

The cultural harm of pornographic depictions of rape: Creating a conducive context for violence against women and girls

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We warmly welcome government proposals to extend the existing extreme pornography provisions to include pornographic depictions of rape. This is an important step towards fulfilling the commitments made within the Government's own Call to End Violence Against Women and Girls Strategy (2013) and other international frameworks such as the Beijing Platform for Action (United Nations, 1995), the Convention of the Elimination of Discrimination Against Women (CEDAW) and the Palermo Protocol (2000).

Several recent submissions made to the Criminal Justice and Courts bill against the proposals have stated that the notion of cultural harm which underpins our support for the proposed change is unclear, diffuse and unevidenced.¹ This document attempts to clarify the concept of cultural harm, and to address the issue of evidence of harm.

Defining cultural harm

Our work on violence against women and girls (VAWG) is concerned with intersecting inequalities, and is committed to excavating and making interventions on the causes, contexts and consequences of those inequalities for everyday lived gender relations. Contexts which act to support both the perpetration of acts of VAWG as well as help to embed the barriers faced by victim-survivors in attempts to disclose, are central to our argument that depictions of rape within pornography contribute to cultural harm (Coy & Garner, 2012). The harm we argue is in creating a conducive context for VAWG by legitimising, and minimising the harms of rape and presenting them as a root to sexual arousal, a source of masturbation and as argued by opponents of the proposals, 'fantasy'. Cultural harm does not assume that pornographic depictions of rape cause violence against women and girls, but rather it raises questions about the stories told about gender and sexuality in the material, and how they might contribute to the

¹ Various charges have been made to this effect. The *Sex and Censorship* campaign claim that 'the law results from a moral panic rather than evidence of harm' (Barnett & Let, 2014: para 6). Attwood, Barker and Smith (2014: para 24) also claim that while '(a)rguments in favour of the proposed provisions insist that the existence of representations of rape and/or forced sex constitute 'cultural harm' to women... (t)he dimensions and scope of such harm are not spelt out in any of the arguments... nor are they based on any robust or extensive research.' The submission by the campaigning group Backlash also appeals to this apparent lack of evidence of harm, quoting an evidence review of the effect of pornography on society that claimed 'objections to erotic materials are often made on the basis of supposed actual, social or moral harm to women. No such cause and effect has been demonstrated with any negative consequence.'

formation of everyday identities, experiences and practices. These questions are key in outlining how the normalisation of pornographic depictions of rape may provide a cultural backdrop; a conducive context to VAWG and in this represents cultural harm. The use, and indeed very existence of pornography which depicts rape, sustains a culture in which rape and sexual violence is normalised and perpetration is framed as an expression of sexual desire rather than as a criminal offence expressing gender inequality.

Just as we understand cultural artefacts that endorse, glorify or promote racism or homophobia to be harmful in that they create a culture supportive of racism and homophobia, so too can we claim that materials which are created in order to endorse, glorify or promote sexual arousal to forms of VAWG are harmful in that they create a culture supportive of VAWG. There are also similarities in the ways in which the argument for the harm of, for example, materials promoting racist attitudes is not that one will go out and commit an act of violence underpinned by racism. Rather the harm here is conceptualised as based in how such materials impact on attitudes that support racism, attitudes that may, for example, lead to a higher rate of convictions for BAME offenders than for white offenders. It is clear that the harm here is not understood as causal but as cultural through its creation of a cultural context which is conducive to acts of violence based on prejudiced attitudes on markers of identities and bodies.

There are further intersections for our argument of cultural harm with those used against materials that promote racism. Indeed the concept of cultural harm itself has its genesis in studies of how the cultural heritage of the Indigenous peoples of North America and Australia, was interrupted during the process of colonisation (Fontaine, 2002). Cultural harm here then is defined as harm to marginalised cultures through the imposition of dominant cultural artefacts and rhetoric. We draw on this notion when talking about the cultural harm of pornographic depictions of rape and see women as representing a marginalised group, many of whom also experience intersecting inequalities concerning race, age, religion and ability, whereby these intersections are also exploited as particular subcategories within rape pornography such as 'Muslim rape' or 'granny rape'.² Pornographic depictions of rape thus work to habitualise cultural constructions linking sex to violence, inequality and the exercising of power, as natural. Jeff Hearn (2001) describes this process as reinforcing Heterosexist culture and homophobia through embedding dominant forms of 'normal male sexuality', characterised as power, aggression, penis-orientation, separation of sex from loving emotion, objectification, fetishism, and supposed 'uncontrollability'. The impact of structural inequality on constructions of our sexuality and eroticism is lost and the harm adopts the illusion of normalcy.

² See Rape Crisis South London research report 'Closing the Rape Pornography Loophole' 2011.

Evidencing cultural harm

The charge that there is no evidence to link pornography depicting rape to attitudes which lead to rape, and practices of rape and other forms of violence against women, is bound to approaches which seek clear cut causal links. There is a contradiction at the core of these submissions, which seek to frame evidence through causal paradigms. Submissions from both Sex and Censorship and Backlash, for example, both dispute causal links by dismissing pornography as not impacting behaviours and attitudes, and yet also argue that pornography can reduce rates of rape and in this draw causal links to behaviour.³ This 'evidence' if accepted, we see as working to prove rather than dispute causal links.

An approach which seeks causal links is beset by a field of contradictory findings, which may limit their interpretive value (Horvath et al, 2013). We work from broader methodological approaches and questions of what constitutes evidence. We know for example, through a number of studies across different methods and using different samples that men who are predisposed to aggression, or have a history of sexual and other aggression are more susceptible to the influence of extreme pornographic material (Itzin, Taket & Kelly, 2007). The burden of proof set in frameworks of causation; here we argue could be shifted to a focus to a responsibility to *prevention* and *intervention*.

It is not clear to us how any research could ever convincingly demonstrate clear causation, though this does not dispose of the case for legislation (McGlynn & Rackley, 2013). We would first need to ensure we are agreed what behaviour we consider could be caused through viewing the material. Importantly in evidencing pornographic depictions of rape as being culturally harmful through supporting a conducive context for VAWG, we find that conducive context is not just linked to criminalised forms of sexual violence. We thus are looking at wider conceptualisations than causal links to rape. Links have not been investigated, for example between consuming the material and practicing sexual harassment on a continuum of VAWG (Kelly 1988), a concept which recognises that many girls and women experience more than one form of violence in their lifetimes, and that the categories between different forms of violence are created by law and policy rather than women's experience. A meta-analysis of the research using non-experimental methodologies to measure connections between

³ From the *Sex and Censorship* submission: 'Consistently, international research has documented that the rates of sexual violence and crimes correlate in a negative fashion with a society's access to pornography. In countries and states with increased access to pornography, rates of sexual violence diminish. When countries have increased restrictions on access to pornography, these countries have experienced concomitant increases in sexual crimes. It is noteworthy that this effect appears most significant in juvenile offenders, suggesting that such increased access to pornography has disproportionate positive effect in reducing rates of sex crimes by juveniles.' From the *Backlash* submission: 'While the claim that access to pornography harms women is very poorly evidenced, there is some evidence that pornography may have some beneficial effects. Increased access to pornography is associated with decreases in sexual assaults.'

consumption of pornography and attitudes supporting sexual violence shows an overall significant positive association between pornography use and attitudes supporting violence against women in nonexperimental studies (Hald, Malamuth & Yuen, 2010). Across the meta analysis such attitudes were found to correlate significantly higher with the use of sexually violent pornography than with the use of nonviolent pornography, although the latter relationship was also found to be significant. In addition, arguments that suggest decrease in rape reports where communities have experienced an increase in availability and/or consumption of pornography may actually be reporting on women's feeling *less able* to report in a culture that is so supportive of VAWG. The very research reports used to suggest evidence of rape pornography's lack of harm may be evidence of its harm in reducing women's confidence in speaking out about experiences of men's violence.

Further, pornography depicting rape is harmful in the barriers it creates to advancing gender equality and the commitments made nationally and internationally by the government to end violence against women and girls. The Report of the Fourth World Conference on Women (United Nations, 2005), refers specifically to depictions of rape, identifying these as a form of harm both as factors contributing to continued prevalence of VAWG as well as particularly harmful for children and young people.

Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, are factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people

The harm of pornographic depictions of rape is thus recognised by the United Nations. To continue arguing for conclusive evidence prior of causal harm is to ignore the complex and multifaceted ways in which we both act on and are acted on by culture, a culture we both generate and, crucially, are generated by. We must move beyond the sterile cause and effect arguments, and discuss the wider issues of harm that such material does to the culture we live in (McGlynn & Rackley, 2013). A robust global and local evidence base shows that sexual violence and harassment, intimate partner violence, female genital mutilation, trafficking and sexual exploitation, forced marriage and honour-based violence are disproportionately experienced by women and girls and perpetrated by men and boys (United Nations 2005; End Violence Against Women 2011). This is not to make the argument that pornographic depictions of rape are the cause of VAWG, rather conceptualising pornographic depictions of rape as a conducive context for VAWG avoids positing such direct causal links, yet situates such pornography within a structural analysis of power. It spotlights attention to how everyday 'doing gender' is formed and reproduced as well as foregrounds government responsibilities for preventing VAWG.

References

- Attwood, F. Barker M. and Smith, C. (2014) 'Written evidence submitted to the CJC Bill Section 16 - Offence of possession of extreme pornographic images' <http://www.publications.parliament.uk/pa/cm201314/cmpublic/criminaljustice/memo/cjc06.htm> [accessed 31st March, 2014]
- Barnett J. & Let D. (2014) 'Written evidence submitted to the CJC Bill' available at <http://www.publications.parliament.uk/pa/cm201314/cmpublic/criminaljustice/memo/cjc13.htm> [accessed 31st March, 2014]
- Coy, M. & Garner, M. 2012. Definitions, discourses and dilemmas: policy and academic engagement with the sexualisation of popular culture *Gender & Education* 24(3) pp. 285-301.
- End Violence Against Women (2011) 'A different world is possible: A call for long-term and targeted action to prevent violence against women and girls', London: EVAW
- Fontaine, L. S. (2002) "Canadian Residential Schools: The Legacy of Cultural Harm" *IndigLawB* 31; 5(17) *Indigenous Law Bulletin* 4
- Hearn, J. (2001) 'Challenges and changes for men in gendering democracy: national and transnational challenges and changes for men', in Heinrich-Böll-Stiftung *Geschlechterdemokratie: Vielfalt der Visionen - Visionen der Vielfalt*, (plus CD-ROM), Verlag: Böll-Stiftung, Berlin, 2001, pp. 34-69.
- H.M. Government (2013) 'Call to End Violence Against Women and Girls Strategy' available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181088/vawg-action-plan-2013.pdf
- Horvath, M. A., Alys, L., Massey, K., Pina, A., Scally, M., & Adler, J. R. (2013). 'Basically... porn is everywhere: a rapid evidence assessment on the effects that access and exposure to pornography has on children and young people'.
- Kelly, L. (1988) 'Surviving Sexual Violence', Polity Press.
- McGlynn, C. & Rackley, E. (2013) 'Criminalising Extreme Pornography: lessons from England & Wales', Durham Law School Briefing Document, Durham University.
- UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> [accessed 7 April 2014]
- UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, available at: <http://www.refworld.org/docid/4720706c0.html> [accessed 7 April 2014]
- United Nations, Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, 27 October 1995, available at: <http://www.refworld.org/docid/3dde04324.html> [accessed 7 April 2014]