

# **Northwestern University School of Law**

## **Public Law and Legal Theory Research Paper Series**

### **PORN UP, RAPE DOWN**

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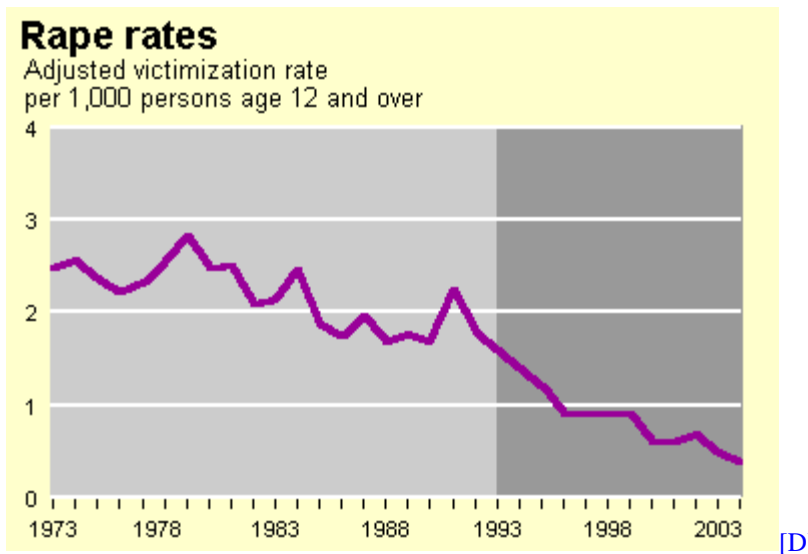
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# PORN UP, RAPE DOWN

by Anthony D'Amato<sup>1</sup>

**ABSTRACT:** The incidence of rape in the United States has declined 85% in the past 25 years while access to pornography has become freely available to teenagers and adults. The Nixon and Reagan Commissions tried to show that exposure to pornographic materials produced social violence. The reverse may be true: that pornography has reduced social violence.

Today's headlines are shouting RAPE IN DECLINE!<sup>2</sup> Official figures just released show a plunge in the number of rapes per capita in the United States since the 1970s. Even when measured in different ways, including police reports and survey interviews, the results are in agreement: there has been an 85% reduction in sexual violence in the past 25 years. The decline, steeper than the stock market crash that led to the Great Depression, is depicted in this chart prepared by the United States Department of Justice:



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<sup>2</sup> *E.g.*, Washington Post, June 19, 2006; Chicago Tribune, June 21, 2006.

Source: U.S. Department of Justice - Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, [The National Crime Victimization Survey](#) . Includes both attempted and completed rapes.

As the chart shows, there were 2.7 rapes for every 1,000 people in 1980; by 2004, the same survey found the rate had decreased to 0.4 per 1000 people, a decline of 85%.

Official explanations for the unexpected decline include (1) less lawlessness associated with crack cocaine; (b) women have been taught to avoid unsafe situations; (c) more would-be rapists already in prison for other crimes; (d) sex education classes telling boys that “no means no.” But these minor factors cannot begin to explain such a sharp decline in the incidence of rape.

There is, however, one social factor that correlates almost exactly with the rape statistics. The American public is probably not ready to believe it. My theory is that the sharp rise in access to pornography accounts for the decline in rape. The correlation is inverse: the more pornography, the less rape. It is like the inverse correlation: the more police officers on the street, the less crime.

The pornographic movie “Deep Throat” which started the flood of X-rated VHS and later DVD films, was released in 1972. Movie rental shops at first catered primarily to the adult film trade. Pornographic magazines also sharply increased in numbers in the 1970s and 1980s. Then came a seismic change: pornography became available on the new internet. Today, purveyors of internet porn earn a combined annual income exceeding the total of the major networks ABC, CBS, and NBC.

“Deep Throat” has moved from the adult theatre to a laptop near you.

National trends are one thing; what do the figures for the states show? From data compiled by the National Telecommunications and Information Administration in 2001, the four states with the *lowest* per capita access to the internet were Arkansas, Kentucky, Minnesota, and West Virginia. The four states with the *highest* internet access were Alaska, Colorado, New Jersey, and Washington. (I would not have guessed this.)

Next I took the figures for forcible rape compiled by police reports by the Disaster Center for the years 1980 and 2000. The following two charts display the results:

TABLE 1. STATES WITH LOWEST INTERNET ACCESS<sup>3</sup>

STATE	Internet 2001	Rape 1980	Rape 2000
Arkansas	36.9	26.7	31.7

<sup>3</sup> Statistics on Internet Access compiled from National Telecommunications and Information Administration, at <http://www.ntia.doc.gov/reports/anol/index.html> .

Kentucky	40.2	19.2	27.4
Minnesota	36.1	23.2	45.5
W. Virginia	40.7	15.8	18.3

All figures are per capita.

TABLE 2. STATES WITH HIGHEST INTERNET ACCESS<sup>4</sup>

Alaska	64.1	56.8	70.3
Colorado	58.5	52.5	41.2
New Jersey	61.6	30.7	16.1
Washington	60.4	52.7	46.4

All figures are per capita.

While the nationwide incidence of rape was showing a drastic decline, the incidence of rape in the four states having the *least* access to the internet showed an actual *increase* in rape over the same time period. This result was almost too clear and convincing, so to check it I compiled figures for the four states having the *most* access to the internet. Three out of four of these states showed declines (in New Jersey, an almost 50% decline). Alaska was an anomaly: it increased both in internet access and incidence of rape. However, the population of Alaska is less than one-tenth that of the other three states in its category. To adjust for the disparity in population, I took the combined population of the four states in each table and calculated the percentage change in the rape statistics:

TABLE 3. COMBINED PER CAPITA PERCENTAGE CHANGE IN INCIDENCE OF RAPE.

	Aggregate per capita increase or decline in rape.
Four states with lowest internet access	Increase in rape of 53%
Four states with highest internet access	Decrease in rape of 27%

I find these results to be statistically significant beyond the .95 confidence interval.

Yet proof of correlation is not the same thing as causation. If autumn regularly precedes winter, that doesn't mean that autumn causes winter. When six years ago my former Northwestern colleague John Donohue, together with Steven Levitt<sup>5</sup>, found that legalized abortion correlated with a reduction in crime, theirs would have only been an academically curious thesis if they had not identified a causal factor. But they did identify one: that prior to legalization there were many unwanted babies born due to the

<sup>4</sup> Statistics on forcible rape compiled from <http://www.disastercenter.com/crime/>.

<sup>5</sup> Author of *Freakonomics* (2005).

lack of a legal abortion alternative. Those unwanted children became the most likely group to turn to crime.

My own interest in the rape-pornography question began in 1970 when I served as a consultant to President Nixon's Commission on Obscenity and Pornography. The Commission concluded that there was no causal relationship between exposure to sexually explicit materials and delinquent or criminal behavior. The President was furious when he learned of the conclusion.

Later President Reagan tried the same thing, except unlike his predecessor he packed the Commission with persons who passed his ideological litmus test. (Small wonder that I was not asked to participate.) This time, Reagan's Commission on Pornography reached the approved result: that there does exist a causal relationship between pornography and violent sex crimes.

The drafter of the Commission's report was Frederick Schauer, a prominent law professor. In a separate statement, he assured readers that neither he nor the other Commissioners were at all influenced by their personal moral values.<sup>6</sup>

Professor Schauer's disclaimer aroused my skepticism. If the commissioners were unbiased, how could the social facts have changed so drastically in the decade between the Nixon and Reagan reports as to turn non-causality into causality? My examination of the Commission's evidence resulted in an article published by the *William and Mary Law Review*.<sup>7</sup>

Although the Reagan Commission had at its disposal all the evidence gathered by psychology and social-science departments throughout the world on the question whether a student's exposure to pornography increased his tendency to commit antisocial acts, I found that the Commission was unable to adduce a shred of evidence to support its affirmative conclusion. No scientist had ever found that pornography raised the probability of rape. However, the Commission was not seeking truth; rather, as I said in the title to my article, it sought political truth.

If pornography does not *produce* rape, I thought, then maybe it *reduces* rape. But no one apparently had any incentive to investigate the latter proposition. But the just-released rape statistics provide the necessary evidence.

Although neither Professor Schauer nor the other Commissioners ever responded to my *William & Mary* article, now they can forget it. For if they had been right that exposure to pornography leads to an increase in social violence, then the vast exposure to pornography furnished by the internet would by now have resulted in scores of rapes per

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<sup>6</sup> U.S. Dept. of Justice, Final Report: Attorney General's Commission on Pornography 176-79 (1986) (personal statement of Commissioner Schauer).

<sup>7</sup> Anthony D'Amato, A New Political Truth: Exposure to Sexually Violent Materials Causes Sexual Violence, 31 *Wm. & Mary L. Rev.* 575 (1990), downloadable at <http://anthonydamato.law.northwestern.edu/Adobefiles/A90b-newtruth.pdf>

day on university campuses, hundreds of rapes daily in every town, and thousands of rapes per day in every city. Instead, the Commissioners were so incredibly wrong that the incidence of rape has actually declined by the astounding rate of 85%.

Correlations aside, could access to pornography actually reduce the incidence of rape as a matter of causation? In my article I mentioned one possibility: that some people watching pornography may “get it out of their system” and thus have no further desire to go out and actually try it. Another possibility might be labeled the “Victorian effect”: the more that people covered up their bodies with clothes in those days, the greater the mystery of what they looked like in the nude. The sight of a woman’s ankle was considered shocking and erotic. But today, internet porn has thoroughly de-mystified sex. Times have changed so much that some high school teachers of sex education are beginning to show triple-X porn movies to their students in order to depict techniques of satisfactory intercourse.

I am sure there will be other explanations forthcoming as to why access to pornography is the most important causal factor in the decline of rape. Once one accepts the observation that there is a precise negative correlation between the two, the rest can safely be left to the imagination.