize them and subordinate them to his own wishes (“He knew what whores like me wanted”). When feminists claim that pornography is a *graphic sexually explicit subordination* of people that is contrary to democratic values of equality, this is partly what they mean. What we see in these interviews about rapists constitutes a *triangulation of methods and evidence* that confirms the ecological validity of the psychological experiments on the effects of pornography.

Sex purchasers and pornography

Many sex purchasers admit in anonymous interviews that they purchase sex in order to have forms of sex that others would refuse, such as dominance and submission, or various acts presented in pornography. Among 110 anonymous sex purchasers in Scotland who were randomly sampled through advertisements, many said that one important reason for purchasing sex was the “pleasure” of being able to assert “their dominance over women in prostitution.”²²² One sex purchaser explained that prostitution offers men “the freedom to do anything they want in a consequence-free environment.”²²³ Another pointed out that “[s]ome guys watch a lot of pornography and expect their partners to perform certain acts. They’ll either pressure their partner to a certain point or then go and get what they want.”²²⁴ A similar study of 113 sex purchasers in Chicago reported that 46–48% wanted sex with prostituted persons that they either felt uncomfortable asking of their partner or that their partner refused to perform.²²⁵ This was most commonly mentioned as anal sex (27%), followed by oral sex (7%), but also group sex, sadomasochism and dominance, or sex using sex toys and fetishes.²²⁶ The sex purchasers in Chicago frequently described how they re-enacted, that is, imitated, pornography scenes with prostituted women.²²⁷

The types of responses and associations demonstrated above among sex purchasers in Scotland and Chicago have been found in similar studies in Boston (MA),²²⁸ Cambodia²²⁹ and London (UK).²³⁰ For example, 71% of 133 sex purchasers in Cambodia and 52% of 101 sex purchasers in Boston reported that they imitated pornography with women they purchased in prostitution and gave many examples of how they wanted to try the diversity of behavior they had seen in pornography.²³¹ One sex purchaser in Boston explained that when people with whom he wanted to do this with refused, he began purchasing sex from prostituted persons.²³² Other typical comments were that if a fiancé would not submit to anal sex, the sex purchaser knew who would do it.²³³ The sex purchasers’ responses are in line with the testimony from the woman in Minneapolis above, who claimed on behalf of survivors of prostitution that the consumption of pornography makes men purchase sex in prostitution when they cannot re-enact pornography with their partners or children. Not surprisingly, the researchers in Scotland found that pornography consumption with statistical significance predicted more frequent purchasing of sex among the 110 sex purchasers ($r = .26, p = .006$).²³⁴ Similar statistical associations were found in a study of 1,672 sex purchasers arrested in the United States, and who were also compared to national population samples of men.²³⁵

The study from Cambodia is the last in a series of studies where surveys and interview questions have probably been refined in order to capture more details about the association between pornography and violence against women. Hence it is noted that 41% of the sex purchasers in Cambodia reported they had participated in *gang rapes* (called *bauk* in Khmer).²³⁶ Of these men, 17% said they had taken part in gang rapes more than 10 times, 19% six to ten times, 42% two to five times and 28% once (Farley et al., 30). Speaking of pornography's role in



The testimonies show that sex purchasers not commonly only want to try violent sex in general, but in particular to try the acts they were unaware of prior to viewing pornography”

gang rapes, one sex purchaser described how they “took turns to have sex” and “used different styles that we saw in the movie” (p. 26). A great deal of violence and force is clearly required to imitate pornography with women in this way. One sex purchaser explained: “Sometimes the woman changes her mind when she sees how many people are waiting at the place. If that happens, my friends threaten and force her, sometimes beating her” (pp. 30–31). Another man told how his “friends beat her and forced her to do all that they wanted; sometimes my friends threatened her with death should she not follow what they say” (p. 31). A third sex purchaser said, “we bet on who was strong enough to prolong the sex. Anyone who could not prolong would be called the loser” (p. 31). Considering the abuse involved, where the sex purchasers show absolutely no concern for the women's health, it is not surprising that one of them said that after a gang rape one woman “was in so much pain I was afraid she had died” (p. 31).

The reports of gang rapes in Cambodia might appear to the uninitiated as an extreme case. This is not necessarily so. De facto gang rapes similarly animated by pornography, where women have not had the possibility to refuse sex, have been reported in both the United States and Sweden for many years. The previous chapter, for example, referred to how the 1995 Prostitution Inquiry reported that Swedish police carried out a number of preliminary investigations into so-called sex clubs where pornographic movies were produced with crowds of male paying guests. Financially distressed women were forced to perform sexual acts they had not agreed to in advance, sometimes with more than ten men, including among other things vaginal, oral, and unprepared anal intercourse.²³⁷

Other situations where groups of men have purchased sex from women under coercive circumstances that may be similar to those above have been reported in the United States. Among the sex purchasers interviewed in Chicago (see above) one man described how he and his friends were in Las Vegas and purchased sex with a prostituted woman and how they ejaculated “on her face at the same time, like in the porn movies.”²³⁸ Another sex purchaser described how he was on holiday in Cuba with his friends and paid a “travel agent” for women to stay in their apartment for three days to clean and “perform” the “sex acts requested by the man and his friends.”²³⁹ As early as the mid-1980s, a prostituted woman testified in the U.S. Attorney General's Commission's public hearing in Washington, DC how her pimp used to take her to parties with hundreds of men where pornographic movies were shown and followed by sex with prostituted women.²⁴⁰ Pornography's role as a source of inspiration is a common denominator both in the gang rapes and among the gangs of men above who purchased sex from prostituted women who had little or no possibility to refuse their group sex.

Summary. The testimonies above show that sex purchasers commonly not only want to try violent sex in general, but in particular to try the acts they were unaware of prior to viewing pornography. There is no doubt that these sex purchasers probably have a stronger propensity toward sexual aggression, which has influenced their behavior. However, their own admissions indicate that they would not have performed the types of acts they chose to perform had they not consumed the particular type of pornography they had. The order and outcome of events they recount therefore suggests more than a correlational association. Certainly, these survey and interview methods cannot control for causal associations in the same way as an experiment. Yet the chain of events corresponds with the causal associations already shown by numerous pornography experiments with control groups. Hence, the sex purchasers' accounts constitute a triangulation of methods that strengthens the ecological validity of the experiments on the effects of pornography.

Aggregated level studies, unreliable data

Researchers have attempted to draw conclusions on pornography's association to men's violence against women based on the figures for *reported* sex crimes. Such "aggregated level" studies, where, for example, countries or states constitute the units of analysis, are however less reliable than the population-based studies above where individuals constitute the units of analysis. For example, reports are influenced by many variables, not least when we look at them over time. Neither do reports necessarily reflect the actual *prevalence* of sex crimes. Population-based studies above showed that pornography consumption leads to a trivialization of men's violence against women, which might in turn lead to *fewer* individuals wanting to report crime, perhaps because they do not believe it will be taken seriously or because those victimized themselves diminish the abuse. An American population study from 2006 found exactly these tendencies among adult women who reported that they had been raped: 44% said that one of the main reasons they had not reported the crime was that they feared "bad treatment" by the criminal justice system.²⁴¹ In addition, 63% said they did not want their "family" or "others" to find out about the incidents (Kilpatrick et al., 47–48 & tbl.41). The study further found that only 37% of female college students correctly identified the abuse as rape, despite the fact that the additional 63% also provided behaviorally specific responses consistent with criteria for existing rape legislation (p. 44). The college women who did correctly identify their experience were almost *ten times* more likely to report it than those who did not identify their rape as rape (p. 44). To study the association between pornography consumption and reported crime the researcher must control for such sources of error and alternative hypotheses as those implied above.

Comparative correlational studies that hold factors constant

One example of an aggregated study compared 50 states in the United States during the years 1980–1982 and was replicated by an independent group of researchers for the year 1982; both studies found a statistically significant positive correlation between the number of pornographic magazines sold and the number of reported rapes after statistically controlling for relevant alternative factors.²⁴² The studies took their points of departure in prior research and therefore controlled for the percentage of the urbanized population, the percentage of young adults (18–24), the percentage of men/women aged 15–24, economic inequality or poverty, alcohol consumption, status/equality of women, percentage of single men over the age of 15, the percentage of unemployed, the percentage of African Americans,²⁴³ the percentage of murders, robbery and aggravated assault and the sale of nonpornographic magazines (both general magazines and magazines with "macho" themes such as guns, hunting, and sport).²⁴⁴ Other indicators such as corporal punishment in schools or public executions were controlled for, as well as the percentage of general violent media, geographical mobility, divorce, single person households, tourists, women in state political assemblies, secularism, and other legal or social indicators of equality.²⁴⁵

A multiple regression analysis indicated among other things that 64% of the total correlation variance in reported rapes could be accounted for by the eight most relevant variables and that only 47% of the variance could be accounted for by the remaining seven variables when pornography was excluded from the regression analysis.²⁴⁶ In addition to pornography, only two other variables significantly predicted reported rapes: the percentages that either lived below the poverty line or were urbanized in the respective state.²⁴⁷

Since rape reports almost always underestimate the actual incidences of rapes, whether this was a problem when comparing states was controlled for. The researchers reviewed prior research confirming that the *relative* differences between the states' reporting corresponded to the relative differences between the states' *prevalence* of rape.²⁴⁸ Although the prevalence studies relied on by the researchers have also been found to underestimate the incidences of rape,²⁴⁹ the prevalence studies are an acceptable control given that the percentage of underestimation is relatively similar in all states. The studies were reinforced by the fact that sales of pornographic materials and the number of rapes reported were several times higher in some states than in others,²⁵⁰ which made it possible to control for considerable statistical differences. Compared to surveys conducted over time in one state, the studies conducted within states in the United States during 1980–1982 also have the advantage that they can hold constant factors causing change that might otherwise influence the inclination to report over time.

Longitudinal studies with over-determination and problems of interpretation

Crime reporting is generally a strongly *over-determined* phenomenon since it is influenced by many factors and it is very difficult to distinguish the effect of any one variable.²⁵¹ One example of these problems, in particular in longitudinal studies studying the association between pornography consumption and crime reporting over time, is found in a study from 2011 on the Czech Republic, which studies the years 1971–2007.²⁵² The implicit assumption is that if pornography has become more prevalent over time in the Czech Republic, which the study finds is reasonable, in particular since 1989, it may also explain the change in the reporting of sex crimes over time. The study claims by implication to analyze causal associations, not just correlational associations as in the study of the American states above. However, the authors claim that their studies suggest that pornography consumption leads to fewer sex crimes, in contrast to the findings of the American studies. The reported rapes mentioned are, however, far from unambiguous, as are the reports of sexual abuse of children and “lesser sex-related crimes” (Diamond, Jozifkova & Weiss, 1038–39). For reasons of space, only the problems of the authors’ analysis of rape are discussed here, but the problems in the analysis of the other sexual crimes are equally serious and are discussed in detail elsewhere.²⁵³

It is noted first that the official Czech rape reporting rate increased from 1989, reaching an exceptionally high level of approx. 900 rape reports in 1990, after which the number of rape reports lay at just under 750 per year until 1998 (Diamond, Jozifkova & Weiss, 1039 & fig.1). Rape reporting stabilized from 1999 up to and including 2007 at between 500 and 750 cases per year, roughly the same annual rate as during the period 1971–1989 (p. 1039 & fig.1). The authors refer, however, to an increase in the male population aged 15–64 that implies a de facto decrease in rape reports per capita of 15.5% (p. 1040). There are, however, many variables that might cause such a relatively small decrease in the number of rape reports given that they took place over a 35-year period including rapid and sweeping technological, social, economic, cultural, and political change.

As is well-known, the Czech Republic experienced the Velvet Revolution, the transition from communism to capitalism and liberalism, as well as the separation into two states (the Czech Republic and Slovakia) in a few dramatic years. A 15.5% fall in the number of crime reports, which should *not* be equated with the actual prevalence of crime (cf. above), and during such an extensive transformation of society, may be the result of many factors and is therefore potentially “over-determined.”²⁵⁴

The Czech study makes no mention, for example, of the large number of studies showing how pornography promotes both violence against women and the attitudes that trivialize it, and in particular a tendency among both men and women to recommend a less severe punishment for rape (see above). These outcomes might have a negative influence on rape reporting. In the light of this knowledge, one hypothesis is that the initial rise in rape reporting 1989–1998 reflects an actual increase in the prevalence of crime due to increased pornography consumption – not just an increase in the inclination to report it. The reduction in crime reporting after 1998 thus reflects the changes in attitudes that pornography has helped to create in the Czech Republic after 1989, where those who have been subjected to rape increasingly feel a sense of resignation in the face of the desensitization to sexual abuse now apparent in society. Hence, those victimized do not feel it is worth reporting crime, particularly if the sanctions would be insignificant and a trial difficult.

By contrast to the Czech longitudinal study, the American comparative studies were able to control the conceptual validity in their rape reporting by comparing the relative differences between the states’ reporting with the relative difference between their prevalence of rape (see above). The Czech study does not present a prevalence study to validate whether the variance in official crime reporting over time matches the actual prevalence over time. It is not possible to rely on an indirect comparison since the Czech Republic today is a very different society from the United States in 1980–1982. It is therefore also surprising that the Czech study did not attempt to make comparisons with comparable data from countries such as Slovakia or neighboring post-communist countries in Eastern Europe, which could either have validated their interpretations or given rise to rival hypotheses.

The Czech study refers in one place to a dramatic increase in the reporting of nonsexual crimes from 1989 and onwards, such as robbery, willful battery, or robbery-related murders (Diamond, Jozifkova & Weiss, 1040), which is said to say something about “comparative markers of social change” (p. 1039). Yet

the authors never make clear *how* this “social change” is related to the reporting frequency of *sexual crimes*. The statement appears to be a prefatory one – not a thoughtful argument. A reasonable hypothesis is that the dramatic increase in the reporting of robberies, assault, and murder after 1989 is likely to have caused a considerable increase in the workload of the police. It should then be noted that rapes are notoriously difficult to investigate and prosecute successfully even in well-developed criminal justice systems such as the United States.²⁵⁵ A dramatic increase in other crimes would therefore be likely to discourage rape reporting if women know that not only will their rapes be trivialized (partly due to the increased spread of pornography) but also that the workload of the police has suddenly increased.

In addition to the flaws pointed out here, it is surprising that the Czech longitudinal study did not control for any alternative demographic variables, such as those that have predicted more rapes in the United States and that were controlled for in the American comparative studies of states above (e.g., unemployment, percentage of single households, poverty, urbanization). Furthermore, the Czech study was unable to hold constant for cultural changes over 35 years that can introduce unknown factors, which the American studies were able to do since they compared 51 states during the same years. In comparison with the American studies, the Czech study appears to be considerably less reliable, if not misleading.

A comparison of aggregated and other methods

In comparison with the experiments, population studies, or the specific studies of vulnerable groups discussed earlier, aggregated studies must control for many more alternative factors, since the variance in reported crime is an “over-determined” social phenomenon. Certainly, well-conducted studies that control for relevant alternative factors can appear convincing, like the American studies where, among other things, the relative differences in prevalence and reporting in 50 states were roughly the same. Yet researchers may be “carrying coals to Newcastle” when they invest large resources in such correlational studies with so many uncertainties. It appears to be relatively more simple to conduct population-based surveys that control for relevant alternative factors, provided that the questionnaire is well-designed and does not contain problems of the kind described above (e.g., vague frequency measurements or tautological variables). The fact that the aggregated method has been used to present not only unreliable but downright misleading claims that increased pornography consumption leads to fewer sex crimes over time, implies that the reader who comes across it should exercise particular caution.

The knowledge accounted for in this chapter is based on a large number of studies and other documentation where methods and concepts have been triangulated in psychological experiments, nonexperimental population surveys, and specific population studies with vulnerable groups and individual qualitative data. Taken together they show emphatically that the majority of pornography consumption today leads both to more men’s violence against women and more attitudes that trivialize the same violence. All in all, this chapter has shown that using pornography makes men more inclined to commit rape and more inclined to exercise undue pressure on their partners to make them put up with unwanted sexual acts. Furthermore, the consumption causes both men and women to increasingly trivialize sexual crime, which affects the police, judges, and juries. The more men consume pornography, the more likely they are to purchase sex and more likely to demand that prostituted persons imitate pornographic behavior that can be violent, unhealthy, degrading or traumatizing for the prostituted persons (in some cases even going so far as gang rape).

4. Legal policy alternatives

Introduction: a civil rights approach

Civil law remedies empower those who are victimized by the harmful effects of pornography in their efforts to hold pornographers and other profiteers accountable for the harm they have caused. Situations where organizations represent the perspective and interests of those victimized have produced more effective outcomes, as happened for example when the new Canadian constitution, *Canadian Charter of Rights and Freedoms*,²⁵⁶ was adopted in 1982 and the government supported historically subordinated groups so they could litigate in constitutional cases against distributors of pornography and others.²⁵⁷ Criminal law strategies strengthen the initiative and power of the police and prosecutors with regard to how the law is applied, and contain more limited possibilities for those victimized to influence the process. Police and prosecutors generally lack the motivating force found in, for example, women's shelters or survivor networks, to apply laws on sexual exploitation or the harmful effects of pornography more effectively – a flaw that has made criminal laws relatively ineffective in some places.²⁵⁸ Both tools together are recommended, with emphasis on civil routes.

There are two main strategies to legally challenge pornography in Sweden that will be described in more detail below. The first strategy focuses on the conditions of production, and should not require any new legislation since the Criminal Code already contains provisions that can be applied (e.g., the provisions on procuring and human trafficking).²⁵⁹ The second strategy focuses on the dissemination of pornography and is intended first and foremost to curb the consumption harms. That strategy presupposes new legislation, possibly with a call for an amendment to the constitution. Any such regulation of dissemination should be based on a well-considered legal definition of pornography that would not be possible to apply inappropriately to address other types of expressions of sexual allusion – namely portrayals that have not been found to promote men's violence against women in the way the research has shown that common commercial pornography does. How pornography is defined legally is thus also important for ensuring that the law is not perceived as a far too large infringement of freedom of expression.

In the United States, civil litigation is already used today *without* the involvement of the police and prosecutors to bring actions against producers, distributors, and consumers of child pornography on the internet. The litigations are based on federal legislation adopted by the U.S. Congress where a formulation that has given rise to a number of cases stated that perpetrators of crimes of child pornography are liable to pay damages for “the full amount” that can be related to the suffering and economic loss of the victim.²⁶⁰ After a long period of disputes, mainly concerning the liability of the consumer, where the decisions in the federal circuits' courts of appeals were markedly different and no uniform national standard emerged, the Supreme Court ruled that consumers are liable to pay damages that are apportioned to their proven contribution to the harm, if only to a relatively modest degree.²⁶¹

Civil litigation as such could be applied in Sweden, at least with regard to producers and distributors of adult pornography.²⁶² A civil claim for damages in Sweden, a so-called private claim, can be made either directly in conjunction with a criminal trial with assistance from the prosecutor and victim's legal counsel,²⁶³ or as a separate civil procedure in a civil action.²⁶⁴ Given the existing or possible new legislation that is discussed more thoroughly below, persons who have been exploited in pornography or harmed through consumption can then through the victim's legal counsel, the prosecutor, or individual lawyers seek assistance to contact IT specialists, which in turn seek to obtain information about distributors or producers to sue them for violation. The threat of a completely civil and public action for damages in which distributors/producers are forced to defend themselves in court, could be preventive in the same way as a threat of fines or imprisonment are. Criminal cases also demand more in the way of public resources, for example

in the form of surveillance and/or investigatory work, if they are to have the same preventive effect as actions under civil law, which are brought mainly by the parties themselves. However, a civil procedure may demand considerably more resources from the victimized person – economically, psychologically, or both. Considering the difficulties and lack of resources that prostituted persons or others who have been exposed to the consumption harms of pornography might face, a sustainable strategy should seek to create both civil as well as criminal law remedies to promote the likelihood that those victimized will be able to move the process forward.

Production harms

The term prostitution is generally understood to mean someone paying for sex, and sometimes involves a third party who profits from the prostitution (e.g., pimps, traffickers, brothel owners, or other profiteers). It thus appears inconsistent that prostitution taking place in front of a camera, where a pornographer both profits from and pays for others to have sex, is not regulated in the same way as the prostitution that according to present case law falls under the provisions on procuring or human trafficking. Given that a number of serious production harms (e.g., violence and abuse) are sometimes even more serious for those exploited in pornography than in other forms of prostitution, as is indicated not least in studies where the relative post-traumatic stress disorder (PTSD) of the former has been shown to be greater,²⁶⁵ the absence of regulation appears problematic. It can also be seen as illogical that the absence is sometimes attributed to freedom of expression; society does not accept, for example, violations of the Working Environment Act at publishing firms, child labor at the printing presses of the daily media, or employees at TV stations who assault or sexually harass their colleagues on the grounds of freedom of expression.

Applying the laws on prostitution to pornographic productions would not mean attacking the dissemination of any such materials. If the production was required to follow general law this would not mean that pornographers would be prevented from, say, spreading virtual pornography, where no real people are harmed. In this respect, the application of the laws on prostitution does not raise the freedom of expression obstacles that, for example, an anti-discrimination law against the spreading of pornography might do, where the object of a civil action would be the pornographic images or films – not just the conditions of production. However, such a regulation of the production sends a clear message that pornography is generally based on the exploitation of vulnerable people just like any other form of prostitution, which is a strong normative standpoint that can also influence opinion to further question the consumption on other than legal grounds. Below follows a discussion on the application of the provisions on procuring and its injured person law, and attempts to raise objections based on freedom of expression are addressed.

Wording and application of the provisions on procuring

Someone who “promotes or in an improper way financially exploits a person who has casual sexual relations in return for payment” is guilty of procuring.²⁶⁶ In order to judge further whether the procuring is “gross,” particular consideration must be given to whether it has “concerned a large-scale activity, brought significant financial gain, or involved ruthless exploitation of another person.”²⁶⁷ Imprisonment is already included in the range of punishments for normal cases of procuring when the proceedings fall under criminal law. With regard to civil law, established case law allows damages to be paid out to a *prostituted person*²⁶⁸ who has been exploited, as long as the procuring has not consisted solely of “promoting” prostitution (more on this below).²⁶⁹

The idea of applying the legislation on procuring to pornography production was first proposed in the 1993 Prostitution Inquiry, headed by Inga-Britt Törnell, a former Supreme Court Justice, who wrote in her final report in 1995 that the persons participating “in pornography and strip club activities” are not infrequently subjected to “a profoundly violating treatment. Their possibilities to protect themselves against those who run the business are often very limited. Not infrequently the conditions are of the kind that in normal procuring would amount to gross procuring.”²⁷⁰ This assessment of the harms is still relevant today, not least in the light of the updated research and knowledge reported earlier in Chapter 2 above. Törnell continued that it is not possible “to motivate a penalty for the traditional procurer but consider the pornography industry’s . . . actions as lawful” (SOU 1995:15 p. 231). Here she was making the point that even if pornography’s profiteers could be regarded as sex purchasers or accomplices to the crime of purchasing

sex, their activities were “primarily a promotion of or profiteering from a weaker party being exploited for casual sexual relations, in other words a form of procuring” (p. 231).

Törnell admitted that the then “wording of the procuring provision may appear to cover” the pornography industry’s actions, but further pointed out – albeit without any citation – that it “is however clear that the legislator only considered making procuring criminally liable in the form of the profiteering from someone else’s prostitution in the sense that the latter has casual sex with ‘customers’ who pay to be sexually stimulated” (p. 231). She then stated – again without citation – that “[h]owever, the present wording is not considered to cover the actions of the sex film producer when he pays others to have sexual relations with each other” (p. 231). It is, however, not clear exactly what it was in the wording that supported Törnell’s alleged division into intended and non-intended applications.

The wording of the procuring law is (as has been mentioned): “Anyone who promotes or in an improper way financially exploits a person who has casual sexual relations in return for payment.”²⁷¹ The wording makes no other distinction between customers, performers, prostituted persons, or other persons; in other words, the provisions refer to two people: (1) one who exploits/promotes, and (2) one who has “casual sexual relations in return for payment.” The wording of the procuring provision is therefore *not* limited to an action that must involve “customers’ who pay for sexual stimulation” – something that Törnell maintained without source citation or explanation (SOU 1995:15 p. 231). That “a person has casual sexual relations in return for payment” says nothing about whether these relations take place with a paying “customer” (sex purchaser), for a paying third party (pornography producer) or on behalf of anyone else (e.g., a paying pornography consumer, a *voyeur*). It therefore appears that the provision can be applied to pornography production without any need for additional amendments.

The procuring provisions have also been applied historically to new areas that were not originally mentioned. As recently as 1979 the Supreme Court extended the area of application for the procuring provisions to cover newspaper advertisements for prostitution.²⁷² The Court of Appeal had already dismissed the protests that the application was not implicated in either the wording of the provisions, or in its original or later preparatory works (which in one case was in fact written as late as 1976).²⁷³ The courts’ motivation for the extended application was that society had long tried to counter prostitution, and the procuring provisions were already being applied in “somewhat disparate situations.”²⁷⁴ Although newspaper advertisements had not been mentioned in preparatory works, “for example, supplying addresses of prostitutes” had been mentioned as a “promoting measure,” which the court considered “in its content” to be “well comparable to advertising.”²⁷⁵ A hypothetical objection is that the legislators’ intent may have been specifically not to include advertisements. This view was not, however, shared by the Court, who affirmed the Court of Appeal’s ruling instead, which has considered that since “advertising has a much stronger effect than such conduct that the legislative history directly aimed at it is generally important, as a means in the fight against prostitution, to counter such advertising at issue in this case.”²⁷⁶

If an action need not be included in the preparatory works to be covered by the procuring law, there does not appear to be any obstacle to applying the procuring law’s wording on “[a]nyone who promotes or in an improper way financially exploits a person who has casual sexual relations in return for payment”²⁷⁷ in a pornographic movie. The view of the courts, that the newspaper advertisements’ stronger effect on prostitution justified a broader application of the procuring provisions, similarly suggests that the research on the substantial harmful effects of sexual exploitation in pornography should be particularly taken into account. As was pointed out in Chapter 2, the harms are not infrequently worse for those exploited in pornography and other forms of prostitution than for those who are only prostituted outside pornography.²⁷⁸

Civil law’s injured persons law

“Common” pimps are already often ordered to pay compensation for violation to prostituted persons (compensation for violation is a more standardized form of damages). An injured person with the right to claim compensation for violation has for many years regularly been designated in prosecutions for gross procuring and, generally speaking, always in prosecutions for human trafficking. But this also sometimes occurs in prosecutions for “normal” procuring, for example if the procuring has included an “improper” financial exploitation in addition to the “promoting” of prostitution, or if the procuring is in some other way considered to entitle to damages.²⁷⁹ The legislation on procuring can therefore be used to claim compensation for violation for those who have been affected as a result of the production harms described in

Chapter 2. The other party is then the pornographer or other profiteers who exploit people in pornographic movies.

The Swedish Code of Judicial Procedure defines the injured person as the person “against whom the offense was committed or who was affronted or harmed by it.”²⁸⁰ The empirical research in the previous chapter shows emphatically that prostituted persons suffer substantial harm as a result of being exploited in pornographic productions, which may, for example, be expressed as higher levels of post-traumatic stress disorder (PTSD) or lead to stronger feelings of stigmatization for those exploited both in pornography and in other forms of prostitution than those who are only prostituted outside pornography.²⁸¹ The association between prostitution and PTSD remained, as was shown earlier in Chapter 2, statistically significant even after other relevant factors had been controlled for, such as other assault within or outside the prostitution or abuse during childhood.²⁸² This implies that the prostitution as such harms the prostituted person – not only other factors for which pornographers or sex purchasers are not directly responsible. The “harmed by it” element of the concept of the injured person appears thus to be more than relevant for the majority of persons who find themselves in regular prostitution in pornography – a group that, like other prostituted persons, usually might be expected to want to leave the sex industry.²⁸³ These persons would benefit greatly from being able as injured persons to claim both damages and other forms of crime victim support in order to improve their chances of implementing such a life choice.

Even sex purchasers demonstrate a surprisingly strong awareness of both the harmful effects on the prostituted persons and the very difficult circumstances that usually force people into the sex industry.²⁸⁴ It can therefore be presumed that pornographers are even more likely to understand that they are exploiting the vulnerable state of prostituted persons in a way that causes them serious harm. Being forced to have repeated sex in pornographic productions or prostitution in return for payment because of your circumstances leads to serious harmful effects (see chapter 2 above). According to the Tort Liability Act these harmful effects imply that pornographers who exploit a prostituted person have committed an “act of violation on their person, liberty, peace, or honor” and therefore “shall compensate the harm the violation brings”²⁸⁵ – given that the prostituted person claims their right. Apart from the usual criminal law procedure, a civil law action could also be brought with the support of women’s shelters or anti-discrimination offices to represent the “survivor.” This avoids potential imprisonment under criminal law, long drawn out trials, and relatively high burdens of proof. To make such litigation more effective, public support or special legislation can be adopted to make the representation of those who are entitled to damages from pornographers more straightforward.²⁸⁶

Freedom of expression is no barrier to application

The Prostitution Inquiry’s final report from 1995 was clear that freedom of expression did not place any obstacles in the way of applying the procuring laws: “It is not an issue of criminalizing the production of the image/film, but the underlying conduct. This can be compared with a case where someone films an assault that he himself instigated, a condition that does not bar a conviction for liability for complicity in the assault, the provisions on freedom of expression notwithstanding.”²⁸⁷ This reasoning has been referred to in several subsequent preparatory legislative works.²⁸⁸ An attempt to contradict the statement was published in a final report in 2001 by the 1998 Sexual Crimes Committee.²⁸⁹ The Inquiry admitted, however, that so-called *indirect* restrictions stemming from general law, such as provisions against procuring or assault, need not imply that a specific integral means in the production of pornography or other activities are exempt from such provisions even where the final product enjoys protection under freedom of expression.

[One could argue] that the Freedom of the Press Act and the Freedom of Expression Act do not prevent the production and dissemination of printed matter and other media in the fundamental laws being subject to the same legal rules as other similar activity, for example comparable business activity. General restrictions that have nothing to do with the expected content are not regarded as violating the fundamental laws. Thus the Working Environment Act’s regulation criminalizing the use of child labor can also be applied to the production and dissemination of images and film. Accordingly, it is argued that the legislation on sexual crimes constitutes legal rules that hold generally and actual limitations that follow from them do not violate the fundamental laws. (SOU 2001:14 pp. 411–12)

Despite the arguments' supporting tolerance for an indirect restriction of the pornographer's business, where the production (not the dissemination) is subjected to general law, the Committee objected, with reference to previous preparatory legislative works on media concentration (monopolization/antitrust) and bankruptcy law (p. 412). These objections are discussed in turn below.

With regard to the two previous media concentration inquiries, the Sexual Crimes Committee certainly admitted at first that these inquiries had considered that "case law" and "the preparatory legislative works on the Freedom of the Press Act" only indicated that "more or less directly intended infringements" of freedom of expression were impermissible (*id.*). However, the Sexual Crimes Committee later maintained that if indirect restrictions such as, for example, applying the procuring laws to pornography production, would mean that pornographers' freedom of expression would be "illusory," then they are not permissible (*id.*). In a footnote, the Inquiry further claims in support of its argument that the Media Concentration Committee of 1999 "considered" that "it could not be ruled out that the Competition Act's regulations on the acquisition of companies are nullified" by the fundamental laws on freedom of expression (p. 412 n.13). A closer examination of these sources documented by the Sexual Crimes Committee does not, however, support the Committee's interpretation.

To take one example, previous media concentration inquiries did not refer to "case law" as claimed by the Sexual Crimes Committee (p. 412). Rather, the opposite was true: the Media Concentration Committee's report *Yttrandefrihet och konkurrensen (Freedom of Expression and Competition)* (1999), for example, stated that apart from a precedent that considered the right of editors to refuse to accept an advertisement, there was no clear established case law for how a possible conflict between competition law (antitrust) and freedom of expression could be judged in the cases of media concentration.²⁹⁰ The Inquiry went so far as to encourage the Swedish Competition Authority to continue to pursue cases against media concentration despite the criticism of its activities, in order to make the law more predictable via precedential rulings.²⁹¹

The inquiries on media concentration were also more sophisticated in their view of freedom of expression than was presented by the Sexual Crimes Committee. Both reports contained long discussions on two ideological perspectives prevalent among lawyers concerning the alleged indirect restrictions on freedom of expression that can result when competition law is applied to media companies. According to one of these perspectives, the danger is that *media monopolies*, rather than democratic interventions, will create obstacles to diversity within media, and thus limit citizens' free exchanges of opinions and availability of comprehensive information that freedom of the press regulations are intended to protect.²⁹² In other words, media concentration may actually contribute to the citizens' freedom of expression becoming *illusory*. Based on this perspective, applying competition law to media companies promotes the values that the laws on freedom of expression aim to protect, rather than limiting them.

The earlier Media Concentration Inquiry's final report from 1980 noted that a more dogmatic textual interpretation of the law could be taken as a justification for an indirect defense of media monopolization and therefore proposed an explicit formulation in the constitution to make it clear that applying competition law to media companies should not be seen as a restriction of freedom of expression.²⁹³ Their proposal was not in fact implemented, but the subsequent 1999 Inquiry stated that an interpretation of the constitution in defense of media monopolies was "incompatible, inter alia, with declarations that have been made by the Standing Committee on the Constitution in various contexts" in Parliament and that even if "the newspaper publishers" maintained the opposite "no one" could "know with certainty what applies" before the question has been tried in court.²⁹⁴ With this, the Sexual Crimes Committee's attempt to refer to these two Inquiries in support of its stance that pornography production is above the application of general law appears to be highly misleading.

With regard to the Sexual Crimes Committee's reference to a preparatory legislative work on bankruptcy law, this too (a government bill on bankruptcy law from 1980) was presented as more one-sided than the original source suggests. The reason for linking bankruptcy law to freedom of expression and the application of the procuring law to pornography production in the first place was that the parliamentary Council on Legislation had objected that a ban on carrying on a business as a result of bankruptcy could strike a blow against authors, freelance journalists, troubadours, or photographers who use constitutionally

established rights in their daily professional activities.²⁹⁵ As a response to these protests the government introduced a waiver for these groups,²⁹⁶ albeit somewhat reluctantly and to a more limited extent than the Sexual Crimes Committee chose to report.

For example, the government expressed doubt as to whether the proposal for a ban without a waiver on carrying on business “in reality implies any infringement of rights protected by the constitution” since the proposal did not imply any “specific attack” on constitutional rights but “aims to make it possible to intervene against traders of all kinds, who through their business activities are guilty of gross unlawful conduct – often in the area of white-collar crime.”²⁹⁷ It was further assumed that the waivers did not have “any great practical importance” since they only applied to individual persons’ business activities and not to individuals who are “acting on behalf of legal entities . . . regardless of whether the activities fall within the area protected by the constitution or not” (prop. 1979/80:83 p. 191). The government further considered that “there would be reasons to discuss . . . the waivers again . . . if the waivers were seen to cause practical troubles” (*id.*). None of these cautionary remarks that limited the application of the waivers and warned against taking them too rigidly is mentioned by the Sexual Crimes Committee, who instead say, with no further explanation, that “special regulations” had been introduced so that the law on bankruptcy’s provisions on a trade ban would not apply to “the constitutionally protected business activities” (2001:14 p. 412).

An extension of the Sexual Crimes Committee’s argument on indirect restrictions and “illusory” freedom of expression is that legislation against, for example, rape, sexual coercion, or assault cannot in practice be applied to such conduct that constitute an integral means in the presentation of material that is otherwise protected under freedom of expression. If the Committee’s standpoints are, contrary to expectation, correct, it should be possible to find examples of case law to support them, for example where someone has been prosecuted for a crime committed as an integral means in producing material protected by freedom of expression but where the constitution has been successfully cited in order to provide exemption from punishment. One recent example that speaks directly against such an interpretation is the widely known case in which the artist *Anna Odell* was convicted under the Criminal Code of *violent resistance* and *dishonest conduct* while performing an artistic project that was otherwise legal and protected under the Freedom of Expression Act. On 21 January 2009, Odell stood on a bridge in Stockholm, *Liljeholmsbron*, and acted as someone who was mentally disordered and suicidal, which led to “unnecessary security measures” – a cost-incurring intervention for society during which public service employees were subjected to kicking and screaming.²⁹⁸

In the Odell case the court concluded that the fact that “the violent resistance was filmed for the purpose of showing the video to the public does not entail that the Freedom of Expression Act is an obstacle in the way for a regular criminal law trial of the [proscribed] conduct.”²⁹⁹ In contrast to the 1998 Sexual Crimes Committee’s reasoning, this court found no impermissible “indirect” restrictions of the rights supported by the constitution that would make these “illusory” when the court applied the decisions on violent resistance and dishonest conduct against an artist who produced both an artistic project and a contemporary commentary on the debate on how mental disorders are dealt with by public institutions. The court openly recognized that Odell’s purpose was to raise public awareness of compulsory care of people with psychiatric disorders – a condition that mitigated her sentence only to the extent of lowering the number of day fines imposed to 50.³⁰⁰ Fifty day fines is the same number as were imposed for a typical sex purchase in over 85% of the cases during the first ten years of the Sex Purchase Law in Sweden.³⁰¹

In contrast to a number of other noted cases, such as the *Aftonbladet* case, where a journalist and four Nazis were acquitted of charges of unlawful threats despite having contributed to the publishing of threatening pictures outside the homes of well-known public figures,³⁰² the Odell verdict was not about restricting her right to disseminate materials protected by freedom of expression laws that could in itself constitute a crime under general law (e.g., as in the *Aftonbladet* case, unlawful threat). The Odell verdict concerned the fact that she had violated general law *during the production* of the material. Thus the Odell case is *not* analogous with the *Aftonbladet* case. However, the Odell case is analogous to how the provisions on procuring can be applied to pornography production where someone “promotes or in an improper way financially exploits a person who has casual sexual relations in return for payment”³⁰³ – never mind that the right to disseminate the pornography may remain unrestricted.

The Odell case is also a direct contradiction to the 1998 Sexual Crimes Committee’s reasoning in that

it shows that despite the crime's low penalty, which was the same as for the typical case of purchasing sex between 1999–2008, dishonest conduct and violent resistance do not become legal simply by being integral means in producing otherwise constitutionally protected media materials.

Other examples of case law that contradict the Sexual Crimes Committee's reasoning consist of a number of cases from courts of appeal and district courts involving sexual offenses that have been filmed, sometimes with explicit artistic ambitions, but where the perpetrators have nonetheless been convicted under general law with no mitigating circumstances. To take an example, in 2009 Scania and Blekinge Court of Appeal convicted a man of gross violation of a woman's integrity and gross rape over a period of several years during which he had also filmed a number of his sexual assaults on repeated occasions in Malmö.³⁰⁴ When the court of appeal considered the accused's argument that the women involved had consented to the sexual acts, which also included filmed group sex, this was considered to be irrelevant since the "repetitive and almost routinely abuse" the injured persons were subjected to presented a threat that exercised such coercive conditions that explicit consent was irrelevant.³⁰⁵ Similar situations have been documented in pornography production where pimps, in addition to exploiting people's socially coercive circumstances, not infrequently physically assault women as a means to force them to smile and express consent in the films.³⁰⁶

Additionally, the perpetrator in Malmö had artistic ambitions, and according to information from the injured persons did not want the films to include violence.³⁰⁷ For example, he deleted the first version of a group sex film because one of the women "cried all the time" and the other woman sat on the edge of a bed and looked sad.³⁰⁸ He later forced them to make a new film where they smiled and looked happy.³⁰⁹ This kind of film can be disseminated with constitutional protection because "presentations characterized as pure entertainment and without cultural value, even pornography" have been considered to be covered by the protection of freedom of expression.³¹⁰ Despite this, in contrast to the Anna Odell case (see above) no attempt was made by the defendant to invoke constitutional protection even for the purpose of mitigating the sentence, or to point to possible dangers of a precedent that would permit indirect restrictions of pornography production. However, the courts did note a number of other points of doubtful importance that may have mitigated the sentence. For example they did not accept the prosecutors' description that the rapes between 2002–2008 had occurred "more or less daily"; according to the court they only took place "several times a week," and it was further noted that one of the two women was not raped during 2004 as she was pregnant that year.³¹¹ If such details are worth taking up in court it is likely that the defense lawyer too, if this had been accepted as reasonable, would have cited impermissible "indirect restrictions" of freedom of expression in the same way that the 1998 Sexual Crimes Committee did to defend pimps who produce pornography against prosecution for procuring. This argument was not made.

A similar case in the Court of Appeal for Western Sweden concerned a man who had filmed a number of coercive sexual acts with his wife that he claimed (in contrast to his wife's testimony) constituted consensual role-play. For various reasons the Court of Appeal for Western Sweden deemed the man's testimony not credible, and in 2009 convicted him for rape for the acts caught on camera.³¹² As in the case above, this perpetrator regularly produced pornographic movies, and voluntarily invoked the other films he had made with the injured person, but in his case it was to support his claims that the films presented voluntary role-play and not to invoke any constitutionally protected freedom of expression.³¹³ Moreover, the police had seized his computer that contained stored "images of sexual violence" for the purpose of substantiating the perpetrator's "interest in such things."³¹⁴ As in the Malmö case, the perpetrator had obvious artistic ambitions in the sense of producing "presentations characterized as pure entertainment and without cultural value, even pornography" that have been considered to meet the criteria for protection under freedom of expression.³¹⁵ In contrast to Anna Odell, however, he made no attempt to invoke freedom of expression as a mitigating circumstance, which yet again contradicts that the Sexual Crimes Committee's reasoning has any support in case law in claiming that indirect restrictions are impermissible if they lead to that pornographers will have an "illusory" right to produce pornography when, at the same time, they can be charged under the procuring law or other provisions.

In addition to the cases above there are several courts of appeal verdicts from Sweden in the years 2008–2011 where perpetrators with cell phone cameras have filmed sexual acts that have later led to criminal prosecution. Just as in the cases from 2009 above, these defendants did not attempt to invoke freedom

of expression to gain acquittal or a reduced sentence; neither did they attempt to protest against the seizure of their cell phones by using the argument of freedom of expression, although they protested unsuccessfully on other grounds (e.g., that they had not intended to use the films for criminal purposes, that they could be permanently deleted from the phone, or that the content was “of a noncriminal and private nature” when a prosecution for rape was dismissed).³¹⁶ If any constitutional interest was invoked it was thus private integrity – not freedom of expression, which is not in fact mentioned anywhere in these judicial opinions.

The court of appeals’ case law on filmed sexual offenses above shows that there is no conflict of laws in applying sanctions against criminal acts that are conducted as an *integral means* to produce what in other contexts might be constitutionally protected media. These courts have, just as in the case of Anna Odell’s artistic act, found no obstacle to applying general law to a criminal conduct that constitutes part of the production of expressions otherwise potentially protected by freedom of expression. The absence of an application of the legislation on procuring to pornography production thus has nothing to do with constitutional protection or rule of law. The almost summary dismissals by the Sexual Crimes Committee in 2001 appear, against the background of the established case law described above, to be an *ideological* standpoint rather than a *legal* assessment. The dismissal was thus not based on *predictable rules* that had been adopted democratically in the political system, but on the *political idea* that democratic institutions should not intervene in the production of pornography. However, it is one thing to maintain that the state *should* not apply the laws on procuring to the activities of pornographers, and quite another to maintain that they *can* not apply the laws because of the constitution. There are quite clearly no constitutional obstacles that prevent the judicial system from beginning to apply the laws on procuring to pornographers, or Parliament from clarifying the legislation in this area. The fact that it can be more difficult to find pornographers in Sweden in the current situation than in the 1990s, now that internet has made the trade more or less borderless, is, with regard to the constitutional issue, of less significance.

Consumption harms

A more comprehensive legal policy strategy against the harms caused by the dissemination of pornography, which has been documented earlier in this report, presupposes new legislation, probably with a call for an amendment to the Freedom of the Press Act and the Freedom of Expression Act in Sweden.³¹⁸ The regulation should be based on a legal definition of pornography that is adequate and sufficiently precise not to allow it to be used inappropriately to attack expressions containing sexual allusions that have not been shown to promote men’s violence against women, which the research in this report shows that commercial pornography does. Such a definition would prevent the law from being perceived as overbroad or in some other way undue from a freedom of expression perspective. Since the late 1970s, the Freedom of the Press Act and the later Freedom of Expression Act have been increasingly viewed as being in need of explicit exemptions to further allow regulation of the dissemination even of media that has few implications for the freedom of expression’s objective of securing “a free exchange of opinion and availability of comprehensive information.”³¹⁹ For example, tobacco, gambling, lotteries and other forms of advertising, according to the currently-held view, now require amendments to the constitution in cases of more comprehensive legal regulation, by contrast to older case law.³²⁰ The Act on Child Pornography and the laws on unlawful depiction of sexual violence have also been adopted via amendments to the constitution. The latter law always requires authorization by the Chancellor of Justice and frequently a freedom of the press jury, among other things, in order to be applied. The former law against child pornography has, however, been given a more comprehensive exemption from the constitution’s (i.e., the fundamental laws) area of application. The definitions of pornography in these two laws may, however, be considered to be more comprehensive and in need of exemptions than that proposed below, since they do not in fact focus on more specific factors in the materials that scientific methods above have shown cause harm. It is certainly more secure, however, to achieve an exemption in the constitution, which normally requires decisions by two Parliaments with an election in between. This process guarantees that new legislation against the dissemination of pornography will avoid any problem of application that depends on differing perceptions of the limits of freedom of expression.

The civil rights model

The civil rights model for legislation against pornography originates from Minneapolis, Minnesota. The year was 1983. Residents in the Central and Powderhorn Park neighborhoods in Minneapolis – an area largely inhabited by poor working class minorities – were disproportionately exposed to pornography theatres and stores, which in turn attracted customers from the neighboring greater city area who were sexually harassing local women and children daily.³²¹ Politicians in Minneapolis held a meeting with the author Andrea Dworkin and law professor Catharine A. MacKinnon about the best way to address the problem. The latter two rejected the existing zoning laws with argument that such would simply move the problem somewhere else. Instead they suggested a “civil rights” legislation against pornography, which could be included in the existing ordinance against sex discrimination previously adopted by Minneapolis.³²²

The city then held public hearings, attended by local activists and organizations such as women’s shelters, rape crisis centers, neighborhood groups, social workers, and other authorities. In addition, survivors from pornography productions and persons who had noticeably suffered from the harmful effects of pornography consumption came to testify in support of a civil rights ordinance.³²³ Opposition to the proposal was also heard throughout the hearings.³²⁴ Politicians in Minneapolis then adopted civil rights ordinances on two occasions, but the mayor used his veto each time.³²⁵ A similar ordinance was, however, adopted soon afterwards in Indianapolis in 1984, although this ordinance too was immediately declared invalid in federal courts before it could be applied in practice (more on this below).

In the preparatory legislative works for the Indianapolis civil rights ordinance, the conclusion was drawn that pornography was “central in creating and maintaining sex as a basis for discrimination,” “a systematic practice of exploitation and subordination based on sex which differentially harms women,” and that pornography promotes, inter alia, “rape, battery, child abuse, kidnapping and prostitution and inhibit just enforcement of laws against such acts.”³²⁶ These conclusions are in line with the findings of today’s research and other knowledge (see above chapter 2 & 3). Indianapolis thus recognized the role played by pornography in the subordination of women, as well as how this is done through the promotion and trivialization of gender-based violence and prostitution. Indianapolis thereby observed that women’s equality was violated, hence also built directly on the perspective of those victimized. Many of those victimized had spoken directly with Dworkin about their experiences during her earlier years as an author, when she traveled around giving lectures and meeting people.³²⁷ The Ordinance’s legal definition of pornography reflected their perspective by focusing specifically on *subordination*, which research on consumption of, for example, nonviolent pornography has found particularly promotes sexual aggression and the trivialization of men’s violence against women (see above pp. 55–58). In the Ordinance, pornography is therefore defined as follows:

Pornography shall mean the graphic sexually explicit subordination of women, whether in pictures or in words, that also includes one or more of the following: (1) Women are presented as sexual objects who enjoy pain or humiliation; or (2) women are presented as sexual objects who experience sexual pleasure in being raped; or (3) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt, or as dismembered or truncated or fragmented or severed into body parts; or (4) women are presented being penetrated by objects or animals; or (5) women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual; [or] (6) women are presented as sexual objects for domination, conquest, violation, exploitation, possession, or use, or through postures or positions of servility or submission or display. The use of men, children, or transsexuals in the place of women in paragraphs (1) through (6) above shall also constitute pornography under this section.³²⁸

The term *subordination* must be interpreted in its social context, which is to say the type of pornography defined in the section is expected to lead to gender discrimination and subordination in the social context in the way suggested by research and other documentation (see chapter 3 above). The various sub-definitions in the sub-sections (1)–(6) can all be included among the categories of pornography that prior research has found give rise to negative consequences in terms of promoting men’s violence against women (and that became the guiding principles in Canadian case law during the 1980s): sexually objectifying

presentations of women, either in violent pornography or in nonviolent but dehumanizing and degrading presentations, or in presentations of women as insatiable nymphomaniacs (see above chapter 3, pp. 55–58).³²⁹ Certainly, experiments with non-explicit sexually objectifying advertisements and Hollywood movies that do not contain violence have also been found to produce a statistically significant increase in attitudes supporting men’s violence against women.³³⁰ Such categories are, however, *not* included in the definition above, partly because they do not meet the criteria of being graphically sexually explicit. The Indianapolis definition was in this respect not overbroad, but well-defined and narrowly tailored to cover only such materials as support men’s violence against women (and to avoid borderline cases).

Parts of the Indianapolis definition describe the same acts that prostituted persons and performers in pornography are subjected to, such as sadomasochism, domination, rape, and gang rape (see above chapter 2). The definition in this respect reflects the demand from consumers as well as the harms inflicted during production (chapter 2), as well as the harms that are a consequence of the consumption (see chapter 3, esp. pp. 63–67). The definition is thus based on *the survivors’ perspective*. At the same time, it is corroborated by the research and the empirical evidence. It is, then, no coincidence that this civil rights legislation has previously been cited by the U.N. Rapporteur on men’s violence against women (1994) as “a major breakthrough” compared to approaches that “fail to address the issue that most pornography represents a form of violence against women and that the evidence shows that it is directly causative of further violence against women.”³³¹ In this, the Indianapolis definition is in contrast to American obscenity legislation, which is the only *de facto* law that exist to regulate pornography outside public environments or places of work in the United States. In defining pornography that shall not enjoy protection under freedom of expression, obscenity laws must follow a case from 1973 in which the Supreme Court defined pornography as “obscene” according to

(a) whether “the average person, applying contemporary community standards” would find that the work taken as a whole appeals to the prurient interest, (b) . . . depicts or describes, in a patently offensive way, sexual conduct . . . and (c) . . . taken as a whole, lacks serious literary, artistic, political, or scientific value.³³²

The problem here, however, is that pornography often influences “the contemporary community standards,” for example by desensitizing the consumers and so influencing them to seek out increasingly extreme material (see above chapter 2, pp. 8–10). If the “community standards” do not then find that sexual subordination of women appeals to “prurient interests,” or in some other way causes “offense,” then such obscenity legislation will not be applied. What is more, the concepts of offensiveness and prurience (indecent) in obscenity legislation focus mainly on the harm caused to observers, implying that this harm can be avoided by “averting their eyes or not listening.”³³⁵ This type of view makes invisible the harmful effects on those who are exploited in the production of pornography and those who are subjected to men’s violence against women. It is no coincidence that the focus was on the consumers in this manner when the Swedish lawyer Leif Silbersky in the 1960s defended pornography that was charged with the then crime of “offending discipline and decency” (which corresponds to today’s obscenity laws in the United States).

The image in the pornographic magazine reaches a small number of readers. Moreover, the reader of this magazine is well-prepared for its content. He has actively bought the magazine. He has done so for a specific purpose. It is very difficult to believe that this purchaser/reader feels himself offended in his discipline and in his decency.³³⁴

When legislation focuses on the experiences of the observer, which in the citation above is reinforced by Silbersky’s defense rhetoric, the perspective becomes highly inadequate if its purpose is to combat the gender discrimination and the violence against women that is patently needed to produce pornography, and is also supported by its wider consumption (see above chapter 2–3).

In line with a civil rights perspective it is also important that disadvantaged groups represent their own

interests, both in legislative processes and in the application of the law. Other groups, such as general players within the judicial system, frequently appear to have other priorities and to lack the necessary incentives to apply existing legislation against pornography more effectively.³³⁵ To support the interests of those victimized, the Indianapolis Ordinance was therefore constructed as an anti-discrimination law. The Ordinance gave those victimized the legal initiative to sue producers and other distributors of pornography for damages on the grounds of the injury they had caused, in contrast to allowing the state to take the initiative to proceed against violations by issuing fines or prison sentences.³³⁶ If there are no financial incentives for damages, those who are victimized have few reasons to testify in public about what they have been subjected to, since doing so exposes them to prejudices and potential harassment.

The Indianapolis Ordinance contained four causes of action: (1) *distribution/trafficking* of pornography, (2) *coercion in production*, (3) *forced exposure*, and (4) *specific abuse* caused by specific pornography. These four are explained in more detail in the following four sections.

(1) “Trafficking in pornography: the production, sale, exhibition or distribution of pornography.”³³⁷ (Libraries were exempt except for “special display presentations of pornography,” something that was also seen as sex discrimination.³³⁸) Under this subsection any woman could bring an action “as a woman acting against the subordination of women.”³³⁹ Men, children or transsexuals could also take action, given that they could prove similarly caused harm.³⁴⁰ Even where individual amounts of damages were small, the lawsuits against the trafficking in pornography could hypothetically lead to a steady stream of lawsuits that could lead to the defendant going bankrupt.

(2) “Coercion in pornographic performances: the coercion, intimidation or fraudulent induction of any person, including a man, child or transsexual, into performing for pornography.”³⁴¹ This subsection made it possible to bring lawsuits against perpetrators, producers, sellers, distributors, and exhibitors.³⁴² It addressed *intersectional discrimination* by listing impermissible defenses that would otherwise mean that existing sexual crime legislation cannot be applied to pornography production because the persons exploited there seldom have any real alternative due to their difficult social circumstances (see above chapter 2). For example, the provisions stated that it was irrelevant whether “the person is . . . a prostitute [*sic*] . . . has attained the age of majority . . . [is] connected by blood or marriage to anyone involved . . . has previously posed . . . the person actually consented . . . demonstrated no resistance or appeared to cooperate actively . . . signed a contract . . . no physical force . . . the person was paid or otherwise compensated,” and other similar conditions.³⁴³

(3) “Forcing pornography on a person: The forcing of pornography on any woman, man, child or transsexual in any place of employment, in education, in a home, or in any public place.”³⁴⁴ The provision enabled lawsuits against “perpetrator(s) and/or institution.”³⁴⁵ Since 1991 federal laws in the United States have recognized a similar civil rights law against showing pornography at work places within the framework of case law against sexual harassment, which can include mandatory injunctions for measures against pornography in the workplace that “the First Amendment guarantee of freedom of speech does not impede.”³⁴⁶ The Indianapolis Ordinance’s provision had, however, enabled a considerably broader civil rights law that covered more locations than places of work.

(4) “Assault or physical attack due to pornography: The assault, physical attack or injury of any woman, man, child, or transsexual in a way that is directly caused by specific pornography.”³⁴⁷ The provisions made it possible to bring lawsuits against perpetrators, producers, sellers, distributors, and exhibitors.³⁴⁸ Of all the provisions in the Indianapolis Ordinance, this carried the relatively highest burden of proof. However, a number of studies contain accounts from both purchasers and prostituted women showing how sex purchasers refer to specific pornography they have seen that has inspired them to commit abuse by forcing prostituted persons to engage in imitations (see above chapter 3, pp. 64–67). Similar testimonies and details have also been given by nonprostituted women in other surveys and public hearings (*ibid.*, pp. 63–64). If a perpetrator has consumed specific pornographic materials that present a pattern of behavior similar to his abuse, then a burden of proof based on civil law standards should be enough to entitle to damages under a law of this kind.

Experiences of the Indianapolis Ordinance’s legal aftermath

As soon as it had been adopted, the Indianapolis Ordinance was challenged in federal American courts in 1984 by a group of publishers, book distributors, trade associations, and non-profit organizations

who succeeded in making the courts issue an immediate injunction banning its use.³⁴⁹ The law was later declared invalid in its entirety in 1985 by the Seventh Federal Circuit Court of Appeals, who considered that the time was ripe for judicial review despite the fact that no one who had suffered the harmful effects of pornography had had the opportunity to try the law in a real case.³⁵⁰ This meant that it has never been possible to ascertain whether the theoretically presented conflict with freedom of expression was a reality or simply a liberal abstract idea that would have become irrelevant when obvious harms were documented, and a tangible balancing against the interests of freedom of expression would have been tried in its actual context. In a later summary judgment, which was pronounced by a divided Supreme Court (6-3) without either argument or opinion, Indianapolis was denied to have its case tried in a higher instance.³⁵¹ Such summary legal proceedings have since been banned in the United States by the American Congress, and prior such judgments are now considered binding only for whichever of the thirteen federal circuits where the case was originally appealed from.³⁵²

It is, however, worth scrutinizing the more detailed opinion of the court pronounced by the Seventh Circuit Court of Appeals, for the purpose of understanding to what extent it was based on a legal or ideological assessment in the way we have earlier scrutinized the 1998 Swedish Sexual Crimes Committee's argument against the regulation of production conditions. As we know, a closer scrutiny of the arguments and counterfactual case law showed that the Swedish Committee's opposition to applying procuring provisions to pornography production was based on ideology rather than law (see above, pp. 62–66). The question is then to what extent the same relationship between ideology and law applies to the American opposition to regulating pornography.

In United States federal case law, which regulates the extent to which legislators at local and regional levels have the right to restrict freedom of expression, there have long been three principle standards for judicial review. These place varying strict demands on how well-formulated the legislation must be, based on, among other things, an assessment of the competing government interest and the expression's free expressive value to society. These three standards are (1) *strict scrutiny*, which is the most demanding; (2) *intermediate scrutiny*, which is in the middle; and (3) *rational review*, which is the most permissive. The extent to which the Indianapolis Ordinance can be considered to have met the criteria based on each of these standards is analyzed case by case below.

Strict Scrutiny. Sustaining judicial review under this standard requires a *compelling governmental interest*. The U.S. Supreme Court permits restrictions of freedom of expression when it is balanced against, for example, the compelling interest to eliminate *sex discrimination*. This case law has, for example, been cited by a federal court that upheld a lawsuit on sexual harassment that involved pornography in a workplace, where it was noted with the specific support of the Supreme Court's prior rulings that such a balance of interests applied not only to barriers to equality in the workplace, but also to other "barriers to economic advancement and political and social integration that have historically plagued women."³⁵³ Based on the empirical evidence presented in this report, it is beyond all doubt that pornography constitutes a form of gender discrimination and such a barrier to gender equality. Certainly, American case law requires "narrowly tailored" laws to promote such compelling interests when it comes to restrictions in freedom of expression.³⁵⁴ However, this requirement can be seen to have been well-met by the Indianapolis Ordinance, in part because its definition of pornography was constructed solely for application to presentations that, in accordance with social science studies and experiences of those victimized, provably cause harm.³⁵⁵ Experiments conducted on law students in the United States found that it can be applied in line with its intentions without being perceived as particularly vague or overbroad.³⁵⁶

There were several further exemptions in the provision on "trafficking in pornography," which was the most far-reaching of the four causes of action (see above), and expressly noted by the Seventh Circuit's Court of Appeals. For example, "isolated" passages/parts of a product could not be the subject of a lawsuit for "trafficking"; and the nonviolent pornographic subcategory no. 6 was also fully exempted from the provision (namely, "[w]omen are presented as sexual objects for domination, conquest, violation, exploitation, possession, or use, or through postures or positions of servility or submission or display").³⁵⁷ Under both the provisions of "trafficking" and "assault or physical attack due to pornography" there was the additional requirement that the defendant "knew or had reason to know" that the material was pornographic as described in the Ordinance.³⁵⁸ By contrast to the Indianapolis Ordinance, existing obscenity laws in the

United States use much less narrowly tailored definitions and moreover do not focus on the harms pornography causes to equality between men and women (cf. above). Child pornography laws are also much less narrowly tailored in the United States, where regulation is permitted with such broad terms as “actual or simulated sexual intercourse” without further specification.³⁵⁹

Intermediate Scrutiny. To sustain a judicial review under this standard it is enough that the legislation furthers a “substantial or important governmental interest,”³⁶⁰ as combatting sex discrimination and providing legal remedies for those harmed by pornography should be. Since legally protected interests under this standard carries less weight than under the first stricter standard – that is, we do not deal with a *compelling interest* – it is relevant to note that the Indianapolis Ordinance did not actually prevent any person from expressing views in speeches, daily newspapers, or on film that, for example, implied women enjoy being sexually degraded or tortured. The Ordinance focused only on the underlying conduct that *subordinates* people, which pornography provably does (see above chapter 3–4), and which in line with the standard’s demands “is unrelated to the suppression of free expression.”³⁶¹ A law thus sustains judicial review under this standard if “the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest”³⁶² (i.e., the interest of avoiding subordination of people). The Ordinance was narrowly tailored (see above) and there was no shortage of alternative media channels for anyone wishing to express any incidentally restricted views supporting sexual or other subordination.³⁶³

Here the Seventh Circuit Court of Appeals proposed that in the case of the Indianapolis provision on “coercion” in production (i.e., “coercion in pornographic performance”), it should instead be possible to make “injury in the course of producing a film unlawful independent of the viewpoint expressed in the film.”³⁶⁴ However, ordinary laws against sexual abuse that do not take special account of pornography or prostitution cannot typically be applied in this way. Such laws ignore things like multiple disadvantageous circumstances that create the coercive social circumstances that lead to prostitution and to people being unable to refuse exploitation in pornographic productions. This was one reason Sweden introduced the Sex Purchase Act in 1999, since no other laws could be used against the sexual abuse that sex purchasers’ exploitation of prostituted persons was seen to be. Unless a comprehensive ban on all film production is introduced – which is, of course, an absurd idea – then such narrowly tailored laws that focus specifically on pornography (like the one Indianapolis wrote), or the Swedish legislation against sex purchase will be necessary in order to tackle more complex social situations that lead to these forms of sexual abuse.

Even so, the Seventh Circuit Court of Appeals charged Indianapolis’ ordinance with the analogy that their legislation would amount to make it possible to take legal action against “Hitler’s orations” or against “a book about slavery.”³⁶⁵ Such arguments ignore the fact that the production of pornography, in contrast to the former, presupposes exploitation and very often other forms of assault. Take, for example, the pornographers who exploited the 49% of the 854 prostituted persons with post-traumatic stress disorder (PTSD) whose symptoms were as high as the PTSD symptoms of Vietnam veterans seeking treatment, and of whom 89% wanted to exit prostitution.³⁶⁶ These pornographers bought people that under the Slavery Convention of 1926 appear to be in a “status or condition . . . over whom any or all of the powers attaching to the right of ownership are exercised” by others.³⁶⁷ Rather than being a book about slavery, pornography in such cases is slavery itself.

Rational Review. Under this more permissive standard a “legitimate government interest” (e.g., to combat gender discrimination) can resist a constitutional challenge.³⁶⁸ Pornography is analogous with other types of expression that are exempted from the protections of freedom of expression under this standard, such as group libel, obscenity, insults, or so-called fighting words.³⁶⁹ In answering this argument, the Seventh Circuit Court of Appeals admitted that the Supreme Court “sometimes balances the value of speech against the costs of its restriction, but it does so by category of speech and not by the content of particular works. Indianapolis has created an approved point of view and so loses the support of these cases.”³⁷⁰ Yet the Seventh Circuit’s opinion contains two inaccuracies.

Firstly, if we accept the Circuit’s reasoning, the Supreme Court certainly did create an “approved point of view” in 1952 when they upheld the law that had been passed by the state of Illinois against de facto racial discrimination that takes place via group libel, where the Supreme Court noted how the rights of certain citizens in society “may depend as much on the reputation of the racial and religious group” to which they “willy-nilly” belong, as on their “own merits.”³⁷¹ This law, like the Indianapolis Ordinance, was thus

based on an “approved point of view,” which in the case of Illinois rejected racial discrimination via libel of population groups. Secondly, this new group libel category included expression that, inter alia, “portrays depravity, criminality, unchastity, or lack of virtue of a class of citizens.”³⁷² The Supreme Court concluded that neither “history” nor “practice” had defined such *content* as unprotected by freedom of expression.³⁷³ In other words, the Supreme Court had no choice but to base their balancing of the legally protected interests on (in the words of the Seventh Circuit) “the content of particular works.”³⁷⁴

The Seventh Circuit’s misleading criticism of the group libel analogy further implies that only previously existing constitutional categories can be applied. Such a view implies in turn that, for example, it would have been necessary to accept racial segregation because it was consistent with the legal category *separate but equal*, which had been established earlier in the case of *Plessy v. Ferguson* in 1896.³⁷⁵ In other words, the Seventh Circuit would not have accepted the Supreme Court’s conclusion in the ground-breaking case of *Brown v. Board of Education* that was decided in 1954 – two years after the ruling that upheld Illinois’ legislation against group libel – where it was ruled that even if prior legal categories that emerge from different legal sources “cast some light, it is not enough to resolve the problem with which we are faced.”³⁷⁶

In *Brown* it was also noted that lower instances had upheld *Plessy* despite the fact that they noted at the same time that racial segregation “is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn . . . [and] deprive them of some of the benefits they would receive in a racial[ly] integrated school system.”³⁷⁷ Like these courts, the Seventh Circuit noted that pornography causes “affront and lower pay at work, insult and injury at home, battery and rape on the streets,”³⁷⁸ yet chose nonetheless to invalidate Indianapolis’ civil rights Ordinance. In this respect, the Seventh Circuit’s ruling is reminiscent of the approach that American courts used to uphold *Plessy* before *Brown*, despite the fact that such courts were well aware that the empirical evidence showed that racially segregated schools led to serious discrimination that harmed Black groups. The Seventh Circuit thus allowed an openly discriminatory practice to continue against their better judgment.

There were, as has been shown above, a number of legal possibilities to uphold the Indianapolis Ordinance under all the standards for judicial review in the United States. In the light of this, the Seventh Federal Circuit’s decision to invalidate the civil rights Ordinance appears to have been based more on *ideology* than on *law*. The ruling therefore has similarities with the later Swedish Sexual Crimes Committee’s conclusion of 1998, which was also based less on democratic predictable rules adopted by the political system, and more on the *political idea* that prostituted persons do not have the right to the same damages as they would receive under the procuring provisions when they have been exploited in prostitution outside pornography (see above pp. 73–76).³⁷⁹

Conclusions

By studying the politics of legal challenges to pornography’s link to men’s violence against women in both the United States and Sweden, it is noted that efforts to stop the pornography have been rejected in violation of existing legal principles. The latter have been replaced by an ideological conviction that has been a guiding principle in courts and government inquiries where, with the exception of minors, it has been considered that those victimized, more or less regardless of the harmful effects of pornography, shall not be given the opportunity to hold anyone to account. This dogmatic approach to pornography thus lacked support not only in constitutions but also in legislation and case law. Freedom of expression places no such rigid obstacles in the way for legislators and organizations wishing to see stronger civil rights protection against the sexual exploitation and the violence against women cause by pornography. In the Swedish context it is therefore appropriate to draw attention to the fact that legislation on procuring and human trafficking as it is written today can be applied to pornography production (see above pp. 71–77). As with the proposal that was adopted in Indianapolis in 1984, but which appears to have been wrongfully dismissed by federal courts in the United States, it should be possible for the Swedish Parliament to adopt similar legislation, if only by using the rules that apply for amendments to the constitution.³⁸⁰

Notes part 2

Demand, Pornography
and men's violence against
women

Notes

1 Karin Johansson & Kenan Habul, “Varannan ung väljare vill förbjuda porr” [Every Other Young Voter Wants to Ban Porn,] *Sydsvenskan [The Southern Swede]*, 2006-08-13, tbl.1, *archived at* <http://perma.cc/R59C-ZUFA>; cf. Jason S. Carroll et al., “Generation XXX: Pornography Acceptance and Use Among Emerging Adults,” *J. Adolescent Res.* 23, no. 1 (2008): 18 & tbl.1; Emma Green, “Most People Think Watching Porn is Morally Wrong,” *Atlantic*, March 6, 2014, *archived at* <http://perma.cc/3J2-QSB8>; Sven-Axel Månsson, “Commercial Sexuality,” in *Sex in Sweden: On the Swedish Sexual Life 1996*, ed. Bo Lewin, Kerstin Fugl-Meyer & Folkhälsoinstitutet (Stockholm: Nat’l Institute of Public Health (Folkhälsoinstitutet), 2000), 254 tbl.13:18; *but see* Lucia C. Lykke & Philip N. Cohen, “The Widening Gender Gap in Opposition to Pornography, 1975–2012,” *Social Currents*, pre-published (2015), DOI: 10.1177/2329496515604170 (showing that demands for stronger regulation of pornography in the United States has decreased somewhat since the 1970s among both men and women, but that different views between the genders however has increased).

2 *See above* note 1.

3 Neil M. Malamuth, “Pornography,” in *Int’l Encyc. Soc. & Behav. Sciences*, ed. Neil J. Smelser & Paul B. Baltes (New York: Elsevier Ltd., 2001), 11817; cf. Drew A. Kingston et al., “The Importance of Individual Differences in Pornography Use: Theoretical Perspectives and Implications for Treating Sexual Offenders,” *J. Sex Res.* 46, no. 2–3 (2009): 216 (defining pornography as materials that are “primarily intended to sexually arouse the consumer and predominantly contains explicit sexual content”).

4 *See, e.g.*, Ana J. Bridges et al., “Aggression and Sexual Behavior in Best-Selling Pornography Videos: A Content Analysis Update,” *Violence Against Women* 16, no. 10 (2010): 1065–85; Chyng Sun et al., “A Comparison of Male and Female Directors in Popular Pornography: What Happens When Women are at the Helm?,” *Psychol. Women Q.* 32, no. 3 (2008): 312–25; Martin J. Downing Jr. et al., “Sexually Explicit Media on the Internet: A Content Analysis of Sexual Behaviors, Risk, and Media Characteristics in Gay Male Adult Videos,” *Arch. Sex. Behav.* 43 (2014): 811–821.

5 *See, e.g.*, James V.P. Check & Ted H. Guloiin, “Reported Proclivity for Coercive Sex Following Repeated Exposure to Sexually Violent Pornography, Nonviolent Dehumanizing Pornography, and Erotica,” in *Pornography: Research Advances and Policy Considerations*, ed. Dolf Zillmann & Jennings Bryant (Hillsdale, NJ: Lawrence Erlbaum, 1989), 159–84; *R. v. Wagner*, [1985] CarswellAlta 35 ¶¶ 58–64, 36 Alta. L.R. (2d) 301 (Q.B.) (Westlaw), *aff’d* [1986] CarswellAlta 26, 69 A.R. 78 (C.A.), *leave to appeal refused* [1986] CarswellAlta 1148, 50 C.R. (3d) 175n, 26 C.C.C. (3d) 242n (S.C.C.) (Can.).

6 The term “prostituted person” indicates that persons in prostitution are substantially placed there and kept there by acts of others, e.g., pimps, human traffickers, or by social forces such as poverty, racism, and inequality on grounds of gender. By contrast, the term “sex worker” implies that prostitution is a chosen form of work among other alternatives. The term “prostitute” tends to imply that prostitution is a characteristic inherent to the person, rather than the result of coercive circumstances that are more clearly indicated by the term “prostituted person.”

7 For the original formulation of the concept, *see* Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” 1989 *Univ. Chicago Legal F.* 139, 139–67 (1989); *see also* Kimberle Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color,” 43 *Stanford Law Rev.* 1241, 1241–99 (1991).

8 *See* U.N. Comm. on the Elimination of Discrimination Against Women, 11th Sess., “General Recommendation No. 19,” ¶ 6, U.N. Doc. A/47/38 (Feb. 1, 1992) [hereafter CEDAW, “General Recommendation No. 19”] (defining men’s violence against women as “violence that is directed against a woman because she is a woman or that affects women disproportionately . . . acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”).

9 For applications and cases, *see, e.g.*, U.N. Comm. on the Elimination of Discrimination Against Women, Communication No. 18/2008 (Opt. Protocol), 46th Sess., July 12–30, 2010, U.N. Doc. CEDAW/C/46/D/18/2008 (Sept. 1, 2010) (on rape); *M.C. v. Bulgaria*, 15 Eur. Ct. H.R. 627 (2004) (on rape); *Opuz v. Turkey*, App. No. 33401/02, Eur. Ct. H.R. (2009) (on domestic violence). For regional and international instruments, *see, e.g.*, Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, pmb. para. 9 (following “further noting”), arts. 3(4), 4(2), July 11, 2003 (entry into force Nov. 26, 2005) [hereafter African Protocol], *archived at* <http://perma.cc/D3SB-L4Q3> (repetitiously mentioning gender-based or, alternatively, violence against women as a practice incompatible with provisions guaranteeing human rights and the elimination of all forms of discrimination); Organization of American States, Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará), art. 6, June 9, 1994, 33 I.L.M. 1534, 1536 (suggesting that discrimination and violence are interrelated by stating that “[t]he right of every woman to be free from violence includes . . . [t]he right of women to be free from all forms of discrimination”); Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, pmb. para 6, U.N. doc. A/Res/48/104 (Dec. 20, 1993) (recognizing that implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) would contribute to the elimination of violence against women and “that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”); Fourth World Conference

on Women, Sept. 4–15, 1995, “Beijing Declaration and Platform for Action,” ¶ 118, U.N. Doc. A/CONF.177/20/Rev.1. [hereafter “Beijing Declaration”] (“Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men . . .”); CEDAW, “General Recommendation No. 19,” *above* in note 8, ¶¶ 6–7 (defining gender-based violence as sex discrimination under CEDAW “regardless of whether” originally the Convention “expressly mention violence”) (Feb. 1, 1992); *see also* U.N. Comm. on the Elimination of Discrimination Against Women, 8th Sess., “General Recommendation No. 12,” U.N. Doc A/44/38 (Mar. 6, 1989) (considering that art. 2, 5, 11, 12 and 16 of the CEDAW Convention “require the States parties to act to protect women against violence of any kind occurring within the family, at the workplace or in any other area of social life.”).

10 For instance, already in 1992 the UN’s monitoring body for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) identified “pornography” as a practice that “contributes to gender-based violence,” and held that states parties were obliged to “take all legal and other measures . . . including . . . civil remedies and compensatory provisions” to fight it. *See* CEDAW, “General Recommendation No. 19,” *above* in note 8, ¶¶ 11–12, 24(t, t(i)). In 2000, the UN Human Rights Committee expressed a similar position in a General Comment on how to interpret the International Covenant on Civil and Political Rights (ICCPR) in terms of *balancing* women’s equality to men versus the competing interest of freedom of expression. Here, the Committee took the position that since “pornographic material which portrays women and girls as objects of violence or degrading or inhuman treatment is likely to promote these kinds of treatment of women and girls, States parties should provide information about legal measures to restrict the publication or dissemination of such material.” Human Rights Comm., 68th Sess., 1834th Mtg., “General Comment No. 28,” ¶ 22, U.N. Doc. CCPR/C/21/Rev.1/Add.10 (2000). A similar norm has been expressed independently, or by citations, in other international and regional instruments and resolutions. *See, e.g.*, “Beijing Declaration,” *above* in note 8, ¶ 118 (“Images in the media of violence against women . . . including pornography, are factors contributing to the continued prevalence of such violence”); African Protocol, *above* in note 8, Article 13(m) (calls on states to “take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography”); “Resolution on Pornography,” *Eur. Parl.* 1994 O.J. (C 20) 546 (Dec. 17, 1993); *cf.* “Resolution on Discrimination Against Women in Advertising,” *Eur. Parl.* 1997 O.J. (C 304) 60 (Oct. 6, 1997). It is also worth noting how India’s Supreme Court has adopted the UN CEDAW Committee’s understanding of sexual harassment, which includes showing pornography at work, and subsequently applied this understanding in case law. *See* *Vishaka v. State of Rajasthan*, [1997] 3 L.R.C. 361, A.I.R. S.C. 3011, (1998) 3 B.H.R.C. 261 (Aug. 13, 1997) (India Sup. Ct.); *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 S.C.C. 759, A.I.R. [1999] S.C. 625, (1999) 1 L.R.I. 13 (India Sup. Ct.).

11 The women’s organizations’ anti-pornography movement was perhaps greatest in the United States and Canada during the late 1970s and the 1980s. One example is the protest demonstrations and guided tours given in the then red light district of Times Square in New York City to raise consciousness of the problems. *See, e.g.*, Susan Brownmiller, *In Our Time* (New York: Random House, 1999), 295–325, who albeit with a certain resignation and negative attitude describes the early American feminist movement against pornography. Several American, Canadian, and later, attempts in Sweden among others, were also made to legislate against the pornography that was shown to produce the harmful effects described above, which gave an insight into the politics of legal obstacles and possibilities even if any major practical results were not forthcoming. *See* Max Waltman, *The Politics of Legal Challenges to Pornography: Canada, Sweden, and the United States*. Stockholm Studies in Politics 160 (Ph.D. diss., Stockholm University, 2014), Ch. 10–12, available at <http://ssrn.com/abstract=2539998>.

12 *Cf.* Max Waltman, “Assessing Evidence, Arguments, and Inequality in *Bedford v. Canada*,” 37 *Harvard J. Law & Gender* 459, 459–544 (2014) (analyzing primarily the problems of prostitution laws where it is legal with third party profiteering of the prostitution of others, and how it obstructs fighting human trafficking and sexual exploitation in prostitution).

13 *See, e.g.*, Waltman, *Politics of Legal Challenges*, 225–26, 449–55; *cf. ibid.*, 225–40, and Ch. 7–12 more in general.

14 *See, e.g.*, David Huizinga & Delbert S. Elliot, “Reassessing the Reliability and Validity of Self-Report Delinquency Measures,” *J. Quantitative Crim.* 2, no. 4 (1986): 294, 323–24; Josine Junger-Tas & Ineke Hean Marshall, “The Self-Report Methodology in Crime Research,” 25 *Crime & Just.* 291, 354 (1999); Terence P. Thornberry & Marvin D. Krohn, “The Self-Report Method for Measuring Delinquency and Crime,” in *Measurement and Analysis of Crime and Justice*, Criminal Justice 2000, vol. 4, ed. David Duffee (Washington, DC: Nat’l Inst. of Justice, 2000), 72.

15 Survey studies where respondents report anonymously how much time they spend on pornography per week/month/year or similar precise measurements are the most informative studies. For studies of both genders (mainly young adults), *see* Jason S. Carroll et al., “Generation XXX: Pornography Acceptance and Use Among Emerging Adults,” *J. Adolescent Res.* 23, no. 1 (2008): 6–30; Gert Martin Hald, “Gender Differences in Pornography Consumption among Young Heterosexual Danish Adults,” *Arch. Sex. Behav.* 35 (2006): 577–85; Carl-Göran Svedin & Ingrid Åkerman, “Ungdom och pornografi” [Youth and Pornography], in *Koll på porr: skilda röster om sex, pornografi, medier och unga*, ed. Ann Katrin Agebäck (Stockholm: Medierådet [Gov’t Media Council], 2006), 87–123; E. Häggström-Nordin, U. Hanson & T. Tydén, “Associations Between Pornography Consumption and Sexual Practices among Adolescents in Sweden,” *Int’l J. STD & AIDS* 16, no. 2 (Feb. 1, 2005): 102–07; Bente Træen, Kristin Spitznogle & Alexandra Beverfjord, “Attitudes and Use of Pornography in the Norwegian Population 2002,” *J. Sex Res.* 41, no.2 (2004) (also includes older adults): 193–200; Mohsen Janghorbani, Tai Hing Lam & The Youth Sexuality Study Task Force, “Sexual Media Use by Young Adults in Hong Kong: Prevalence and Associated Factors,” *Arch. Sex. Behav.* 32, no. 6 (2003): 545–553. For similar studies of young women, *see* Christina Rogala & Tanja Tydén, “Does Pornography Influence Young Women’s Sexual Behavior?,” *Women’s Health Issues* 13 (2003): 39–43; Tanja Tydén, Sven-Eric Olsson & Elisabeth Häggström-Nordin, “Improved Use of Contraceptives, Attitudes Toward Pornography,

and Sexual Harassment Among Female University Students,” *Women’s Health Issues* 11, no. 2 (2001): 87–94; For studies that have used less precise consumption measurements than above, see Timothy Buzzell, “The Effects of Sophistication, Access and Monitoring on Use of Pornography in Three Technological Contexts,” *Deviant Behav.* 26 (2005): 109–32; Sven-Axel Månsson, “Commercial Sexuality,” in *Sex in Sweden: On the Swedish Sexual Life 1996*, ed. Bo Lewin, Kerstin Fugl-Meyer & Folkhälsoinstitutet [Nat’l Institute of Public Health] (Stockholm: Folkhälsoinstitutet, 2000), 235–63; Kelli-an Lawrence & Edward S. Herold, “Women’s Attitudes toward and Experience with Sexually Explicit Materials,” *J. Sex Res.* 24, no. 1 (1988): 161–169 (only women). For an analysis and summary of relevant data and conclusions in the studies above, see Max Waltman, *The Politics of Legal Challenges to Pornography: Canada, Sweden, and the United States*. Stockholm Studies in Politics 160 (Ph.D. diss., Stockholm University, 2014), 33–36, available at <http://srn.com/abstract=2539998>.

16 Svedin & Åkerman, “Ungdom och pornografi” [Youth and Pornography], 89–92 & tbl.2. For details of the study period, see Statens Offentliga Utredningar [SOU] 2004:71 Sexuell exploatering av barn i Sverige: bilaga 3; ungdomsenkäten [government report series] p. 269 (Swed.) (by Carl Göran Svedin & Gisela Priebe).

17 Ibid., 91 tbl.2.

18 Ibid., 91 tbl.2.

19 See citations above in note 15.

20 See citations above in note 15.

21 Månsson, “Commercial Sexuality,” 255, 257.

22 Carroll et al., “Generation XXX,” 17.

23 Jerry Ropelato, “Pornography Statistics 2007,” *Top Ten Reviews* (2007), accessed June 26, 2014, archived at <http://perma.cc/L8ZF-D2M8>. Among the 16 countries included in this estimation, 9 countries reportedly provided more accessible data. Among them were South Korea, Japan, United States, Australia, U.K., Italy, Canada, the Philippines, and the Netherlands. In addition, 7 countries with incomplete data were also included: China, Taiwan, Germany, Finland, Czech Republic, Russia, and Brazil. Ibid. U.S.

24 Chyng Sun et al., “A Comparison of Male and Female Directors in Popular Pornography: What Happens When Women are at the Helm?” *Psychol. Women Q.* 32, no. 3 (2008): 312 (citing a figure that has been mentioned by the industry organization Adult Video News).

25 For a discussion of different estimations, see Waltman, *Politics of Legal Challenges*, 38–39.

26 *Final Report of the Attorney General’s Commission on Pornography*, ed. Michael J. McManus (Nashville, TN: Rutledge Hill Press, 1986), 29–30, 291–302. For a more detailed account including appendices on specific criminal investigations, see the original edition of the report: Attorney General’s Commission on Pornography, *Final Report*, 2 vols. (Washington, DC: U.S. Dept. of Justice, 1986), 291–97, 1037–1238.

27 See, e.g., Michael J. McManus, “Introduction,” in *Final Report Att’y General’s Comm.*, ed. McManus, xlv–xlviii; Catharine A. MacKinnon, “The Roar on the Other Side of Silence,” in *In Harm’s Way: The Pornography Civil Rights Hearings*, ed. Catharine A. MacKinnon & Andrea Dworkin (Cambridge, MA: Harvard Univ. Press, 1997), 14, 21–22; see also Waltman, *Politics of Legal Challenges*, 349–51, for a more detailed account of the response that the Commission’s Final Report and its conclusions received.

28 See, e.g., Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (London, UK: Penguin Books Ltd., 1998), 10 & 162–63 (unnumbered photo section) (documenting pornography produced by Japanese soldiers of women they subjected to sexual violence, including rape, in China); Catharine A. MacKinnon, “Turning Rape into Pornography: Postmodern Genocide,” Ms., July/August 1993, reprinted in *Are Women Human? And Other International Dialogues* (Cambridge, MA: Belknap Press of Harvard Univ. Press, 2006), 160–68 (documenting pornography made of rapes during Serbled Genocide in Bosnia-Herzegovina); see also Catharine A. MacKinnon, “Rape, Genocide, and Women’s Human Rights,” 17 *Harv. Women’s L. J.* 5, 12, 14 (1994) (discussing role of pornography in conditioning Serbian population to perform genocide).

29 See, e.g., Robert K. Ressler, Ann Wolbert Burgess, & John E. Douglas, *Sexual Homicide: Patterns and Motives* (Lexington, MA: Lexington Books, 1988), 63 (documents photographs taken as souvenirs before sex murders of naked victims); cf. Eric W. Hickey, *Serial Murderers and their Victims*, 3rd ed. (Belmont, CA: Wadsworth, 2002), 28. For legal cases of sexual murder as pornography, see, e.g., *French Estate v. Ontario* (Att’y Gen.) (1998), 38 O.R. (3d) 347, 350, 157 D.L.R. (4th) 144 (Ont. C.A.) (Can.) (Lexis) (dismisses claims from two families to control dispensation of “videotapes depicting the rape, torture and brutalization of their daughters at the hands of Paul Bernardo and Karla Homolka”); *Schiro v. Clark*, 963 F.2d 962, 965 (U.S. 7th Cir. 1992) (describing defendant’s “pictures of the lifeless naked body of Laura Luebbehusen covered with blood and bruises”), *aff’d sub nom.* *Shiro v. Farley*, 510 U.S. 222 (1994).

30 On pornography produced during prostitution, see, e.g., Melissa Farley et al., “Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder,” in *Prostitution, Trafficking, and Traumatic Stress*, ed. Melissa Farley (Binghamton, NY: Haworth Maltreatment & Trauma Press, 2003), 46, archived at <http://perma.cc/V7FM-YXKQ> (finding that 49% of 802

prostituted persons in nine countries reported being used in pornography); Susan Kay Hunter, "Prostitution Is Cruelty and Abuse to Women and Children," *Mich. J. Gender & L.* 1 (1993): 93–94 (reporting that 53% of 55 female survivors of prostitution in Portland, Oregon, testified of sexual torture on average fifty-four times a year, often while made to participate in pornography); Hilary Kinnell, *Violence and Sex Work in Britain* (Cullompton, Devon, UK: Willan, 2008), 42 (reporting "peeping toms" making covert photography); cf. Swedish legal cases, e.g., Helsingborgs tingsrätt [Dist. Ct.] 2005-09-25, B 1230-05, slip op. at 59 (Swed.) ("Staffanstorp Case") (prostituted woman testifying of unknowingly having "her sex documented" on two occasions in the house of a pimp); cf. Melissa Farley, "Legal Brothel Prostitution in Nevada," in *Prostitution and Trafficking in Nevada: Making the Connections*, ed. Melissa Farley (San Francisco: Prostitution Research & Education, 2007), 37 (describing a legal brothel in Nevada that through pressures made the prostituted women accept to have their prostitution systematically filmed, with the intent to make pornography).

31 See, e.g., Timothy Egan, "Erotica Inc. – A Special Report: Technology Sent Wall Street into Market for Pornography," *New York Times*, October 23, 2000, A1; cf. Gail Dines, *Pornland: How Porn Has Hijacked Our Sexuality* (Boston: Beacon Press, 2010), 50 et seq.; Richard C. Morais, "Porn Goes Public: High Technology and High Finance are making the Smut Business Look Legitimate; How did this Happen?," *Forbes*, June 14, 1999 (concludes that "as pornography becomes more appallingly graphic, it is becoming more mainstream. Phone companies, cable companies, hotel chains and now investment bankers are all part of the act.").

32 Dolf Zillmann & Jennings Bryant, "Shifting Preferences in Pornography Consumption," *Comm. Res.* 13, no. 4 (1986): 560–78. Further citations in text.

33 Female students exposed to pornography generally chose either nonpornography or violent/extreme pornography – only fractions of the total viewing time where devoted to "common" nonviolent pornography. *Ibid.*, 572 tbl.2. In contrast, the female nonstudent group of 20 persons made similar choices to the 40 male students and nonstudents, albeit with a less polarized distribution. *Ibid.*

34 Zillman and Bryant observe that the customer in the store may originally have intended to buy/hire more unusual material, but felt inhibited on his first visit and so sought confirmation by gradually moving toward acquiring more extreme material. *Ibid.*, 577. Nonetheless their experiment created a situation that minimized such inhibitions, e.g., by informing the students that the material belonged to a Ph.D. student's "vintage collection," that they would not be interrupted even if they watched the movies because the researcher would make a phone call when it was time to return to the room for the (what the student believed was) the real experiment, and that the TV screen was positioned so that it could not be seen by someone entering the room. *Ibid.*, 567–68, 577.

35 Ana J. Bridges et al., "Aggression and Sexual Behavior in Best-Selling Pornography Videos: A Content Analysis Update," *Violence Against Women* 16, no. 10 (2010): 1070–71 (about selection), 1075 (aggression), 1077 (positive behavior). Further citations in text.

36 See, e.g., Edward Donnerstein & Leonard Berkowitz, "Victim Reactions in Aggressive Erotic Films as a Factor in Violence Against Women," *J. Pers. & Soc. Psychol.* 41, no. 4 (1981): 710–24; Neil M. Malamuth & James V. P. Check, "Penile Tumescence and Perceptual Responses to Rape as a Function of Victim's Perceived Reactions," *J. Applied Soc. Psychol.* 10, no. 6 (1980): 528–547; see also Neil M. Malamuth, "Aggression against Women: Cultural and Individual Causes," in *Pornography and Sexual Aggression*, ed. Neil M. Malamuth & Edward Donnerstein (Orlando: Academic Press, 1984), 25–26 (summarizing studies).

37 Triangulation is understood in social sciences as a way of validating and reinforcing scientific conclusions with the help of several methods or different measurement instruments. See, e.g., Norman Blaikie, *Designing Social Research: The Logic of Anticipation* (Cambridge, UK: Polity Press, 2000), 262–70. Using various methods to study the same phenomenon and research question guards against the specific flaws of each individual method. It is, for example, possible to combine quantitative and qualitative methods (*between-method triangulation*). Another common combination in pornography consumption research has been to combine psychological quantitative experiments that hold constant variables in an isolated environment to investigate the causal correlations on the one hand, with naturalistic quantitative methods in a social context (e.g., anonymous surveys that examine actual pornography consumption, attitudes, and behaviour) on the other. This combination makes it possible to see if the results still apply outside the laboratory when several external factors can influence the phenomenon studied, i.e., validating the ecological validity. Another form of triangulation is to use several measurement instruments to observe the same underlying phenomenon, e.g., different attitudinal scales as indicators of the same aggressive personality predisposition (*within-method triangulation*). Norman K. Denzin coined the concepts of *between/within method triangulation*. *Ibid.*, 263.

38 For a summary of studies showing that attitudes supporting violence against women predict more sexually aggressive behavior, see Waltman, *Politics of Legal Challenges*, 93–98.

39 Dines, *Pornland*, 68–69; see also Rebecca Whisnant, "From Jekyll to Hyde: The grooming of male pornography consumers," in *Everyday Pornography*, ed. Karen Boyle (New York, NY: Routledge, 2010), 118–19 (describing male consumers' discussion on online forum where they express excitement, pleasure, and ambiguous feelings toward their appreciation of ATM-scenes).

40 Marty Rimm, "Marketing Pornography on the Information Superhighway: A Survey of 917,410 Images, Descriptions, Short Stories, and Animations Downloaded 8.5 Million Times by Consumers in Over 2000 Cities in Forty Countries, Provinces, and Territories," *83 Geo. Law J.* 1849, 1855 (definitions), 1891–92 (downloading distribution) (1995).

41 See, e.g., Ragnhild T. Bjørnebekk & Tor A. Evjen, "Violent Pornography on the Internet: A Study of Accessibility and Prevalence,"

in *Children in the New Media Landscape: Games, Pornography, Perceptions*, ed. Cecilia von Feilitzen & Ulla Carlsson (Gothenburg: Nordicom, 2000), 197–98 (finding torture-pornography the most frequent category in a sample of violent pornography among so-called newsgroups on the Internet).

42 When searching for snuff pornography that presents authentically looking murders in a sexual context on the file-sharing network eMule in March 2007, four such movies were unfortunately easily found.

43 *Final Report Att’y General’s Comm.*, ed. McManus, 200 & n.765. Further citations in text.

44 Martin J. Downing Jr. et al., “Sexually Explicit Media on the Internet: A Content Analysis of Sexual Behaviors, Risk, and Media Characteristics in Gay Male Adult Videos,” *Arch. Sex. Behav.* 43 (2014): 813. Further citations in text.

45 See, e.g., S.T. Green, “HIV and AIDS, the Internet Pornography Industry and Safer Sex,” *Int’l J. STD & AIDS* 15 (2004): 207; cf. Bridges et al., “Aggression in Pornography,” 1074 (finding that among 304 scenes, only one (0.3%) presented characters discussing pregnancy or STDs).

46 Christopher N. Kendall, *Gay Male Pornography: An Issue of Sex Discrimination* (Vancouver: Univ. of British Columbia Press, 2004), 56–68.

47 Alan McKee, “The Objectification of Women in Mainstream Pornographic Videos in Australia,” *J. Sex Res.* 42, no. 4 (2005): 277–90. Further citations in text.

48 See above notes 36–38 and accompanying text.

49 For a more detailed description of meta-analysis within quantitative pornography research, see Waltman, *Politics of Legal Challenges*, 92–93.

50 Mike Allen, Keri Brezgel, & Dave D’Alessio, “A Meta-Analysis Summarizing the Effects of Pornography II: Aggression After Exposure,” *Hum. Comm. Res.* 22, no. 2 (1995): 274; Mike Allen et al., “Exposure to Pornography and Acceptance of Rape Myths,” *J. Comm.* 45, no. 1 (1995): 18–19. In the first meta-analysis above of laboratory experiments, female seminude and full nude pictures (i.e., without implying sexual activity) showed a negative effect correlation by contrast to other non-violent pornography and violent pornography, which both exhibited positive effect correlations. An exception in the first meta-analysis’ sample was an experiment with nude pictures that exhibited a weak positive correlation when the researchers utilized more sensitive measurement instruments. See Edward Donnerstein, Marcia Donnerstein, & Ronald Evans, “Erotic Stimuli and Aggression: Facilitation or Inhibition,” *J. Pers. & Soc. Psychol.* 32, no. 2 (1975): 242. However, there are additional reasons apart from the demand for more sensitive measurement instruments to question the conclusion that nude pictures, by contrast to other pornography, would not inspire sexual aggression. Cf. Waltman, *Politics of Legal Challenges*, 106–09. For example, several other experiments with “milder” sexually implicit media such as sexist advertising and objectifying motion pictures that were not considered to be pornography show that even these materials produced more attitudes supporting violence against women than control materials did. See Kyra Lanis & Katherine Covell, “Images of Women in Advertisements: Effects on Attitudes Related to Sexual Aggression,” *Sex Roles* 32, no. 9/10 (1995): 639–49; Nathalie J. MacKay & Katherine Covell, “The Impact of Women in Advertisements on Attitudes Toward Women,” *Sex Roles* 36, no. 9/10 (1997): 573–83; Michael A. Milburn, Roxanne Mather, & Sheree D. Conrad, “The Effects of Viewing R-rated Movie Scenes That Objectify Women on Perceptions of Date Rape,” *Sex Roles* 43, no. 9/10 (2000): 645–64. Through triangulation of methods as well as concepts, prior research has clearly documented the positive association between on one hand such attitudes that support violence against women that were documented in these experiments, on the other hand (sexually) aggressive behavior against women in experimental laboratories as well as in naturalistic (social) contexts. For a research summary on this matter, see Waltman, *Politics of Legal Challenges*, 93–98.

51 See Gert Martin Hald, Neil Malamuth, & Carlin Yuen, “Pornography and Attitudes Supporting Violence Against Women: Revisiting the Relationship in Nonexperimental Studies [Meta-Analysis],” *Aggr. Behav.* 36, no. 1 (2010): 16 (discussing statistical homogeneity tests in meta-analysis); Allen et al., “Exposure & Rape Myths [Meta],” 12; see also Marije Stoltenborgh et al., “A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World,” *Child Maltreatment* 16, no.2 (2011): 84 (mentioning statistical test for homogeneity and heterogeneity).

52 *Final Report Att’y General’s Comm.*, ed. McManus, 231 n.983. Further citations in text.

53 Corita R. Grudzen et al., “Comparison of the Mental Health of Female Adult Film Performers and Other Young Women in California,” *Psychiatric Services* 62, no.6 (2011): 639–45. Further citations in text.

54 For an explanation of choice of wordings (prostituted person/woman/man), see above chap. 1, note 6.

55 Farley et al., “Prostitution in Nine Countries,” 37–39 (on sampling).

56 Farley et al., “Prostitution in Nine Countries,” 46.

57 See, e.g., Farley, “Legal Brothel Prostitution in Nevada,” 31 (21 of 45 prostituted persons interviewed in legal brothels reported ha-

ving been used in order to make pornography in prostitution); Melissa Farley, “Renting an Organ for ten Minutes’: What Tricks Tell Us about Prostitution, Pornography, and Trafficking,” in *Pornography: Driving the Demand in International Sex Trafficking*, ed. David E. Guinn & Julie DiCaro (Los Angeles: Captive Daughter’s Media & DePaul University, 2007), 145 (citing similar numbers reported in the WHIS-PER Oral History Project in 1990 (Women Hurt in Systems of Prostitution Engaged in Revolt)).

58 Rachel Durchslag & Samir Goswami, *Deconstructing The Demand for Prostitution: Preliminary Insights From Interviews With Chicago Men Who Purchase Sex* (Chicago: Chicago Alliance Against Sexual Exploitation, 2008), 14, archived at <http://perma.cc/5V4Q-PH32> (among 113 tricks that were interviewed in Chicago, IL, 49% reportedly “thought of women in pornography as prostitutes”); Melissa Farley, Julie Bindel, & Jacqueline M. Golding, *Men Who Buy Sex: Who They Buy and What They Know* (London: Eaves, 2009), 21, archived at <http://perma.cc/QSU2-7AQV> (among 103 tricks that were interviewed in London, UK, 60% reported that “to some extent they classified the women in pornography as a prostitute”).

59 Melissa Farley, Jan Macleod, Lynn Anderson, & Jacqueline M. Golding, “Attitudes and Social Characteristics of Men Who Buy Sex in Scotland,” *Psychological Trauma: Theory, Research, Practice, and Policy* 3, no. 4 (2011): 374.

60 See, e.g., Edward Donnerstein, “Pornography,” in *Encyclopedia of Psychology*, ed. Alan Kazdin (Washington, DC: American Psychological Ass’n, 2000), 238; Frederick F. Schauer, *The Law of Obscenity* (Washington, DC: Bureau of Nat’l Affairs, 1976), 1; Andrea Dworkin, *Pornography: Men Possessing Women* (London: Women’s Press, 1981; reprint, 1984), 199–200.

61 The definition of poverty included applying for food stamps, receiving public assistance, or not having “enough money to meet basic needs.” Grudzen et al., “Female Adult Film Performers,” 641 & tbl.1.

62 See, e.g., Alice Cepeda, “Prevalence and Levels of Severity of Childhood Trauma among Mexican Female Sex Workers,” *J. Aggression, Maltreatment & Trauma* 20 (2011): 671–72 (citing research from both industrialized and developing regions highlighting poverty-related socioeconomic predictors to prostitution); Cecilia Kjellgren, Gisela Priebe, & Carl Göran Svedin, *Utvärdering av samtalsbehandling med försäljare av sexuella tjänster (FAST): Delrapport 5 ur Prostitution i Sverige [Evaluation of Counseling Treatment with Sellers of Sexual Services: Section Report 5 in Prostitution in Sweden]* (Linköping Univ. Electronic Press, 2012), 21, <http://urn.kb.se/resolve?urn=urn:nbn:se:liu:diva-75371> (reporting needing money to support survival most common reason stated for entering prostitution among 34 persons who started counseling treatment); Chandré Gould, *Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City*, in collaboration with Nicole Fick (SWEAT) (Pretoria: Inst. Security Studies, 2008), PDF e-book, 115, archived at <http://perma.cc/D4TD-CDMX> (finding “that the majority of sex workers [surveyed] . . . enter the industry as a result of ‘financial need,’” and defining financial need as “to meet pressing financial obligations or to meet basic needs—they went into sex work for survival”); Special Committee on Pornography and Prostitution in Canada, *Pornography and Prostitution in Canada: Report of the Special Committee on Pornography and Prostitution in Canada*, vol. 2. (Ottawa, Can.: Supply & Services, 1985), 376 (finding that “[o]verwhelmingly, prostitutes cite economic causes as the reason they are on the streets”); Mimi H. Silbert & Ayala M. Pines, “Entrance Into Prostitution,” *Youth & Soc’y* 13, no. 4 (1982): 486 (finding among 200 adult and juvenile prostituted women in San Francisco that the “predominant reason given for” initial involvement was money: “[b]asic financial survival was mentioned by three-quarters of all subjects, by over 80% of the current prostitutes, and by close to 90% of the juveniles,” and over three-quarters of all subjects “reported having no other options” when entering prostitution); cf. Farley et al., “Nine Countries,” 65, who suggests that the “incidence of homelessness (75%)” and the wish to “get out of prostitution (89%)” among their sample of 854 prostituted persons in nine countries reflect a lack of alternatives to prostitution. Such conditions, and the high numbers stating a need for “job training” (76%), *ibid.*, 51 tbl.8, implies that poverty and lack of survival alternatives are critical obstacles in their lives.

63 For a more detailed analysis and documentation, see Waltman, *Politics of Legal Challenges*, 57–59.

64 See, e.g., Farley et al., “Nine Countries,” 43 (finding that 59% of 854 prostituted persons affirmed that she or he “[a]s a child, was hit or beaten by caregiver until injured or bruised,” and 63% affirmed they were “sexually abused as a child.”); Chris Bagley & Loretta Young, “Juvenile Prostitution and Child Sexual Abuse: A Controlled Study,” *Canadian J. Community Mental Health* 6 (1987): 12–14 tbl.2 (finding 73% of 45 female prostitution survivors were subjected to child sexual abuse, compared to 28% of 36 women among a community control group of similar age, and that 100% of the prostitution survivors had been subjected to either sexual or physical abuse, compared to only 35% of the controls); Silbert & Pines, “Entrance Into Prostitution,” 479 (finding 60% of 200 current and former prostituted juvenile or adult women reported childhood sexual abuse from ages three to sixteen of which 70% involved repeated abuse by the same persons, and 62% of the 200 persons reported physical abuse); Jennifer James & Jane Meyerding, “Early Sexual Experience as a Factor in Prostitution,” *Arch. Sexual Behavior* 7 (1977): 33 & 35 (asking a sample of 136 prostituted women in a “large Western city” in the United States whether “prior to your first intercourse, did any older person (more than ten years older) attempt sexual play or intercourse with you?,” and finding 52% responded affirmatively). In-depth studies of survivors show higher frequencies of abuse. See, e.g., Evelina Giobbe, “Confronting the Liberal Lies About Prostitution,” in *Living With Contradictions*, ed. Alison M. Jaggar (Boulder, CO: Westview Press, 1994), 123 (referring to organization WHISPER’s survivor interviews in Minneapolis, where 90% reported battery and 74% reported sexual abuse between age 3 to 14); Hunter, “Prostitution Is Abuse,” 98–99 (finding 85% of 123 prostitution survivors reported child incest, 90% physical abuse, and 98% emotional abuse). Likewise, the Mary Magdalene Project in Reseda, California, reported in 1985 that 80% of the prostituted women it worked with were “sexually abused” during childhood, and Genesis House in Chicago reported “abuse” for 94%. Giobbe, “Liberal Lies,” 126 n.10; cf. Ines Vanwesenbeeck, *Prostitutes’ Well-being and Risk* (Amsterdam Neth.: VU Uitgeverij, 1994), 21–24 (summarizing early studies on childhood victimization as a predictor for entry into prostitution, with some studies indicating lower percentages than the above). Vanwesenbeeck’s summary is partly

superseded by more recent studies and a refined general survey-methodology in areas of sexual abuse that has developed to avoid underreporting. See, e.g., Dean G. Kilpatrick, et al., *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study* (Charleston, SC: Nat'l Crime Victims Res. & Treatment Center, 2007), 24–25, archived at <http://perma.cc/56W9-44Z3> (stressing the importance of using “behaviorally specific terms . . . [that] do not require women to label an event as ‘rape’ in order to qualify an event as a rape incident,” at 25); Eva Lundgren et al., *Captured Queen: Men's Violence against Women in “Equal” Sweden; A Prevalence Study*, trans. Julia Mikaelsson and Geoffrey French (Umeå: Brottsövermyndigheten, 2001), 15–16, archived at <http://perma.cc/7NMH-HEKW> (“The questions about violence put to women by the researcher must penetrate behind any possible reinterpretations or minimizing of the violence if we are to attain knowledge of women’s experiences”).

65 See, e.g., John Briere & Diana M. Elliott, “Prevalence and Psychological Sequelae of Self-Reported Childhood Physical and Sexual Abuse in a General Population Sample of Men and Women,” *Child Abuse & Neglect* 27 (2003): 1209–10 (finding that 32.3% of 471 women in a geographically stratified, random U.S. sample of 935 men and women reported childhood sexual abuse); Nancy D. Vogelantanz et al., “Prevalence and Risk Factors for Childhood Sexual Abuse in Women: National Survey Findings,” *Child Abuse & Neglect* 23 (1999): 583 (finding child sexual abuse prevalence among 1,099 women (weighted n = 733) ranged from 15.4% to 32.1%, depending on measurement criteria and interpretation of incomplete data).

66 Note that the term “forced sex” is a relatively restricted definition of child sexual abuse that is not reliably comparable to the other studies of prevalence that are cited above. Thus, an explanation to why only 37% among the performers and 13% among the controls reported forced sex during childhood, see Grudzen et al., “Female Adult Film Performers,” 642, which is to compare with the roughly two times higher prevalence figures accounted for above among other population samples. See above notes 64–65 and accompanying text.

67 Bagley & Young, “Prostitution & Child Sexual Abuse,” 14–16 & tbl.3.

68 Mimi H. Silbert & Ayala M. Pines, “Sexual Child Abuse as an Antecedent to Prostitution,” *Child Abuse & Neglect* 5 (1981): 410; Ronald L. Simons & Les B. Whitbeck, “Sexual Abuse as Precursor to Prostitution and Victimization Among Adolescent and Adult Homeless Women,” *J. Fam. Issues* 12 (1991): 361; Bagley & Young, “Juvenile Prostitution & Child Abuse,” 17 tbl.4; cf. SOU 1995:15 *Könshandeln: Betänkande av 1993 års Prostitutionsutredning* [government report series] p. 104 (Swed.).

69 See, e.g., Silbert & Pines, “Entrance into Prostitution,” 485 (reporting over half of 200 juvenile and adult, current and former, prostituted women in San Francisco were runaways when entering prostitution; over two-thirds of the current prostituted women were runaways, and 96% of prostituted juveniles were runaways); Bagley & Young, “Juvenile Prostitution & Child Abuse,” 14 (three-quarters of 45 prostitution survivors left homes “riven by strife, drunkenness, and abuse” by age 16, compared to none of 36 community control women of similar age; sexual abuse was the most frequent reason given for leaving home among prostitution survivors).

70 Farley et al., “Nine Countries,” 43–44.

71 Farley et al., “Nine Countries,” 40.

72 Jody Raphael & Deborah L. Shapiro, *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago: A Research Study* (Chicago: Center for Impact Research, 2002), 13.

73 Silbert & Pines, “Entrance into Prostitution,” 474.

74 Silbert & Pines, “Child Abuse as Antecedent,” 410.

75 Silbert & Pines, “Entrance into Prostitution,” 486.

76 *Ibid.*, 488–89.

77 See Jonna Abellsson & Anna Hulusjö, *I sexualitetens gränstrakter: en studie av ungdomar i Göteborg med omnejd som säljer och byter sexuella tjänster* (Gothenburg: Göteborgs Stad, Social resursförvaltning, 2008), 97–99, archived at <http://perma.cc/TT7Z-8755>.

78 SOU 2004:71 *Sexuell exploatering av barn i Sverige, del 1* [government report series] pp. 15–16 (Swed.).

79 Gisela Priebe & Carl-Göran Svedin, “Unga, sex och internet” [Youth, Sex, and Internet], in *Se mig: Unga om sex och internet*, ed. Ungdomsstyrelsen [Nat'l Board for Youth Affairs] (Stockholm: Ungdomsstyrelsen, 2009), 74–75, 110, 112, 135, archived at <http://perma.cc/Y37H-VFVJ>; Ungdomsstyrelsen, “Erfarenheter av sexuell exponering och sex mot ersättning” [Experience of Sexual Exposure and Sex for Remuneration], in *Se mig*, ed. Ungdomsstyrelsen, 156, 158, 161–69.

80 See, e.g., Brottsförebyggande rådet (BRÅ), *The Organisation of Human Trafficking: A Study of Criminal Involvement in Sexual Exploitation in Sweden, Finland, and Estonia* (Stockholm: BRÅ, 2008), 36–43, archived at <http://perma.cc/6TPL-RCFS>. Although the study had found a few “exceptions” of educated women from “better circumstances,” it is notable that the reason stated for their prostitution was a need for money (e.g., financing their studies). *Ibid.*, 39. Furthermore, no information is provided to account for whether these persons had not also been subjected to childhood abuse or neglect, or were otherwise vulnerable. *Ibid.*, 36–43.

81 See, e.g., Jennifer James, *Entrance into Juvenile Prostitution: Final Report* (Washington, DC: National Institute of Mental Health, 1980), 17, 19 (finding African American girls were 25% of sample ($n = 136$) of prostituted girls interviewed in Seattle area, although only 4.2% of the entire population in the area were Black). Interviews conducted with over 3000 “streetwalking prostitutes” for an outreach project in New York City found approximately half were African American, a quarter Hispanic, and the remaining quarter white. Barbara Goldsmith, “Women on the Edge,” *New Yorker*, April 26, 1993, at 65. See also Vednita Nelson, “Prostitution: Where Racism and Sexism Intersect,” 1 *Mich. J. Gender & L.* 81, 83 (1993) (concluding that “[r]acism makes Black women and girls especially vulnerable to sexual exploitation and keeps them trapped in the sex industry.”).

82 See, e.g., Spec. Comm., *Pornography & Prostitution in Canada*, 347 (“On the prairies . . . most of the prostitutes are young native women.”); Andrea Krüsi et al., “Negotiating Safety and Sexual Risk Reduction with Clients in Unsanctioned Safer Indoor Sex Work Environments: A Qualitative Study,” *Am. J. Pub. Health* 102, no. 6 (2012): 1155 (finding 30 of 39 in a sample living in a Vancouver public housing project for prostituted persons that sanctioned indoor prostitution “were of Aboriginal ancestry”); Melissa Farley, Jacqueline Lynne, & Ann J. Cotton, “Prostitution in Vancouver: Violence and the Colonization of First Nations Women,” *Transcultural Psychiatry* 42 (2005): 242 (finding 52% of 100 prostituted women of First Nations Aboriginal descent, despite First Nations comprising only 1.7–7% of Vancouver population); Cecilia Benoit et al., “In search of a Healing Place: Aboriginal Women in Vancouver’s Downtown Eastside,” *Social Sci. & Med.* 56, no. 4 (2003): 824 (citing studies estimating that 70% of prostituted persons in Vancouver Downtown Eastside are Aboriginal women); Cherry Kingsley & Melanie Mark, *Sacred Lives: National Aboriginal Consultation Project* (British Columbia: Save the Children Canada, 2010), 4, 8, archived at <http://perma.cc/S97R-4PA2> (noting that Aboriginal children and youth comprise over 90% of “visible sex trade” in some Canadian areas where Aboriginal population is less than 10%); Julie Cool, *Prostitution in Canada: An Overview* (Ottawa: Parl. Info. & Res. Service, 2004), 3 & n.5, archived at <http://perma.cc/AH29-G7FF> (citing Conseil du statut de la femme, *La prostitution: Profession ou exploitation? Une réflexion à poursuivre* (Québec: Gouvernement du Québec, 2002), 69) (noting an overrepresentation of First Nations Aboriginal and ethnic minority women in Montréal prostitution); Leonard Cler-Cunningham & Christine Christenson, “Studying Violence to Stop It: Canadian Research on Violence Against Women in Vancouver’s Street Level Sex Trade,” *Res. For Sex Work* 4 (June, 2001): 26, archived at <http://perma.cc/PVN8-DC36> (finding that 31% in a sample of 184 prostituted women on the Vancouver “street-level” were First Nations Aboriginal women).

83 See, e.g., Andrea Di Nicola & Paolo Ruspini, “Learning from Clients,” in *Prostitution and Human Trafficking: Focus on Clients*, ed. A. Di Nicola et al. (New York: Springer, 2009), 231–32 (“[S]triking is the shared . . . awareness [among tricks] of exploitation and the related neutralization techniques. . . . ‘No, you don’t know. Of course I don’t ask for the residence permit. . . . I have nothing to do with it.’ (Dutch Client) ‘If I could differentiate [between forced and voluntary, DZ/RS], it would probably not influence my choice. . . . It is totally wrong of course.’ (Dutch Client)”) (brackets in original); Martin A. Monto, “Female Prostitution, Customers, and Violence,” *Violence Against Women* 10, no. 2 (2004): 177 (stating about tricks that “though they may not acknowledge their part in the system, many are aware that prostitutes are victimized in the course of their activities.”).

84 Melissa Farley et al., “Attitudes and Social Characteristics of Men Who Buy Sex in Scotland,” *Psychological Trauma: Theory, Research, Practice, and Policy* 3, no. 4 (2011): 372–73, 376.

85 Melissa Farley et al., “Comparing Sex Buyers with Men Who Don’t Buy Sex” (paper presented at the Annual Conference of Psychologists for Social Responsibility, Boston, MA, July 15, 2011), 22–23, archived at <http://perma.cc/LX9L-2VK2>; Durchslag & Goswami, *Interviews With Chicago Men*, 20–23; Farley, Bindel & Golding, *Men Who Buy Sex [in London]*, 14–16.

86 See above notes 58–59 and accompanying text.

87 Corita R. Grudzen et al., “Pathways to Health Risk Exposure in Adult Film Performers,” *J. Urban Health: Bulletin of the New York Academy of Medicine* 86, no.1 (2008): 73. Further citations in text.

88 See, e.g., Silbert & Pines, “Child Abuse as Antecedent,” 408 (noting that prostituted persons have a low confidence in professionals, authorities, and others, which causes difficulties in interview situations); cf. Jody Raphael & Deborah L. Shapiro, “Reply to Weitzer,” *Violence Against Women* 11, no. 7 (2005): 967; SOU 1995:15 *Könshandeln* [government report series] p. 144 (Swed.). For a more extensive discussion of the problems, see Max Waltman, “Assessing Evidence, Arguments, and Inequality in *Bedford v. Canada*,” 37 *Harvard J. Law & Gender* 459, 480–82 (2014); Waltman, *Politics of Legal Challenges*, 76–78.

89 Dawn Whittaker & Graham Hart, “Research Note: Managing Risks; the Social Organisation of Indoor Sex Work,” *Soc. of Health & Illness* 18, no. 3 (1996): 404–05. For a more in-depth analysis of various inconsequent and ambiguous statements in Whittaker and Hart’s article, as well as what other research has shown about the effects of legal prostitution, see Waltman, “Assessing Evidence in *Bedford*,” 474–90.

90 For example, in brothels with legal license in Nevada, researchers encountered various incidents and conditions during interviews suggesting that prostituted women there were under strong pressures not to reveal information to outsiders that could cast the brothels in negative light. Farley, “Legal Brothel Prostitution in Nevada,” 23–24; cf. Lenore Kuo, *Prostitution Policy: Revolutionizing Practice Through a Gendered Perspective* (New York: NY Univ. Press, 2002), PDF e-book, 84 (noting that all prostituted persons in Nevada legal brothels Kuo interviewed seemed “more concerned with possible assault or abuse” by management than abuse by tricks). In Canada, their Supreme Court already in 1992 recognized that pimps’ threats make prostituted persons unlikely to testify

about mistreatment. *R. v. Downey* [1992] 2 S.C.R. 10, 36–39, 90 D.L.R. (4th) 449 (Can.); cf. Royal Canadian Mounted Police, *Human Trafficking in Canada* (Ottawa: RCMP, 2010), 38–39, archived at <http://perma.cc/JJM7-XJN5> (discussing witness intimidation and difficulties to get prostituted persons to speak on record against their traffickers).

91 See, e.g., *Final Report Att’y General’s Comm.*, ed. McManus, 233–35; *In Harm’s Way: The Pornography Civil Rights Hearings*, ed. Catharine A. MacKinnon & Andrea Dworkin (Cambridge, MA: Harvard Univ. Press, 1997), *passim* (containing transcripts and information from several different state and local public hearings during the 1980s and 1990s about pornography and the sex industry).

92 SOU 1995:15 Könshandeln [government report series] p. 96–97 (Swed.).

93 The Minneapolis Hearing on Proposed Ordinance Sec 1., to add Minneapolis City Code, Minn., Chapter 7, Government Operations Committee Sess. I; Monday, Dec. 12, 1983, 1:30 P.M. (testimony of Linda Marchiano), *transcribed in In Harm’s Way*, ed. Dworkin & MacKinnon, 60–65; see also “Exhibit 10: Nat Laurendi, Polygraph Examination of Linda Lovelace, November 8, 1979” (lie detector test and analysis), *submitted to the Minneapolis City Council*, Dec. 12–13, 1983 (“exhibit 10”), *copy in In Harm’s Way*, ed. Dworkin & MacKinnon, 205–213; cf. Linda Lovelace, *Ordeal: An Autobiography*, with Mike McGrady (Secaucus, NJ: Citadel Press, 1980).

94 The Minneapolis Hearings Dec. 12, 1983, 1:30 P.M., *above* note 93, at 62 (testimony of Linda Marchiano).

95 *Final Report Att’y General’s Comm.*, ed. McManus, 204 & n. 790 (quoting from Washington D.C., Hearing, Vol. I., pp. 179–82).

96 Jody Raphael & Deborah L. Shapiro, “Violence in Indoor and Outdoor Prostitution Venues,” *Violence Against Women* 10, no. 2 (2004): 134–35.

97 Mimi H. Silbert & Ayala M. Pines, “Occupational Hazards of Street Prostitutes,” *Crim. Just. Behav.* 8, no. 4 (1981): 397.

98 Hunter, “Prostitution Is Cruelty,” 93–94.

99 According to the American Psychiatric Association (APA), PTSD may, inter alia, result from the following: “Exposure to actual or threatened death, serious injury, or sexual violence in one (or more) of the following ways: (1) directly experiencing the traumatic event(s); (2) witnessing, in person, the event(s) as it occurred to others; (3) learning that the traumatic event(s) occurred to a close family member or close friend [if violent or accidental]; (4) experiencing repeated or extreme exposure to aversive details of the traumatic event(s) . . . [media exposure does not count, unless work related].” American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. (Washington, DC: Am. Psychiatric Assoc., 2013), 271.

100 Farley et al., “Prostitution in Nine Countries,” 44–48, 56. On sampling, see *ibid.*, 37–39.

101 Farley, “Renting an Organ for Ten Minutes,” 146.

102 *Ibid.*, 146, 422 n.298.

103 When events in their lives triggered reminders of past trauma the prostituted women with experience from pornography reported statistically significant higher levels of emotional distress compared to those without experience from pornography production. Farley, “Legal Brothel Prostitution in Nevada,” 37 ($r = .392, p = .009, n = 43$).

104 For the Mexican part of the study, where alternative statistical analysis was made, see Farley et al., “Nine Countries,” 49. For the Swizz study, see Wulf Rössler et al., “The Mental Health of Female Sex Workers,” *Acta Psychiatrica Scandinavica* 122 (2010): 143–52, particularly 150. For the Korean study, see Hyunjung Choi et al., “Posttraumatic Stress Disorder (PTSD) and Disorders of Extreme Stress (DESNOS) Symptoms Following Prostitution and Childhood Abuse,” *Violence Against Women* 15, no. 8 (2009): 935–36, 942, 945–46. For the Canadian study, see Bagley & Young, “Juvenile Prostitution & Child Abuse,” 21–23; tbls.7. In the comparison with the control group, as distinguished from the analysis of exclusively prostitution survivors, the variable “practiced prostitution” was used instead of “months in prostitution.”

105 Farley et al., “Prostitution in Nine Countries,” 51, 56.

106 See, e.g., Catharine A. MacKinnon, *Sex Equality*, 2nd ed., Univ. Casebook Series (New York: Foundation Press, 2007), 1250 (citing Elizabeth Fry Society of Toronto, *Streetwork Outreach with Adult Female Prostitutes: Final Report* (1987), 12–13 (finding approximately 90% of women drawn from street prostitution indicated they wanted to escape)); cf. Farley, “Legal Brothel Prostitution in Nevada,” 23–24, 29 (finding that 81% of the 45 respondents in legal brothels said they wished to leave prostitution during interviews, despite that many were subject to surveillance by listening devices and responded in whispers as they were under strong pressures not to reveal information that “reflected badly” on the brothels to outsiders).

107 See, e.g., Benjamin Wallace, “The Geek-Kings of Smut,” *New York Magazine*, February 7, 2011 (Lexis) (interviewing an internet entrepreneur within the pornography industry: “Pretty much all the porn labeled ‘gonzo’ and ‘reality’ these days is a put-on,’ [Mr. Farrell] Timlake insists. In the Dancing Bear series, a male stripper wearing an enormous bear head performs for a bachelorette party until several fairly respectable-looking women suddenly lose control and start fellating him. ‘That stuff looks pretty real,’ he says. ‘It

takes a minute, but where are there roomfuls of women willing to have sex with a guy?' Watch a few of them, and you'll notice the same women reappearing. Another series, Dare Dorm, claims to pay real college kids for tapes of campus orgies, but Timlake isn't buying it. 'I can always tell, because most college kids can't afford as many tattoos as those people have.'").

108 Chyng Sun et al., "A Comparison of Male and Female Directors in Popular Pornography: What Happens When Women are at the Helm?" *Psychol. Women Q.* 32, no. 3 (2008): 317–21.

109 James V.P. Check & Ted H. Guloien, "Reported Proclivity for Coercive Sex Following Repeated Exposure to Sexually Violent Pornography, Nonviolent Dehumanizing Pornography, and Erotica," in *Pornography: Research Advances and Policy Considerations*, ed. Dolf Zillmann & Jennings Bryant (Hillsdale, NJ: Lawrence Erlbaum, 1989), 163.

110 Bridges et al., "Aggression in Pornography," 1077.

111 See Waltman, *Politics of Legal Challenges*, 73–75, for a summary of some of the knowledge of male performers.

112 See, e.g., Grudzen et al., "Health Risk in Adult Film," 69–77.

113 See Waltman, *Politics of Legal Challenges*, 73–75, for a shorter analysis of existing knowledge.

114 See, e.g., Abellsson & Hulusjö, *I sexualitetens gränstrakter*, 15,

115 Priebe & Svedin, "Unga, sex och internet", 38–39 (summarizing several studies of sex purchasing in the Nordic countries that have been conducted during the first decade of the new millennium).

116 Cf. Carl Göran Svedin et al., *Prostitution i Sverige: Huvudrapport; Kartläggning och utvärdering av prostitutionsgruppernas insatser samt erfarenheter och attityder i befolkningen [Prostitution in Sweden: Primary Report; Mapping and Evaluation of the Prostitution Units Efforts, Experiences, and Attitudes in the Population]* (Linköping Univ. Electronic Press, 2012), 17, <http://liu.diva-portal.org/smash/get/diva2:506410/FULLTEXT01.pdf> (noting that large population studies cannot reach the most vulnerable groups who, among other things, receive treatment at specialized clinics).

117 See above notes 88–90 and accompanying text.

118 James D. Griffith et al., "Pornography Actresses: An Assessment of the Damaged Goods Hypothesis," *J. Sex Res.* 50, no.7 (2013): 621–32. Further citations in text.

119 See, e.g., Molly Hennessy-Fiske, "Porn Health Clinic Closed: L.A. County Shuts AIM Because It Has No Transfer Agreement with a Hospital," *Los Angeles Times*, Dec. 10, 2010, AA p. 3 (Lexis); Molly Hennessy-Fiske, "Porn Clinic Denied State License: AIM Was Told One Was Needed to Continue Operating; For Now, the Facility's Still Open," *Los Angeles Times*, Dec. 9, 2010, AA p. 3 (Lexis); Molly Hennessy-Fiske & Rong-Gong Lin II, "Porn Clinic Criticized for its Handling of HIV case: The Valley Facility Cites Privacy Rules, but Critics See a Lack of Cooperation," *Los Angeles Times*, Oct. 15, 2010, AA, at 1 (Lexis).

120 For a more detailed analysis of the study with regard to method problems and its credibility, see Waltman, *Politics of Legal Challenges*, 76–83.

121 For a more detailed analysis and account of different organizations, see Waltman, *Politics of Legal Challenges*, 83–86.

122 See, e.g., PRIS (Prostituted Persons' Revenge In Society), "Goals," [Nätverketpris.se](http://www.nätverketpris.se/goals.html), accessed November 15, 2015, <http://www.nätverketpris.se/goals.html>; cf. Waltman, *Politics of Legal Challenges*, 86 (enumerating organizations abroad with similar goals).

123 See, e.g., Norman Blaikie, *Designing Social Research: The Logic of Anticipation* (Cambridge, UK: Polity Press, 2000), 262–70.

124 See, e.g., *Final Report of the Attorney General's Commission on Pornography*, ed. Michael J. McManus (Nashville, TN: Rutledge Hill Press, 1986), 246–90 (discussing studies from the 1970s to the mid-1980s); Statens Offentliga Utredningar [SOU] 1969:38 Yttrandefrihetens gränser: sårande av tukt och sedlighet; brott mot trosfrid [The limits of Freedom of Expression: Offending Discipline and Morality; Offense Against Freedom of Religion] [government report series] *passim* (mentioning few social science studies at the time of publication); cf. Catharine A. MacKinnon, *Sex Equality*, 2nd ed., Univ. Casebook Series (New York: Foundation Press, 2007), 1369–71 (discussing early studies).

125 For examples on the methodology and design of different types of psychological exposure-experiments inquiring into general aggressive tendencies, see Max Waltman, *The Politics of Legal Challenges to Pornography: Canada, Sweden, and the United States*. Stockholm Studies in Politics 160 (Ph.D. diss., Stockholm University, 2014), 99–101, available at <http://ssrn.com/abstract=2539998>.

126 For a more detailed account and analysis of the studies that are cited in this section and below, and which through various methods and measurement instruments inquired into what type of attitudes and predispositions that statistically predicted sexual aggression, see Waltman, *Politics of Legal Challenges*, 93–98.

127 See, e.g., Mary P. Koss et al., "Nonstranger Sexual Aggression: A Discriminant Analysis of the Psychological Characteristics of Undetected Offenders," *Sex Roles* 12 (1985): 983–85, 989; Neil M. Malamuth, "Predictors of Naturalistic Sexual Aggression," *J. Pers. & Soc. Psychol.* 50, no. 5 (1986): 955–57, 959; Neil M. Malamuth, Mary P. Koss et al., "The Characteristics of Aggressors Against Women: Testing a Model Using a National Sample of College Students," *J. Consult. Clin. Psychol.* 59, no. 5 (1991): 673, 676–77.

128 See, e.g., John Briere and Neil M. Malamuth, "Self-Reported Likelihood of Sexually Aggressive Behavior: Attitudinal versus Sexual Explanations," *J. Res. Pers.* 17, no. 3 (1983): 318–22; Neil M. Malamuth, "Rape Proclivity among Males," *J. Social Issues* 37, no. 4 (1981): 140; Todd Tieger, "Self-Rated Likelihood of Raping and the Social Perception of Rape," *J. Res. Pers.* 15, no. 2 (1981): 152 tbl.1, 154–56; Neil M. Malamuth, Scott Haber, & Seymour Feshbach, "Testing Hypotheses Regarding Rape: Exposure to Sexual Violence, Sex Differences, and the 'Normality' of Rapists," *J. Res. Pers.* 14, no. 1 (1980): 130–31 & tbl.4, 134–35; Neil M. Malamuth and James V. P. Check, "Penile Tumescence and Perceptual Responses to Rape as a Function of Victim's Perceived Reactions," *J. Applied Soc. Psychol.* 10, no. 6 (1980): 540–41 & tbl.3, 544–45.

129 Neil M. Malamuth, "Predicting Laboratory Aggression against Female and Male Targets: Implications for Sexual Aggression," *J. Res. Pers.* 22, no. 4 (1988): 487–89 (also containing data on self-reported aggression); Neil M. Malamuth, "Factors Associated with Rape as Predictors of Laboratory Aggression Against Women," *J. Pers. & Soc. Psychol.* 45, no. 2 (1983): 439–40; Neil M. Malamuth, "Aggression against Women: Cultural and Individual Causes," in *Pornography and Sexual Aggression*, ed. Neil M. Malamuth & Edward Donnerstein (Orlando: Academic Press, 1984), 36 (summarizing studies).

130 See Malamuth, "Aggression against Women," 25–26 & fig.1.1 (summarizing studies); Malamuth, "Rape Proclivity," 145–47 & 148 fig.1 (summarizing studies).

131 See, e.g., Diana Scully & Joseph Marolla, "Convicted Rapists' Vocabulary of Motive: Excuses and Justifications," *Social Problems* 31, no. 5 (1984): 534–37; Mike Allen, David D'Alessio, & Tara M. Emmers-Sommer, "Reactions of Criminal Sexual Offenders to Pornography: A Meta Analytic Summary," in *Comm. Yearbook* 22, ed. Michael E. Roloff (Thousand Oaks, CA: SAGE, 1999), 154–56; see also Malamuth, "Rape Proclivity," 142–43 (citing and summarizing studies). Similar meta-analysis has been made on studies that used audiotaped rape presentations, producing similar results. See Martin L. Lalumière & Vernon L. Quinsey, "The Discriminability of Rapists from Non-Sex Offenders Using Phallometric Measures: A Meta-Analysis," *Crim. Just. Behav.* 21, no. 1 (1994): 150–75; Gordon C. Nagayama Hall, Denise D. Shondrick, & Richard Hirschman, "The Role of Sexual Arousal in Sexually Aggressive Behavior: A Meta-Analysis," *J. Consult. Clin. Psychol.* 61 (1993): 1091–95. There are, however, some disagreements among researchers regarding the level of validity in the latter category of studies. Compare Jan Looman & W. L. Marshall, "Sexual Arousal in Rapists," *Crim. Just. Behav.* 32, no. 4 (2005): 367–389, and Jan Looman, "Correction to Looman and Marshall 2005," *Crim. Just. Behav.* 33, no. 4 (2006): 565–67, with Martin L. Lalumière & Marnie E. Rice, "The Validity of Phallometric Assessment with Rapists: Comments on Looman & Marshall (2005)," *Sexual Abuse* 19, no. 1 (2007): 61–68, and Jan Looman, "Response to Lalumière and Rice: Further Comments on Looman & Marshall (2005)," *Sexual Abuse* 19, no. 1 (2007): 69–72.

132 See, e.g., James V.P. Check & Ted H. Guloien, "Reported Proclivity for Coercive Sex Following Repeated Exposure to Sexually Violent Pornography, Nonviolent Dehumanizing Pornography, and Erotica," in *Pornography: Research Advances and Policy Considerations*, ed. Dolf Zillmann & Jennings Bryant (Hillsdale, NJ: Lawrence Erlbaum, 1989), 159–84 (319 male nonstudents, 117 male students); Dolf Zillmann & Jennings Bryant "Effects of Prolonged Consumption of Pornography on Family Values," *J. Fam. Issues.* 9, no. 4 (1988): 531–35 (80 nonstudents, 80 students); Dolf Zillmann & Jennings Bryant, "Shifting Preferences in Pornography Consumption," *Comm. Res.* 13, no. 4 (1986): 563–66 (80 nonstudents, 80 studenter);

133 *Final Report Att'n General*, ed. McManus, 281.

134 For an explanation of wording (prostituted person/woman/man), see above chapter 1, note 6.

135 As explained in one research article, "[t]he combination of a stringent alpha (typically .05 or less) and small sample sizes leads to insufficient statistical power to distinguish small or medium-sized effects from the null. Often, confusion in the primary research literature turns out to be an artifact of Type II error." Mike Allen, Keri Brezgel, & Dave D'Alessio, "A Meta-Analysis Summarizing the Effects of Pornography II: Aggression After Exposure," *Hum. Comm. Res.* 22, no. 2 (1995): 265 (citation omitted); cf. Mike Allen et al., "Exposure to Pornography and Acceptance of Rape Myths," *J. Comm.* 45, no. 1 (1995): 12 (meta-analysis); Allen, D'Alessio, & Emmers-Sommer, "Offenders: A Meta Analytic Summary," 146–47.

136 See, e.g., Thomas D. Cook & Laura C. Leviton, "Reviewing the Literature: A Comparison of Traditional Methods with Meta-Analysis," *J. Pers.* 48, no. 4 (1980): 449–72 passim.

137 See, e.g., Tim Levine, Kelli J. Asada, & Chris Carpenter, "Sample Sizes and Effect Sizes are Negatively Correlated in Meta-Analyses: Evidence and Implications of a Publication Bias Against NonSignificant Findings," *Comm. Monographs* 76, no. 3 (2009): 286–302

138 For a more extensive discussion, see Waltman, *Politics of Legal Challenges*, 93 & n.361.

139 See, e.g., Gert Martin Hald, Neil Malamuth, & Carlin Yuen, "Pornography and Attitudes Supporting Violence Against Women: Revisiting the Relationship in Nonexperimental Studies," *Aggr. Behav.* 36, no. 1 (2010): 16; cf. Marije Stoltenborgh et al., "A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World," *Child Maltreatment* 16, no.2 (2011): 84.

- 140 Cf. Hald, Malamuth, & Yuen, "Pornography & ASV, Nonexperimental Studies [Meta]," 16; *see also* Allen et al., "Exposure & Rape Myths [Meta]," 12. A *moderating* variable is usually posited when there are unexpected "weak or inconsistent" relations between independent and dependent variables, such as if the correlation between pornography and aggression holds more for one male sub-population than for others. Cf. Reuben M. Baron and David A. Kenny, "The Moderator-Mediator Variable Distinction in Social Psychological research: Conceptual, Strategic, and Statistical Considerations," *J. Pers. & Soc. Psychol.* 51, no. 6 (1986): 1178. The concept of a *mediating* variable also exist, by which is meant an intermediary variable that in the most extreme cases may entirely eliminate the effect of an independent variable. *Ibid.*, 1176. Statistical tests may control for how much independent effect can be attributed to the independent and the moderating or mediating variables respectively. *See ibid.*, 1175 (describing tests and citing literature).
- 141 Cf. Allen, D'Alessio & Brezgel, "Aggression after Exposure [Meta]," 268.
- 142 *Ibid.*, 276. A more recent exception that confirms prior aggression research was as a study of dart throwing decisions where images of human faces provided potential targets. *See* Dong-ouk Yang and Gahyun Youn, "Effects of Exposure to Pornography on Male Aggressive Behavioral Tendencies," *Open Psychol. J.* 5 (2012): 1–10.
- 143 Edward Donnerstein & John Hallam, "Facilitating Effects of Erotica on Aggression Against Women," *J. Pers. & Soc. Psychol.* 36, no. 11 (1978): 1270 (citing studies); Edward Donnerstein, "Pornography: Its Effect on Violence against Women," in *Pornography & Sexual Aggression*, ed. Malamuth & Donnerstein, 56 (citing studies).
- 144 Donnerstein & Hallam, "Facilitating Effects on Aggression," 1270–77.
- 145 *See* Waltman, *Politics of Legal Challenges*, 122–29 (analyzing naturalistic studies with battered women at shelters, prostituted women, and male sex purchasers); *cf. ibid.*, 64–67 (analyzing sources documenting aggression and abuse by sex purchasers and pimps against prostituted persons in various situations in the sex industry, including pornography production).
- 146 Dolf Zillman, James L. Hoyt, & Kenneth D. Day, "Strength and Duration of the Effect of Aggressive, Violent, and Erotic Communications on Subsequent Aggressive Behavior," *Comm. Res.* 1, no. 3 (1974): 286–306
- 147 *Ibid.*, 298–99.
- 148 Edward Donnerstein & Leonard Berkowitz, "Victim Reactions in Aggressive Erotic Films as a Factor in Violence Against Women," *J. Pers. & Soc. Psychol.* 41, no. 4 (1981): 713. Further citations in text.
- 149 Allen, D'Alessio & Brezgel, "Aggression after Exposure [Meta]," 271. Further citations in text.
- 150 Cf. Cook & Leviton, "Traditional Methods & Meta-Analysis," 458, who implies that such a too heterogeneous meta-analysis would amount to comparing "apples and oranges."
- 151 For an explanation of the concept of moderators, *see above* note 140.
- 152 Factors such as gender, provocations, media (film, photography, or written pornography), and degree of sexual arousal did admittedly show statistically significant associations, but their correlations with aggression were *heterogeneous*. Allen, D'Alessio & Brezgel, "Aggression after Exposure [Meta]," 269–73.
- 153 This category was defined by the researchers as "nudity (a single person depicted with minimal or a complete lack of clothing but not engaged in a sexual activity)." *Ibid.*, 267. Some experiments in this category used pictures from publications such as *Playboy* or *Penthouse*. *See, e.g.*, John Ramirez, Jennings Bryant, & Dolf Zillman, "Effects of Erotica on Retaliatory Behavior as a Function of Level of Prior Provocation," *J. Pers. & Soc. Psychol.* 43, no. 5 (1982): 974; Edward Donnerstein, Marcia Donnerstein, & Ronald Evans, "Erotic Stimuli and Aggression: Facilitation or Inhibition," *J. Pers. & Soc. Psychol.* 32, no. 2 (1975): 239. For the other studies included in the meta-analysis, *see* Allen, D'Alessio & Brezgel, "Aggression after Exposure [Meta]," 270.
- 154 Donnerstein, Donnerstein, & Evans, "Erotic Stimuli and Aggression," 242.
- 155 *Ibid.*
- 156 Kyra Lanis & Katherine Covell, "Images of Women in Advertisements: Effects on Attitudes Related to Sexual Aggression," *Sex Roles* 32, no. 9/10 (1995): 639–49; Nathalie J. MacKay & Katherine Covell, "The Impact of Women in Advertisements on Attitudes Toward Women," *Sex Roles* 36, no. 9/10 (1997): 573–83; Michael A. Milburn, Roxanne Mather, & Sheree D. Conrad, "The Effects of Viewing R-rated Movie Scenes That Objectify Women on Perceptions of Date Rape," *Sex Roles* 43, no. 9/10 (2000): 645–64.
- 157 For a more comprehensive interpretation and discussion of the experiments with semi and full nude pictures, *see* Waltman, *Politics of Legal Challenges*, 106–09.
- 158 Martha R. Burt, "Cultural Myths and Supports for Rape," *J. Pers. & Soc. Psychol.* 38, no. 2 (1980): 217–18, 222–23.
- 159 *Ibid.*; *cf.* Malamuth, "Aggression against Women," 24 (exemplifying rape myths).

160 Allen et al., “Exposure & Rape Myths [Meta],” 17–18 (the complete citation is found in note 135 above). Further citations in text.

161 See, for instance, an article from 2013 that attempts to provide an analytical literature review, but already in its abstract claims that only experiments with violent pornography has shown aggressive effects, despite that meta-analyses made in 1995 (see above) patently showed contrary. William A. Fisher et al., “Pornography, Sex Crime, and Paraphilia,” *Curr. Psychiatry Rep.* 15, no.6 (2013): 362. The article’s authors later admit that other studies, e.g., nonexperimental naturalistic survey studies, suggest a sexually aggressive association with nonviolent pornography, but the authors claim that a viable explanation for the association is missing, *ibid.*, 365, which the review below shows is an incorrect claim.

162 See Dolf Zillmann & James B. Weaver, “Pornography and Men’s Callousness Toward Women,” in *Pornography: Research Advances and Policy Considerations*, ed. Zillmann & Bryant, 109–15.

163 Kenneth E. Leonard & Stuart P. Taylor, “Exposure to Pornography, Permissive and Nonpermissive Cues, and Male Aggression Toward Females,” *Motivation & Emotion* 7, no. 3 (1983): 293–94.

164 *Ibid.*, 294–98.

165 Zillman & Weaver, “Men’s Callousness Toward Women,” 114; *cf.* Leonard and Taylor, “Pornography, Permissive & Nonpermissive Cues,” 291–93, 297–99.

166 Zillman & Weaver, “Men’s Callousness Toward Women,” 114.

167 The experiment is reported in Zillman & Weaver, “Men’s Callousness Toward Women,” 115–21. Further citation in text.

168 Zillmann & Bryant “Effects of Prolonged Consumption,” 531–38.

169 Dolf Zillmann & Jennings Bryant, “Pornography, Sexual Callousness, and the Trivialization of Rape,” *J. Comm.* 32, no. 4 (1982): 17 tbl.1.

170 *Ibid.*, 17 tbl.3

171 *Ibid.*, 17–18. For a more detailed explanation of this part in the experiment, see Waltman, *Politics of Legal Challenges*, 105 & n.408.

172 R. v. Wagner, [1985] CarswellAlta 35 ¶¶ 58–60, 36 Alta. L.R. (2d) 301 (Q.B.) (Westlaw), *aff’d* [1986] CarswellAlta 26, 69 A.R. 78 (C.A.), *leave to appeal refused* [1986] CarswellAlta 1148, 50 C.R. (3d) 175n, 26 C.C.C. (3d) 242n (S.C.C.). (Can.).

173 *Wagner*, [1985] CarswellAlta 35 ¶¶ 63–64.

174 *Wagner*, [1985] CarswellAlta 35 ¶ 62.

175 Check & Guloien, “Violent, Nonviolent Pornography, and Erotica,” 163. Further citations in text.

176 Allen et al., “Exposure & Rape Myths [Meta],” 18–19 (the full citation is found in note 135 above).

177 Allen et al. refers to a prior publication (“Check 1985, Experiment I”) where the same data that Check & Guloien reported 1989 is found. See Allen et al., “Exposure & Rape Myths,” 14 tbl.2, 17 tbl.3.

178 Allen et al., “Exposure & Rape Myths [Meta],” 18–19.

179 Zillmann & Weaver, “Men’s Callousness Toward Women,” 120.

180 Neil M. Malamuth, Tamara Addison, & Mary Koss, “Pornography and Sexual Aggression: Are There Reliable Effects and Can We understand Them?,” *Ann. Rev. Sex Res.* 11 (2000): 61–63. The more precise methods and sampling procedures are described in detail in Mary P. Koss, Christine A. Gidycz, & Nadine Wisniewski, “The Scope of Rape: Incidence and Prevalence of Sexual Aggression and Victimization in a National Sample of Higher Education Students,” *J. Consult. Clin. Psychol.* 55, no. 2 (1987): 162–70.

181 Neil M. Malamuth, Gert Martin Hald, & Mary Koss, “Pornography, Individual Differences in Risk and Men’s Acceptance of Violence Against Women in a Representative Sample,” *Sex Roles* 66, no. 7–8 (2012): 431. This study builds on the same data as that from the year 2000, but it investigates the association between pornography use and attitudes instead, not aggression.

182 Vanessa Vega & Neil M. Malamuth, “Predicting Sexual Aggression: The Role of Pornography in the Context of General and Specific Risk Factors,” *Aggr. Behav.* 33, no. 2 (2007): 105.

183 See, e.g., Patricia Logan Greene & Kelly Cue Davis, “Latent Profiles of Risk Among a Community Sample of Men: Implications for Sexual Aggression,” *J. Interpers. Viol.* 26, n. 7 (2011): 1472–74; Antonia Abbey et al., “Cross-Sectional Predictors of Sexual Assault Perpetration in a Community Sample of Single African American and Caucasian Men,” *Aggr. Behav.* 32, no. 1 (2006): 63; Antonio

Fuertes Martín et al., "The Involvement in Sexual Coercive Behaviors of Spanish College Men: Prevalence and Risk Factors," *J. Interpers. Viol.* 20, no. 7 (2005): 886; Gordon C. Nagayama Hall et al., "Ethnicity, Culture, and Sexual Aggression: Risk and Protective Factors," *J. Consult. Clin. Psychol.* 73, no. 5 (2005): 836; Sandy Lim & Rick Howard, "Antecedents of Sexual and Non-Sexual Aggression in Young Singaporean Men," *Pers. & Ind. Differences* 25, no. 6 (1998): 1174–76; see also Antonia Abbey, Angela J. Jacques-Tiura, & James M. LeBreton, "Risk Factors for Sexual Aggression in Young Men: An Expansion of the Confluence Model," *Aggr. Behav.* 37, no. 5 (2011): 450–64.

184 See Koss, Gidycz, & Wisniewski, "Scope of Rape," 165 & 167 tbl.3 (presenting the wordings in the survey questionnaire that were used to measure sexual aggressions). Further citations in text.

185 See Diana Scully and Joseph Marolla, "Convicted Rapists' Vocabulary of Motive: Excuses and Justifications," *Social Problems* 31, no. 5 (1984): 534–36 (eliciting several interview responses from rapists suggesting beliefs that women's "no" tend to mean "yes," and/or that those victimized enjoyed it).

186 Vega & Malamuth, "Predicting Sexual Aggression" (see above note 182 for the complete citation).

187 Ibid., 109; Malamuth, Addison & Koss, "Pornography & Sexual Aggression," 63.

188 Leslie L. Crossman, "Date Rape and Sexual Aggression by College Males: Incidence and the Involvement of Impulsivity, Anger, Hostility, Psychopathology, Peer Influence and Pornography Use" (PhD diss., Texas A & M Univ., 1994), iii-iv (abstract).

189 Crossman, "Date Rape," cited in Malamuth, Addison & Koss, "Pornography & Sexual Aggression," 49.

190 Scot B. Boeringer, "Pornography and Sexual Aggression: Associations of Violent and Nonviolent Depictions with Rape and Rape Proclivity," *Deviant Behav.* 15, no. 3 (1994): 289–304.

191 See Malamuth, Addison & Koss, "Pornography & Sexual Aggression," 49–51 (commenting Scot Boeringer's study).

192 See above notes 126-131 and accompanying text.

193 Hald, Malamuth, & Yuen, "Pornography & ASV, Nonexperimental Studies [Meta]" (for the complete citation, see above note 139). Further citations in text.

194 These criteria were the following: (1) the definition of pornographic materials followed what is the norm within the research; (2) a valid indicator of ASV was used; (3) the studies offered sufficient statistical information to measure the association between consumption and ASV; and (4) the data came from a non-convicted sample since "the veridicality and validity of self-reports" from convicted offenders had been questioned by "various researchers." Ibid., 16 (citing studies). The meta-analysis excluded data with female participants (except for a fraction of 10 women in one study) since research had shown gender to be a variable that affects the pornography's effects and the purpose was to inquire its effects on men's violence against women more precisely (to include its effect on women had required a double analysis). Ibid.

195 John D. Foubert, Matthew W. Brosi, & R. Sean Bannon, "Pornography Viewing among Fraternity Men: Effects on Bystander Intervention, Rape Myth Acceptance and Behavioral Intent to Commit Sexual Assault," *Sexual Addiction & Compulsivity* 18, no. 4 (2011): 227. Further citation in text.

196 Malamuth, Hald & Koss, "Pornography, Risk & Acceptance of Violence," 427–39 (for the complete citation, see above note 181).

197 Ibid., 433.

198 Hald, Malamuth, & Yuen, "Pornography & ASV, Nonexperimental Studies [Meta]," 18.

199 Malamuth, Hald & Koss, "Pornography, Risk & Acceptance of Violence," 431.

200 See Vega & Malamuth, "Predicting Sexual Aggression" 107 (using the scales Acceptance of Interpersonal Violence (AIV), Rape Myth Acceptance (RMA), and Adversarial Sexual Beliefs (ASB) to measure the HM moderator); Malamuth, Koss et al., "Characteristics of Aggressors," 673 (using ASB to measure HM); Malamuth, Hald, & Koss, "Pornography, Risk & Acceptance of Violence," 432 (using AIV, RMA, and ASB to measure the dependent variable ASV).

201 Malamuth, Hald & Koss, "Pornography, Risk & Acceptance of Violence," 432.

202 *Negative Masculinity* (NM) measures traits such as arrogance, boastfulness, egoism, greed, cynicism, self-interestedness, hostility, and dictatorial attitudes. See Janet T. Spence, Robert L. Helmreich, & Carole K. Holahan, "Negative and Positive Components of Psychological Masculinity and Femininity and Their Relationships to Self-Reports of Neurotic and Acting Out Behaviors," *J. Pers. & Soc. Psychol.* 37, no. 10 (1979): 1675–76. The concept of NM can be measured by the degree of adherence to statements such as "most people are out for themselves and I don't trust them very much." Malamuth, Hald & Koss, "Pornography, Risk & Acceptance of Violence," 432. Yet all three scales indicating ASV in the 2012 study, *ibid.*, 432, also measure similar hostility such as adherence to

statements like “[i]n a dating relationship a woman is largely out to take advantage of a man” (ASB), “People today should . . . use ‘an eye for an eye and a tooth for a tooth’ as a rule for living” (AIV), “If a girl engages in necking or petting and she lets things get out of hand, it is her own fault if her partner forces sex on her” (RMA). Burt, “Cultural Myths & Rape,” 222–23. Likewise, Hostility Toward Women (HTW) can be measured by adherence to undesirable hostility attitudes such as “I feel upset even by slight criticism by a woman,” or, inversely, “I rarely become suspicious with women who are more friendly than I anticipate.” Malamuth, Hald & Koss, “Pornography, Risk & Acceptance of Violence,” 432. Not coincidentally, very similar characteristics are included in ASV: “[w]omen are usually sweet until they’ve caught a man, but then they let their true self show” (ASB); “[s]ometimes the only way a man can get a cold woman turned on is to use force” (AIV); and “[a] woman who is stuck-up and thinks she is too good to talk to guys on the street deserves to be taught a lesson” (RMA). Burt, “Cultural Myths & Rape,” 222–23.

203 Malamuth, Hald & Koss, “Pornography, Risk & Acceptance of Violence,” 434–36.

204 Cf. Malamuth, Addison & Koss, “Pornography & Sexual Aggression,” 77.

205 Malamuth, Hald & Koss, “Pornography, Risk & Acceptance of Violence,” 435–36.

206 *Ibid.*, 435–36 tbl.2 & fig.1.

207 Catherine A. Simmons, Peter Lehmann & Shannon Collier-Tenison, “Linking Male Use of the Sex Industry to Controlling Behaviors in Violent Relationships: An Exploratory Analysis,” *Violence Against Women* 14, no. 4 (2008): 410. Further citations in text.

208 By contrast to the statistically significant differences regarding sexual violence, physical or emotional violence did not show any significant differences. *Ibid.*, 410–11. In this case, the study distinguishes itself in comparison with the more general population studies discussed above, where also nonsexual aggression against women usually exhibited a statistically “positive” association with pornography use. For a more detailed account of the data in those studies, see Waltman, *Politics of Legal Challenges*, 109–15. However, the population at women’s shelters is likely much more exposed to aggression than the average population is. Thus, more is likely necessary for pornography to produce any statistical differences (i.e., there could be a statistical ceiling effect). Precisely therefore, perhaps, the breakthrough in the shelter study’s statistical association between pornography and *sexual violence* is all the more telling, since it confirms the association in other more general population studies *despite* that its sample is comprised of women particularly vulnerable to abuse.

209 Janet Hinson Shope, “When Words Are Not Enough: The Search for the Effect of Pornography on Abused Women,” *Violence Against Women* 10, no. 1 (2004): 61. Further citations in text.

210 Elizabeth Cramer et al., “Violent Pornography and Abuse of Women: Theory to Practice,” *Violence & Victims* 13, no. 4 (1998): 319–32. Further citations in text.

211 The Massachusetts Hearing on Proposed H. Bill 5194, “An Act to Protect the Civil Rights of Women and Children,” Boston, MA, March 16, 1992 (submission of Gail Kielson, Boston, licensed MSW at Necessities/Necesidades (shelter), MA.), *reprinted in In Harm’s Way: The Pornography Civil Rights Hearings*, ed. Catharine A. MacKinnon & Andrea Dworkin (Cambridge, MA: Harvard Univ. Press, 1997), 423–24.

212 Letter submitted to the Minneapolis City Council from Flora Colao, C.S.W., Nov. 10, 1983 (“exhibit 13”), Hearing on Proposed Ordinance Sec 1., to add Minneapolis City Code, Minn., Chapter 7, Minneapolis City Council, Dec. 12–13, *reprinted in In Harm’s Way*, ed. MacKinnon & Dworkin, 214–15.

213 The Minneapolis Hearing on Proposed Ordinance Sec 1., to add Minneapolis City Code, Minn., Chapter 7, Government Operations Committee Sess. III; Tuesday, Dec. 13, 1983, 5:00 P.M. (testimonies of Gary Kaplan and Richelle Lee, sex offender treatment specialists; Charlotte Kasl and Sue Schafer, survivors therapist), *transcribed in In Harm’s Way*, ed. MacKinnon & Dworkin, 165–68, 171–72, 172–75, 179; The Indianapolis Hearing to consider an Amendment to Chapter XVI of the Code, Human Relations and Equal Opportunity, Indianapolis City-Council Administration Committee, April 16, 1984, 4 P.M. (testimony of Detective Terry Hall, Ind. Police Dept.), *transcribed in In Harm’s Way*, ed. MacKinnon & Dworkin, 279–80; The Massachusetts Hearing on Proposed H. Bill 5194, *above* note 211, at 411–12 (testimony of Betsy Warrior, founder of Battered Women’s Directory; Boston, MA); *Final Report Att’n General*, ed. McManus, 208–09 & n.817 (quoting letter from Harriet Tubman Women’s Shelter to Commission (1986)).

214 See, e.g., Diana E.H. Russell, *Sexual Exploitation: Rape, Child Sexual Abuse, and Workplace Harassment* (Beverly Hills CA: Sage, 1984), 125–26; *Final Report Att’n General*, ed. McManus, 197–223 passim; Minneapolis Hearing, *above* note 213, at 108–14, 145–47; Massachusetts Hearing, *above* note 213, at 370–425 passim; Minneapolis Press Conference, July 25, 1984, *reprinted in In Harm’s Way*, ed. Dworkin and MacKinnon, 260–65.

215 Mimi H. Silbert & Ayala M. Pines, “Entrance Into Prostitution,” *Youth & Soc’y* 13, no. 4 (1982): 474.

216 Mimi H. Silbert & Ayala M. Pines, “Pornography and Sexual Abuse of Women,” *Sex Roles* 10, no. 11–12 (1984): 863–65. Further citations in text.

217 Melissa Farley et al., “Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disor-

der,” in *Prostitution, Trafficking, and Traumatic Stress*, ed. Melissa Farley (Binghamton, NY: Haworth Maltreatment & Trauma Press, 2003), 44 & 46, archived at <http://perma.cc/V7FM-YXKQ>.

218 SOU 1995:15 Könshandeln: Betänkande av 1993 års Prostitutionsutredning [government report series] p. 135 (Swed.).

219 See *In Harm's Way*, ed. Dworkin and MacKinnon, passim.

220 See, e.g., Brief on Behalf of Trudee Able-Peterson et al., Amici Curiae in Support of Defendant and Intervenor-Defendants, *Village Books v. City of Bellingham*, C88-1470D (W.D. Wash, 1989) (unreported), reprinted in Margaret A. Baldwin, “Pornography and the Traffic in Women,” 1 *Yale J. L. & Feminism* 111, 141–42 (1989) (quoting Minneapolis Public Hearings); *Final Report Att'n General*, ed. McManus, 204 (quoting public hearing in Washington, DC, where prostitution survivor testifies on being exploited in connection to conventions weekends in New York, where pornography films had first been shown to male audiences that then “often set the tone for the kinds of acts we were expected to perform”).

221 Minneapolis Hearing, *above* note 213, at 116 (testimony by T.S.).

222 Melissa Farley et al., “Attitudes and Social Characteristics of Men Who Buy Sex in Scotland,” *Psychological Trauma: Theory, Research, Practice, and Policy* 3, no. 4 (2011): 371 (on sampling), 375 (quote).

223 *Ibid.*, 374.

224 *Ibid.*, 374.

225 Rachel Durchslag & Samir Goswami, *Deconstructing The Demand for Prostitution: Preliminary Insights From Interviews With Chicago Men Who Purchase Sex* (Chicago: Chicago Alliance Against Sexual Exploitation, 2008), 12, archived at <http://perma.cc/5V4Q-PH32>.

226 *Ibid.*

227 *Ibid.*, 13.

228 Melissa Farley et al., “Comparing Sex Buyers with Men Who Do Not Buy Sex: New Data on Prostitution and Trafficking,” *J. Interpersonal Violence*, prepublished August 31, 2015, DOI:10.1177/0886260515600874; cf. Melissa Farley et al., “Comparing Sex Buyers with Men Who Don't Buy Sex” (paper presented at the Annual Conference of Psychologists for Social Responsibility, Boston, MA, July 15, 2011), archived at <http://perma.cc/LX9L-2VK2> (accounting more details).

229 Melissa Farley et al., “A Thorn in the Heart: Cambodian Men who Buy Sex” (paper presented at conference co-hosted by Cambodian Women's Crisis Center and Prostitution Research & Education, Phnom Penh, Cambodia, July 17, 2012), archived at <http://perma.cc/KU76-5FT5>.

230 Melissa Farley, Julie Bindel & Jacqueline M. Golding, *Men Who Buy Sex: Who They Buy and What They Know* (London: Eaves, 2009), archived at <http://perma.cc/QSU2-7AQV>.

231 Farley et al., “Cambodian Men who Buy Sex,” 25–26; Farley et al., “Sex Buyers [Boston]” (2011), 30–31.

232 Farley et al., “Sex Buyers [Boston]” (2011), 30 (“the people that I wanted to do it with didn't want to do it with me, so I started going to prostitutes”).

233 Farley et al., “Sex Buyers [Boston]” (2015), 13 (“Comments by sex buyers regarding why they bought sex included, ‘If my fiancée won't give me anal, I know someone who will.’”).

234 Farley et al., “Men Who Buy Sex in Scotland,” 374.

235 Martin A. Monto & Nick McRee, “A Comparison of the Male Customers of Female Street Prostitutes With National Samples of Men,” *Int'l J. Offender Therapy & Comp. Criminol.* 49, no. 5 (2005): 515 tbl.1, 520–21 & tbl.2, 523.

236 Farley et al., “Cambodian Men who Buy Sex,” 30. Further citations in text.

237 SOU 1995:15 Könshandeln, *supra* note 218, at 96–97.

238 Durchslag & Goswami, *Chicago Men Who Purchase Sex*, 13.

239 *Ibid.*, 11.

240 *Final Report Att'n General*, ed. McManus, 204 (citerar offentlig hearing i Washington, DC.).

241 Dean G. Kilpatrick, et al., *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study* (Charleston, SC: Nat'l Crime

Victims Res. & Treatment Center, 2007), 47–48 & tbl.41, *archived at* <http://perma.cc/56W9-44Z3>.

242 Larry Baron & Murray A. Straus, “Four Theories of Rape: A Macrosociological Analysis,” *Soc. Problems* 34, no. 5 (1987): 480; Joseph E. Scott & Loretta A. Schwalm, “Rape Rates and the Circulation Rates of Adult Magazines,” *J. Sex Res.* 24, no. 1 (1988): 245–46.

243 The fact that the proportion of African Americans in the population correlates with more reports of rape crimes does not mean that the actual prevalence is greater – it simply means that it is more common that crimes supposedly committed by African Americans than, e.g., white Americans, *are reported*. This may in part be due to several factors, also racism and poverty.

244 Baron & Straus, “Four Theories of Rape,” 477; Scott & Schwalm, “Rape & Circulation of Adult Magazines,” 244–45.

245 Baron & Straus, “Four Theories of Rape,” 472–77.

246 Scott & Schwalm, “Rape & Circulation of Adult Magazines,” 246.

247 *Ibid.*

248 Baron & Straus, “Four Theories of Rape,” 473.

249 See, e.g., Patricia Tjaden & Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women* (Washington, DC: Nat'l Inst. of Justice, 2000), 15 & passim, *archived at* <http://perma.cc/9WFU-8E9D>; Wesley G. Skogan, “A Review: The National Crime Survey Redesign,” *Publ. Opinion Quart.* 54, no. 2 (1990): 258; Kilpatrick et al., *Drug-facilitated, Incapacitated, & Forcible Rape*, 24–25.

250 Baron & Straus, “Four Theories of Rape,” 474–75 tbl.1; Scott & Schwalm, “Rape & Circulation of Adult Magazines,” 247 tbl.1.

251 See, e.g., Neil M. Malamuth & Eileen V. Pitpitan, “The Effects of Pornography Are Moderated by Men’s Sexual Aggression Risk,” *Pornography: Driving the Demand in International Sex Trafficking*, ed. David E. Guinn & Julie DiCaro (Los Angeles: Int'l Human Rights L. Inst., DePaul Univ., 2007), 140–42 (discussing problems with over-determination and cross-cultural comparisons in aggregated consumption effects studies); cf. *Final Report Att'n General*, ed. McManus, 281 (noting the difficulties in controlling for alternative factors that influence behavior in social reality where “numerous factors interact and jointly impinge on the individual”).

252 Milton Diamond, Eva Jozifkova, & Peter Weiss, “Pornography and Sex Crimes in the Czech Republic,” *Arch. Sex. Behav.* 40, no. 5 (2011): 1039–40. Further citations in text.

253 See Waltman, *Politics of Legal Challenges*, 134–38.

254 Cf. Malamuth & Pitpitan, “Effects of Pornography,” 141–42 (discussing over-determination in aggregated studies).

255 A research report from a U.S. national center for victimology estimate in 2007 that 18% of all women in the United States have been raped, but only 18% reported the offense and that the reporting frequency has *not* increased between 1991 and 2005 despite common misperceptions to the contrary. Kilpatrick et al., *Drug-facilitated, Incapacitated, & Forcible Rape*, 56–58. Notably, the prevalence of the number of actual rape with physically coercive elements (*forcible rape*) appears to have increased by 27.3% per capita since 1991 (alcohol or drug-facilitated or incapacitated rapes that do not include physical coercion were not part of the statistics in 1991). *Ibid.*, 57. Regarding the reports, FBI’s statistics showed that 84,767 reports of *forcible rape* in particular were made in 2010 in all states, but only 20,088 of these led to an arrest of a suspected offender. Federal Bureau of Investigation, U.S. Dep’t of Justice, *Crime in the United States, 2010 Uniform Crime Reports* (2011), *archived at* <http://perma.cc/Z3WT-HEL5> (tbl.1, reports); <http://perma.cc/NGS9-SMMH> (tbl.29, arrests). Moreover, alcohol and drug-facilitated/incapacitated rapes (without physical force) exhibits about half the frequency of reports as forcible rape does. Kilpatrick et al., *Drug-facilitated, Incapacitated, & Forcible Rape*, 59–60. In other words, an arrest on rape charges in 2010 is estimated to have happened considerably less than in 4% of all actual rape cases in America, and furthermore, not all arrests result in a conviction. American estimations such as the above have been made earlier, for instance, in the U.S. Senate Committee on the Judiciary where a majority report in 1993 concluded that 98% of those subjected to rape (*only forcible rape*) never receive justice. Majority Staff of Senate Comm. on the Judiciary, 103d Cong., *The Response to Rape: Detours on the Road to Equal Justice* (1993), 2, 11, 34–37 (with an introduction by Chairman Senator Joseph R. Biden Jr.). Similar figures are found in the research literature. See, e.g., Jane Kim, “Taking Rape Seriously: Rape as Slavery,” 35 *Harv. J. of Gender & Law* 263, 264–65 (2012); Joan McGregor, “Introduction to Philosophical Issues in Rape Law,” 11 *Law & Phil.* 1, 2 (1992); cf. Mary P. Koss et al., *No Safe Haven: Male Violence Against Women at Home, at Work, and in the Community* (Am. Psychol. Ass’n, 1994), 167–71 tbl. 1 (reviewing prevalence rates in the literature).

256 *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

257 See Max Waltman, *The Politics of Legal Challenges to Pornography: Canada, Sweden, and the United States*. Stockholm Studies in Politics 160 (PhD Diss., Stockholm Univ., 2014), 392–440, *available at* <http://ssrn.com/abstract=2539998>.

258 See *ibid.*, chapters 10–12. Also chapters 6–9 are partially relevant.

259 A sometimes occurring objection to use prostitution laws is to refer to existing legislation against, e.g., rape or sexual coercion, as an alternative to target production harms with. However, the same problems that precipitated the Swedish sex purchase law reoccur there: vulnerable persons who accept payment for sex due to coercive circumstances cannot use rape laws and similar provisions in the Criminal Code at present since those laws require some form of physical violence, coercion, threat, or such, and often entail high burdens of proof. Pornography production, as well as other prostitution, therefore needs a particular specialized legislation.

260 18 U.S.C. § 2259(b)(1) (2014) (orders the defendant “to pay . . . the full amount of the victim’s losses” due to child pornography).

261 See *Paroline v. United States*, 134 S. Ct. 1710, 1727 (2014) (5-4) (holding that consumers are liable to pay damages under provision 18 U.S.C. § 2259 of an amount “that comports with the defendant’s relative role in the causal process that underlies the victim’s general losses. The amount would not be severe . . . given the nature of the causal connection between the conduct of a possessor . . . and the entirety of the victim’s general losses from the trade in her images, which are the product of the acts of thousands of offenders. It would not, however, be a token or nominal amount”). The reason the consumers were considered liable for damages was partly the mental health problems the exploited children reported, e.g., the feeling of being haunted by the continuous dissemination of images of the abuse and not knowing who had seen them. Cf. Emily Bazelon, “Money Is No Cure,” *New York Times Magazine*, Jan. 27, 2013, M22 (Lexis).

262 For a more extensive discussion about the liability for the production harms of pornography with regard to producers, distributors, and consumers, see, e.g., Waltman, *Politics of Legal Challenges*, 291–93.

263 According to the Code of Judicial Procedure (RB), for indictments falling under the institution of public prosecution, if a private claim can be made, the prosecutor has the responsibility for identifying any injured parties in the summons application. RB 45:4. Additionally, under public prosecution the prosecutor, “upon request of the injured person, shall also prepare and present the injured person’s action in conjunction with the prosecution, provided that no major inconvenience will result and that the claim is not manifestly devoid of merit.” RB 22:2. Moreover, it should be noted that a victim’s legal counsel shall be appointed in cases under the Criminal Code’s (BrB) chapter 4 (where a sentence can include imprisonment) and chapter 6. See 1 § Lag om målsägandebiträde [Act on Victim’s Legal Counsel] (SFS 1988:609). In the Criminal Code chapter 4 and 6, the provisions against sex purchasing, procuring, and human trafficking are located.

264 RB 22:1 (“An action against the suspect or a third person for a private claim in consequence of an offence may be conducted in conjunction with the prosecution of the offence. When the private claim is not entertained in conjunction with the prosecution, an action shall be instituted in the manner prescribed for civil actions.”).

265 See *above* ch. 2, notes 99-104 and accompanying text.

266 Brottsbalken [BrB] 6:12(1).

267 BrB 6:12(3).

268 For an explanation of choice of wordings (prostituted person/woman/man), see *above* chap. 1, note 6.

269 Christian Diesen, “Målsägande?” [Injured Person?], in *Festskrift till Lars Heuman*, ed. Jan Kleineman, Peter Westberg & Stephan Carlsson (Stockholm: Jure Förlag, 2008), 140.

270 Statens Offentliga Utredningar [SOU] 1995:15 Könshandeln: Betänkande av 1993 års Prostitutionsutredning [government report series] p. 231 (Swed.). Further citations in text.

271 BrB 6:12(1).

272 Nytt Juridiskt Arkiv [NJA] [Weekly Law Reports] [Supreme Court] 1979-09-28 pp. 602–10 (reporting from all judicial instances).

273 *Id.* at 605 (HovR) [Ct. App.].

274 *Id.*

275 *Id.* at 605–06.

276 *Id.* at 606.

277 BrB 6:12(1).

278 Among other things, prostituted women exploited in pornography productions in legal brothels in Nevada reported that that pornography caused even stronger feelings of stigma since it entailed a permanent documentation of their prostitution on internet and in pornography stores, which in turn was said to make it more difficult for them to leave the sex industry. Melissa Farley, “Legal Brothel Prostitution in Nevada,” in *Prostitution and Trafficking in Nevada: Making the Connections*, ed. M. Farley (San Francisco:

Prostitution Research & Education, 2007), 37. In chapter 2 above, it was also shown that the prostituted persons who had also been exploited in pornography production had significantly higher PTSD than prostituted persons who had not been exploited in pornography, and that pornography was the only moderating or independent variable that was possible to statistically distinguish when others such as rape, childhood abuse, etc., were controlled for. Melissa Farley, "Renting an Organ for ten Minutes: What Tricks Tell Us about Prostitution, Pornography, and Trafficking," in *Pornography: Driving the Demand in International Sex Trafficking*, ed. David E. Guinn & Julie DiCaro (Los Angeles: Captive Daughter's Media & DePaul University, 2007), 146 & 422 n.298. See further above chap. 2, notes 99–104 and accompanying text.

279 See, e.g., Diesen, "Målsägande?", 140, who several years ago noted that case law had, since a while, entailed that prostituted persons were given injured person's rights in procuring cases under gross as well as normal procuring, where the exploitation had entailed more than a "promotion" of prostitution. However, Diesen's claim that a similar injured person's right in sex purchase cases "appears to contradict the preparatory works," *ibid.*, 140, is no longer correct. The preparatory works have been updated "on the matter." In conjunction with the raise of penalty 2011, an unambiguous statement was made that a prostituted person can be an injured person in relation to the sex purchaser and that the issue of an injured person "must be tried and decided in each individual case." Proposition [Prop.] 2010/11:77 Skärpt straff för köp av sexuell tjänst [government bill] p. 15 (Swed.) (emphasis added). The government followed the head of inquiry Anna Skarhed's position that the Code of Judicial Procedure's concept of an injured person is central for the assessment, which defines the injured person as the one "against whom the offence was committed or who was affronted or harmed by it." Rättegångsbalken [RB] [Code of Judicial Procedure] 20:8(4) (Swed.); cf. SOU 2010:49 Förbud mot köp av sexuell tjänst: En utvärdering 1999–2008 [government report series] p. 247–51 (Swed.). The head of inquiry noted that even while the offense of sex purchasing may be perceived as targeting the public as well as the individual who is exploited, it was stated that "[a]nyone who is exploited by someone who has bought a sexual service occupies a special position relative to others who felt themselves violated by the offence," and that sex purchasing should not be considered "to be of such petty character leading to the conclusions that there is no injured person." SOU 2010:49, *supra*, at 250 (footnote citations excluded). The empirical research in chapter 2 above show compellingly that prostituted persons suffer great harm by being bought for sex, e.g., with high levels of PTSD, and that it is partially caused by prostitution as such, while sex purchasers are well aware of these persons general "position of vulnerability." The injured person concept's last requirement of being "harmed by it" thus appears fulfilled more than well for most persons who are found in regular prostitution – a group that in practice wants to leave the prostitution and therefore would have great benefit of being able, as an injured person, to claim damages as well as other crime victim support. Cf. *above* chap. 2. Prior interpretation in case law according to which sex purchasing was "rather viewed as an offense against public order," NJA 2001-07-09 pp. 527, 532 (HovR) [Ct. App.], *summarily affirmed*, p. 533 (HD) [Supreme Ct.] (Swed.), no longer follows the legislator's intent. As the head of inquiry, Anna Skarhed, clarified prior to the raise of penalty, sex purchasing is "more of an offense against person than an offense against public order, even if its background has elements of both." SOU 2010:49, *supra*, at 81. For a more in-depth analysis of this issue, see Max Waltman, "Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential," *Women's Studies Int'l F.* 34 (2011): 463–68; cf. Max Waltman, "Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law," *Michigan J. Int'l Law* 33 (2011): 153–57.

280 Rättegångsbalken [RB] [Code of Judicial Procedure] 20:8(4) (Swed.). Further citation to RB in text.

281 Farley, "Renting an Organ," 146 & 422 n.298; Farley, "Legal Brothel Prostitution in Nevada," 37. See further above chap. 2, notes 99–104 and accompanying text.

282 See above chap. 2, notes 99–104 and accompanying text.

283 It may be noted here, e.g., that among the 854 prostituted persons in nine countries, among whom 49% had been used in pornography and exhibited statistically significantly higher PTSD than those who had not been used in pornography, Farley, "Renting an Organ," 146 & 422 n.298, as many as 89% of all respondents (even those who had not been used in pornography) reported explicitly that most of all they wanted to leave prostitution. See Melissa Farley et al., "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder," in *Prostitution, Trafficking, and Traumatic Stress*, ed. Melissa Farley (Binghamton, NY: Haworth Maltreatment & Trauma Press, 2003), 51, 56, archived at <http://perma.cc/V7FM-YXKQ>.

284 See above chap. 2, notes 83–86 and accompanying text.

285 Skadeståndslag [SkadestL] [Tort Liability Act] 2:3 (Swed.).

286 See, e.g., Jeff Sallot, "Legal Victory Bittersweet GOOD; BAD NEWS: The Supreme Court's Pornography Ruling Is Hailed As a Stunning Advance. But a Program That Helped Make It Possible Has Been Cut," *Globe and Mail*, Feb. 29, 1992, A6 (Westlaw); cf. Waltman, *Politics of Legal Challenges*, 401–40 (discussing how the government program "Court Challenges Program," which during a few years provided support to historically disadvantaged groups to run constitutional litigation to develop case law in a direction promoting substantive social equality in Canada, may have affected the legal development with regard to pornography laws).

287 SOU 1995:15 Könshandeln [gov't report series] p. 231 (Swed.).

288 See Waltman, *Politics of Legal Challenges*, 446–49.

289 SOU 2001:14 Sexualbrotten: Ett ökat skydd för den sexuella integriteten och angränsande frågor [government report series] pp.

411–15 (Swed.). Further citation in text. The discussion is preceded by an unreflective routine account of case law and freedom of expression scholarship. *Ibid.*, 403–10.

290 SOU 1999:30 Yttrandefrihet och konkurrensen [government report series] p. 219 (Swed.).

291 *Id.*

292 *Id.* at 206–22; *see also* SOU 1980:28 Massmediekoncentration: Lagförslag och motiv [government report series] p. 93 (Swed.).

293 SOU 1980:28 Massmediekoncentration, 92–94.

294 SOU 1999:30 Yttrandefrihet och konkurrensen, 218.

295 SOU 2001:14 Sexualbrotten [gov't report series] 412 n.14 (Swed.) (citing Prop. 1979/80:83 om ändring i konkurslagen [gov't bill] pp. 184–86 (Swed.) (reprinting statement by the parliamentary Council on Legislation)).

296 Konkurslagen [KonkL] [Bankruptcy Act] 6:1 (Swed.).

297 Prop. 1979/80:83 om ändring i konkurslagen [government bill] p. 191 (Swed.). Further citations in text.

298 Stockholms tingsrätt [Stockholm Dist. Ct.], 2009-08-31, B3870-09, *slip op.* at 3, 7–8 (Swed.).

299 *Id.* at 5.

300 *Id.* at 1, 9.

301 SOU 2010:49 Förbud mot köp av sexuell tjänst: En utvärdering 1999–2008 [gov't report series] p. 23 (Swed.) (summary).

302 NJA [Supreme Court] 1999-05-19 pp. 275, 275–81 (B4575-98) (Swed.); *see also* *Pascalidou and Others v. Sweden*, App. no. 53970/00, Eur. Ct. H.R. (Feb. 11, 2003), *available at* <http://www.echr.coe.int> (HUDOC database).

303 Brottsbalken [BrB] [Criminal Code] 6:12(1) (Swed.).

304 Hovrätten över Skåne och Blekinge [Ct. App.] 2009-05-18, B452-09 (Swed.), *modifying* Malmö tingsrätt [Dist.Ct.] 2009-02-03, B6656-08 (Swed.). According to his own statement, the defendant had “many hours of film” recorded, which was confirmed by at least one of the female injured persons. Malmö tingsrätt, B6656-08, *slip op.* at 10, 18.

305 HovR Skåne & Blek., B452-09, *slip op.* at 26–27, 34–35.

306 *See above* chap. 2, pp. 14–15.

307 Malmö tingsrätt, B6656-08, *slip op.* at 18, 41.

308 *Id.* at 17–18, 41.

309 *Id.* at 17–18, 41.

310 NJA [Supreme Court] 1979-09-28 pp. 602, 608 (Swed.); *cf.* Prop. 1986/87:151 Om ändringar i tryckfrihetsförordningen m.m. [government bill] p. 21 (Swed.) (stating that the purpose of freedom of the press is also to protect presentations “characterized as pure entertainment”).

311 HovR Skåne & Blek., B452-09, *slip op.* at 14–15; Malmö tingsrätts dom, B6656-08, *slip op.* at 13, 40, 65.

312 Hovrätten för Västra Sverige [Ct. App.] 2009-05-15, B3766-08, *slip op.* at 5–6 (Swed.), *modifying* Varbergs tingsrätt [Dist Ct.] 2008-07-22, B2771-07 (Swed.).

313 HovR Västra Sverige, B3766-08, *slip op.* at 6.

314 Varbergs tingsrätt, B2771-07, *slip op.* domsbilaga [appendix] no. 1 at 3 (prosecutor's summons application).

315 NJA [Supreme Court] 1979-09-28 at 608; *cf.* Prop. 1986/87:151 at 21 (stating that the Constitution's Freedom of the Press Act protects presentations “characterized as pure entertainment”).

316 *See, e.g.*, Hovrätten för Västra Sverige [Ct. App.] 2011-04-15, B1607-11, *slip op.* at 8 (Swed.) (concluding that a film cannot be permanently deleted from a cell phone with certainty, thus forfeiting a seized cell phone that contained a film of a sexual offense); Svea hovrätt [Ct. App.] 2010-04-23, B5077-09 (Swed.), *aff'g* Södertälje tingsrätt [Dist. Ct.] 2009-05-19, B366-06, *slip op.* at 11, 15 & bilaga [appendix], handling 140, p. 3 (Swed.) (prosecutor's summons application with information about forfeiture of cell phone); Svea hovrätt [Ct. App.] 2009-08-11, B5284-09, *slip op.* at 2 (Swed.) (affirming forfeiture of seized cell phone but dismisses rape charges),

partially dismissing Södertörns tingsrätt [Dist. Ct.] 2009-06-05, B6371-09, *slip op.* at 6, 18 (Swed.) (the defendant charged for rape protesting unsuccessfully against forfeiture of cell phone, no particular legal grounds invoked); See also Svea hovrätt [Ct. App.] 2009-09-07, B6354-09 pp. 4–5 (Swed.), who forfeits a seized cell phone with a copy of a movie forfeited in another cell phone in a prior rape case against the same defendant, B5284-09 *supra*, *slip op.* at 2, despite objections that since the prior rape case was dismissed, the movie should be considered to be “of a noncriminal and private nature and that there is thus no legal grounds for forfeiture.” B6354-09, *supra*, *slip op.* at 4.

317 This definition and distinction of *ideology* in relation to law builds on Christine Sypnowich, “Law and Ideology,” in *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (2010), accessed December 9, 2014, <http://plato.stanford.edu/archives/fall2010/entries/law-ideology/>.

318 For a more extensive analysis of the Swedish freedom of press and expression regulations of pornography, see Waltman, *Politics of Legal Challenges*, chaps. 7, 9 & 12; cf. *ibid.*, chap. 8, on balancing regulative systems.

319 Tryckfrihetsordningen [TF] [Constitution] 1:1(2) (Swed.).

320 Waltman, *Politics of Legal Challenges*, 225–37, 449–55; see also Gunnar Persson, *Exklusivetsfrågan: Om förhållandet mellan tryckfrihet, yttrandefrihet och annan rätt [The Exclusivity Issue: On the Relationship between Freedom of the Press, Freedom of Expression, and Other Law]* (Stockholm: Norstedts Juridik, 2002).

321 See, e.g., Paul Brest & Ann Vandenberg, “Politics, Feminism, and the Constitution: The Anti-Pornography Movement in Minneapolis,” 39 *Stanford Law Rev.* 607, 609 (1987); Brief of the Neighborhood Pornography Task Force, *Amicus Curiae*, 322–23, in Support of Appellant Hudnut v. American Booksellers Ass’n, 771 F.2d 323 (7th Cir. 1985), reprinted in *In Harm’s Way: The Pornography Civil Rights Hearings*, ed. Catharine A. MacKinnon & Andrea Dworkin (Cambridge, MA: Harvard Univ. Press, 1997), 321–31; Alicia M. Turner, “Feminist Resistance: An Oral History of the Dworkin-MacKinnon Anti-Pornography Civil Rights Ordinance” (bachelor’s thesis, Kalamazoo College, 1997) (on file with Kalamazoo College, <https://cache.kzoo.edu/handle/10920/29011>).

322 Brest & Vandenberg, “Movement in Minneapolis,” 613–15.

323 *Ibid.*, 620.

324 *In Harm’s Way*, ed. MacKinnon & Dworkin, 39–268.

325 Brest & Vandenberg, “Movement in Minneapolis,” 644, 653.

326 Indianapolis, Ind. Code Ch. 16 § 16-1(a)(2) (1984), reprinted in *In Harm’s Way*, ed. MacKinnon & Dworkin, 438–57, partially archived at <http://perma.cc/X6CY-LGMH> (§§16:1–6), invalidated in *American Booksellers Ass’n v. Hudnut*, 771 F.2d 323 (7th Cir. 1985) (seventh federal circuit court of appeal).

327 Andrea Dworkin, “Beaver Talks,” in *Life and Death: Unapologetic Writings on the Continuing War Against Women* (New York: The Free Press, 1997), 87–91; cf. Turner, “Oral History of the Ordinance,” 30.

328 Ind. Code Ch. 16 § 16-3(q) (1984).

329 *R. v. Wagner*, [1985] CarswellAlta 35 ¶¶ 58–64, 36 Alta. L.R. (2d) 301 (Q.B.) (Westlaw), *aff’d* [1986] CarswellAlta 26, 69 A.R. 78 (C.A.), *leave to appeal refused* [1986] CarswellAlta 1148, 50 C.R. (3d) 175n, 26 C.C.C. (3d) 242n (S.C.C.) (Can.).

330 Kyra Lanis & Katherine Covell, “Images of Women in Advertisements: Effects on Attitudes Related to Sexual Aggression,” *Sex Roles* 32, no. 9/10 (1995): 639–49; Nathalie J. MacKay & Katherine Covell, “The Impact of Women in Advertisements on Attitudes Toward Women,” *Sex Roles* 36, no. 9/10 (1997): 573–83; Michael A. Milburn, Roxanne Mather, & Sheree D. Conrad, “The Effects of Viewing R-rated Movie Scenes That Objectify Women on Perceptions of Date Rape,” *Sex Roles* 43, no. 9/10 (2000): 645–64.

331 U.N. Econ. & Soc. Council [ECOSOC], “Preliminary Report of the Special Rapporteur on Violence Against Women,” ¶ 240, U.N. Doc. E/CN.4/1995/42 (Nov. 22, 1994) (*submitted by Radhika Coomaraswamy*) (“[Many] definitions fail to address the issue that most pornography represents a form of violence against women and that the evidence shows that it is directly causative of further violence against women. In this context the definition put forward by Andrea Dworkin and Catharine MacKinnon provided a major breakthrough . . .”).

332 *Miller v. California*, 413 U.S. 15, 24 (1972) (5-4) (citations omitted).

333 Kathleen E. Mahoney, “Destruction of Women’s Rights through Mass Media: Proliferation of Pornography,” in *Human Rights in the Twenty-First Century: A Global Challenge*, ed. Kathleen E. Mahoney and Paul Mahoney (Dordrecht Neth.: Martinus Nijhoff, 1993), 765.

334 Leif Silbersky & Carlösten Nordmark, *Såra Tukt och Sedlighet: En debattbok om pornografin* (Stockholm: Bokförlaget Prisma/RFSU, 1969), 26 (chapter written by Silbersky only).

- 335** Cf. Waltman, *Politics of Legal Challenges*, kap. 10–12.
- 336** For a more accessible presentation of the political grounds for the American civil rights antipornography ordinances in Minneapolis, Indianapolis, and in other places where they were introduced, see Andrea Dworkin & Catharine A. MacKinnon, *Pornography and Civil Rights: A New Day for Women's Equality* (Minneapolis: Organizing Against Pornography, 1988), available at <http://www.nostatusquo.com/ACLU/dworkin/other/ordinance/newday/TOC.htm>
- 337** Indianapolis, Ind. Code Ch. 16 § 16-3(g)(4)(1984).
- 338** § 16-3(g)(4)(a).
- 339** § 16-17(b).
- 340** *Id.*
- 341** § 16-3(g)(5).
- 342** § 16-17(a)(6).
- 343** § 16-3(g)(5)(a)(1–13).
- 344** § 16-3(g)(6).
- 345** § 16-17(a)(7).
- 346** *Robinson v. Jacksonville Shipyards*, 760 F. Supp. 1486, 1534 (M.D. Fla. 1991) (settled before appeal). For a description of the pornography that was documented at Robinson's workplace, see, e.g., *id.* at 1493–98.
- 347** Indianapolis, Ind. Code Ch. 16 § 16-3(g)(7).
- 348** § 16-17(g)(6).
- 349** *American Booksellers Ass'n v. Hudnut*, 598 F. Supp. 1316, 1318–20 (S.D. Ind. 1984), *aff'd* 771 F.2d 323 (7th Cir. 1985).
- 350** *American Booksellers Ass'n v. Hudnut*, 771 F.2d 323, 327 (7th Cir. 1985).
- 351** *American Booksellers Ass'n v. Hudnut*, 475 U.S. 1001 (1986) (6-3) (summarily affirmed, without opinion) (reporting a summary affirmation of lower courts without opinion, but noting that Chief Justice Burger, and justices Rehnquist and O'Connor diverged and “would note probable jurisdiction and set the case for oral argument”), *reh'g denied* 475 U.S. 1132 (1986) (denying petition for rehearing).
- 352** On summary judicial proceedings in this context, see Catharine A. MacKinnon, *Sex Equality*, 2nd ed., Univ. Casebook Series (New York: Foundation Press, 2007), 1395 (citing Robert L. Stern et al., *Supreme Court Practice*, 7th ed. (Washington, DC: Bureau of National Affairs, 1993), 215–21).
- 353** *Robinson v. Jacksonville Shipyards*, 760 F. Supp. 1486, 1535 (M.D. Fla. 1991) (citing *Roberts v. United States Jaycees*, 468 U.S. 609, 626 (1984); *Rotary Int'l v. Rotary Club of Duarte*, 481 U.S. 537, 549 (1987)).
- 354** See, e.g., *Citizens United v. FEC*, 130 S. Ct. 876, 898 (2010); *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606–07 (1982).
- 355** See, e.g., *above notes* 331–341 and accompanying text.
- 356** James Lindgren, “Defining Pornography,” 141 *Univ. Pennsylvania Law Rev.* 1153, 1208–16 (1993).
- 357** See *American Booksellers Ass'n v. Hudnut*, 771 F.2d 323, 324–26 (7th Cir. 1985).
- 358** *Id.* at 326.
- 359** *New York v. Ferber*, 458 U.S. 747, 747 (1982).
- 360** *United States v. O'Brien*, 391 U.S. 367, 377 (1968).
- 361** *Id.*
- 362** *Id.*
- 363** Compare *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 53 (1983) (upholding restrictions excluding rival union

from inter-school mail system, noting that “the reasonableness of the limitations . . . is also supported by the substantial alternative channels that remain open for union-teacher communication to take place”), *with* *City of Ladue v. Gilleo*, 512 U.S. 43, 57 (1994) (holding city ordinance prohibiting virtually all signs displayed on homeowner’s property was suppressing too much speech because, *inter alia*, for many people “a yard or window sign may have no practical substitute.” (citations omitted)).

364 *American Booksellers Ass’n v. Hudnut*, 771 F.2d 323, 330 (7th Cir. 1985).

365 *Id.* at 329–30.

366 See *above* chap. 2, notes 99–106 and accompanying text.

367 Convention to Suppress the Slave Trade and Slavery, art. 1(1), Sept. 25, 1926, 60 L.N.T.S. 253 (entered into force Mar. 9, 1927).

368 An early formulation of the standard *rational review* is found in the case *Mobile, Jackson & Kansas Railroad Co. v. Turnipseed*, 219 U.S. 35, 43 (1910) (“a legislative presumption . . . shall not be so unreasonable as to be a purely arbitrary mandate”). For a successful constitutional challenge to legislation under this standard, see *Romer v. Evans*, 517 U.S. 620, 635 (1996) (finding a state constitution amendment that preemptively invalidated all legislative, executive, or judicial action to prohibit discrimination against “homosexual, lesbian or bisexual orientation” did not “bear a rational relationship to a legitimate governmental purpose”); *Turner v. Fouche*, 396 U.S. 346, 363–364 (1970) (finding that requiring of members of county education board to own real estate did not serve a rational governmental interest, but amounted to invidious discrimination).

369 *Beauharnais v. Illinois*, 343 U.S. 250 (1952) (group libel); *United States v. Orito*, 413 U.S. 139 (1973) (obscenity); *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942) (insults and fighting words).

370 *American Booksellers Ass’n v. Hudnut*, 771 F.2d 323, 331–32 (7th Cir. 1985) (citations to law reviews omitted).

371 *Beauharnais v. Illinois*, 343 U.S. 250, 263 (1952).

372 *Id.* at 251.

373 *Id.* at 258.

374 *Id.* at 332.

375 See *Plessy v. Ferguson*, 163 U.S. 537, 544 (1896).

376 *Brown v. Board of Education*, 347 U.S. 483, 489 (1954).

377 *Brown*, 347 U.S. at 494 (quoting Kansas court without citation) (brackets in original).

378 *American Booksellers Ass’n v. Hudnut*, 771 F.2d 323, 329 (7th Cir. 1985).

379 This distinction of *ideology* in relation to *law* builds, as in the discussion above about the 1998 Sexual Crime Committee, on Sypnowich, “Law and Ideology.”

380 For a more extensive analysis, see, e.g., Waltman, *Politics of Legal Challenges* chaps. 7, 9, 10, & 12.

Appendix 1. Member survey of Unizon's shelters and centres

1. What type of shelter/centre are you? Choose one or more options.

- Women's shelter
- Young women's empowerment centre
- Youth support centre
- Centre for sexual assault
- Other

2. Give an estimate of the number of people who contacted you for support in 2014. Include conversations via email, telephone, chatlines, at the shelter or centre, in your accommodation, etc. Include accompanying children who were offered counselling conversations.

3. How many of those with whom you had contact during 2014 had experience of prostitution, i.e. had received payment* for sex or been sold for sex? Include both those who received payment for physical sexual services and those who received payment for sexual services performed over the telephone or internet, e.g. via a webcam. Estimate the number of individuals.

**Payment might be in the form of money, clothing, food, cosmetics, somewhere to live, goods, alcohol or drugs.*

4. As far as you know, how common were these different types of sex in return for payment among those you met in 2014 who had received payment for sex?

	No-one with this experience	Not common	Not very common	Quite common	Common	All had this experience
Physical sexual services (e.g. sexual intercourse, blow job)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual services via internet (e.g. webcam)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual services over the telephone ("telephone sex")	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participation in pornography (e.g. in porn films)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Striptease (e.g. at a strip club or private event)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify below, or leave this line blank)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Annat: _____

5. Which of the following people with experience of receiving payment for sex have you come into contact with during 2014? You can select more than one of the alternatives below.

- Women
- Girls/young girls (up to 18)
- Transgender individuals (women/girls, men/boys or individuals who identify themselves in other ways)
- Men
- Boys/young boys (up to 18)
- No-one

IMPORTANT: Which of the above groups did you most often have contact with regarding sex in return for payment?

6. If you have figures, state the number of people with experience of receiving payment for sex with whom you have had contact in 2014. If you do not have figures, either estimate the number or move on to the next question.

- Women
- Girls/young girls (up to 18)
- Transgender individuals (women/girls, men/boys or individuals who identify themselves in other ways)
- Men
- Boys/young boys (up to 18)

7. Describe up to three of the most common questions/needs for support among people who have received payment for sex.

8. How does your shelter/centre find out that the person seeking support has experience of receiving payment for sex? Select one or more of the alternatives below. If you never have come into contact with people who have experience of prostitution, move on to the next question.

- Experience of prostitution/receiving payment for sex is the main reason the person contacts the shelter/centre.
- The person contacts the shelter/centre because of another form of violence/exploitation.
- We always ask if the person seeking support has experience of prostitution/receiving payment for sex.
- Other, namely:

9. Do you receive questions/have conversations about pornography? Give up to three of the most common questions/needs for support in relation to pornography. This might be that the person seeking support has participated in pornographic acts, watches pornography or that a partner uses some form of pornography in acts of violence. If you do not have conversations about pornography, state this under 'Comments'.

10. Does your shelter/centre need training or other support to be able to help people who have received payment for sex? If so, please specify!

In this report we show how men's violence against women expresses itself in the pornography and prostitution industry. Using research, quantitative data and interviews we present a picture of the relationship between these phenomena, on both a societal and an individual level.

Part One of the report describes the work of the shelters and centres in their meetings with, primarily, women and girls who are victims of and in prostitution. The shelters and centres meet women who are forced to have sex with their husbands in order to clothe themselves and their children, girls in their last years of school who meet sex purchasers as a form of self-harming, women who sell sex in exchange for drugs or a roof over their heads and women who are victims of human trafficking. We want to present a picture of what prostitution is like in Sweden today, and we are sharing our knowledge and ideas with you who work with people in some way.

In Part Two, Max Waltman, PhD and lecturer in political sciences at the University of Stockholm, shows how the pornography industry contributes to violence and attitudes which support violence against women and why the pornography industry is an obstacle in the work for an equal society free from violence. He summarises the current knowledge and makes proposals for political solutions.



Unizon represents over 130 women's shelters, young women's empowerment centres and other forms of support which work for an equal society free from violence.

www.unizon.se