

REPORT OF THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

APPLICATION FOR SEX ESTABLISHMENT LICENCE
60 GOOSEGATE, HOCKLEY, NOTTINGHAM

1.0 SUMMARY

1.1 This report outlines an application for a Sex Establishment Licence. The applicant is Bright Light Leisure Ltd, 203 Parkers House, 48 Regent Street, Cambridge.

2.0 RECOMMENDATIONS

2.1 IT IS RECOMMENDED THAT the Committee determine the application having regard to the submission made by the applicant, the comments made by the consultees and the representations made by interested parties.

3.0 BACKGROUND

3.1 The application relates to premises on the fringe of the City's Lace Market area, which is a busy and growing part of the City that is popular with inner city residential developers. The area currently has a number of residents and also has a thriving commercial base that consists of both daytime shopping and late night leisure.

3.2 The premises are currently used as a general goods retail shop. A plan of the location of the premises is attached to this report. An application for a Sex Establishment was recently granted by the Council for nearby premises at 30-32 Goosegate.

4.0 PROPOSALS

4.1 The applicant has submitted an outline of his proposals to operate the shop including a substantial section of data and information in support of his application. This data and supporting information is available to the Committee at the meeting. The applicant has also advertised the application as required.

5.0 LOCATION

5.1 Members should have regard to the character of the relevant locality and the use to which any premises in the vicinity are put. The attached map illustrates the existing residential development in the area, together with those buildings for which planning permission for residential development exists. In addition, Members will be aware of notable premises in the vicinity; New College Nottingham, the National Ice Arena, Notts Careers Service, Notts County Council Youth shop and Megazone amongst them.

5.2 The premises have no identified schools in the vicinity. The premises are surrounded predominantly by retail properties including restaurants, bars and clothing outlets. There are a small number of flats opposite, and the surrounding streets contain a small proportion of residential accommodation. The immediate vicinity is predominantly retail.

6.0 STANDARD CONDITIONS APPLICABLE TO SEX ESTABLISHMENTS

1. No-one shall be admitted to the premises who is, or appears to be, under the age of 18.
2. The licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and present on the premises while they are open to the public.
3. No change from a sex shop to a sex cinema or vice versa may be made without prior consent in writing of the City Council.
4. There shall be maintained to the satisfaction of the City Council in all windows of the licensed premises a window display which shall not include any sex articles or other indecent matter.
5. No sex articles shall be so displayed within the premises as to be visible to passers by, whether the doors are open or closed.
6. For the purposes of Conditions 4 and 5 "sex article" has the meaning assigned to it in paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
7. No person under the age of 18 shall be employed on the premises.

7.0 LEGAL IMPLICATIONS

- 7.1 The Committee has a discretion as to whether to grant or renew a sex establishment licence. The Local Government (Miscellaneous Provisions) Act 1982 lays down specific provisions as to the grounds upon which a refusal can be made. The Act specifically prohibits the granting of a licence to:-
 - any person under the age of 18;
 - a person who has had a sex establishment licence revoked within the last 12 months;
 - a person who has not lived in the U.K for the 6 months prior to the application being made;
 - a company not incorporated in the U.K;
 - a person who has been refused a licence in the last 12 months, (either on initial grant or renewal,) in respect of the application premises;
- 7.2 The Committee can only refuse a licence on the following grounds:-
 - that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - that the grant or renewal of the licence would be inappropriate having regard –
 - i. to the character of the relevant locality; or
 - ii. to the use to which any premises in the vicinity are put;
 - iii. to the layout character or condition of the premises in respect of which the application is made. Particular regard should therefore be had to the above matter when considering the application.

8.0 FINANCIAL IMPLICATIONS

None

9.0 REPRESENTATIONS RECEIVED

- 9.1 Consultation has taken place with the relevant organisations and the comments of the Police, Director of Social Services, Fire Officer and Health and Safety Officer are attached in the appendices to this report.
- 9.2 Eleven letters of objection to the grant of the licence have been received and are available for the Committee at the meeting. The grounds raised by the objectors are that one such establishment exists already in the vicinity, the inappropriateness of the locality and the effect on local residents.
- 9.3 No letters in support of the application have been received.

10.0 EQUAL OPPORTUNITIES IMPLICATIONS

None

11.0 List of background papers other than published works or those disclosing confidential or exempt information

- Application dated 3 December 2002.
- Letters from the applicant dated 2 December 2002 plus plan and photographs, 6 December 2003, 6 January 2003, 7 January 2003, 22 February 2003.
- Data and information bundle 'Vital Statistics 2001 – The National Gay Men's Sex Survey, Area Sub-sample Data Report (August 2002), Trent Strategic Health Authority'.
- Memo from Health and Safety Officer dated 16 December 2002 plus photographs.
- Letter from Social Services received 18 December 2002.
- Memo from Planning Applications and Advice dated 18 December 2002.
- Letter from Notts Police dated 14 January 2003 plus attachments.
- Letter from Notts Fire service dated 23 December 2002.
- Memo from Trading Standards dated 20 December 2002.

12.0 CRIME & DISORDER IMPLICATIONS

Licensing for Sex Establishments is an opportunity for the City Council to work in partnership with the Police to reduce the risk of crime and disorder occurring both within and immediately outside licensed premises, having regard to the effect of the proposals on both customers and residents.

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BARRY HORNE DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES

Lawrence House, Talbot Street, Nottingham
Contact Officer: Tim Coulson, Service Manager – Food & Licensing
Telephone Number: 0115 915 6776
E-mail: general.licensing@nottinghamcity.gov.uk

Re: License Application – Sex Shops – 60 Goosegate, Nottingham

Nottingham City has a well-established multi-agency approach to tackle the Sexual Exploitation of Children. The partnership between City Council Departments, Nottinghamshire Police, Health and the Voluntary Organisations has won national recognition, influencing new Government guidance, for its work, particularly in relation to children involved in prostitution.

Nottingham has a defined, known "red light" or "vice area"; The partnership has worked hard to prevent children becoming involved in prostitution and established systems to identify and intervene early with those children at risk. Evaluation has shown that 85% of children identified over the last four years have successfully exited the lifestyle with a significant reduction seen in the "new" girls being involved. Local and national research has found that the majority of adult women involved in prostitution first became involved as children.

It is therefore hoped that the work with children will have a longer-term impact on the number of adult women 'working' in prostitution.

The City's community safety strategy has a section on adult prostitution. All agencies continue to work with the police to tackle related crimes including targeting kerb crawlers and pimps. National research would indicate a high correlation between prostitution and other crimes including drugs related and violent offences. Experience and research has shown that many adult women working in prostitution and other activities related to the "Sex Industry" are themselves vulnerable with the majority experiencing childhood abuse with many continuing to suffer violence in adult relationships.

Prostitution is one aspect of the "Sex Industry". Research and local experience indicates evidence of inter-relationships between different aspects. For example adults seeking to sexual exploit children, and vulnerable adults, through prostitution may also use indecent images in books, videos or on computer either to satisfy their own "needs" and/or as part of engaging and abusing others.

Some adults who sexually abuse children in their own families or communities are also found to use similar materials. The Area Child Protection Committees definition of Sexual Abuse includes the use of, and exposure to indecent images (pornography) as a form of sexual abuse of children.

Sue Gregory

Received 18.12.02. 95

Memo

Development and Environmental Services

Date: 16th December 2002

To: Janet Swain, Food and Licensing Section		Your Ref:
From: Gabrielle Pisani, Health and Safety Enforcement Section	Ext: 56756	My Ref:

Re – Application for Sex Establishment Licence, 60 Goosegate, Nottingham.

I write in response to your memo dated the 5th December 2002. I can confirm the following:

To the best of my knowledge, the poster advertising the Notice of Application has been on display for 28 days from the date of application. A visit made by myself on the 9th December 2002 can confirm when the poster was seen on display.

Photographs of the poster advertising the Notice of Application, with the date, time and my signature are provided.

I am not aware of any schools in the vicinity of Goosegate, Nottingham (although there is a college of further education on Stoney Street).

The premises known as 60 Goosegate, Nottingham is surrounded predominantly by retail premises, including restaurants, bars and clothing outlets.

There are a small number of flats on the opposite side of Goosegate, and the surrounding streets in the vicinity of the premises contain a small proportion of residential accommodation.

The premises is currently open and trading as a home videotape retail outlet and not operating as a sex shop. During my visit to the premises there were no sex items on display in the window or seen on the premises.

There is no 'lobby' entrance. If the application is successful a lobby area will have to be provided.

I hope the above information will be sufficient for your purposes. If you have any further queries please do not hesitate to contact me on 0115 9156756.


 Gabrielle Pisani
 Environmental Health Officer
 Health and Safety Enforcement Section



Awarded to Bereavement Services,
 Building Control, Food & Licensing,
 Health & Safety (Enforcement),
 Public Health, Road Safety &
 Trading Standards for excellence





Your Ref:
Our Ref: DB18E/5073/SD/TS
Please Ask For: Leading Firefighter S. Dunbar
Direct Line/Ext.: 143
Date: 23rd December 2002

City of Nottingham
Environmental Services
Lawrence House
Talbot Street
Nottingham
NG1 5NT

F.A.O: Janet Swain

**Nottinghamshire Fire and
Rescue Service**
Chief Fire Officer P Woods MSc MCGI MIFireE
Central Fire Station
Fire Safety Licensing Department,
Shakespeare Street
Nottingham,
NG1 4FB

Tel. 0115 9598758 Fax. 0115 948 0137

D24

Dear Madam,

REFERENCE: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PREMISES: 60 GOOSEGATE, NOTTINGHAM

I refer to the inspection of the above premises carried out as a result of the application for a Sex Establishment under the above Act.

I have to inform you that the Fire Authority is not yet satisfied that the fire precautions for the premises are such as may reasonably be required in connection with the use of the premises.

It is recommended that before the application for the above Licence is granted, the observations contained in the enclosed report should be implemented.

Yours faithfully

FIRE SAFETY OFFICER

Enc.



24/12/02
Stan let sent
- see 'contemp'

ARE YOU AND YOUR STAFF PREPARED?
For all your Fire Safety training needs contact the
Nottinghamshire Fire & Rescue Service



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NOTTINGHAMSHIRE FIRE & RESCUE SERVICE

LICENSING FIRE SAFETY REPORT

Legislation: Licensing Act 1982
Premises Name: Sex Establishment
Premises Address: 60 Goosegate
Nottingham
Reference: DB18E/5073

OBSERVATIONS:

MEANS OF ESCAPE

As indicated on the plan the basement should be used for storage only.

LIGHTING - EMERGENCY

The premises should be provided with a system of emergency lighting having a minimum duration of two hours. The system should be designed, installed, maintained and tested to British Standard 5266 : Part 1. However, certain areas may be relaxed to operate in the non-maintained mode subject to prior consultation with the Fire Authority.

It is recommended that both the emergency lighting and illuminated exit signs are installed by a competent person and a certificate of compliance to the current regulations be provided.

FIRE WARNING SYSTEM

The buildings fire alarm system should be extended to cover the retail and storage area at ground floor and basement levels.

The alarm should be audible throughout the premises with all doors closed. Account should be taken of all noises and background interference associated with the building's use.

The fire alarm installation should comply fully with the current British Standard BS 5839: Part 1 'Fire Detection and Alarm Systems in Buildings'.

NOTICES

A Fire Exit 'Pictogram' notice should be provided above the front door.

FIRE FIGHTING EQUIPMENT

Fire fighting extinguishers should be provided and sited to the relevant British Standard.

All portable fire extinguishers should have the following examinations:

- a) A regular inspection by the user to make sure that appliances are in their correct position and have not been discharged or lost pressure (extinguishers fitted with pressure indicator).
- b) An annual inspection, service and maintenance by a B.A.F.E. (British Approvals of Fire Equipment) registered engineers, in accordance with clauses 8 and 9 of current British standard 5306: Part 3.

STAFF TRAINING

All serving and newly appointed staff are to be trained in the action to be taken in case of fire and their duties with respect to the evacuation of the premises.

This should include:-

1. Location of exits.
2. Location and method of operation of extinguishers.
3. Location of fire alarm call points and main control panel.
4. Maintenance of fire precautions to prevent the spread of fire i.e. self closing doors.
5. Action to be taken on discovering a fire.
6. Action to be taken on hearing the fire alarm.
7. How to evacuate members of the public safely.

LOG BOOK

A log book is to be provided in which the following information, with dates, should be recorded:-

- a) Weekly test of fire alarm system
- b) Monthly test of emergency lighting
- c) Annual test of fire fighting equipment
- d) Monthly inspection and maintenance of all means of escape doors
- e) Regular fire instruction and training to all members of Committee, Stewards and Staff.

The log book **MUST** be readily available for inspection by the Fire Authority as and when required.

OUTSIDE CONTRACTORS

It is recommended that if any of the above items are to be put out to tender, then a copy of the plan and/or the report should be sent to all prospective contractors.

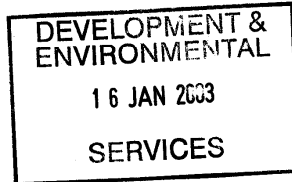


A Safer Nottinghamshire For All

VICE SQUAD
Nottinghamshire Police
Central Police Station
North Church Street
Nottingham NG1 4BH

Tel: 0115 967 2195
Fax: 0115 967 2198

Our Ref: IRW/HPC
14th January 2003



Mrs. J. Swain.
Development & Environmental Services Dept
Lawrence House
Talbot Street
Nottingham NG5 8PP

Dear Mrs. Swain,

**RE: APPLICATION FOR SEX ESTABLISHMENT LICENCES AT 60
GOOSE GATE, NOTTINGHAM.**

On behalf on the Police I would seek to object the Granting of this licence for the following reasons.

1. That the granting of such a licence would be inappropriate to the character of the area in which the premises is located . I refer to the evidence and arguments identified below.
2. That the granting of the licence would result in the number of sex establishments exceeding that number already considered appropriate by the council. (Nil may be an appropriate number)

I provide the following evidence to support my objections.

Nottingham has had an acknowledged 'vice' area for fifty years. This area is shown on the attached map, although as with any transient business, these boundaries are very fluid. Recent reports have suggested that prostitutes are working with in the City centre on Canal Street.



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CC
G.O.C
1/11

Nottingham's vice problem includes a large 'on-street' scene where female prostitutes walk along public streets soliciting males for the purpose of prostitution. These females have an age range from 14 years to 50 years. There are approximately 130 females on our current records, 50 of which are very active.

75% of these regular offenders have a class 'A' drug habit, which is either heroin or crack cocaine. It is not unusual for them to have a drug habit of at least £500 per week; some have in excess of £1000 per week. A single deal of crack cocaine or heroin in Nottingham costs £20.00. All of our prostitutes claim income support. They fund their drug habit solely from the proceeds of crime. A prostitute with a drug habit of £1000 will have to find 50 clients per week to fund her habit. Thus, despite a sharp rise in the frequency of sexually transmitted diseases over the last five years, these females are finding sufficient men in the area who are, for whatever reason, prepared to risk having sex with a total stranger.

Some of these women also suffer abuse from a partner/pimp in order to continue working; some are supplying their partner's drug habit, which may be as large as theirs. We have a number of children involved in prostitution and these are obviously abused by their paedophile customers and pimps who cause their prostitution.

This on-street prostitution generates in excess of 200 complaints per year from members of the public including schools and local businesses, to the Police Services. I am also aware of numerous complaints from residents to Members of Parliament and the Home Office.

The area also suffers from a very covert problem of young teenage boys being subjected to abuse through prostitution. Experience tells us that these boys also suffer drug and alcohol problems as well as becoming involved in high volume street crime.

Nottingham Anti-Vice Squad is continually working very hard with Social Services and Outreach teams to provide a safe environment for these abused women and children to recover from prostitution.

As has been evidenced, prostitution is also linked to crime, particularly robbery and violence. Central Division has recognized crime and disorder hot spots which have a high proportion of such violent crimes. These areas are subject to extensive Police activity and has necessitated local businesses and community groups seeking extra funding for four Police Officers and Neighbourhood wardens to work solely in these areas. Their remit is to tackle crime and disorder issues including drugs and prostitution. Through these high profile patrols, we are seeking to improve public safety in these areas.

Nottingham currently has around 150 premises licensed for 'hands-on' treatments. There are also around 70 unlicensed individuals who advertise in local papers and on the Internet to provide massage to clients. All of these premises and individuals have to be monitored to ensure that they are not acting as an illegal brothel or facilitating the abuse of 'trafficked' women and children by organized criminals.

This issue is part of a national problem which is now spreading out from the capital into the country's other cities which have a recognized vice area. This preference for

cities with a recognized vice area, is due to the simple economics of market demand for organized criminals – when running a sandwich bar it is best situated next to the factory as opposed to the middle of a disused air field.

Nottingham currently has one licensed sex shop and six adult shops. These are in the area of the city centre.

Nottingham also has six escort agencies; whilst the activities of these escort agencies and adult shops is not illegal, the Police have concerns about the activities/abuse which may be associated with women who carry out such work, particularly within the escort business. All of these adult shops and escort agencies nonetheless, contribute to Nottingham's sex industry and its associated image.

The image of Nottingham's sex industry is likewise contributed to by the high frequency of our on-street prostitution and the activity of women who prostitute themselves in our illegal brothels and massage parlours.

There is also emerging evidence to suggest that sex offenders are attracted to areas with a known sex industry. The reason for this is the frequency with which vulnerable young people turn up in these areas. These vulnerable people are easy prey for these offenders. I am currently researching 45 offences of rape reported since 1.1.2000. The victims of which have all been prostitutes working in the 'vice area'. The fact that men with this extreme propensity towards violence on women are moving in the Nottingham area is of immense concern to all female residents of Nottingham.

Also of concern is the number of 'reported' rapes and indecent assault offences on women in the county which has been increasing year on year since 1998 at a disturbing pace. In 2001, 278 women reported being raped and 603 reported being indecently assaulted.

The City Centre of Nottingham is currently subject to intensive regeneration initiatives. This work endeavours to create a more positive image and feeling for its residents and business users. The licensing of any more sex shops in this area would only facilitate the supply of more sexually explicit material to an area already suffering from damaging sexual stereotypes. This explicit material could inevitably fall into the hands of minors and so further confuse them as to what is socially acceptable and what is not within sexual activity.

I refer here to the attached documents :-

- a) **Pornography : Visible Harm ?** and
- b) **Flesh and Blood.**

Both of these documents provide worrying evidence, on the balance of probabilities on the relationship between pornography, sexual attitudes and violence towards woman.

Goose Gate is in the middle of one of Nottingham's premier night spot areas. Large numbers of young people frequent the many licensed pubs and clubs in the area. This area also sadly but inevitably attacks large numbers of vulnerable and homeless children.

I have greave reservations about the prospect of licensing any further sex shops in Nottingham as a whole.

I hope this provides a picture of Nottingham's sex industry together with the abuse and spiral of social depravation that goes with it.

I do not make these comments lightly but do so recognising that I and all Public Authorities have a duty to safe guard a persons rights under articles 3 & 4 of the European Court for Human Rights.

Yours sincerely



Inspector I R Winton
VICE SQUAD

Encl:

[3A. Paragraph defining "sex motorist establishment" to be inserted in the application of the Schedule to a London borough where the Council have to consent, see the Greater London Council (General Powers) Act 1966, s. 12, post.]

Meaning of "sex shop" and "sex article"
 4.—(1) In this Schedule "sex shop" means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- (a) sex articles or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—

- (i) sexual activity, or
- (ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop, by reason only of their use for the exhibition of moving pictures by means of—

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

- (i) sexual activity, or
- (ii) acts of force or restraint which are associated with sexual activity; and

(3) This sub-paragraph applies—

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction of

- (i) any such article; and
- (ii) to any recording of vision or sound,

which—

- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity, or

- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

NOTE
 In the case of *London Borough Council v. Grevill* (1968) 150 JP 138 Mitchell LJ gave the following explanation of the meaning of "significant": "I would express my opinion as follows. The word 'significant' has more than one meaning. It is capable, in some contexts of being used in the sense of 'important'. It does not have this meaning in the present context. A high standard of sexual activity or higher cannot be prescribed by any rule of law. The word 'significant' in this context means that the business will always be treated as a sex shop if the absolute quantity of sales since the fundamental question is whether the establishment is a 'sex shop' (as defined by para. 4), the court should find it appropriate to consider the character of the remainder of the business. The nature of the display can be a relevant factor, and the nature of the premises will also be material, since the definition in para. 4 which is a low standard factor covers a wide spectrum of circumstances. It would be wrong to say that the relevant factor is decisive. It is up to the court of trial to decide which considerations are material to the individual case and what weight it is to be attached to them."

Miscellaneous Definitions
 5.—(1) In this Schedule—

"the appropriate authority" means, in relation to any area for which a resolution has been passed under section 2 above, the local authority who passed it;

"the chief officer of police", in relation to any locality, means the chief officer of police for the police area in which the locality is situated and

"vessel" includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

(2) This Schedule applies to hovercraft as it applies to vessels.

Requirements for licences for sex establishments

6.—(1) Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.

(2) Sub-paragraph (1) above does not apply to the sale, supply or demonstration of articles which—

- (a) are manufactured for use primarily for the purposes of birth control, or
- (b) primarily relate to birth control.

NOTE
 See para. 26, post.

- 7.—(1) Any person who—

- (a) uses any premises, vehicle, vessel or stall as a sex establishment; or
- (b) proposes to do so,

may apply to the appropriate authority for them to waive the requirement of a licence in connection with this paragraph if the appropriate authority think fit.

(2) An application under this paragraph may be made either as part of an application for a licence under this Schedule or without any such application.

(3) An application under this paragraph shall be made in writing and shall contain the particulars specified in paragraph 10 (2) to (5) below and such particulars as the appropriate authority may reasonably require in addition.

(4) The appropriate authority may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate.

(5) A waiver may be for such period as the appropriate authority think fit.

(6) Where the appropriate authority grant an application for a waiver, they shall give the applicant for the waiver notice that they have granted his application.

(7) The appropriate authority may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

Grant, renewal and transfer of licences for sex establishments

8. Subject to paragraph 12 (1) below, the appropriate authority may grant to any applicant, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.

9.—(1) Subject to paragraphs 11 and 27 below, any licence under this Schedule shall, unless previously cancelled under paragraph 16 or revoked under paragraph 17 (1) below, remain in force for one year or for such shorter period specified in the licence as the appropriate authority may think fit.

(2) Where a licence under this Schedule has been granted to any person, the appropriate authority may, if they think fit, transfer that licence to any other person on the application of that other person.

10.—(1) An application for the grant, renewal or transfer of a licence under this Schedule shall be made in writing to the appropriate authority.

(2) An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—

- (a) the full name of the applicant;
- (b) his permanent address; and
- (c) his age.

(3) An application made by a body corporate or an unincorporated body shall state—

- (a) the full name of the body;
- (b) the address of its registered or principal office; and
- (c) the full names and private addresses of the directors or other persons responsible for its management.

- (4) An application relating to premises shall state the full address of the premises.
- (5) An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- (6) Every application shall contain such particulars as the appropriate authority may reasonably require in addition to any particulars required under sub-paragraphs (2) to (5) above.
- (7) An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.
- (8) Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area.
- (9) The publication shall not be later than 7 days after the date of the application.
- (10) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- (11) Every notice under this paragraph which relates to premises shall identify the premises.
- (12) Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- (13) Subject to sub-paragraphs (11) and (12) above, notice under this paragraph shall be in such form as the appropriate authority may prescribe.
- (14) An applicant for the grant, renewal or transfer of a licence under this Schedule shall, not later than 7 days after the date of the application, send a copy of the application to the chief officer of police.
- (15) Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection, not later than 28 days after the date of the application.
- (16) Where the appropriate authority receive notice of any objection under sub-paragraph (15) above, the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant.
- (17) The appropriate authority shall not without the consent of the person making the objection reveal his name or address to the applicant.
- (18) In considering any application for the grant, renewal or transfer of a licence the appropriate authority shall have regard to any observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub-paragraph (15) above.
- (19) The appropriate authority shall give an opportunity of appearing before and of being heard by a committee or sub-committee of the authority—

- (a) before refusing to grant a licence, to the applicant;
- (b) before refusing to renew a licence, to the holder; and
- (c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.

(20) Where the appropriate authority refuse to grant, renew or transfer a licence, they shall, if required to do so by the applicant or holder of the licence, give him a statement in writing of the reasons for their decisions within 7 days of his requiring them to do so.

11.—(1) Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the appropriate authority.

(2) Where, before the date of expiry of a licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on the business of the sex establishment.

Refusal of licences

12.—(1) A licence under this Schedule shall not be granted—

- (a) to a person under the age of 18; or
- (b) to a person who at the time being disqualified under paragraph 17 (3) below;
- (c) to a person, other than a body corporate, who is not resident in the United Kingdom or who is not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not so resident in the United Kingdom; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- (2) Subject to paragraph 27 below, the appropriate authority may refuse—
- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;
- (b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.
- (3) The grounds mentioned in sub-paragraph (2) above are—
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence of the kind mentioned in paragraph 17 (3) above;
- (b) that if the licence were to be granted, renewed or transferred the business to which it relates might be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) that the number of sex establishments in the relevant locality at the time the application is made¹ is equal to or exceeds the number which the authority considers is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (4) NI may be an appropriate number for the purposes of sub-paragraph (3) (c) above.
- (5) In this paragraph "the relevant locality" means—
- (a) in relation to premises, the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

NOTE

¹ In the application of this Schedule to a London borough where the council have so resolved, the word "made" is replaced by "submitted"; Greater London Council (General Powers) Act 1966, s. 12, jnn.

Part 2. Sex establishments

13.—(1) Subject to the provisions of this Schedule, the appropriate authority may make regulations prescribing conditions applicable to licences for sex establishments, that is to say conditions and restrictions on or subject to which licences under this Schedule are to be granted, renewed or transferred by them.

(2) Regulations under sub-paragraph (1) above may make different provisions—

- (a) for sex cinemas² and sex shops; and
- (b) for different kinds of sex cinemas² and sex shops.

(3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, regulations under this paragraph may prescribe conditions regulating—

- (a) the hours of opening and closing of sex establishments;
- (b) displaying advertisements on or in such establishments;
- (c) the visibility of the interior of sex establishments to passers by; and

- (4) any change of a sex cinema to a sex shop or a sex shop to a sex cinema¹;
- (4) Where the appropriate authority have made regulations under sub-paragraph (1) above, every such licence granted, renewed or transferred by them shall be presumed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or varied.
- (5) Where the appropriate authority have made regulations under sub-paragraph (1) above, they shall, if so requested by any person, supply him with a copy of the regulations on payment of such reasonable fee as the authority may determine.
- (6) In any legal proceedings the production of a copy of any regulations made by the appropriate authority under sub-paragraph (1) above purporting to be certified as a true copy by an officer of the authority authorized to give a certificate for the purposes of this paragraph shall be prima facie evidence of such regulations, and no proof shall be required of the handwriting or official position or authority of any person giving such certificate.

NOTES

¹ In the application of this Schedule to a London borough where the council have so resolved, the words "sex cinema" and "sex shop" in sub-paragraphs (4) and (5) above shall be construed as if they included "sex establishments" as to be inserted here and in the place indicated in note 2 below. See London Council (General Powers) Act 1986, s. 12.

² See note 1, *supra*.

³ In the application of this Schedule as mentioned in note 1, *supra*, sub-para. (4) is replaced as provided by subd. s 12 (4) (7), post (so as to include provision for changes involving sex cinema establishments).

Offices of licence and standard conditions

14.—(1) The holder of a licence under this Schedule shall keep exhibited in a suitable place to be specified in the licence a copy of the licence and any regulations made under paragraph 13 (1) above which prescribe standard conditions subject to which the licence is held.

(2) The appropriate authority shall send a copy of any licence granted under this Schedule to the chief officer of police for the area where the sex establishment is situated.

Transmission and cancellation of licence

15.—In the event of the death of the holder of a licence granted under this Schedule that licence shall be deemed to have been granted to the personal representatives and shall, unless previously revoked, remain in force until the end of the period of 3 months beginning with the death and shall then expire; but the appropriate authority may from time to time, on the application of those representatives, extend or further extend the period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

16. The appropriate authority may, at the written request of the holder of a licence, cancel the licence.

Renewal of licence

17.—(1) The appropriate authority may, after giving the holder of a licence under this Schedule an opportunity of appearing before and being heard by them, at any time revoke the licence—

- (a) on any ground specified in sub-paragraph (1) of paragraph 12 above; or
- (b) on either of the grounds specified in sub-paragraph (3) (a) and (b) of that paragraph.

(2) Where a licence is revoked, the appropriate authority shall, if required to do so by the person who held it, give him a statement in writing of the reasons for their decision within 7 days of his requesting them to do so.

Renewal of licence

18.—(1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) The appropriate authority—

- (a) may make the variations specified in the application; or
 - (b) may make such variations as they think fit; or
 - (c) may refuse the application.
- (3) The variations that an authority may make by virtue of sub-paragraph (2) (b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

Fee

19. An applicant for the grant, renewal¹ or transfer of a licence under this Schedule shall pay a reasonable fee² determined by the appropriate authority.

NOTES

¹ In the application of this Schedule to a London borough where the council have so resolved, the words "renewal" are to be construed as if they included "transfer". See London Council (General Powers) Act 1986, s. 12.

² See note 1 to para. 7 of Sch. 1, *ante*.

Enforcement

- 20.—(1) A person who—
- (a) knowingly uses, or knowingly causes or permits the use of, any premises, vehicle, vessel or stall contrary to paragraph 6 above; or
 - (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or
 - (c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or
 - (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence;

shall be guilty of an offence.

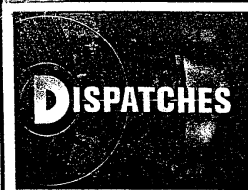
NOTE

¹ Where premises had been used as a sex establishment, by a sub-tenant of the premises, before the date of the publication by the council of the notice prescribed by s. 2 (2), above, and no application for a licence had been made, it was held that the council were not guilty of an offence under this paragraph if that application had not been made, even if the council were not aware of the necessary ingredients of the offence. *Hammerhead City Council v Copywriting Ltd* [1986] 2 All ER 305, [1986] 1 WLR 674, HL.

21. Any person who, in connection with an application for the grant, renewal or transfer of a licence under this Schedule, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence.

22.—(1) A person guilty of an offence under paragraph 20 or 21 above shall be liable on summary conviction to a fine not exceeding £200,000¹.

(2) A person who being the holder of a licence under this Schedule fails without reasonable excuse to comply with paragraph 14 (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [the amount at level 3 on the standard scale].



Pornography: Visible Harm?

What is pornography?

Pornography is derived from an ancient Greek word (*pornographos*) meaning 'the graphic depiction of whores'. In 1990 Dr Catherine Itzin, then associated with the University of Essex, conducted a survey which included purchasing every pornographic magazine available from newsagents on Clapham High Street that day. These magazines were then analysed in order to give a clear idea of currently available commercial pornography (Itzin, 1992).

The magazines included 'specialist' magazines depicting young women with their pubic hair shaved and, because child pornography is illegal, posed to look like little girls, thus linking male sexual arousal to children's bodies. At least one mainstream magazine picked up the child pornography theme with a feature of a young woman, genitals open to the camera, dressed in a childlike gingham dress, white socks and a straw hat.

One specialist magazine was devoted to the beating and humiliation of schoolgirls and another to sexual violence. In one a Portuguese woman was threatened with deportation unless she agreed to be rubbed in motor oil and beaten. She was portrayed as initially resisting and hating her treatment, and then as becoming sexually aroused and begging for more. This is a common theme in pornography: women smile and enjoy being raped, sexually abused and humiliated.

Another 'specialist' magazine featured bondage: a woman masked and chained, with genitals open and vulnerable to violence, and another woman with a dog collar and leather straps, trussed up with her legs like a chicken ready for stuffing.

Some of these themes were carried over in an only slightly modified form in the mainstream magazines. But the most common material in magazines with household names, such as *Penthouse* and *Men Only*, were page after page of close up photographs of women's vaginas and anuses, often pulled open, inviting access and penetration, accompanied by stories in which women are portrayed as constantly sexually available, insatiable and voracious (Itzin & Sweet, 1989, 1992).

The above is legal High Street pornography. From under the counter in Soho, researchers from the Channel 4 programme *Dispatches* recently purchased titles like *Peachfuzz Pussies* and *300 Baby Dolls* aimed at the paedophile market, and sexually violent, torture material where women have metal clips on their nipples, and are tied in painful and humiliating positions, gagged, breasts clamped and squeezed, and objects inserted in their vaginas. There is also material in which women are shown having sex with animals, and there is evidence that 'snuff films' are available in the UK – where women are sexually violated and murdered on camera (Corcoran, 1989).

All this material is sold as sex for the entertainment of men. In the sexually explicit, sexualised context of pornography, the dehuman-

isation, subordination, humiliation, torture of and violence to women are not recognised as such. The material collected sexualised and reinforced inequalities of all kinds, including racist stereotypes. (Forna, 1992).

Pornography is defined very specifically through a legal definition which has been applied in the USA and New Zealand. This definition contains two parts: firstly, pornography is defined as that which is *graphic, sexually explicit, and subordinates women* (it must contain all three of these characteristics). Secondly, it must also contain one or more specific conditions of harm in the form of sexual objectification or sexual violence. Specifically this includes women presented:

- 1) dehumanised as sexual objects, things or commodities; or
- 2) as sexual objects who enjoy humiliation or pain; or
- 3) as sexual objects experiencing sexual pleasure in rape, incest, or other sexual assault; or
- 4) as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or
- 5) in postures or positions of sexual submission, servility, or display; or
- 6) being penetrated by animals; or
- 7) in scenarios of degradation, humiliation, injury, torture, shown as filthy or inferior, bleeding, bruised or hurt in a context that makes these conditions sexual; or
- 8) as body parts – including but not limited to vaginas, breasts or buttocks and anuses – exhibited such that women are reduced to those parts.

In this legal definition, pornography does not include sexually explicit material premised on equality, or bona fide sex education or forensic materials.

Although this definition of pornography has been based on the sexualised subordination of women and eroticised violence against women, it can also be and has been extended to include the use of men and children in the place of women.

Evidence of harm

There is evidence that women and children are harmed through the making and use of pornography. This harm includes: sexual murder, rape, sexual assault, child sexual abuse, sexual harassment, coercion into the use of pornography, sexual objectification and contributing to women's subordinate status in society.

The evidence takes different forms: clinical studies and research with sex offenders, social science and psychological research, the testimony of those who have committed sexual offences and legal findings. Most importantly, many survivors of sexual abuse, both in and outside the pornography industry, have given first-hand accounts of the harm done to them by pornography.

Academic social science and experimental psychological research has been carried out over more than two decades by largely male academics in universities in Canada and the USA. It has consistently shown that pornography desensitises men, increases callous attitudes towards women, makes men find their sexual partners less desirable, and encourages them to believe that women are less deserving of equality. There is evidence that it makes men less sympathetic to rape victims and more sympathetic to rapists, increases the self-reported likelihood of men to commit rape, as well as increasing aggressive behaviour towards women. There is a consistent correlation in the academic research between the use of pornography and negative effects on the attitudes and behaviour of men towards women, and between pornography and sexual aggression (Malamuth & Check, 1980; Donnerstein, 1980; Donnerstein & Berkowitz, 1981; Malamuth & Check, 1983; Malamuth, Check & Briere, 1986; Zillmann & Bryant, 1982, 1984, 1986; Malamuth, 1986; Linz, Donnerstein & Penrod, 1988; Russell, 1988; Zillmann, 1989; Zillmann & Weaver, 1989; Check & Guloien, 1989). Much of the research is from the USA and Canada, but work is now starting in the UK.

Clinical work and research with sex offenders has shown that in a substantial proportion of offenders, pornography is implicated at every stage: in predisposing men to commit abuse, in legitimising abuse, in reducing internal and external inhibitions to abuse and in initiating and carrying out abuse. In Canada, Marshall's research with sex offenders who were not in prison found that over a third reported being occasionally incited by pornography to commit an offence – and a third of the rapists, and over half of those who committed child sexual abuse, said they deliberately used pornography in preparation for committing the offence (Marshall, 1988, 1989). Masturbating while using pornographic material conditions male sexual arousal and orgasm to the content of that material which is used by sex offenders to rationalise and legitimate their behaviour (Wyre, 1992).

In the USA Russell conducted a random household survey in San Francisco in 1978 sponsored by the National Institute of Mental Health interviewing 936 women. 44% of the women had been a victim of rape or attempted rape at some point in their lives. Forced sex in which pornography was significant occurred in 1.6% of the cases. 14% reported that they had been asked to pose for pornographic pictures and 10% said they had been upset by someone trying to get them to enact what they had seen in pornography (Russell 1982, 1983).

Also in San Francisco in 1984, Silbert and Pines conducted research amongst 200 prostitutes which showed that 60% of the women reported having been abused as children, 73% reported that they had been raped. 10% of the sample had been used as children in pornographic films and magazines. 24% of the women who had been raped mentioned allusions to pornographic materials by the rapist. This latter information was not actively sought but came up incidentally, which suggests that the incidence may well have been found to be higher had the information been solicited directly (Silbert and Pines, 1984).

A Canadian study found that in a random sample of 96 female undergraduates at the University of Calgary in 1984-5, 24% reported being upset by requests to enact pornography (Senn & Radtke, 1986). In addition in the USA there have been a number of public hearings where women and men have been able to testify to their experiences of pornography related harm (Minneapolis City Council 1983, National Organisation of Women 1984, US Attorney General's Commission 1985, US Senate Hearings 1987).

In the UK in 1990 there was a survey conducted of over 4000 readers of the women's magazine *Cosmopolitan* which produced some startling information: 34% had been raped or sexually assaulted and 60% had been sexually harassed. Pornography was known to have been used in 14% of the rapes, 14% of the sexual assaults and 12% of the sexual harassment incidents (Itzin & Sweet, 1990).

There have been a number of government inquiries in the USA, Canada, Australia, New Zealand, and the UK into the possible harmful effects of pornography. In the USA in 1970 the Government Commission concluded that there was no evidence of harm (Commission of Obscenity and Pornography, 1970). However, that Commission did not consider sexually violent material which was being considered by another commission at that time.

In 1985, there was another USA commission which concluded that there were links between *violent* sexually explicit material and harm to women and children (US Attorney General's Commission on Pornography, 1986). In a report to that commission, reviewing the academic research, the links between sexually violent material and harm were confirmed, but the research on non-violent pornography was found to be less conclusive, not because it was found that there was no harm connected with the use of some of this material, but because the non-violent category in the academic research prior to 1985 covered such a wide range of undifferentiated material (Einsiedel, 1986, 1992).

Since 1985, there has been extensive research in Canada and the USA which distinguishes between three categories of pornography, that which is:

- 1) Sexually explicit and violent
- 2) Sexually explicit and non-violent, but subordinating and dehumanising
- 3) Sexually explicit, non-violent and non-subordinating, based on mutuality and equality (called erotica).

The research consistently shows that there are negative effects on attitudes and behaviour from the use of the first two categories, but not the third (Check & Guloien, 1989).

In 1985 the Canadian Fraser Commission stated that although the research evidence could not prove a causal link, the reviewers were convinced that pornography was harmful to women's equality (Report of the Special Committee on Pornography and Prostitution, 1985). The Australian Commission decided in 1988 that pornography was linked to harm (Report of the Joint Select Committee on Video Material, Vol. 1 and 2, Australia 1988), and in 1989 the New Zealand Inquiry stated that violent dehumanising and degrading material was harmful to women (Pornography: Report of the Ministerial Committee of Inquiry, New Zealand 1989).

The review of the research commissioned by the UK Home Office in 1990 concluded that there was 'no evidence that allows any strong conclusions about pornography based on research' or any *causal* links between pornography and sexual violence (Howitt and Cumberbatch, 1990). But scientific research can never prove cause; it can demonstrate correlation. It can show, for example, a correlation between smoking and lung cancer sufficient to suggest that smoking is *one* of the factors that *contributes* to lung cancer. Research on pornography shows correlations over and over again between the use of pornography and harmful effects, providing sufficient evidence to suggest that it is highly likely that pornography is one of the factors that contributes to sexual violence and sex discrimination.

In addition, academic research is corroborated by sex offender evidence and the testimony of women, and conversely real life experience is corroborated by academic research. Taken together, all of the different kinds of evidence point in the same direction – towards the links between violent and subordinating pornography and different kinds of harm.

The pornography research project: Women's experiences of pornography

Apart from sex offender data, there has been virtually no academic research in the UK, and apart from the *Cosmopolitan* survey there has been very little data collected from women who have experienced pornography-related harm. However, the results of this survey suggest the need for more systematic exploration of women's experiences of harm in the making or use of pornography.

A major research initiative is therefore being launched to investigate the possible links between pornography and violence, sexual abuse and the social, sexual and economic subordination of women. This research project – on women's experience of pornography – is being carried out by the Campaign Against Pornography (CAP) and the Campaign Against Pornography and Censorship (CPC), in conjunction with the Research Unit on Violence, Abuse and Gender Relations at Bradford University.

The information will be collected locally using questionnaires and taped interviews and will take place over a two year period, working closely with professional agencies and women's organisations. The need for such research has been recognised and welcomed by a broad range of organisations, including the National Alliance of Women's Organisations, the National Council of Women, NALGO, the Child Abuse Studies Unit, Rape Crisis centres, Women's AID Federation (England), and the Children's Legal Centre.

Further information on the project can be obtained from the Campaign Against Pornography, or from the Violence, Abuse and Gender Relations Research Unit, Bradford University. The addresses are listed at the end of this sheet.

Legislation

The Federal Court in the USA in 1985 found that: 'Pornography is central in creating and maintaining sex as a basis for discrimination. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. The bigotry and contempt it produces, with the acts of aggression it justifies, harm women's opportunities for equality and rights of all kinds.' But the court decided that 'this simply demonstrates the power of pornography as speech' and ruled that the free speech rights of the pornography industry took precedence over women's rights to be free of sexual violence and inequality (*American Booksellers Inc. v. William H. Hudnut*, 1985).

In 1992, however, the Canadian Supreme Court ruled unanimously that sexually violent pornography and non-violent, but subordinating and dehumanising pornography contributed to sexual violence and sex discrimination. The courts in Canada have successfully used the three academic research categories and evidence of harm to prosecute violent and subordinating material and to acquit sexually explicit material which is non-violent and non-subordinating.

The obscenity legislation in the UK has, according to the police,

In 1979 the Williams Committee on Obscenity and Film Censorship concluded that the law was 'a mess' and over a decade later it remains a mess. There is no definition of pornography in the law, which refers only to the vague and subjective criterion of material 'designed to deprave and corrupt', and is based on morality rather than harm. The legislation cannot be effectively enforced: an item judged obscene in one area, can still sell legally in another, or even be judged not obscene somewhere else in the UK. The obscenity legislation has also been used to censor art and literature, and to prosecute gay and lesbian material which is not pornography.

There are new proposals for legislating against pornography in the UK, based on equality legislation. One proposal is for sex discrimination legislation which would enable people who could prove they were victims of pornography-related harm to take action against the manufacturers and distributors of pornography. Another proposal is to use the Race Relations Act as a model for legislating against pornography which could be proved to incite sexual hatred and violence.

Both forms of legislation would include the narrow, precise and concrete legal definition of pornography based on how women are used in the pornography industry and what is done to women as a result of the use of pornography (as described above).

Pornography and the sex industry

Pornography is a multi-million pound international industry and has been said to be larger than the mainstream film, record and video industries combined (White, 1984). In the United States 85% of the pornography industry is run by organised crime (FBI statistics). In Britain pornography is produced by respected members of the mainstream publishing industry. *Company*, *Cosmopolitan*, and even *Spare Rib* are distributed by the same company as *Penthouse*. *Women's World* is printed on the same presses as *Men Only* (I Spy Productions, 1992). Out of more than 74 pornographic magazines that can be purchased from High Street newsagents the top six titles have an estimated minimum sale of 2.5 million copies per month (Baker, 1992).

The pornography industry is part of a wider sex industry which is based on the buying and selling of women internationally as sexual commodities, and the international traffic in women for prostitution. Many women and children report being coerced into involvement in pornography, either through violence or poverty or both. All child pornography is a record of child sexual abuse. Much sadistic, violent and child pornography is made in the 'Third World' – particularly South America – and in Thailand and the Philippines vast numbers of women and children have been recruited into the sex industry. The sex industry in these countries largely takes the form of organised sex tourism, in which women and children are exploited as part of a tourist package designed predominantly for Western men.

The future

In spite of the virtual absence of research in the UK on pornography, the Home Office has stated that 'it would be wrong to invest a great deal more in this field'. But from the links that have been established in North American research between pornography and harm, there does appear to be a need for quite extensive research to be carried out in this country. There would be a particular value in replicating some of the best experimental psychological and social science research from the USA and Canada.

- 1) To investigate the relationship between pornography and sexual violence
- 2) To assess the impact of pornography on women and men
- 3) To generate national statistics on rape, child sexual abuse and sexual harassment
- 4) To compare these findings with data from the USA and Canada
- 5) To provide additional information on which policy can be formulated and appropriate action taken.

In addition, given the 'mess' of the current legislation relating to pornography, the ineffectiveness of the obscenity legislation acknowledged by police and lawyers alike, the need for legislation based on concrete and objective evidence of harm, rather than the subjective standards of morality, the need for an effective legal definition of pornography that protects both the freedom of women and freedom of expression, and the technological capacities which now exist for the pornography industry to 'trade' across national boundaries with impunity, there is a strong case for the government to formally review the current legislation and consider alternative forms of legislation against pornography based on the evidence of harm.

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Campaign Against Pornography and Censorship (CPC)

PO Box 844
London SE5 9QP

CPC campaigns for the elimination of pornography without censorship by means of public education and sex discrimination based legislation on the grounds that pornography contributes to sexual violence and inequality.

The Campaign For Press and Broadcasting Freedom

96 Dalston Lane
London E8 1NG

Have campaigned against pornography on the grounds that women's freedom is infringed by pornographic material.

National Council For Civil Liberties (NCCL)

21 Tabard Street
London SE1 4LA
071-403 3888

Has campaigned to defend pornography on the basis of free speech.

Research centres

Violence, Abuse and Gender Relations Research Unit

University of Bradford
Bradford
West Yorkshire BD7 1DP

The Child Abuse Studies Unit

University of North London
Ladbroke House
Highbury Grove
London N5 2AD

Recommended Reading

Research

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Flesh and blood

Does pornography lead to sexual violence? Growing evidence suggests that exposure to pornography changes men's attitudes and behaviour

Mike Baxter

SHE was a hitchhiker. He was a man away from home on business. The circumstances of the rape were only mildly contested in court and the jurors were in complete agreement on the "guilty" verdict. There was, however, less agreement on what would constitute a fair sentence. As might be expected, women jurors were more severe than men; they suggested a sentence nearly 30 per cent longer. Less expected, and much more insidious, was the effect of pornography on their judgment: men who regularly watched pornographic videos suggested sentences half as long as those of other men.

Fortunately, this was not a real trial. The jurors were volunteers participating in a re-enactment of a rape trial to test the effects of exposing people to different amounts of pornography. This experiment is one of a growing number of studies which suggest that pornography changes the attitudes and behaviour of those who use it. And in the real world, these are not just a few dirty old men in raincoats.

Pornography is big business. So-called "top-shelf" soft-porn magazines will sell over 20 million copies this year in Britain and will be read by about 5 million people. Several companies in Europe will secure multimillion-pound turnovers on pornographic magazines and videos—a business with an estimated worldwide value of several billion pounds. The "product" in this vast business varies considerably and it caters for all tastes. At the extremes of hard-core pornography are sadomasochism, paedophilia and bestiality. In both American and Australian classifications of pornographic magazines, a quarter of all titles concerned some such form of sexual deviance. Less extreme hard-core pornography portrays petting, inter-

course, oral sex and group sex. By far the most widely available and most widely read pornography is the top-shelf group of magazines, such as *Playboy*, *Men Only*, *Fiesta*, *Escort*, *Club International* and *Penthouse*. These portray nudity and include poses and gestures suggestive of sexual acts but do not show any form of sexual contact. Their content has, however, changed over the years. A study by John Rosegrant, an American psychologist, found that between 1971 and 1984, *Playboy* centrefolds have shown a clear increase in both genital explicitness and the incidence of fetish symbols such as whips and bondage equipment. In the early 1970s, most covers of pornographic magazine showed a woman posed alone. By the early 1980s, such covers appeared on only 10 per cent of magazines; bondage, group sex and transvestism now feature on almost a third.

A worrying trend is the increasing use of violent imagery in pornography. In 1980, Neil Malamuth, then working at the University of Manitoba, reported that the number of images showing sexual violence in *Playboy* and *Penthouse* pictorials, increased from 1 in a hundred to 5 in a hundred between 1973 and 1977. Similarly, Don Smith of Florida State University found that in "adult-only" novels, the average number of rape scenes doubled between 1968 and 1974. And in a recent study of 45 widely available video cassettes, Gloria Cowan at California State University at San Bernadino found that more than half of the sexually explicit scenes were predominantly concerned with the domination or exploitation of women.

Critics of pornography, such as Carolyn Itzin and Corrine Sweet, writing recently in *The Independent*, also claim that



On view: the cultural links between pornography and crime are complex. In Japan, porn is plentiful yet rape is apparently rare

pornographic imagery is increasingly concerned with children. This does not, and indeed cannot legally, involve pictures of children, but rather shows women with shaven pubic hair, in children's clothes, such as school uniforms, and in scenes reminiscent of childhood.

To many feminist writers, such material degrades women and has obvious links to rape and child abuse. In their view, even soft porn portrays women as objects, reducing them to something available purely for male gratification and without any form of emotional attachment.

The publishers of pornography, meanwhile, maintain that an interest in female nudity and sexuality is normal, healthy and can be educational. In addition, they argue that pornography can provide a vehicle for sexual release, without which marital infidelity, the demand for prostitutes, and sexual assault would increase massively.

In the middle of this highly charged debate, scientists have been trying to answer the central technical question: does pornography change men's attitudes or behaviour towards women? For soft-core pornography, the answers have been difficult to find. A short-lived increase in the frequency of sexual activity between married couples was the only behavioural effect reported in two studies, published in the technical report of the US Commission on Obscenity and Pornography in 1971. Several other studies have applied great technical ingenuity to proving beyond doubt that sexy pictures stop being sexy after several viewings. Most studies, however, have failed to find anything harmful in the way that soft-core pornography affects men's attitudes towards women.

One notable exception was an experiment conducted in 1982 by Dolf Zillmann and Jennings Bryant of the University of Indiana. They gave a sample of college students varying levels of exposure—either "massive", "intermediate" or none at all—to explicit pornography which was nonviolent but depicted women in degrading or subordinate roles. In the "massive exposure" group, the students watched a total of 4 hours 48 minutes of pornographic film over a six-week period.

Following this, the students were asked to do several psychological tests, including the rape trial reenactment described above. Men who had not watched the films suggested sentences of 7 years 11 months on average, while those in the massive exposure group sentenced the rapist to only 4 years 2 months.

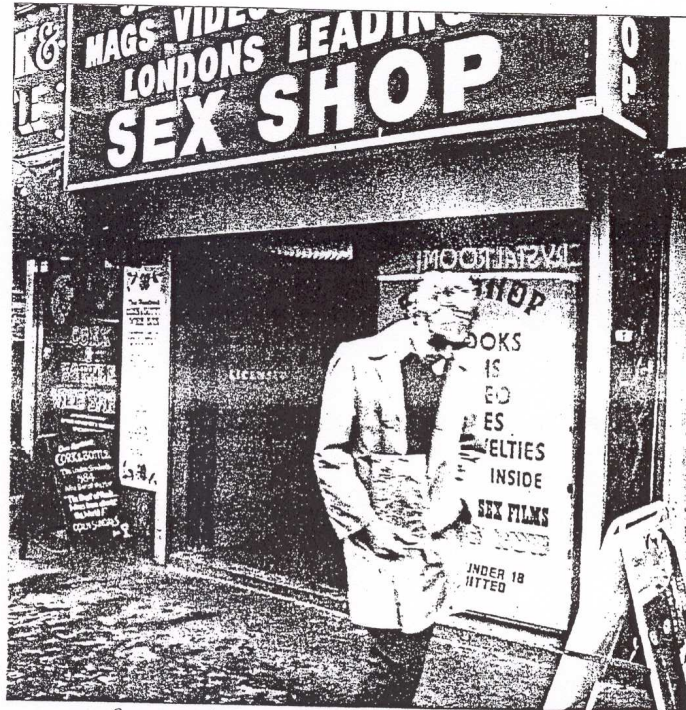
The researchers assessed the students' sexual callousness towards women using a questionnaire which included an evaluation of statements such as, "A woman doesn't mean no unless she slaps you", and, "A man should find them, fool them, fuck

them and forget them". Students in the massive exposure group had significantly higher callousness scores than those who had seen no pornography. Massive exposure also led men to give higher estimates for the proportion of people who practise group sex, sadomasochism or bestiality and to adopt more liberal attitudes towards the censorship of pornography.

Two other studies by Zillmann and Bryant, published in 1986 and 1988, shed further light on the effects of soft-core porn. They found that prolonged exposure significantly reduced the subjects' sexual satisfaction with their partners. In particular, the subjects exposed to pornography rated their partners' physical appearance, affection, sexual curiosity and sexual performance less favourably than the controls, who had seen no material, and attributed greater importance to having sexual intercourse without emotional involvement.

A taste for violence

In another, more devious experiment, subjects were again exposed to varying amounts of pornography over a six-week period. In the seventh week, they were given a series of psychological tests and were told to expect further tests the following week. When they arrived for the tests they were told there would be a delay because of equipment failure and were shown into a room containing a television and a selection of videos, which varied in content from light entertainment (non-sexual) to hard-core pornography (bondage, sadomasochism and bestiality). During their 15-minute wait, the use of each video was electronically logged. Those students who had



Can pornography change your life? It alters some men's attitudes to rape

previously experienced massive exposure to soft-core pornography were more likely to view the hard-core porn videos (see Figure 1).

Studies on the effects of hard-core pornography have been much more consistent in their findings. The main conclusion is simple: pornography with violent imagery does change men's attitudes about sexual aggression towards women. For instance, studies by Malamuth have shown that watching a brief video of violent pornography increases the subsequent number of rape fantasies that a man has and lessens the extent to which a rape victim is judged to have suffered. Edward Donnerstein at the University of Wisconsin demonstrated that exposure to hard-core porn increases the attempts of male subjects to inflict "experimental" aggression on a woman accomplice who was deliberately annoying before the showing of the video. More prolonged exposure to such material tends to make men enjoy the videos more. It can even make them think that the films are less violent than they had previously thought.

But different portrayals of sexual violence have dramatically different effects, and not all people react in the same way to pornography. Early studies of people's reactions to violent pornography, conducted during the 1970s, produced mixed results: some studies showed that the material resulted in strong sexual arousal, whereas others showed none. In some cases, there was evidence of disgust and revulsion. Later studies by Malamuth, at the University of California at Los Angeles in 1982, discovered that the viewer's response

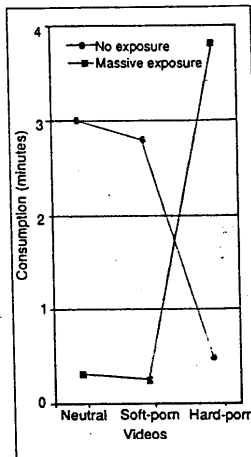


Figure 1 Viewing hard-core porn regularly seems to create a taste for more

depends on the way in which the sexual violence is portrayed. He found that sexual arousal is inhibited by pornography that emphasises the abnormality of the sexual act or the suffering experienced by the woman. But equally violent pornography is highly sexually arousing if the woman is shown to enjoy, or at least end up enjoying what had happened to her.

This effect, called disinhibition, has an extremely potent influence on male attitudes and behaviour. One example comes from Malamuth's study of students at the University of Manitoba in 1981. The researchers asked them to sign up for what were apparently two separate experiments. The first was a study of films' certificate ratings in which the subjects were asked to watch two films on consec-

1: The appeal of pornography; for men only?

WOULD you buy a magazine with a naked person on the cover? Pictures of full frontal male nudes are much less effective in selling magazines to women than female nudes are for men. In an American study of reactions to the magazines *Playboy* and *Playgirl* in 1976, women rated *Playgirl* much less interesting than men rated *Playboy*. For example, twice as many men as women said they would choose to look at the photo-essay or centrefold. Eighty per cent of the women said they would not buy future issues of *Playgirl*; by contrast, 84 per cent of men in the survey said they would buy future issues of *Playboy*.

Despite this, several studies have found that women find pornography arousing. Sexually explicit films or pictures produce physiological signs of sexual arousal in women, such as an increased volume of blood circulating in the vaginal area, which closely parallel an erection in a man. When men and women are asked to assess how aroused they feel in response to pornography, the patterns are again similar for both sexes, although in some of the studies the average level of arousal reported by men was higher.

Exposure to pornography will even change women's attitudes towards sexual violence against women, to some extent. In Zillmann and Bryant's study at the University of Indiana, women who had been exposed to "massive" amounts of pornography reduced their recommended sentence for rape almost as much as the male subjects on the study (from 12 years to 6.5 years). In the Manitoba experiment, however, viewing films with rape scenes did not increase women's acceptance of



Sally and Richard Greenhill

Men exposed to pornography tend to become more callous towards women

rape myths, nor did it increase their acceptance of interpersonal violence against women.

If women are aroused by pornography, why don't they buy it? This question was addressed by a follow-up questionnaire after the *Playgirl/Playboy* study. This showed that fewer women than men had previously read the magazine, fewer had recently bought any sexually-oriented magazine, and fewer thought that people in general would approve of them reading

it. In describing their reactions to the magazine, one-third of the women said they felt guilty, dirty, cheap or bad. Most of the women said they would have preferred the male nudity to have been portrayed in the context of a relationship where nudity and sexual activity would be expected. As far as reactions to pornography are concerned, it seems from these findings that the differences between men and women are social and cultural, and not biological. □



Finding the balance: the issue of pornography and its effects raises dilemmas for a libertarian society opposed to censorship

utive evenings. Half the students were shown films with scenes that contained sexual violence against women but which produced a positive response from the victims. The other students watched neutral films, with no violent scenes. The second study, conducted several days later, was a survey of sexual attitudes with questions about sexual violence embedded in it. The results showed that exposure to the sexually violent films increased male students' acceptance of "rape myths"—for instance, that women actually enjoy being raped—and also made them more accepting of violence against women in general.

The finding that different people respond in different ways to pornography came from another study by Malamuth. He showed that the male population can be divided into those who say they might commit rape if they could be assured of not being caught and punished, and those who say they would not. Alarmingly, his findings revealed that 30 per cent of men admitted to some likelihood of raping women: the researchers called them the "LR" group. A further 30 per cent admitted some likelihood of using some force to coerce a woman into sexual acts. This leaves only two in every five men who claim they would never engage in sexual violence. In response to pornography, LR men are less inhibited by violent imagery than other men. Indeed, several studies have now reported that LR men find depictions of rape significantly more arousing than depictions of sex where both partners consent.

Researchers have not overlooked the fact that these arguments could be circular: that is, exposure to violent pornography may make men more aggressive, but aggressive men may find violent pornography more attractive in the first place. There is not sufficient evidence at present either to support or refute this possibility, although a recent Canadian survey by Dano Demare at the University of Winnipeg in 1988 found that men who were classed as LR did report using violent pornography more than average.

We can conclude, however, that certain types of violent pornography worsen the attitudes of certain types of men. At the extreme, LR men who had been shown a video of a rape in

which the women ended up aroused came to believe that one in every three women would actually enjoy being raped.

The obvious prediction from this, and the acid test of all the research, is that pornography should increase the incidence of sexually violent crimes against women. Case studies and

2: Drawing the line— can we define pornography?

IMAGES of nudity and sexuality are becoming more prevalent. They have become a feature of several tabloid newspapers and regularly appear in magazines that are not ostensibly sex-orientated. In a recent survey of American detective magazines, researchers found that 38 per cent of the covers depicted women in bondage.

In trying to distinguish between what is and what is not pornographic, the literal definition of pornography, "the writings of harlots", is no more useful than the 18th-century suggestion—"books you read with one hand". British legislation hinges upon the concept of "obscenity" and this is taken to be material that corrupts and depraves its viewer or reader. This has been recognised as an outmoded concept for many years, but the problem of finding something better has remained. Public opinion on the subject seems fragmented, and to make matters worse, the attitude of individuals can change quite dramatically. In Zillmann and Bryant's study, massive exposure to pornography made people judge it as substantially less "pornographic" and liberalised their attitudes towards the censorship of pornography, even concerning children's access to pornography.

An American lawyer, Catherine MacKinnon, recently proposed a definition that distinguished pornography from erotica. Pornography, she suggests, portrays women being physically abused, in subordinate roles to men or dehumanised as sexual objects. Erotica, by contrast, shows men and women in equal power relationships that are based on emotional attachment. This distinction has the advantage of corresponding to the research findings: pornography, as defined, is linked to sexual violence whereas no such links have been found for erotica. This may end up being an important consideration in the future. □

anecdotal evidence tend to support this prediction. In 1987 and 1988, two studies of a total of more than 130 convicted rapists and child molesters have found that most used pornography while preparing to commit an offence. Another study, by researchers at York University in Toronto in 1987, reported that 39 per cent of battered women had at some time been upset by their partners trying to get them to do what they had seen portrayed in pornographic material.

The first attempt to test the prediction that pornography promotes sexual violence was published in 1971 by Berl Kutchinsky, a criminologist at the University of Copenhagen. The data seemed to disprove the prediction: after the legislation on pornography in Denmark was liberalised, pornography became more widely available, but the incidence of sex crimes decreased. This study continues to be quoted as the authoritative evidence, but researchers began to question the data only two years later, by Victor Bachy of the University of Louvain in Belgium. The main problem was that sex crimes had not changed uniformly. Minor crimes such as indecent exposure and "peeping" did indeed fall, but serious crimes such as rape and attempted rape increased, at least for a few years after pornography became more widely available.

In Australia, the federal government has tended to relax its controls on pornography since 1970. Different states have, however, implemented these changes to varying extents and, as a result, have unwittingly conducted an interesting experiment on the effect of pornography. Queensland, the most conservative state, has maintained the strictest controls on pornography and has a comparatively low rate of rape reports. By contrast, South Australia, the most liberal state in relation to pornography, has seen escalating reports of rape since the early 1970s (see Figure 2).

A more complex study in the US, by Larry Baron and his colleagues at the University of New Hampshire in 1984, attempted to plot the circulation figures of pornographic magazines in different states against the incidence of rape

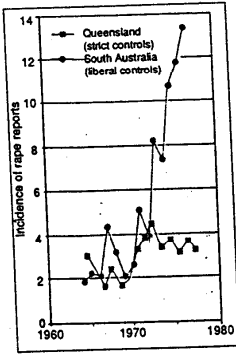


Figure 2 Cause and effect? Rape rates fell where porn was banned

and American results. In fact, this particular theory was tested in the American study using a statistical technique known as multiple regression, and was found to be irrelevant. But the possibility remains that any number of social or cultural factors could be the actual cause of the apparent relationship between pornography and rape.

It would, however, be an equally serious mistake to dismiss research on pornography as inconclusive and so irrelevant. The weight of evidence is accumulating that intensive exposure to soft-core pornography desensitises men's attitude to rape, increases sexual callousness and shifts their preferences towards hard-core pornography. Similarly, the evidence is now strong that exposure to violent pornography increases men's acceptance of rape myths and of violence against women. It also increases men's tendencies to be aggressive towards women and is correlated with the reported incidence of rape. Many sex offenders claim they used pornography to stimulate themselves before committing their crimes.

Few of these conclusions could stand alone without qualification or without being challenged by some inconsistency in the experimental evidence. Each one, however, is supported by at least one significant experimental result and, as Zillmann and Bryant have pointed out, these have greater scientific credibility than the inconsistencies. Anomalous findings can be the result of poor experimental design as well as genuine underlying inconsistencies.

Taking all the current evidence together, I question whether the British government's policy, established by the Williams Committee on pornography in 1979, is still valid. The committee concluded: "It is still possible to say . . . that there does not appear to be any strong evidence that exposure to sexually explicit material triggers off antisocial sexual behaviour." Earlier this year, David Mellor, the Home Office minister, commissioned two researchers, Guy Cumberbatch of Aston University, and Dennis Howitt of Loughborough University, to "review the available research on the effects of pornography". They are due to report their findings to the Home Office, "sometime later this year". Meanwhile, a group of Labour MPs headed by Dawn Primarolo has launched a new anti-pornography campaign that aims to ban the sale of "soft-core" magazines at high street retailers.

Do we still know too little about the effects of pornography to seek to control it? I argue that there must come a time when the demand for conclusive proof gives way to "evidence beyond reasonable doubt".

Dr Mike Baxter is a specialist in animal behaviour based in Aberdeen.

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Theory and practice: porn as safety valve or incitement to riot?

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APRIL '92

Giving the lie to pornography

SINCE I was quoted in Geraldine Bedell's piece on "The language of lust" (Guardian, April 22) I would like to set the record straight on what I think about the attempt to produce pornography for women. Incidentally, none of us have yet seen the proposed "porn" magazine for women, so it is hard to make any judgment on the magazine itself.

I am quoted as saying that Isabel Koprowski is working in an industry that women hate. All surveys of public opinion bear this out: women are found to be 70-80 per cent against "top shelf" pornographic magazines such as those produced by Isabel's employers. Women don't want pictures of women's bodies on public display, as if they are prostitutes for sale, in newspapers or street stands.

Geraldine did not mention the crucial distinction which has to be made between sexually explicit and erotic materials on the one hand, and pornography (literally: pictures of prostitutes) on the other.

Many feminists and others are strongly in favour of the first: more sex education, more openness and realism, more acceptance of everybody's sexuality.

We are opposed to pornogra-

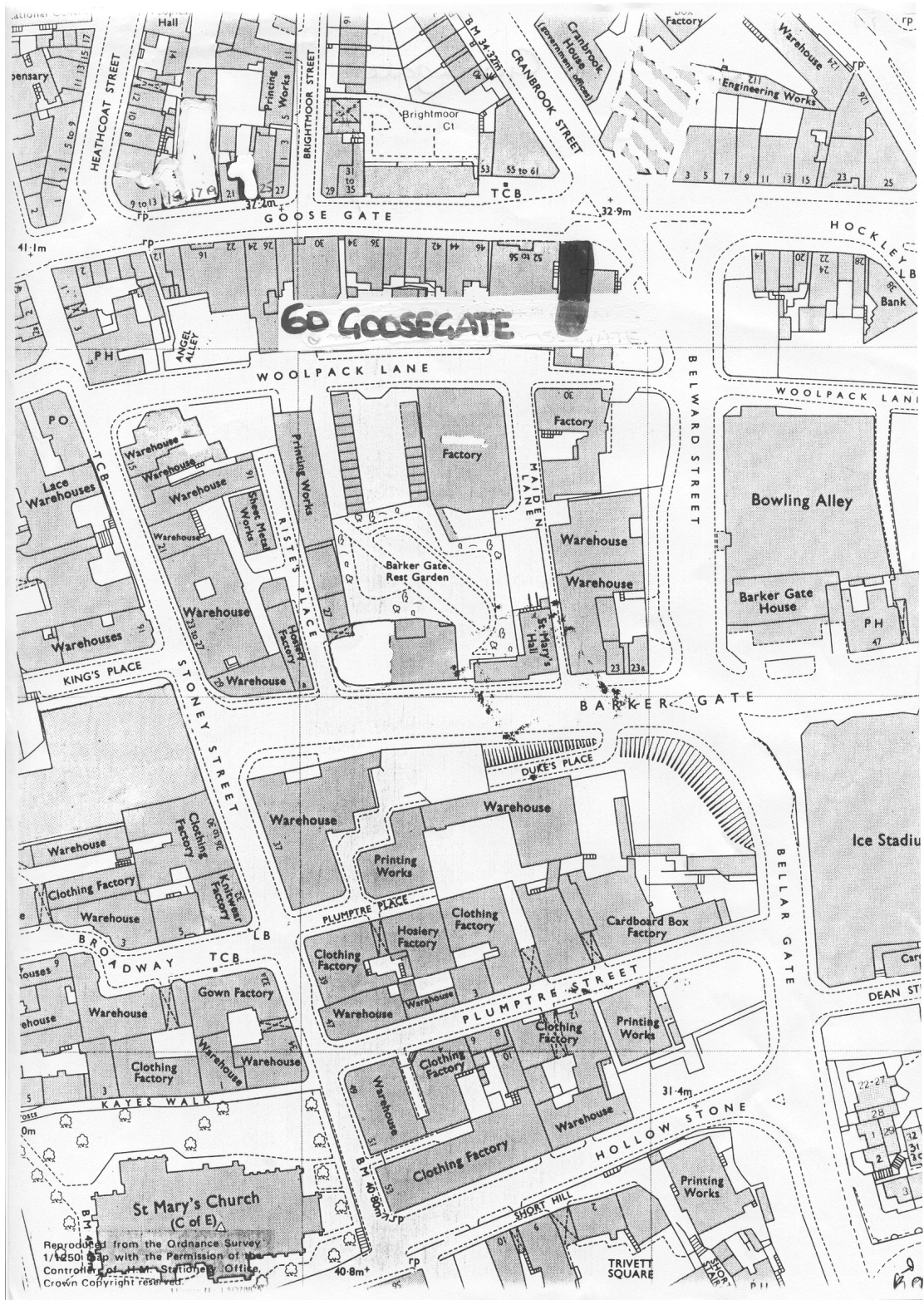
phy because it is a form of constantly repeated propaganda against women, with false messages about women's sexual availability to men, our supposed liking or at least tolerance for abuse and pain, and the fact that our wishes, sexual and others, can be ignored ("When she says no she means yes"). There are indeed multiple connections between pornography and sexual assaults on women, as documented in the US hearings published by Everywoman as Pornography: Evidence of The Links (£5.50).

There is almost a hysteria at the moment among the glossy "women's" magazines (published, incidentally, by men) in relation to explicit sex, for the simple reason that breaking taboos, especially on discussion of men's sexuality, sells magazines in hard times and therefore makes money.

From what I have seen the stuff they are publishing is crude, sometimes comical and occasionally nasty but it is not pornography: it does not tell lies about women's sexuality.

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BIRDWATCH



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