

Paul Edward Mullen, Professor and Chairperson of the Department of Psychological Medicine at the University of Otago Medical School. In Professor Mullen's view material which is potentially injurious to the public good is that which encourages actions which are either illegal or potentially damaging to the health of the reader, or could induce the reader to commit acts which put others at risk. Furthermore, in Professor Mullen's view, the coupling of certain kinds of sexual behaviour notably that exploiting sadistic or paedophilic activities with erotically arousing images, could encourage injurious acts. In addition, in his view, the coupling of aggression and sexuality has considerable potential for harm, in part because of the ease with which sexual excitement can translate into aggressive arousal and the ease with which belligerence and dominance can become sexualised. In Professor Mullen's view the link between sexuality and aggression is all too readily established. Professor Mullen expressed the caution that the contribution of pornography, if any, to the complex social factors which are contributing to increased crime rates, including sexual assaults, must remain highly speculative. In his opinion there is no coupling of erotic images with either sadistic or paedophilic material in *Penthouse (U.S.)*. Nor, in his view, does *Penthouse (U.S.)* couple aggression and sexuality. Professor Mullen concluded that the *Penthouse* magazines examined by him in these 2 applications, though they would be considered by some to be offensive, are not likely to be injurious to the public good. Professor Mullen disputed any suggestion that the several displays of buttocks in photographs in *Penthouse (U.S.)* magazines are associated with anal intercourse. Furthermore he rejected all suggestions that *Penthouse (U.S.)* is trying to convey messages about pre-pubescent women through depictions of partly shaved genitalia. Finally Professor Mullen conceded the existence of the subtle argument which posits that the extraction sexuality from human relationships and the presentation of women as pure objects of desire "denigrates women and by making them appear as mere objects to gratify male sexuality, pre-disposes to male sexual aggression". Professor Mullen felt constrained to add the rider that if this type of degradation is felt sufficient to establish injury to the public good, then its equitable application to all other forms of advertising and entertainment media will have far reaching consequences.

Edward Donnerstein, Professor and Chair of Communication University of California, Santa Barbara, California. Professor Donnerstein explained that the purpose of his evidence, presented in the form of a report prepared in association with Daniel Linz, Associate Professor of Communication at the University of California was to provide a "state of the art" summary of evidence from scientific studies which bear on the question of whether there is a causal connection between exposure to *Penthouse (U.S.)* magazine and anti-social conduct among adults (18 years or older) and whether exposure is "injurious to the public good" or has the "capacity for some actual harm or discernible injury". Professor Donnerstein explained that attempts by social scientists and policy-makers in the United States to categorise *Penthouse* magazine have tended to place it outside of the realm of so-called "pornography". From laboratory studies Professor Donnerstein said that the types of depictions commonly found in *Penthouse* magazine would not influence aggressive behaviour because they do not have a message of violence, only of sexual stimuli. There is no causal influence on behaviour from these types of magazines, Professor Donnerstein said. In conceding the possibility that some of the depictions in *Penthouse* may act as a trigger mechanism, because some studies indicated that possibility, Professor Donnerstein was of the view that the vast majority of studies indicated that no such trigger mechanism or capacity existed. Also it was conceded by Professor Donnerstein that there could be "problems" with images both in terms of the impact on behaviour, and attitudes, when messages of violence and

sex are combined, but not when there is just sexual explicitness by itself. Professor Donnerstein was unequivocal in his view that a fusion of violent and sexually explicit material is required to produce violence *per se*. Furthermore Professor Donnerstein was of the view that greater sexual explicitness, multiplicity of models and female-to-female sexually explicit activity, do not have any effect by themselves. Professor Donnerstein agreed that there are a few studies which indicate that pornography, in not portraying sex acts in a "caring" or "committed" way, may negatively affect subsequent judgments about women, sexuality and intimate relationships. However, he explained that these findings must remain tentative because studies have not been replicated. Professor Donnerstein disagreed with the findings of the United States Attorney-General's Commission on Pornography that suggested that there was a causal relationship between exposure to some pornography and sexually aggressive behaviour. Any reasonable review of the research literature, said Professor Donnerstein, would not come to the conclusion reached by the Attorney-General's commission that exposure to non-violent but degrading pornography conclusively results in anti-social effects. Finally specific depictions of the anal region do not seem to indicate any changes in specific attitudes about women or acceptability of violence against women, said Professor Donnerstein. He said people do not change their sexual patterns from exposure to sexual material. Professor Donnerstein knew of no research which suggested that men with a sexual interest in adult women with shaved genitalia had therefore any interest in children. He disputed any such association.

John Hugh Court, Psychologist. Professor of the Graduate School of Psychology at Fuller Seminary, Pasadena, California. This position was taken up in 1989. Previously he was the Director of the Spectrum Psychological and Counselling Centre, Cumberland Park in South Australia. Dr Court holds high academic qualifications and is the author of a number of works on the relationship between pornography and sexual offending.

As indicated earlier, the evidence of Dr Court, and our view of it, will be covered in some depth.

Dr Court presented a research report (November 1990) prepared "For the 1990 Indecent Publications Tribunal Wellington, New Zealand" by Judith A. Reisman, PH.D. ("the Reisman report") as evidence of:

- (a) The degree to which *Penthouse* contains a mixture of sex, horror, crime, cruelty or violence in a manner which is injurious to the public good, and
- (b) The degree to which *Penthouse* is a picture story book likely to be read by children.

The report was described as a "content analysis of 14 *Penthouse* magazines" which provides "objective measures" of these 2 categories. A point of clarification should be made here to establish a relationship between the Reisman Report and an earlier report written by Dr Reisman in 1986. Dr Court explained to Mr Akel that substantially the Reisman Report was the work of Dr Reisman but that he had rewritten parts of it. Dr Court informed us that much of the Reisman Report was based on an earlier report which Dr Reisman had prepared for the U.S. Department of Justice in 1986 "Images of Children, Crime and Violence in *Playboy*, *Penthouse* and *Hustler*" ("the earlier report"). In making 1 copy of the earlier report available Dr Court said that he did not wish to refer to it directly but that its availability would assist the Tribunal in understanding the research background of the Reisman Report. The Reisman Report found major changes in *Penthouse* from the research contained in the earlier report, Dr Court said. Under cross-examination by Mr Akel, Dr Court conceded that he was aware that funding of the earlier report to the extent of \$734,371 had been cut back to \$200,000 because of severe criticisms of it by the Justice Department. As a result the Justice Department decided not to publish the