Pornography and Obscenity Sold in "Adult Bookstores": A Survey of 5132 Books, Magazines, and Films in Four American Cities

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Proponents and opponents of the enforcement of local, state, and federal laws proscribing the production, distribution, and sale of obscene material share little common ground. Despite the many divergences between these two camps, they share a tendency to focus debate on particular types of material that will elicit a sympathetic response from the uncommitted. Anti-

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1. As used in this Article, “obscenity” means that, according to a fact finder: “[T]he average person, applying contemporary community standards” would find that the work, taken as a whole, appeals to the prurient interest . . . depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and . . . lacks serious literary, artistic, political, or scientific value.” Miller v. California, 413 U.S. 15, 24 (1973) (citations omitted). The Miller Court gave examples of types of sexual conduct that state statutes could define for regulation under the second prong of the test, including: “Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated . . . [and] patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.” Id. at 25.

As defined by the Attorney General’s Commission on Pornography, pornography is “material [that] is predominately sexually explicit and intended primarily for the purpose of sexual arousal.” 1 ATTORNEY GENERAL’S COMM’N ON PORNOGRAPHY, U.S. DEP’T OF JUST., FINAL REPORT 228-29 (1986) [hereinafter COMM’N ON PORNOGRAPHY].

2. This tendency to polarize is strikingly demonstrated by the press coverage of the work of the Attorney General’s Commission on Pornography. Seizing on an inquiry made of chain stores concerning their sales of particular magazines, the press concentrated on
pornography groups emphasize child pornography and pornography portraying violence and sexually deviant behavior, for most listeners will wish to condemn these materials. Propornography groups emphasize works of literature, such as *Ulysses* or *Lady Chatterley's Lover*, or *Playboy* magazine, for even those who have never read these books or examined *Playboy* know that prevailing social standards substantially tolerate the sale and distribution of these works. Without data indicating which of these extreme sets of examples is more nearly representative of the marketplace, people who have no direct experience with the range of available pornography have no factual basis for judging which camp's claims are relevant to judgments about the contemporary pornography market.

During the eighteen months that the Attorney General's Commission on Pornography (the Commission) conducted public hearings, public discussion, and staff research, one of the most common types of inquiry directed to the staff consisted of questions as to the content of pornography currently available in the United States. Critics of the Commission's work asserted that the pornography used as exhibits by witnesses at the public hearings was extreme, not commonly available, or unrepresentative of that sold in pornography retail outlets. The only pertinent, quantitative data available to the Commission appeared in a single report in the *American Journal of Psychiatry*. To pro-

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*Playboy* and other familiar magazines as though they had been the Commission's major focus, often implying (quite erroneously, as is clear from any reading of the record) that the Commission had suggested government intervention to suppress such publications. In doing so, the press obscured the fact that the Commission directed its recommendations for governmental action exclusively toward the control of child pornography, materials that are unlawfully obscene under existing law, and materials that violate civil rights. 1 COMM'N ON PORNOGRAPHY, supra note 1, at 433-58. For examples of existing legal prohibitions, see 18 U.S.C. §§ 1461-1465, 1961-1964, 2252 (Supp. IV 1986).

3. The only more frequent types of inquiries were questions about how to eradicate pornography or limit its distribution and requests for referrals to places where victims could obtain assistance.

4. *See, e.g., P. NOBILE & E. NADLER, UNITED STATES OF AMERICA vs. SEX: HOW THE MEESCI COMMISSION LIED ABOUT PORNOGRAPHY (1986).*

vide more recent data from a selection of cities, the Commission, through its staff, investigated the materials currently marketed

The most recent example of this genre of research even attempts to enhance its significance by misrepresenting the Commission's focus and findings:

This paper analyzes the amount of violence in cartoons and pictorials from January 1954, through December 1983 in Playboy magazine. Inasmuch as the Attorney General's Commission on Pornography and Obscenity [sic] has focused upon magazines such as Playboy as potentially harmful to society because of the violence merged with sex, such an analysis is appropriate at this time.

Scott & Cuvelier, Violence in Playboy Magazine: A Longitudinal Analysis, 16 Archives Sexual Behav. 279 (1987). Of course the Commission knew perfectly well—as did Scott and Cuvelier before undertaking their study—that Playboy has been among the least violent of magazines containing pornography. See id. at 282. Scott and Cuvelier no doubt acquired the notion that the Commission focused on Playboy as "potentially harmful to society because of the violence merged with sex" because the news media, the American Civil Liberties Union campaign, and the Media Coalition campaign (funded in part by Playboy) all promoted that misconception. The Commission did express considerable concern about the merging of violent and sexual imagery, but in the Commission's deliberations, it often held out Playboy as an example of a publication containing primarily nonviolent sexual imagery. Although the Commissioners varied in their views of Playboy, none believed that visual depictions of sexual violence were a common theme in the magazine.

Our observations of the pornography industry and the testimony before the Commission lead us to believe that many, but not necessarily all, segments of the pornography industry have become increasingly violent in the past two decades, especially the R-rated "slasher" films that many people do not think of as pornography. An absence of quantitative, longitudinal studies of this issue makes the proposition difficult to prove. The authors of a recent review that considered the question of whether pornography had grown increasingly violent over the past several years stated:

At least for now, we cannot legitimately conclude that pornography has become more violent since the time of the 1970 obscenity and pornography Commission. The results of the few studies that have been done are inconclusive and mutually inconsistent. It is probably the case that the sheer quantity of violent and nonviolent pornographic materials that are for sale or rent in the United States has increased over the last 15 years—we don't need social science research to inform us of this fact. Undoubtedly, the ready availability of all forms of sexually explicit materials makes it much easier today to come into contact with those materials that are sexually violent. In other words, we may be more aware of the sexually violent forms of pornography because all forms of pornography are more prevalent than they once were. Furthermore, regardless of the increase or absolute level of violence in pornography, the violence that does exist is no trivial matter. There are good reasons to assume that the combination of sex and violence present in some forms of pornography [is] especially harmful.


6. The data collected had not been fully analyzed when the Commission disbanded. 2 Comm'n on Pornography, supra note 1, at 1503 n.2258. While data collection and some preliminary description of the observations made during data collection were done under Commission auspices, the remainder of the work leading to this Article was done after the Commission had disbanded and was not funded by the government. The quantitative analysis was conducted by Peggy Coleman, J.D., under the supervision of the authors, who are solely responsible for the content of this Article.
in so-called “adults-only bookstores.” This Article reports the results of that investigation.

A remarkable feature of much of the pornography debate has been a failure to distinguish among types or classes of pornography. Not infrequently, arguments resolve themselves when the participants realize that one side is thinking of nude pinups and the other is thinking of orgy films. The Commission found it necessary to distinguish four classes of pornography for the purpose of assessing harmfulness. Its findings varied from an expression of considerable concern regarding mere sexually violent material to an expression of minimal concern regarding nudity. Recognizing that public policy toward pornography requires attention to the nature of the materials offered in the pornographic marketplace and that many people who wish to make informed judgments are understandably reluctant to enter the pornography markets themselves, we have analyzed data collected by the Commission staff to provide a comprehensive description of the merchandise. The data presented in this Article show that the reluctance of so many to see for themselves is well-founded, and that the examples of violent and degrading materials relied upon by antipornography groups to support their claims are far more representative of the materials sold in “adults-only bookstores” than the novels and mass circulation magazines relied on as examples by the propornography groups. There may be a genre of pornography that depicts couples “making love,” but if there is, it occupies little or no shelf space in the “adults-only” bookstores of America.

Part I of the Article details the methods used to conduct the study and points out the limitations of the methods and, consequently, the findings. Part II presents the findings by examining: (A) the quantity of merchandise sold; (B) the distribution of sexual and other behaviors in the pornography sold, exploring (1) the overall distribution of depictions, (2) the occurrence of violence, bondage, and sadomasochism, (3) the occurrence of nonviolent paraphilic (deviant) behaviors, (4) the occurrence of nonparaphilic sexual variations, (5) the occurrence of particular

7. Contrary to the impression created by the designation “adults-only bookstores,” adolescents have significant access to the material sold in such shops. Transcript of Hearing, Attorney General’s Commission on Pornography, Houston, Tex., Sept. 1985, at 157D-157G (testimony of Jennings Bryant, Ph. D.). Moreover, the term “bookstore” neither accurately captures the merchandise sold in such shops nor accurately describes their major source of revenue, namely, peepshows.

8. 1 COMM’N ON PORNOGRAPHY, supra note 1, at 320-49. See infra note 27 for a description of the four classes.
sexual acts, (6) the occurrence of degrading and humiliating behavior, and (7) the occurrence of nonviolent, nondegrading, nonhumiliating sexual behaviors; (C) gender differences in the occurrence of particular behaviors; and (D) differences among magazines, books, and films. Part III summarizes the findings and suggests how they may be interpreted to estimate the proportion of materials sold in "adults-only" bookstores that would meet the "prurient interest" prong of the Miller obscenity test under different sets of assumptions about juror attitudes and values.  

I. METHODS

Commission staff surveyed the materials sold in pornographic outlets in four major cities selected for investigation on the basis of their proximity to the Commission offices in Washington, D.C., and the sites of scheduled travel of the staff members. In each city, the research team randomly selected "adults-only" pornographic outlets for study by listing all identifiable outlets and designating specific outlets for investigation by using a table of random numbers. The team surveyed four outlets in Washington, D.C., three in New York, New York, three in Baltimore, Maryland, and three in Boston, Massachusetts. In each of the cities, the investigators compiled information by completing a

9. See supra note 1.

10. The research team originally selected six cities for investigation, but had to abort the research in Miami, Fla., and Philadelphia, Pa. See infra note 11.

11. The team had to abort its effort to study outlets in Miami when an individual requested that the investigators discontinue their work, stating, "I've been arrested 21 times this year and I'm not going to be [arrested]." This request, coupled with a physical assault on the leader of the investigative group, led to the termination of the Miami survey. Miami law enforcement officers advised the research team that all of the shops would be put on alert and would deny entry to the investigators, making further efforts in Miami pointless. The Commission was able to establish that no one had been arrested 21 times in Miami the preceding year (at least not for obscenity violations), but nevertheless considered it inadvisable to continue with the investigation in that shop. The quantitative results reported here do not include the 85 magazines that had been coded in Miami before the investigation was halted.

The team likewise had to terminate its effort to study two outlets in Philadelphia when a woman representing herself as the owner's attorney asked the investigators to leave the premises. Data collection was not completed in either Philadelphia outlet selected for the sample, and these outlets could not be replaced because the above-mentioned woman denied access to the remaining shops in the city on behalf of the person alleged to be controlling those shops. The quantitative results reported here do not include the 360 magazines, 115 books, and 105 films that had been coded in Philadelphia before data collection was halted. In one Philadelphia store, investigators observed besti-
coding form designed for this purpose for each item of merchandise in the sample.

The coding forms were designed to identify the location of the shop, form of material (i.e., magazine, book, or film), title of the item, sex of person(s) depicted, and the presence or absence of each of a variety of specific images and forms of conduct. The investigators completed this coding form for each magazine, book, or film sampled, counted the total number of magazine titles, film titles, and book titles in each outlet, and recorded the other materials available for sale in each outlet.

Trained investigators completed this data collection between October 1985 and May 1986. A uniform training session providing instruction on the use of the forms, the manner of completing the forms, the technique for random selection, and the distinctions necessary to complete the forms (e.g., the distinction between whipping and spanking) supplemented the investigative experience and training that the coders brought with them to this project. The sample included every magazine sold as new merchandise that had one or more photographs on the front cover, twenty percent of books that had one or more visual depictions on the front cover, and twenty percent of films with one or more photographs on the box front. The researchers randomly selected books and films by coding every fifth item, going from left to right and from top to bottom on the racks and shelves. Pamphlets, packets of photographs, and tabloid newspapers were excluded. Within each outlet, the investigators skipped duplicative titles of magazines, books, and films so that any particular item would be coded only once.

The study was limited to the imagery found on the front covers of magazines and books and the front packaging material for

ality materials on display when they first entered the shop, but these were no longer present during a subsequent visit after the alert was sounded.

The exclusion of Miami and Philadelphia data does not alter the findings in any discernible way because the types of materials and even many of the specific titles observed in each of those cities were identical to those observed in each of the other cities. The limited observations made in Miami and Philadelphia suggested no differences between materials sold in these cities and those sold in the other cities studied.

12. The coding form is provided in an Appendix to this Article. Park Elliott Dietz drafted the initial form, which the Commission staff revised. The form does not include several variables that in retrospect would have been valuable. See infra notes 27-28.

13. Investigators included Detective Edward H. Chapman, Arlington County [Virginia] Police Department; Detective Joseph P. Haggarty, Metropolitan Police Department, Washington, D.C.; Inspector Daniel L. Mihalko, United States Postal Service (now Chief of the United States Postal Service Prohibited Mailing Section); and Special Agents David Borden and Ramon Martinez, United States Customs Service.
videotape cassettes or films. The methods generated results representative of the materials surveyed, in what is apparently the most comprehensive study of the imagery of pornography ever undertaken. We recognize, however, that much of the actual content of the materials remains concealed by focusing only on the packaging. For example, the packaging of films depicting bestiality often bears no photographs, but simply a title or an inventory number. Moreover, even where a photograph is used—and this was required for entry into the study—there is a limit to the number of sexual acts and deviant images that can be depicted in a small number of cover photographs (usually one). This limit biases the results in the direction of suggesting that the materials deal with a smaller number and more conventional range of sexual activities than is in fact the case.

The most important limitation of the instrument and method used is the resultant failure to distinguish varieties within the category “woman or man posed alone [without evidence of a series of particular images previously coded].” This category constitutes the largest percentage of cover depictions surveyed, but the seeming homogeneity (and innocuousness) of the category masks a great diversity of content. Items classified as depicting a “woman posed alone” spanned a wide range. They included the videotape, Forgive Me I Have Sinned, which includes scenes of vaginal intercourse, anal penetration by the penis, restraints of the body (including stocks, locks, and chains); a preview of another title that includes the actual piercing of the labia; Pregnant Dildo Bondage, which includes numerous depictions of one or more females posed alone, in an advanced stage of pregnancy, fettered in ropes or ball gags, with dildos and other objects penetrating the vagina or anus or both; and an untitled work that contains only photographs of the same nature as on the cover. Of 105 works examined internally after the cover imagery had been classified, all but two contained imagery that was more sexually explicit or deviant than the cover. Most items in the large “Swedish Erotica” line of videocassettes had cover im-

14. The full contents were not studied because this would have required the purchasing (or, where possible, renting) and viewing of all of the films, magazines, and books. See also infra text accompanying note 19.
15. See supra note 5.
16. Additional factors biasing the results in the same direction include the fact that no effort was made to rate the lewdness of cover images and the disproportionate inclusion of films from New York shops. See infra note 23.
17. We do not wish to be sensational in using the titles of the pornography studied. We believe, however, that there is no way to convey the tone of these materials to the reader without directly quoting a few of the titles.
agery limited to a woman posed alone, but advertising on the back cover of each item detailed a great deal more than the cover photograph suggested.¹⁸

The inherent limitations of efforts to judge books, magazines, and films by their covers, and the methodological shortcomings of this study allow two correct interpretations of the results reported here. First, the data can be interpreted as representative of the images marketed in commercial pornography outlets, as distinguished from the images sold. The customer sees these images by merely scanning the shelves, and in the case of sealed packages, only these images and the context in which the merchandise is offered guide the customer's selection. Second, the data can be interpreted as providing minimum estimates of the proportion of materials depicting deviant sexual conduct and minimum estimates of the number and variety of sexual acts explicitly depicted within the merchandise sold in commercial pornography outlets. The estimates are minimal because each source of bias in the methods works to minimize these measures: the truncation of the number of acts depicted in the material taken as a whole to those shown on the covers, the absence of any effort to measure the lewdness of genital displays, and the oversampling of films in New York¹⁹ all work in this direction.

Perhaps the most straightforward means of conveying the diversity of current pornography (other than by examining it at the outlets, which many people are reluctant to do) is by men-

¹⁸. "Swedish Erotica" films have been the subject of laboratory research on responses to pornography. One recent review summarizes their effects on viewers:

[J]male and female college students were randomly assigned to four conditions. In three conditions, students participated in six exposure sessions over consecutive weeks and viewed either (a) six sexually explicit films, (b) three sexually explicit and three innocuous films, or (c) six innocuous films. The sexually explicit films were from the series entitled "Swedish erotica" [sic] and each was approximately eight minutes long. A fourth experimental group received no prior exposure treatment. All subjects participated in a purportedly separate study three weeks after completion of the exposure treatment and completed a questionnaire that assessed several perceptions and dispositions concerning rape, sexuality, gender, and sexually explicit materials. The findings revealed that prolonged exposure to the nonviolent-degrading sexually explicit materials led to the trivialization of rape as a criminal offense, exaggerated perceptions of the prevalence of most sexual practices, and increased callousness toward female sexuality and concerns. Compared with the control groups, for example, massively exposed subjects recommended far shorter terms of incarceration for the convicted rapist. This was the case for both males and females, although women prescribed much greater punishment for rape overall.


¹⁹. See supra note 16, infra note 23, and accompanying text.
tioning the titles used by their producers and publishers to identify them. The Commission's Final Report lists the names of the materials reviewed in the survey, but here we give only a few of the titles to illustrate specific points. The producers of commercial pornography seldom exaggerate the degree of deviance or sexual explicitness in their labeling of products. For example, an item entitled Anal Agony depicts at least that. Titles indicating themes of racial bigotry against Blacks, Hispanics, or Asians, religious bigotry against Jews or Catholics, and, most commonly, sexual bigotry against women are accompanied by images conveying at least these themes. For the purpose of this study, no attempt was made to determine whether the activities or relationships depicted in photographs were actual or simulated. The overwhelming majority of photographs are obviously depicting people engaged in precisely those acts they appear to depict, but a few elements of simulation are known to occur in the production of pornography. As to the relationships depicted, items such as Kneeling For Daddy, Slave Wife Sucks, Daddy's Hot Daughter, and Virgin and the Lover are probably not accurate representations of the family relations or chastity of the performers, but we had no objective means of determining this.

Finally, this study is limited to those items available on open display to all persons who enter the pornographic outlets. Various witnesses before the Commission asserted that the materials sold at retail in such an open fashion excluded the most extreme forms of commercial pornography, especially the most heinous torture and mutilation materials and child pornography. Although the Commission heard ample evidence that such materials are traded among collectors, the offenders who create it, and members of various subcultural groups, no means were available for estimating the frequency of "under the counter" sales in

20. See 2 Comm'n on Pornography, supra note 1, at 1505-1612. The total number of items listed in the Commission's Final Report differs from the number reported here because titles appeared repeatedly in various outlets, because certain items bore no title or number, and because the title list includes materials from Miami and Philadelphia that were excluded from the quantitative analysis. See supra note 11.

21. The most common among these is the use of various substitutes for semen in ejaculation photographs and footage, explained by the inability of the male participants to ejaculate sufficiently frequently to meet filming schedules. Unlike large-budget productions, which use various photographic and special effects procedures to simulate sexual activities, bodily distortion, blood, and gore, the photographic pornography described in this Article consists of photographs of genuine people engaged in genuine acts.

22. Members of social organizations devoted to fetish collection, cross-dressing, sadomasochistic activities, child-adult sexual contact, and other particular sexual behaviors frequently exchange relevant pornography. In addition to the more structured clubs, persons with shared, deviant interests meet through specialized sexual service establish-
pornographic outlets other than a small number of incidents for which proof was available.

II. Findings

In this section, we report the results of the study, including the total quantity of material sold, the particular images found among the materials, the broad categories of imagery identified, gender differences in images depicted, and comparisons among magazines, books, and films.

A. Quantity of Merchandise for Sale

Table 1 provides the number of magazines, books, and films sold in the thirteen shops surveyed. Because investigators did not code duplicate titles within a single shop and coded only one-fifth of those books and films bearing pictures on their covers and because only a portion of the New York data were available for analysis, the data in table 1 do not represent the numbers of items coded and analyzed in this study. On average, 324 magazines, 292 books, and 267 films were sold in each shop surveyed. Had pamphlets, packets of photographs, tabloid newspapers, and other merchandise sold in the shops been included,
the number of nonduplicative titles or other items for sale would have averaged more than 1000 per shop.

Table 1: Total Number of Magazines, Books, and Films Sold in the Outlets Studied in Baltimore (N = 3), Boston (N = 3), New York (N = 3), and Washington, D.C. (N = 4)

<table>
<thead>
<tr>
<th>Merchandise</th>
<th>Baltimore N (%)</th>
<th>Boston N (%)</th>
<th>New York N (%)</th>
<th>Washington N (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magazines</td>
<td>938 (48.6)</td>
<td>1372 (45.3)</td>
<td>454 (18.4)</td>
<td>1445 (35.7)</td>
</tr>
<tr>
<td>Books</td>
<td>196 (10.2)</td>
<td>1365 (45.1)</td>
<td>320 (12.9)</td>
<td>1920 (47.5)</td>
</tr>
<tr>
<td>Films</td>
<td>796 (41.2)</td>
<td>290 (9.6)</td>
<td>1700 (68.7)</td>
<td>680 (16.8)</td>
</tr>
<tr>
<td>Total</td>
<td>1930 (100.0)</td>
<td>3027 (100.0)</td>
<td>2474 (100.0)</td>
<td>4045 (100.0)</td>
</tr>
</tbody>
</table>

The data in table 1 suggest that the proportions of the market devoted to magazines, books, and films differ among the four cities. Yet these differences could be due to sampling error to the extent that the number of outlets studied in each city was small compared to the number of outlets identified. Thus, for example, the apparent dominance of the New York market by films or the Washington market by books may reflect the particular stores that fell in the random selection of outlets in the four cities. The investigators observed identical merchandise in all the shops in all four cities, supporting Commission findings as to common sources of merchandise. Although we believe it would be imprudent to interpret differences among particular shops or cities, we have confidence in the degree to which the data reported here represent the magazines, books, and films sold in "adults-only" pornographic outlets throughout the United States.

25. Although it would have been desirable to study a larger number of outlets in each city, the lack of funding budgeted for the study prohibited this.
26. Although the data reported here were collected in the northeastern United States, the same investigators observed the materials sold at outlets in Houston, Tex., Miami, Fla., Los Angeles, Ca., Philadelphia, Pa., and Chicago, Ill., all of which sold similar, and often identical, merchandise.
B. Sexual and Other Behaviors Depicted in the Merchandise

This section provides a detailed analysis of the particular behaviors depicted in the merchandise sold in these outlets. The term “image” is used throughout in an effort to simplify the presentation of the findings. By “image” we mean an element in a photograph or drawing. Each image described is a representation of a person, behavior, object, or substance. These images appeared chiefly in still photographs on the covers of magazines and film packages and in drawings or other artwork on the covers of books, though there were exceptions to these generalizations. In the case of photographs, it is essential to bear in mind that the images were created by photographing real people, behavior, objects, and substances.

The first subsection provides an overview of the particular images observed in the merchandise, and the subsections that follow explore particular combinations of images, grouped according to varying conceptions of the relevant categories of materials. As there is no widely accepted, standardized classification for pornography, we grouped the available data according to categories that various participants in the public policy debate regarding pornography may find relevant to their views and goals. These subsections do not comprise a typology of pornography because the six categories described are neither mutually exclusive nor exhaustive of all forms of pornography.

1. Overall distribution of images—A total of 5132 magazine, book, and film covers were coded and included in the analysis. The investigators denoted the presence or absence of forty-eight particular images on the cover of each item studied. These forty-eight images are listed in table 2, which gives the fre-

27. Data collection began before the Commission had derived its classification scheme, which divides pornography into four classes (not including child pornography): (1) sexually violent material; (2) nonviolent materials depicting degradation, domination, subordination, or humiliation; (3) sexually explicit but nonviolent and nondegrading materials, and (4) simple nudity. 1 COMM’N ON PORNOGRAPHY, supra note 1, at 320-49. The coding forms omitted some variables that would be necessary to measure the prevalence of the Commission’s categories of pornography more precisely. Most importantly, the coding form did not provide coders an opportunity to note that an item was (1) sexually explicit but without evidence of violence or degradation, or (2) limited to simple nudity. The results reported in this Article make plain that these items are not commonly found in such shops, but it would be preferable if their true rarity could be more accurately documented.

28. To our regret, we did not include certain images on the coding form that in retrospect would have been of interest. The most important omission is the lack of any single variable that indicated whether an item showed no evidence of violence, degradation, humiliation, domination, or submission. See infra Appendix.
quency with which they were found and the percentage of all items bearing each image. Note that these images are not mutually exclusive and that single items often bore multiple images from this list.

Table 2: Frequency and Percentage of Magazines, Books, and Films Visually Depicting Particular Images on Their Covers

<table>
<thead>
<tr>
<th>Image</th>
<th>Magazines N (%)</th>
<th>Books N (%)</th>
<th>Films N (%)</th>
<th>Totala N (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gag</td>
<td>140 (3.8)</td>
<td>32 (4.4)</td>
<td>13 (1.8)</td>
<td>185 (3.6)</td>
</tr>
<tr>
<td>Blindfold</td>
<td>36 (1.0)</td>
<td>7 (1.0)</td>
<td>5 (0.7)</td>
<td>48 (0.9)</td>
</tr>
<tr>
<td>Hood or mask worn by person in submissive position</td>
<td>38 (1.0)</td>
<td>9 (1.2)</td>
<td>2 (0.3)</td>
<td>49 (1.0)</td>
</tr>
<tr>
<td>Hood or mask worn by person in dominant position</td>
<td>17 (0.5)</td>
<td>1 (0.1)</td>
<td>3 (0.4)</td>
<td>21 (0.4)</td>
</tr>
<tr>
<td>Neck restraint held or fixed to another point</td>
<td>76 (2.1)</td>
<td>11 (1.5)</td>
<td>9 (1.2)</td>
<td>96 (1.9)</td>
</tr>
<tr>
<td>Handcuffs</td>
<td>40 (1.1)</td>
<td>12 (1.6)</td>
<td>5 (0.7)</td>
<td>57 (1.1)</td>
</tr>
<tr>
<td>Leg irons</td>
<td>24 (0.7)</td>
<td>8 (1.1)</td>
<td>4 (0.6)</td>
<td>37 (0.7)</td>
</tr>
<tr>
<td>Restraint of body other than mentioned above</td>
<td>237 (6.5)</td>
<td>87 (11.8)</td>
<td>28 (3.8)</td>
<td>352 (6.9)</td>
</tr>
<tr>
<td>Whip, gun, knife, or other weapon</td>
<td>123 (3.4)</td>
<td>34 (4.6)</td>
<td>21 (2.9)</td>
<td>179 (3.5)</td>
</tr>
<tr>
<td>Hoist or rack</td>
<td>66 (1.8)</td>
<td>14 (1.9)</td>
<td>7 (1.0)</td>
<td>88 (1.7)</td>
</tr>
<tr>
<td>Forcible rape</td>
<td>12 (0.3)</td>
<td>13 (1.8)</td>
<td>2 (0.3)</td>
<td>28 (0.6)</td>
</tr>
<tr>
<td>Whippingb</td>
<td>26 (0.7)</td>
<td>8 (1.1)</td>
<td>3 (0.4)</td>
<td>37 (0.7)</td>
</tr>
<tr>
<td>Piercingc (other than ears)</td>
<td>7 (0.2)</td>
<td>4 (0.5)</td>
<td>3 (0.4)</td>
<td>14 (0.3)</td>
</tr>
<tr>
<td>Bruise(s)</td>
<td>13 (0.4)</td>
<td>0 (0.0)</td>
<td>4 (0.6)</td>
<td>18 (0.4)</td>
</tr>
<tr>
<td>Blood</td>
<td>11 (0.3)</td>
<td>2 (0.3)</td>
<td>0 (0.0)</td>
<td>13 (0.2)</td>
</tr>
<tr>
<td>Other bondage or sadomasochistic imagery (excluding spanking and women fighting)</td>
<td>161 (4.4)</td>
<td>23 (3.1)</td>
<td>24 (3.3)</td>
<td>208 (4.0)</td>
</tr>
<tr>
<td>Spanking</td>
<td>64 (1.8)</td>
<td>11 (1.5)</td>
<td>4 (0.6)</td>
<td>80 (1.6)</td>
</tr>
<tr>
<td>Image</td>
<td>Magazines</td>
<td></td>
<td>Books</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td></td>
<td>N (%)</td>
<td>N (%)</td>
<td>N (%)</td>
<td>N (%)</td>
</tr>
<tr>
<td>Women fighting with one another</td>
<td>16 (0.4)</td>
<td>10 (1.4)</td>
<td>0 (0.0)</td>
<td>26 (0.5)</td>
</tr>
<tr>
<td>Corpse</td>
<td>4 (0.1)</td>
<td>2 (0.3)</td>
<td>1 (0.1)</td>
<td>8 (0.2)</td>
</tr>
<tr>
<td>Fisting</td>
<td>4 (0.1)</td>
<td>1 (0.1)</td>
<td>3 (0.4)</td>
<td>8 (0.2)</td>
</tr>
<tr>
<td>Enema</td>
<td>11 (0.3)</td>
<td>3 (0.4)</td>
<td>3 (0.4)</td>
<td>17 (0.3)</td>
</tr>
<tr>
<td>Urine or urination</td>
<td>2 (0.05)</td>
<td>1 (0.1)</td>
<td>12 (1.6)</td>
<td>15 (0.3)</td>
</tr>
<tr>
<td>Feces and defecation</td>
<td>2 (0.05)</td>
<td>1 (0.1)</td>
<td>4 (0.6)</td>
<td>7 (0.1)</td>
</tr>
<tr>
<td>Diapers or diapering</td>
<td>8 (0.2)</td>
<td>1 (0.1)</td>
<td>0 (0.0)</td>
<td>9 (0.2)</td>
</tr>
<tr>
<td>Bestiality</td>
<td>8 (0.2)</td>
<td>16 (2.2)</td>
<td>33 (4.5)</td>
<td>57 (1.1)</td>
</tr>
<tr>
<td>Person with breasts and penis (&quot;He/She&quot;)</td>
<td>101 (2.8)</td>
<td>16 (2.2)</td>
<td>6 (0.8)</td>
<td>123 (2.4)</td>
</tr>
<tr>
<td>Anatomically normal man wearing female clothing</td>
<td>17 (0.5)</td>
<td>3 (0.4)</td>
<td>1 (0.1)</td>
<td>21 (0.4)</td>
</tr>
<tr>
<td>Leather</td>
<td>202 (5.5)</td>
<td>19 (2.6)</td>
<td>28 (3.8)</td>
<td>249 (4.8)</td>
</tr>
<tr>
<td>Rubber or latex</td>
<td>59 (1.6)</td>
<td>7 (1.0)</td>
<td>6 (0.8)</td>
<td>72 (1.4)</td>
</tr>
<tr>
<td>Exaggerated shoes or boots</td>
<td>109 (3.0)</td>
<td>7 (1.0)</td>
<td>9 (1.2)</td>
<td>125 (2.4)</td>
</tr>
<tr>
<td>Childlike clothing, props, or setting</td>
<td>112 (3.1)</td>
<td>69 (9.4)</td>
<td>11 (1.5)</td>
<td>192 (3.7)</td>
</tr>
<tr>
<td>Shaved pubic area</td>
<td>68 (1.9)</td>
<td>5 (0.7)</td>
<td>7 (1.0)</td>
<td>81 (1.6)</td>
</tr>
<tr>
<td>Pregnancy</td>
<td>57 (1.6)</td>
<td>1 (0.1)</td>
<td>2 (0.3)</td>
<td>61 (1.2)</td>
</tr>
<tr>
<td>Engorged breasts with depiction of milk production</td>
<td>54 (1.5)</td>
<td>1 (0.1)</td>
<td>1 (0.1)</td>
<td>56 (1.1)</td>
</tr>
<tr>
<td>Extremely large breasts</td>
<td>224 (6.1)</td>
<td>24 (3.3)</td>
<td>28 (3.8)</td>
<td>277 (5.4)</td>
</tr>
<tr>
<td>Anal insertion of penis</td>
<td>536 (14.7)</td>
<td>27 (3.7)</td>
<td>37 (5.1)</td>
<td>601 (11.7)</td>
</tr>
<tr>
<td>Three or more persons engaged in sexual activity</td>
<td>432 (11.8)</td>
<td>70 (9.5)</td>
<td>56 (7.7)</td>
<td>558 (10.9)</td>
</tr>
<tr>
<td>Image</td>
<td>Magazines N (%)</td>
<td>Books N (%)</td>
<td>Films N (%)</td>
<td>Total N (%)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Woman dealing with more than one penis</td>
<td>133 (3.6)</td>
<td>5 (0.7)</td>
<td>9 (1.2)</td>
<td>147 (2.9)</td>
</tr>
<tr>
<td>Sex between two women, regardless of others present</td>
<td>227 (6.2)</td>
<td>32 (4.4)</td>
<td>43 (5.9)</td>
<td>304 (5.9)</td>
</tr>
<tr>
<td>Sex between two men, regardless of others present</td>
<td>376 (10.3)</td>
<td>39 (5.3)</td>
<td>12 (1.6)</td>
<td>428 (8.3)</td>
</tr>
<tr>
<td>Man and woman shown with none of the above</td>
<td>320 (8.8)</td>
<td>103 (14.0)</td>
<td>70 (9.6)</td>
<td>493 (9.6)</td>
</tr>
<tr>
<td>Woman or man posed alone with none of the above</td>
<td>730 (20.0)</td>
<td>165 (22.5)</td>
<td>387 (53.2)</td>
<td>1288 (25.0)</td>
</tr>
<tr>
<td>Vaginal intercourse</td>
<td>397 (8.4)</td>
<td>18 (2.4)</td>
<td>35 (4.8)</td>
<td>362 (7.0)</td>
</tr>
<tr>
<td>Fellatio</td>
<td>1005 (27.5)</td>
<td>46 (6.3)</td>
<td>71 (9.8)</td>
<td>1122 (21.9)</td>
</tr>
<tr>
<td>Cunnilingus</td>
<td>307 (8.4)</td>
<td>20 (2.7)</td>
<td>28 (3.8)</td>
<td>356 (6.9)</td>
</tr>
<tr>
<td>Masturbation&lt;sup&gt;h&lt;/sup&gt;</td>
<td>190 (5.2)</td>
<td>24 (3.3)</td>
<td>16 (2.2)</td>
<td>230 (4.5)</td>
</tr>
<tr>
<td>Penetration by inanimate object(s)</td>
<td>119 (3.2)</td>
<td>19 (2.6)</td>
<td>9 (1.2)</td>
<td>147 (2.9)</td>
</tr>
<tr>
<td>Homosexual material&lt;sup&gt;i&lt;/sup&gt;</td>
<td>640 (17.5)</td>
<td>110 (15.0)</td>
<td>39 (5.4)</td>
<td>790 (15.4)</td>
</tr>
<tr>
<td>Anorectal eroticism&lt;sup&gt;j&lt;/sup&gt;</td>
<td>552 (15.1)</td>
<td>32 (4.4)</td>
<td>47 (6.5)</td>
<td>632 (12.3)</td>
</tr>
</tbody>
</table>

a. A few row totals exceed the sum of other frequencies in the row because of missing data on whether particular items were magazines, books, or films.

b. Does not include spanking.

c. Includes rings, pins, hooks, or other items inserted through or into the labia, nipples, foreskin, penis, scrotum, or other body parts or demonstrations of the process of infibulation through which a channel is made to allow the passage of such items through the skin.

d. Images of a motionless individual with closed eyes were not coded as positive on this item, regardless of apparent injury or torture, unless a coffin, grave site, or other imagery of death was also present.

e. Insertion of the entire hand (and sometimes the wrist, forearm, and arm) through the anus of another person into the rectum (and sometimes into the large intestine).
f. Sexual contact between a human and another species (e.g., horses, ponies, dogs, pigs, sheep, and chickens).
g. Partial transsexuals, i.e., former anatomical males who have developed breasts through hormonal treatment with or without surgery but who have not had any surgical alteration of the male genitalia.
h. Coded as positive only if an individual is depicted stimulating his or her own genitals with his or her hand(s) and without the use of any foreign object.
i. Includes items depicting "sex between two men, regardless of others present" as well as items obviously meant to appeal to homosexual men that do not depict sex between two men on the cover.
j. Depicts one or more of the following: fisting, enema, feces and defecation, or anal insertion of penis.

The prevalence of each of the categories of imagery was compared among the four cities to determine whether specific geographic variations existed. All of the major variations that could be identified reflected differences in the proportion of the particular marketplace devoted to magazines, books, and films. For example, higher proportions of items sold in Boston than of items sold in the other cities depicted violent imagery and degrading imagery. These types of imagery appeared more frequently on the covers of magazines and books than on the boxes in which films are sold, and films comprised a significantly smaller proportion of the Boston market than in the other three cities.

Some of the less common images were not observed in particular cities. No depictions of blood, corpses, diapers, or diapering were found in the New York outlets studied, and no depictions of feces or defecation were found in the Boston outlets studied. Every other type of image studied was observed in each of the four cities.29

2. Violent, bondage, and sadomasochistic imagery—Depictions of violence in the material studied took four principal forms. The first consisted of the use of force, including depictions of rape, whipping, spanking, and women fighting.30 Each of these types of force appeared on the covers of less than two per-

29. Pornography depicting male amputees exposing their genitals or female amputees engaging in sexual acts with one or more persons was observed in Baltimore and Boston only, but was not specifically studied because of an omission from the coding form.
30. Nothing said about force in this Article should be construed as suggesting that force is uninvolved in pornography that does not depict force. The Commission heard ample testimony concerning the use of force and other coercive means in the production of seemingly nonviolent pornography. In conducting a content analysis, however, we are limited to an assessment of the content of the pornography and have no objective means of looking beyond the camera lens.
percent of the items surveyed, and the total proportion of the items depicting these activities was approximately three percent. The second form depicted the effects of violence, namely bruising, blood, and some instances of piercing\(^{31}\) and corpses.\(^{32}\) Each of these appeared on the covers of less than one percent of the items surveyed, and together they appeared on approximately one percent of the covers. The third form exhibited certain implements of violence, whether in use or not, namely, whips, guns, knives, or other weapons, and hoists or racks. Weapons appeared on 3.5% of covers, and hoists or racks on 1.7%; approximately 5% of covers showed one or more of these implements.

The fourth and most frequent variety of violence depiction consisted of restrained persons, implying the custody and control of another person, who is often absent from the picture.\(^{33}\) The individual elements that comprise such restraint are listed in table 2; combinations of these items are shown in table 3 and defined in the footnotes to the table.

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31. Piercing in progress—e.g., items showing bleeding or a meat hook inserted through the ankle—demonstrates the effects of violence. In contrast, however, completed piercing manifested by the presence of a ring or other object inserted through the skin conceivably resulted from surgical procedures that some observers would not regard as violent.

32. Some depictions of corpses indicate or imply a violent manner of death, others indicate or imply a nonviolent manner of death (such as a drug overdose), and others provide no hint as to whether the image is intended to represent the effects of violence.

33. In our view, the absence of a captor from so many of the pictures is designed to induce and facilitate the viewer's fantasy that he (usually a male) holds the depicted person captive.
Table 3: Frequency and Percentage of Magazines, Books, and Films Visually Depicting Sadomasochistic and Violent Themes on Their Covers

<table>
<thead>
<tr>
<th>Theme</th>
<th>Magazines</th>
<th>Books</th>
<th>Films</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N (%)</td>
<td>N (%)</td>
<td>N (%)</td>
<td>N (%)</td>
</tr>
<tr>
<td>Sensory bondage</td>
<td>182 (5.0)</td>
<td>41 (5.6)</td>
<td>17 (2.3)</td>
<td>240 (4.7)</td>
</tr>
<tr>
<td>Motor bondage</td>
<td>317 (8.7)</td>
<td>101 (13.8)</td>
<td>34 (4.7)</td>
<td>453 (8.8)</td>
</tr>
<tr>
<td>Any bondage</td>
<td>341 (9.3)</td>
<td>106 (14.4)</td>
<td>38 (5.2)</td>
<td>486 (9.5)</td>
</tr>
<tr>
<td>Sadism evidenced other than by bondage</td>
<td>163 (4.5)</td>
<td>53 (7.2)</td>
<td>27 (3.7)</td>
<td>245 (4.8)</td>
</tr>
<tr>
<td>Any sadomasochistic theme</td>
<td>405 (11.1)</td>
<td>133 (18.1)</td>
<td>53 (7.3)</td>
<td>593 (11.6)</td>
</tr>
<tr>
<td>Any violence (including sadomasochistic themes)</td>
<td>450 (12.3)</td>
<td>145 (19.8)</td>
<td>56 (7.7)</td>
<td>653 (12.7)</td>
</tr>
</tbody>
</table>

a. As described in the text, these themes were defined by the presence or absence of combinations of the images listed in table 2.
b. A few row totals exceed the sum of other frequencies in the row because of missing data on whether particular items were magazines, books, or films.
c. Depicts one or more of the following: blindfold, gag, hood or mask worn by person in submissive position, or hood or mask worn by person in dominant position.
d. Depicts one or more of the following: neck restraint held or fixed to another point, handcuffs, leg irons, restraint of body other than mentioned above, or hoist or rack.
e. Depicts sensory bondage and/or motor bondage.
f. Depicts one or more of the following: piercing, whipping, rape by force, whip, gun, knife or other weapon, bruise(s), or blood.
g. Depicts any bondage and/or sadism evidenced other than by bondage.
h. Depicts one or more of the following: any bondage, sadism evidenced other than by bondage, spanking, women fighting, or fisting.

The proportions of items depicting particular elements of sensory bondage were: gags, 3.6%; blindfolds, 0.9%; hoods or

34. "Sensory bondage" is designed to reduce sensory stimulation. Blindfolds, hoods, and some masks reduce visual (and in some instances, auditory and olfactory) stimulation of the person wearing them. Gags silence the gagged person, thereby reducing auditory stimulation of both the gagged person and others.
masks worn by persons in submissive positions, 1.0%; and hoods or masks worn by persons in dominant positions, 0.4% (see table 2). Gags, blindfolds, and hoods or masks were more prevalent among magazines and books than among films, and sensory bondage (any combination of one or more of these elements) appeared on 5.0% of magazine covers, 5.6% of book covers, and 2.3% of film packages (see table 3). Overall, 4.7% of the items depicted sensory bondage. The proportions of items depicting particular elements of motor bondage were: neck restraint held or fixed to another point, 1.9%; handcuffs, 1.1%; leg irons, 0.7%; and other restraint of the body, 6.9% (see table 2). Each of the elements of motor bondage was more prevalent among magazines and books than among films, and motor bondage (any combination of one or more of these elements) appeared on 8.7% of magazine covers, 13.8% of book covers, and 4.7% of film packages (see table 3). Overall, 8.8% of the items depicted motor bondage. A total of 341 magazine covers (9.3%), 106 book covers (14.4%), and 38 film packages (5.2%) depicted any bondage, for a total of 486 bondage depictions (9.5% of the total sample).

Sadomasochistic and violent imagery, although closely related, are not identical. In an effort to provide meaningful estimates of the prevalence of each among the materials studied, we devised the other categories listed in table 3. We consider as sadomasochistic not only the bondage imagery described above, but also the "sexual" use of images of piercing, whipping, rape by force, a whip, gun, knife, or other weapon, bruising, or blood. These latter images appeared on 4.8% of the items studied and were more prevalent among magazines and books than among films. A total of 405 magazine covers (11.1%), 133 book covers (18.1%), and 53 film packages (7.3%) depicted some sadomas-

35. "Motor bondage" is designed to constrain movement, including the muscular movements necessary to breathe.

36. At several locations in the text and tables, the totals given are slightly greater than the sum for magazines, books, and films. This occurs when one or more items is included in the total for which the coder neglected to indicate whether the item was a magazine, book, or film.

37. Here we use the term "sadomasochistic" to refer to a class of imagery designed to appeal to sadistic or masochistic impulses and most particularly to persons whose sexual response pattern would be classified as sexual sadism or sexual masochism according to the American Psychiatric Association. See AMERICAN PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, 286-88 (3d ed. rev. 1987) [hereinafter DSM-III-R]. In using this term, we do not imply acceptance of the concept that sexual sadism and sexual masochism are indistinguishable, but rather we merely are acknowledging that efforts to distinguish sadistic imagery from masochistic imagery were beyond the scope of this study.
ochistic theme, for a total of 593 sadomasochistic depictions (11.6% of the total sample).\(^{38}\)

Although all of the sadomasochistic imagery considered here\(^{39}\) can be classified as violent, we are reluctant to consider several forms of violent imagery in the materials as sadomasochistic. Spanking materials include some that are clearly sadistic, depicting bruising and the striking of apparently energetic blows, but others that are more devoted to the ritual of one person who is supposedly in a position of greater power and authority (e.g., husband, parent, teacher, priest, or nun) ordering another to expose the buttocks, suggesting that degradation and humiliation, rather than pain and terror, are the desired responses.

Although the American Psychiatric Association regards "psychological or physical suffering (including humiliation)" as the imagery arousing to the sexual sadist, and "being humiliated, beaten, bound, or otherwise made to suffer" as the activity sexually arousing to the sexual masochist,\(^{40}\) we attempted to maintain a distinction between physical suffering or harm, on the one hand, and psychological suffering or harm, on the other hand. Without such a distinction, all pornography that is viewed as degrading or humiliating could be viewed as sadomasochistic.

Some of the spanking materials emphasize the usual features of pseudochild pornography,\(^{41}\) suggesting yet another intended audience. Depictions of women fighting likewise vary between those suggesting painful beatings and those (such as mud wrestling) in which the themes of degradation and humiliation appear more prominently. Although other evidence of sadomasochism accompanies many depictions of fisting, we hesitate to consider fisting as de facto evidence of sadomasochism because of the paucity of scientific knowledge of the practice; yet fisting entails such pronounced dilatation of the anus and such tissue trauma that we consider it to represent violence. Thus, while not all depictions of spanking, women fighting, or fisting are as

38. See supra note 36.
39. Nonviolent sadomasochistic imagery includes such images as a woman dressed in black leather towering over a naked, cowering man (an example that is relatively plentiful in the sample), forced acts of urination, defecation, and public genital exposure (which would be difficult to infer reliably from a still photograph, but which seem to occur in the sample), or perhaps even subtle acts of sexual domination and submission (which are also difficult to infer reliably from the photographs in the sample). These were not classified as sadomasochistic to obviate any criticism that the methods used here overestimate deviance. Our approach differs from the methods used by Dietz and Evans, supra note 5, and accounts for the lower proportion of magazines in the present study found to depict bondage or sadomasochistic themes.
40. See supra note 37.
41. See infra text accompanying note 44.
overtly sadomasochistic as the other images classified as sadomasochistic in this study, we believe that all are violent. If bondage, sadism evidenced other than by bondage, spanking, women fighting, and fisting are each considered violence, a total of 450 magazine covers (12.3%), 145 book covers (19.8%), and 56 films covers (7.7%) depicted violence. Overall, 653 items (12.7% of the total sample) depicted such violence.  

3. Nonviolent paraphilic imagery—The paraphilias, formerly known as sexual deviations or perversions, are sexual disorders characterized by a pattern of sexual responsiveness to unconventional stimuli. Although the particular environmental stimuli that are arousing to paraphiliac individuals vary considerably, the more common patterns of responsiveness have been given diagnostic labels that have been standardized for clinical use. Segments of the pornographic marketplace are designed to correspond to paraphilic preferences. The sadomasochistic materials described above represent one such segment of the marketplace, designed to appeal to sexual sadists, sexual masochists, or those with more focused sexually sadistic interests (e.g., binding, whipping, spanking, torturing, or piercing of others) or more focused sexually masochistic interests (e.g., being bound, whipped, spanked, tortured, or pierced). Depictions of corpses, which appeared in only 0.2% of the materials, are designed to appeal particularly to necrophiles, even though some such depictions also deal with themes of violence. In addition to the materials already described, a variety of nonviolent materials is also designed to correspond to paraphilic preferences.

Among the paraphilic imagery in the materials studied were depictions of enemas (corresponding to klismaphilia; 0.3% of materials), urine or urination (corresponding to urophilia; 0.3%), feces or defecation (corresponding to coprophilia; 0.1%), diapers or diapering (corresponding to infantilism; 0.2%), bestiality (corresponding to zoophilia; 1.1%), anatomically normal men wearing female clothing (corresponding to transvestic fetishism; 0.4%), leather (corresponding to leather fetishism but also associated with sexual sadism and sexual masochism; 4.8%), rubber

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42. See supra note 36.

43. DSM-III-R, supra note 37, is the accepted reference source for the diagnosis of mental disorders in American psychiatry. One of the authors (Park Elliott Dietz) was a member of the committee that created the DSM-III-R criteria and descriptions for the paraphilias; the author dissented from the majority on several major points. In citing the work here, the authors are not expressing endorsement of these criteria, particularly the assumption that a paraphilic urge must be acted upon or distressing to the person to be abnormal.
or latex (corresponding to rubber or latex fetishism; 1.4%), and exaggerated shoes and boots (corresponding to shoe and boot fetishism, but also associated with sexual sadism and sexual masochism; 2.4%).

Depictions of presumably adult women wearing childlike clothing or photographed amid childlike props or settings, known as pseudochild pornography, appeared in 3.1% of magazines and 1.5% of films. These, like pictures of presumably adult women with shaved pubes (1.9% of magazines and 1.0% of films), are in part an attempt to fill the demand for child pornography (already successfully suppressed from over-the-counter commercial distribution at the time of this study). Despite the use of pigtails, bobby socks, and teddy bears, the women in these pictures most often resemble adolescents rather than prepubescent children and therefore correspond more to the interests of hebophiles than of pedophiles. The text of books is not regulated by the federal child pornography law, however, and descriptions of sexual activity between adults and children are plentiful in book form. Twelve of the thirteen outlets studied sold paperback books featuring themes of child sexual abuse and incest. These books typically use drawings rather than photographs on their covers and correspond more directly to the interests of pedophiles. The covers of 9.4% of books featured childlike clothing, props, or settings.

Although available data do not permit an exact calculation of the proportion of materials that deal with nonviolent paraphilic imagery, the proportion was between 10% and 15% of the materials.

44. This term was introduced in Dietz & Evans, supra note 5, at 1494.
45. Youthful-appearing males were featured prominently in some of the homosexual materials studied, but their prevalence was not quantified and is not included in the figures given here.
46. No child pornography was observed on display in any shop studied. Indeed, we are aware of no instance of over-the-counter commercial distribution of child pornography since the enactment of the Child Protection Act of 1984, which was enacted in response to public concerns and in the wake of the Supreme Court decision in New York v. Ferber, 458 U.S. 747 (1982). In Ferber, the Court held that certain sexually explicit depictions of children below a specified age are not protected by the first amendment.
47. This term, or alternatively “ephebophilia,” is increasingly used to describe persons particularly attracted to postpubescent children (adolescents). See, e.g., J. Money, VENUSES PENUSES: SEXOLOGY, SEXOSOPHY, AND EXIGENCY THEORY 447 (1986). Whether such attraction ought to be regarded as abnormal is a debatable point, for attraction to sexually mature members of the opposite sex of the same species is biologically normal. It is not even clear that our culture, which proscribes sexual activity with those below the age of consent, condemns sexual attraction to these same persons.
4. *Nonparaphilic sexual variations*— Under this heading, we describe materials characterized by depictions of “unconventional” sexual stimuli (other than particular sexual acts, which are dealt with separately below) that are not per se violent or sadomasochistic and that do not correspond to recognized paraphilias. Some of the items described here, however, also contain violent, sadomasochistic, or other paraphilic imagery.

Materials designed to appeal to male homosexuals comprised 15.4% of the items studied, and more than half of these (8.3% of the total sample) depicted sexual relations between two men. The remaining 84.6% of the materials were designed to appeal to a heterosexual audience (assuming that depictions of sexual relations between women, which comprised 5.9% of the total, are designed to appeal to heterosexual men rather than to lesbian women). The materials designed to appeal to homosexual males included items depicting every image listed in table 2 except those requiring the presence of a woman by definition.

Depictions of group sexual activity (more than two persons) appeared on 11.8% of magazine covers, 9.5% of book covers, and 7.7% of film packages (10.9% of all materials studied). One sub-category of group sexual activity—depictions of a woman dealing simultaneously with more than one penis—was also coded and accounted for about 26.3% of the class (2.9% of all materials) and 30.8% of magazines within this class.

Depictions of partial transsexuals appeared on 2.8% of magazine covers, 2.2% of book covers, and 0.8% of film packages (2.4% of the total sample). Particular bodily states of women were emphasized in materials focusing on extremely large breasts (5.4% of materials), pregnancy (1.2% of materials), or engorged breasts with milk production (1.1%). Overall, approximately 10% of the materials focused on particular bodily states.

5. *Particular sexual acts*— Data were collected on the prevalence of depictions of each of six particular sexual acts. In order of overall frequency, these were fellatio (21.9% of all materials), anal penetration by the penis (11.7%), vaginal intercourse (7.0%), cunnilingus (6.9%), masturbation (4.5%), and penetration by inanimate objects (2.9%). This rank-ordering was identi-
cal for magazines and films. For books, however, the rank order was: fellatio (6.3%), anal insertion of the penis (3.7%), masturbation (3.3%), cunnilingus (2.7%), penetration by inanimate object (2.6%), and vaginal intercourse (2.4%).

6. Degrading and humiliating imagery—There is no standardized procedure for determining whether an image is degrading or humiliating. Furthermore, the American public is divided over questions as to whether particular forms of sexual conduct are degrading or humiliating. We therefore have devised alternative classifications of degrading and humiliating pornography to facilitate discussion of the attitudes and values that underlie the common disagreements. According to the traditional view, whether founded on religious or political orthodoxy or some other basis, every item in the sample would be regarded as degrading and humiliating because each item in the sample at a minimum depicts a person as an object of purely sexual interest or exposes to public view portions of the body that are customarily concealed and does so for commercial gain. No data are needed to measure the prevalence of humiliating and degrading imagery according to the traditional view. Even “milder” materials such as Asian Slut, Blown By the Butler, Couples in Heat, Dick Addicts, or Easy Office Girls are regarded as degrading and humiliating by the sexually traditional.

A second view of degradation and humiliation accepts that depictions of the body and of sexual activity can occur without degradation or humiliation but finds degrading or humiliating all those sexual activities that are regarded as deviant or shame-

50. See supra table 2.

51. The data collected allow an examination of the prevalence of degrading and humiliating images in the materials studied but do not permit an examination of the prevalence of all of the images encompassed within the Commission's second category of pornography. See supra note 27. This category, defined as nonviolent materials depicting degradation, domination, subordination, or humiliation, encompasses items that are not violent, degrading, or humiliating. Each, however, depicts domination or subordination. The prevalence of such items cannot be determined from the data collected because domination and subordination were not coded.

52. For example, Americans are divided as to whether fellatio, cunnilingus, anal intercourse, ejaculation onto the partner's face, or homosexual acts are degrading or humiliating. None of these is rare in pornography.

53. Not dealt with specifically in this scheme is a view propounded by some of the leading feminist thinkers on this topic, which we suspect they would not wish to have labeled "traditional," but which on independent grounds arrives at standards of degradation or humiliation that correspond closely to the standards of traditionalists. Despite seemingly profound differences in other attitudes and values, both the traditionalists and these feminists agree that the commercialized exploitation of people as sex objects is degrading and humiliating.
ful according to traditional values. In our experience, this view characterizes many people who would like to think of themselves as reasonably open-minded and sophisticated but who have had little or no exposure to materials such as those studied. When they actually see examples of the materials, they tend to join the traditionalists in their assessment of nearly every item. In theory, however, they can imagine more tasteful depictions of acceptable sexual behavior that they would regard as nondegrading and nonhumiliating. According to this moderate view, sexual depictions of behavior that would be acceptable in private by married couples would not be degrading or humiliating. Nevertheless, materials such as Anal Secretary, Black and Blonde Lesbians, Cocksucking Guys, Drag Fantasies, and Eat Out My Hole would readily be judged degrading or humiliating even in the view of the sexually moderate. At least 52.5% of the materials would be so viewed, for the sexually moderate generally view as degrading or humiliating not only sexual depictions of anorectal eroticism, urination or urine, bestiality, an anatomically normal man wearing female clothing, a person with breasts and penis ("He/She"), leather, rubber, or latex, exaggerated shoes or boots, diapers or diapering, shaved pubic area, childlike clothing, props or setting, or penetration by inanimate objects (referred to as "degrading or humiliating by most contemporary standards" in table 4), but also sexual depictions of pregnancy, engorged breasts with depiction of milk production, three or more persons engaged in sexual activity, a woman dealing with more than one penis, sex between two women, sex between two men, fellatio, or cunnilingus (referred to as "arguably degrading or humiliating, depending upon values" in table 4). One or more of these images appeared in 52.5% of the materials.

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54. These might be defined operationally as the values that predominated in open discourse prior to the sexual revolution of the 1960's. Whatever people may have been doing in their private lives, it was surely the custom of all but the avant-garde to voice disapproval of homosexual relations, group sexual activity, oral-genital sexual contact, and masturbation, and to regard sexual activity during the third trimester of pregnancy and the immediate postpartum period as taboo.
Table 4: Frequency and Percentage of Magazines, Books, and Films Visually Depicting Nonviolent but Degrading or Humiliating Themes on Their Covers\textsuperscript{a}

<table>
<thead>
<tr>
<th>Theme</th>
<th>Magazines</th>
<th>Books</th>
<th>Films</th>
<th>Total\textsuperscript{b}</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N (%)</td>
<td>N (%)</td>
<td>N (%)</td>
<td>N (%)</td>
</tr>
<tr>
<td><strong>Degrading or humiliating by most contemporary standards\textsuperscript{c}</strong></td>
<td>898 (24.6)</td>
<td>136 (18.5)</td>
<td>123 (16.9)</td>
<td>1159 (22.6)</td>
</tr>
<tr>
<td><strong>Arguably degrading or humiliating, depending upon values\textsuperscript{d}</strong></td>
<td>1619 (44.3)</td>
<td>188 (25.6)</td>
<td>160 (22.0)</td>
<td>1971 (38.4)</td>
</tr>
<tr>
<td><strong>Any degrading or humiliating sexual theme, including those that are arguably\textsuperscript{e}</strong></td>
<td>2133 (58.3)</td>
<td>296 (40.3)</td>
<td>244 (33.5)</td>
<td>2679 (52.5)</td>
</tr>
</tbody>
</table>

\textsuperscript{a} As described in the text, these themes were defined by the presence or absence of combinations of the images listed in table 2.

\textsuperscript{b} A few row totals exceed the sum of other frequencies in the row because of missing data on whether particular items were magazines, books, or films.

\textsuperscript{c} Depicts one or more of the following: anorectal eroticism; urination or urine; bestiality; anatomically normal man wearing female clothing; person with breasts and penis ("He/She"); leather, rubber, or latex; exaggerated shoes or boots; diapers or diapering; shaved pubic area; childlike clothing, props, or setting; or penetration by inanimate objects.

\textsuperscript{d} Depicts one or more of the following: pregnancy, engorged breasts with depiction of milk production, three or more persons engaged in sexual activity, woman dealing with more than one penis, sex between two women regardless of others present, sex between two men regardless of others present, fellatio, or cunnilingus.

\textsuperscript{e} Depicts one or more of the elements classified above as degrading or humiliating by most contemporary standards or as arguably degrading or humiliating, depending upon values.

A third view of degradation and humiliation would limit the use of these terms to depictions of activities that are considered shameful even by those who have by and large accepted the changes in social behavior that accompanied the sexual revolution of the 1960's. Among the depictions in the sample that would be regarded as degrading or humiliating according to this
view are those depicting anorectal eroticism (which includes fist­
ing, enemas, feces and defecation, and anal insertion of penis, which occurred in 12.3% of the sample), urine or urination (0.3%), diap­ers or diapering (0.2%), bestiality (1.1%), a person with breasts and a penis (2.4%), an anatomically normal man wearing female clothing (0.4%), leather fetish items (4.8%), rubber or latex fetish items (1.4%), exaggerated shoes or boots (2.4%), childlike clothing, props, or settings (3.7%), shaved pub­bic areas (1.6%), or penetration by inanimate objects (2.9%). Overall, 898 magazine covers (24.6%), 136 book covers (18.5%), and 123 film packages (16.9%) depict one or more of these de­grading or humiliating images, which appeared in a total of 1159 items in the sample (22.6%). Thus, a minimum of 22.6% of the merchandise studied was degrading or humiliating according to the view of the sexually liberal. Materials such as *Amputee Times*, *Betty’s Animal Lover*, *Cornholed Blondes*, *Dildo Babies*, and *Enema Erotica* would be considered degrading or humiliat­ing even by the sexually liberal.  

7. Sexual depictions without violence, degradation, or hu­miliation— As shown in table 2, 9.6% of the materials depicted a man and a woman without depicting any of the homosexual contact, group sex, or more specialized imagery listed in table 2 above that item. Some of the items included within this 9.6% of the materials depict penetration with an inanimate object or deviant images that were not tabulated, but the remainder depict nothing more unconventional than fellatio, cunnilingus, or mas­turbation. In any event, fewer than 10% of the materials studied depict normal heterosexual activities between a man and a woman according to any reasonable definition of normality. Less than half of the covers in this 10% depict vaginal intercourse, for the 7% of all items that depict vaginal intercourse include those that pair vaginal intercourse with nearly all of the other images listed in table 2.

Twenty-five percent of the materials depicted a man or a woman posed alone with none of the more specialized imagery listed in table 2 above that item. Many of the covers within this 25% depict homosexual activities, some depict masturbation, some depict penetration with an inanimate object, some depict degrading or humiliating activities that were not measured, and

55. See supra note 36.
56. Indeed, neither of the authors has ever encountered anyone other than a pornographer, obscenity defense lawyer, or “sexologist” who has stated that he or she did not regard such materials as degrading or humiliating.
a few depict autofellatio. Thus, these 25% are not necessarily free of degradation or humiliation, even from the sexually liberal viewpoint.

From the point of view of the sexually traditional,57 about 13% of the materials would be regarded as violent and degrading and humiliating, about 87% as nonviolent but degrading and humiliating, and none or almost none as free of violence, degradation, and humiliation. From the viewpoint of the sexually moderate,58 about 13% of the materials would be viewed as violent, about 52% as degrading or humiliating, and about 35% as nonviolent, nondegrading, and nonhumiliating. From the viewpoint of the sexually liberal,59 about 13% of the materials would be viewed as violent, about 23% as degrading or humiliating, and about 64% as nonviolent, nondegrading, and nonhumiliating.

C. Gender Differences in Images Depicted

For each item surveyed, the investigators recorded the sex of persons depicted as “male(s) only,” “female(s) only,” or “males and females.” Although this coding is not sufficiently detailed to allow a full analysis of the gender of persons engaging in each of the depicted activities, it is sufficient to allow certain basic comparisons between depictions of males and depictions of females. Of the 5132 items surveyed, 921 depicted males only, 1921 depicted females only, and 2290 depicted both males and females.

Table 5 shows the distributions in the total sample of depictions of various combinations of sadomasochistic, violent, and degrading and humiliating themes (as defined above), according to the gender of the persons depicted.

57. See supra text accompanying note 53.
58. See supra text accompanying note 54.
59. See supra text accompanying note 55.
Table 5: Gender of Persons Depicted in Sampled Magazines, Books, and Films By Themes of Sadomasochism, Violence, Degradation, and Humiliation.

<table>
<thead>
<tr>
<th>Theme*</th>
<th>Males only</th>
<th>Females only</th>
<th>Males and Females</th>
<th>Chi-square and probability</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N (% )</td>
<td>N (%)</td>
<td>N (%)</td>
<td>probability</td>
</tr>
<tr>
<td>Any bondage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present</td>
<td>40 (4.3)</td>
<td>212 (11.0)</td>
<td>234 (10.2)</td>
<td>35.2</td>
</tr>
<tr>
<td>Absent</td>
<td>881 (95.7)</td>
<td>1709 (89.0)</td>
<td>2056 (89.8)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>Sadism evidenced other than</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>by bondage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present</td>
<td>19 (2.1)</td>
<td>58 (3.0)</td>
<td>168 (7.3)</td>
<td>61.0</td>
</tr>
<tr>
<td>Absent</td>
<td>902 (97.9)</td>
<td>1863 (97.0)</td>
<td>2122 (92.7)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>Any sadomasochistic theme</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present</td>
<td>52 (5.6)</td>
<td>249 (13.0)</td>
<td>292 (12.8)</td>
<td>38.4</td>
</tr>
<tr>
<td>Absent</td>
<td>869 (94.4)</td>
<td>1672 (87.0)</td>
<td>1998 (87.2)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>Any violence (including sadomasochistic themes)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present</td>
<td>55 (6.0)</td>
<td>270 (14.1)</td>
<td>328 (14.3)</td>
<td>46.2</td>
</tr>
<tr>
<td>Absent</td>
<td>866 (94.0)</td>
<td>1651 (85.9)</td>
<td>1962 (85.7)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>Degrading or humiliating by most contemporary standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present</td>
<td>290 (31.5)</td>
<td>306 (15.9)</td>
<td>563 (24.6)</td>
<td>95.7</td>
</tr>
<tr>
<td>Absent</td>
<td>631 (68.5)</td>
<td>1615 (84.1)</td>
<td>1727 (75.4)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>Arguably degrading or humiliating, depending upon values</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present</td>
<td>522 (56.7)</td>
<td>323 (16.8)</td>
<td>1126 (49.2)</td>
<td>620.7</td>
</tr>
<tr>
<td>Absent</td>
<td>399 (43.3)</td>
<td>1598 (83.2)</td>
<td>1164 (50.8)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>Any degrading or humiliating sexual theme, including those that are arguable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present</td>
<td>631 (68.5)</td>
<td>581 (30.2)</td>
<td>1467 (64.1)</td>
<td>598.5</td>
</tr>
<tr>
<td>Absent</td>
<td>290 (31.5)</td>
<td>1340 (69.8)</td>
<td>823 (35.9)</td>
<td>p &lt; .001</td>
</tr>
</tbody>
</table>

* Each theme is defined in the footnotes to tables 3 and 4.
For each theme, there is an apparent gender difference, and the statistical significance of the observed differences was tested using the Chi-square test. Each of the differences in distribution was significant at a probability level of less than 0.001, indicating that a difference of the magnitude observed could occur by chance in fewer than one in a thousand studies of this size.

As shown in table 5, bondage, sadism, sadomasochistic themes, and violence are each significantly more likely to appear in materials in which females appear (with or without males) than in materials in which only males appear. This finding is consistent with the view that violent pornography typically depicts violence toward women. While violence appears in 14% of the materials showing women and in the same proportion of materials showing men and women, violence appears in 6% of the pornography depicting men only.

In contrast, themes of degradation or humiliation, defined in any of three ways, are significantly more likely to occur in materials in which males appear (with or without females) than in materials in which only females appear. This finding is difficult to interpret because some of the particular images classified as degrading and humiliating require by definition the presence of a male, a female, or both, thereby influencing the potential gender distribution of images. Most of the observed difference is a result of the higher frequency of depictions of sexual activity between two men than of sexual activity between two women, the inclusion of data on anal penetration of the penis (requiring the presence of a male), and the more prevalent appearance of sexual activity among three or more persons in male-only depictions (110) than among female-only depictions (20).

Despite the interpretive difficulties posed by these findings, they show at a minimum that women are not the only people who are degraded and humiliated in pornography. Not only are men portrayed in degrading and humiliating circumstances, but degradation and humiliation occur in a higher proportion of male-only depictions than of female-only depictions according to the measures used here. The limitations of those measures are such that the evidence garnered here falls far short of undermining claims that it is women who are targeted for humiliation and degradation in pornography. The data nonetheless suggests that the degree to which women appear to the casual observer to be targeted differentially for degradation and humiliation in por-

60. 1 COMM’N ON PORNOGRAPHY, supra note 1, at 769-72 (testimony of Andrea Dworkin).
nography is readily exaggerated by the greater representation of women in pornography. This fact in turn is a function of the predominantly heterosexual male audience to which pornography is directed. Pornography depicts degradation and humiliation of all classes of persons. Despite higher rates of degradation and humiliation of depicted males than of depicted females, the persons portrayed in degrading circumstances are more frequently women than men because there are more heterosexuals than homosexuals in the predominantly male audience that supports the pornography industry.

D. Comparisons Among Magazines, Books, and Films

Although the majority of themes identified did occur among magazines, books, and films, there were differences in the distributions of themes among these three media. As shown in table 3, each of the combinations of sadomasochistic and violent themes was most prevalent on book covers and least prevalent on film packages. Likewise, nonviolent paraphilic imagery was somewhat more prevalent among books than among magazines and somewhat more prevalent among magazines than among films.

As shown in table 4, however, each of the combinations of humiliating and degrading themes was most prevalent on magazine covers and least prevalent on film packages. Higher proportions of magazine and book covers than film packages were devoted to homosexual themes; this was not true of depictions of two women engaging in sexual acts, which appeared in nearly equal proportions of magazines, books, and films.

Although a few of the more bizarre types of depictions (i.e., bestiality, bruises, fisting, and excretory acts or products) were more prevalent on film packages than elsewhere, the general trend was for film packages to depict less deviant imagery than magazine or book covers. This trend reflects the use of a photograph of a man or woman posed alone on more than half of the film packages. Based on the content of those films that were screened in the course of the Commission’s work, we believe the packaging of films substantially underrepresents the extent to which the contents depict sadomasochistic, violent, degrading, or humiliating themes.\[61\] While the text on film packages describes the sexual activities shown in the film in greater detail than the photographs exhibit, full detail is seldom given. As noted above,

\[61\] See supra notes 14-19 and accompanying text.
there is a limit to the number of sexual activities and images that can be encompassed in a single photograph. This does not fully account for the discrepancy, however, for film packages can bear at least as many photographs as magazine covers. One possible explanation for the discrepancy is that those responsible for the packaging intentionally underrepresent the degree of deviance or sexual explicitness to allow the potential purchaser greater freedom to fantasize about the contents. Such a marketing strategy is visible nowhere else in the industry and seems unlikely here. Another possible explanation is that those responsible for packaging seek to reduce costs by using the same packaging for sales in the commercial pornography outlets and in the “family” video sale and rental market, where greater discretion in the packaging, if not the contents, may be required to ensure shelf space.

CONCLUSION

This Article summarizes the results of a survey of 5132 magazines, books, and films sold in thirteen randomly selected “adults-only” pornographic outlets in four cities (Baltimore, Boston, New York, and Washington, D.C.). We believe that the merchandise surveyed is representative of the merchandise sold in commercial pornography outlets throughout the United States. The methods used—particularly the analysis of only pictorial images on the front covers of the materials—tend to skew the results in the direction of making the materials surveyed appear less sexually explicit and more conventional than they in fact are. The principal findings and conclusions are:

(1) The average commercial pornography outlet carried on the order of 1000 nonduplicative titles or other items of merchandise.

(2) Identical merchandise was observed among all shops surveyed, suggesting common sources and pathways of distribution.

(3) Approximately 3% of all items depicted the use of force (rape, whipping, spanking, and women fighting).

(4) Approximately 1% of all items depicted the effects of violence (bruising, blood, and some instances of piercing and corpses).

62. See supra notes 16, 19 & 23 and accompanying text.
(5) Approximately 5% of all items depicted implements of violence (other than simple restraints), whether in use or not (whips, guns, knives, or other weapons; hoists or racks).

(6) Approximately 10% of all items depicted sexual bondage (gags, blindfolds, hoods, or masks worn by persons in dominant or submissive positions, neck restraints, handcuffs, leg irons, or other restraint of the body).

(7) Approximately 12% of all items depicted sadomasochistic imagery (sexual bondage, forcible rape, the sexual use of piercing, whipping, or weapons, or sexual depictions of bruising or blood).

(8) Approximately 13% of all items depicted violence (bondage, sadism evidenced other than by bondage, spanking, women fighting, or fisting).

(9) Approximately 10 to 15% of all items depicted imagery corresponding to the particular interests of paraphiles (excluding sadomasochistic imagery), including: corpses (corresponding to necrophilia); enemas (corresponding to klimaphilia); urine or urination (corresponding to urophilia); feces or defecation (corresponding to coprophilia); diapers or diapering (corresponding to infantilism); bestiality (corresponding to zoophilia); anatomically normal men wearing female clothing (corresponding to transvestic fetishism); leather, rubber, latex, or exaggerated shoes and boots (corresponding to fetishism); and childlike clothing, props, or settings and shaved pubic hair (corresponding to hebophilia and less successfully to pedophilia).

(10) No pornographic photographs of prepubescent children were observed, but twelve of thirteen outlets sold books on child sexual abuse and incest that contained detailed and sexually explicit written descriptions of sexual activity between children and adults.

(11) The 13% of materials depicting imagery corresponding to the particular interests of sexual sadists and sexual masochists overlap somewhat with the 10 to 15% of materials corresponding to other paraphilic interests. The best estimate that can be made of the proportion of all materials designed to correspond to paraphilic interests is one quarter of all materials.

(12) Approximately 15% of all items were designed to appeal to male homosexuals.

(13) Approximately 11% of all items depicted group sexual activity.

(14) Approximately 10% of all items focused on particular body states (partial transsexuals, extremely large breasts, pregnancy, or engorged breasts with milk production).
The proportions of all items depicting particular sexual acts were: fellatio (22%), anal insertion of the penis (12%), vaginal intercourse (7%), cunnilingus (7%), masturbation (4%), and penetration by inanimate objects (3%).

The 7% of materials depicting vaginal intercourse include materials showing group sex or various deviant sexual activities in association with vaginal intercourse. Less than 5% of all merchandise depicted vaginal intercourse between only one man and one woman.

To take account of differences among members of the public in attitudes and values concerning sexual conduct, the authors operationally defined three positions concerning degrading and humiliating pornography: the sexually traditional, the sexually moderate, and the sexually liberal. The proportions of all pornography that met objective criteria for degradation and humiliation according to these three positions (after excluding approximately 13% of the material as violent) were: according to the sexually traditional, 87%; according to the sexually moderate, 52%; according to the sexually liberal, 23%.

Less than 10% of the materials depict normal heterosexual activities between a man and a woman, and less than half of these depict vaginal intercourse.

From the viewpoint of the sexually traditional, about 13% of the materials surveyed would be regarded as violent and degrading and humiliating, about 87% as nonviolent but degrading and humiliating, and none or almost none as free of violence, degradation, and humiliation.

From the viewpoint of the sexually moderate, about 13% of the materials surveyed would be viewed as violent, about 52% as degrading or humiliating, and about 35% as nonviolent, nondegrading, and nonhumiliating.

From the viewpoint of the sexually liberal, about 13% of the materials would be viewed as violent, about 23% as degrading or humiliating, and about 64% as nonviolent, nondegrading, and nonhumiliating.

Bondage, sadism, sadomasochistic themes, and violence are each significantly more likely to appear in materials in which females appear (with or without males) than in materials in which only males appear, but both males and females are depicted as victims of violence.

Themes of degradation or humiliation, whether defined according to sexually moderate or sexually liberal criteria, are significantly more likely to appear in materials in which males appear (with or without females) than in materials in which only
females appear, but both males and females are depicted as objects of degradation and humiliation.

(24) In general, film packages depicted less deviant imagery than magazine or book covers. The authors suggest that this is because film packaging is designed to increase the acceptability of the films sold in the commercial pornography outlets for display in the "family" video sale and rental market.

Assuming that sexual violence, sexual degradation, and sexual humiliation are everywhere regarded as unwholesome and unhealthy, we conclude that a large proportion of the current "adults-only" pornography market consists of unwholesome and unhealthy merchandise according to any reasonable standard. At least 36% of the merchandise sold in commercial pornography outlets was designed to attract an interest in aspects of sex that are considered unwholesome and unhealthy even by those with sexually liberal attitudes and values. At least 65% of the merchandise sold in commercial pornography outlets was designed to attract an interest in aspects of sex that are considered unwholesome and unhealthy by those with sexually moderate attitudes and values. As much as 100% of the merchandise sold in commercial pornography outlets was designed to attract an interest in aspects of sex that are considered unwholesome and unhealthy by those with sexually traditional attitudes and values.

Ironically, those who defend pornography distributors against obscenity charges often argue that the deviant content of so many of the materials insulates them from conviction because such materials do not appeal to the prurient interest of the average member of the community. This argument, of course, rests on the claim that an "appeal to a prurient interest" means "causing sexual excitement." Even if this were the meaning of the phrase—which it is not—the assertion would be incorrect. While it is true that for many people certain rare deviant images (such as those that are scatological) are aversive enough to inhibit sexual arousal, much pornography pairs violent, degrading, humiliating, or other deviant images with more ordinary sexual stimuli that are arousing despite rather than because of the simultaneous presence of the deviant image.

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65. One of the authors (Park Elliott Dietz) has suggested that this pairing of unconditioned sexual stimuli with violent, degrading, humiliating, and deviant sexual images can play an important role in the development and maintenance of paraphilias. Dietz,
In *Brockett v. Spokane Arcades, Inc.*, the Supreme Court dealt at length with the correct interpretation of the phrase "appealing to a prurient interest." The Court held that one of the meanings of "prurient" is "shameful or morbid," which is commonly understood to mean unwholesome or unhealthy. Even if the only basis on which a jury could find that material was designed to "appeal to a prurient interest" were that it appealed to an interest in the unwholesome or unhealthy aspects of sexual behavior, a minimum of 36% of the materials sold in commercial pornography outlets could meet the prurient interest prong of the *Miller* test in the eyes of a juror with sexually liberal attitudes and values; a minimum of 65% of the materials could meet the same prong in the eyes of those with sexually moderate attitudes and values; and as much as 100% of the materials could meet the prong in the eyes of those with sexually traditional attitudes and values. In fact, of course, there are additional bases on which a jury can find that material meets the prurient interest prong, not the least of which are that the material is a public display of ordinarily private behavior and is pandered to appeal to the erotic interest of the customer.

The nationwide distribution of the materials described in this Article is an important aspect of the campaign of sexual misinformation that pornographers have waged on Americans for nearly two decades. Whether one-third, two-thirds, or all of the materials sold in "adults-only" bookstores are legally obscene, who could condone the vision of human sexuality this industry conveys to the American public? The results of the study reported here substantially confirm the findings recorded by one of the Commissioners regarding the teachings of the pornography industry:

A person who learned about human sexuality in the "adults-only" pornography outlets of America would be a person who had never conceived of a man and woman marrying or even falling in love before having intercourse, who had never conceived of two people making love in pri-

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67. See supra note 1.
vacy without guilt or fear of discovery, who had never con­ceived of tender foreplay, who had never conceived of vag­inal intercourse with ejaculation during intromission, and
who had never conceived of procreation as a purpose of
sexual union. Instead, such a person would be one who
had learned that sex at home meant sex with one's chil­dren, stepchildren, parents, stepparents, siblings, cousins,
nephews, nieces, aunts, uncles, and pets, and with neigh­bors, milkmen, plumbers, salesmen, burglars, and peepers,
who had learned that people take off their clothes and
have sex within the first five minutes of meeting one an­other, who had learned to misjudge the percentage of
women who prepare for sex by shaving their pubic hair,
having their breasts, buttocks, or legs tattooed, having
their nipples or labia pierced, or donning leather, latex,
rubber, or child-like costumes, who had learned to mis­
judge the proportion of men who prepare for sex by having
their genitals or nipples pierced, wearing women's cloth­ing, or growing breasts, who had learned that about one
out of every five sexual encounters involves spanking,
whipping, fighting, wrestling, tying, chaining, gagging, or
torture,70 who had learned that more than one in ten sex­ual acts involves a party of more than two, who had
learned that the purpose of ejaculation is that of soiling
the mouths, faces, breasts, abdomens, backs, and food at
which it is always aimed, who had learned that body cavi­ties were designed for the insertion of foreign objects, who
had learned that the anus was a genital to be licked and
penetrated, who had learned that urine and excrement are
erotic materials, who had learned that the instruments of
sex are chemicals, handcuffs, gags, hoods, restraints, har­nesses, police badges, knives, guns, whips, paddles, toilets,
diapers, enema bags, inflatable rubber women, and disem­bodied vaginas, breasts, and penises, and who had learned
that except with the children, where secrecy was required,
photographers and cameras were supposed to be present
to capture the action so that it could be spread abroad.71

70. This figure was derived from the Dietz and Evans study conducted in New York.
Dietz & Evans, supra note 5. Dietz and Evans found a higher proportion of violence than
is reported in this Article because they limited their study to magazines directed toward
heterosexual males and used a different coding procedure.

71. 1 COMM'N ON PORNOGRAPHY, supra note 1, at 42-44 (statement of Park Elliott
Dietz).
APPENDIX: CODING FORM USED IN THE STUDY

Coder: Circle, check, or fill in blank as appropriate

Store Number: ______ City: ______________________

Title: _________________________________________

Circle: Magazine, Book, Film

Count the people shown in photographs on front cover or film box:

Number of males: ______

Circle: White, Black, Hispanic, Oriental, Other

Number of females: ______

Circle: White, Black, Hispanic, Oriental, Other

Check any of the following that are shown on front cover or film box:

____ Blindfold
____ Gag
____ Hood or mask worn by person in submissive position
____ Hood or mask worn by person in dominant position
____ Neck restraint held or fixed to another point
____ Handcuffs
____ Leg irons
____ Restraint of body other than mentioned above
____ Hoist or rack
____ Piercing (other than ears)
____ Fisting
____ Whipping (do not include spanking)
____ Rape by force
____ Whip, gun, knife, or other weapon (specify type(s):_____
____ Bruise(s)
____ Blood
____ Any bondage and domination (includes S & M, but not spanking alone)
Corpse(s)
Enema
Urination or urine
Feces or defecation
Bestiality (specify animal(s) and activity: _______)
Spankings
Women fighting with one another
Anatomically normal man wearing female clothing
Person with breasts and penis ("He/She")
Leather
Rubber or latex
Exaggerated shoes or boots
Diapers or diapering
Pregnancy
Engorged breasts with depiction of milk production
Extremely large breasts
Shaved pubic area
Child-like clothing, props, or setting
Anal insertion of penis
Three or more persons engaged in sexual activity
Woman dealing with more than one penis
Sex between two women, regardless of others present
Sex between two men, regardless of others present
Man and woman shown (nude) with none of the above
Woman or man posed (nude) alone with none of the above
Masturbation
Vaginal intercourse
Fellatio
Cunnilingus
Penetration by inanimate object
___ Homosexual material

___ Is one person obviously dominating another physically? (If yes, describe positions on reverse, including sex of participants.)*

___ Is one person obviously in a superior position to another? (If yes, describe positions on reverse, including sex of participants.)*

___ Are any "degrading" acts depicted? If yes, describe, including sex of participants:*
  ___ Ejaculation on a female's face or chest
  ___ Urination or defecation onto a person
  ___ Other: _______________________

* Results of these questions were not codified for this article.