

## VIOLENCE AND ABUSE IN 'R18' LEVEL PORNOGRAPHY- BBFC EXPERT CONSULTATION 2007

The BBFC classifies around 1200 'R18' works a year. 'R18' sex works involve real sex or strong fetish and BDSM<sup>1</sup> material and are available only in licensed sex shops. When considering a work for an 'R18' certificate, the BBFC must take into account the relevant legislation, including the Video Recordings Act 1984 (VRA), the Obscene Publications Act 1959, the Protection of Children Act (1978), the Human Rights Act (1998) and Common Law relating to public indecency. Performers in sex works must be adults and the BBFC requires additional proof of age for any performers who look younger than 18.

The VRA requires the BBFC to have special regard to any harm to those likely to view a video and any harm to society through the behaviour of those viewers afterwards. The Act makes clear that the likelihood of underage viewing is relevant. This can lead to works being cut or even rejected.

Currently around a quarter of 'R18' works are cut. Over half of these cuts are to remove abusive and or injurious acts which, if copied could be harmful. This includes non violent sexual penetration with objects that could lead to injury or death and most instances of non violent erotic asphyxia ('breath play'). In determining what is likely to be harmful in sex works the Board takes into account published research and academic literature as well as carrying out our own research and consultation with experts in the fields of Genito-Urinary medicine, pornography, psychology and offending behaviour.

Previous expert consultation research by the BBFC has explored the harm issues relating to visual and verbal references to teens and children in 'R18' sex works. This report deals what we at the BBFC refer to as 'Consensual Abuse' – where performers who have consented to both sex and filming are subjected to very rough, violent or abusive treatment during sex which exceeds what could be described as 'rough housing'. This may include repeated, forceful slapping, choking during fellatio with breath restriction, choking at the neck, standing on the head during penetration, strong verbal abuse and humiliation. While some of the activities overlap with acts which may be found in BDSM, the context and construction of the scenes referred to as 'Consensual Abuse' do not give any indication of BDSM or fetish exploration. Works containing this type of activity may be Narrative works or, more often, non narrative 'Gonzo'<sup>2</sup>.

It is very difficult to establish, from the published academic research, how harmful abusive pornography might be. Studies looking at mass population effects after a liberalisation of pornography access by correlating with the rate of sex crimes

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<sup>1</sup> BDSM is defined as Bondage, Domination (or discipline), Submission or Sadism and Masochism. It involves fetish activities and explorations of power, consent and sometimes painful sensation in a sexual context.

<sup>2</sup> Gonzo sex works consist of collections of - often themed - scenes with no overall narrative structure featuring a first person perspective from the director who may also be performing. It offers a 'realistic' perspective of explicit sex and is almost exclusively heterosexual.

'Eccentric, bizarre, bounds breaking esp. in *Gonzo journalism* in which reporters[...]rather than taking the distanced neutral position, interpolate their thought emotions and actions into the story'. (from Cassell Dictionary of Slang)

generally fail to demonstrate any mass deleterious effect, as such correlations are hard to establish. Importantly, one might expect a decrease in convictions for sex crimes if the research findings on attitude changes from viewing such material are correct. Those studies researching the effect of examples of what is described by researchers as 'violent pornography' or 'abusive pornography' on the attitudes of viewers rarely detail both narrative content and strength of detail of the stimuli used. Additionally, it appears to be accepted practice to study pornography effects and attitudes using non explicit 'soft core' video, magazine still photo montages or text only narratives with BDSM themes. A not unreasonable presumption is that the impact of explicit moving image material like that classified 'R18' is likely to be greater than the impact of text or stills. Exposing subjects to material about which there are harm concerns and then seeing how they react would be unethical. So the BBFC consults experts in the field of human sexual behaviour.

Research, carried out by the BBFC, involving regular porn users suggests that some activities portrayed in 'R18' works will be copied if they are portrayed frequently and as pleasurable. Porn works are often used to provide viewers with 'new ideas' or to introduce a partner to a new sexual activity; so establishing what is potentially harmful is particularly important.

## **METHODOLOGY**

The subject of this research was violence and 'consensual abuse' in 'R18' pornography. Nine experts were asked to watch a DVD made up of clips from works submitted for 'R18' classification. The five male and four female panel members included forensic psychiatrists, forensic psychologists, criminal defence barristers and sociologists. Of these, three had an expertise in pornography or sexual behaviour, four had taken part in a previous BBFC study into teen references in 'R18' pornography and three were regularly consulted by the BBFC on individual works.

The material the panel members were asked to watch was divided into the three types of context submitted for classification in which abusive acts are more commonly found: narrative fantasy where the sex takes place within a storyline or fantasy scenario; Gonzo<sup>3</sup>, where participants asked to be roughly treated or state their enjoyment of roughness; and Gonzo without any special requests. The panel was asked to consider whether the context (Gonzo- no request, Gonzo- request or Narrative 'storyline'), ameliorated or exacerbated concerns about the acts portrayed.

The clips consisted of both material which had been cut from 'R18' submissions and material which had been passed uncut. To enable the panel to judge the clips against non abusive 'R18' material, the DVD opened with three strong and explicit non abusive clips.

The panel was provided with response sheets which asked them to score the clips as 'likely to harm' on a scale of 1 – 5 with 1 being 'likely to be very harmful' and 5 being 'completely harmless'. In addition they were asked to flag up the clips which caused them the most concern and identify any particularly harmful activities, or any mitigating factors which reduced concerns about what they were watching. They were asked to view each clip with three distinctive audiences in mind: an 'average' adult; an adult with a predisposition to sexual offending; and a 16 – 18 year old – legally able to have sex, but not old enough to legally obtain 'R18' material.

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<sup>3</sup> See Footnote 2 for the definition of Gonzo and Gonzo sex works.

## ANALYSIS OF RESULTS

The responses were analysed as follows:

- How many times a particular clip was identified as being 'of concern';
- The scores for each clip in relation to each audience group with mean scores and Standard Deviations (a measure of the level of agreement between panel members) being established;
- An analysis of variance (ANOVA) was done to establish whether there was any statistically significant discrimination between clip types or between the potential audience groups;
- The number of times that a specific element or sexual act was listed as 'of concern';
- Whether there was a gender difference in the panel's responses;
- Qualitative comment was collated.

The ANOVA results showed that the panel distinguished between clip types to an extent, but the distinctions drawn between the three types of viewing group were highly statistically significant. This means that the experts considered the potential vulnerability of the viewer as more important in assessing potential harm than the 'genre' of the material at this strong level of content. It also means that neither narrative distance nor onscreen consent are likely to be enough of a mitigating factor when assessing the likely harm from viewing this particular type of material.

Clips contained multiple activities, so a clip was classed as 'harmful' overall when it was awarded a mean score of three or below for two or more audience groups. The number of times a clip was identified as 'of concern' was also factored in as was the degree of agreement among expert opinion. Despite the sample size being small, this is a tough and thus robust assessment as it requires that three criteria were met before a clip or activity was labelled as harmful.

Six clips were identified as being of particular concern. Five for the under age and vulnerable groups and one clip was considered potentially harmful for any audience. This clip consisted of a Gonzo scene where the actress requested 'rough sex'. The sex then involved slapping, choking, gagging during fellatio, the use of the woman's head as a foot rest, and penetration while her head was held down in a lavatory. The panel took the view that the expressed consent to rough treatment was overridden by the extremity of the activity. It was considered that, given the potential for choking or even drowning, the activity in the scene constituted an assault.

Details of, and the panel's response to, the other five clips are as follows:

- A 'fantasy scenario' involving a woman masturbating to images she views on a camcorder view finder of another woman 'hog-tied', whilst receiving fellatio and being penetrated.

The sex was described as 'forced' by most of the panel. The elements of force, violence and physical restraint, presented as apparently normal and pleasurable, were considered to be very harmful to potential viewers.

- A gay male 'fantasy scenario' featuring an abduction and group sexual activity with nose pinching during fellatio, verbal humiliation and other examples of asphyxiation 'breath play'.

The playing out of abduction and the asphyxiation 'breath play' caused considerable concern.

- A switch from consensual sex to rough sex with slapping, choking and gagging where there was no renegotiation of the consent.

The switch in behaviour and tone and the presentation of violent conduct which also included aggressive asphyxiation was considered to be of great concern.

- Three men having sex with one woman. She agrees she wants "to be a good whore". They apply a ball gag and write the words 'cunt' and 'whore' on her body in lipstick while engaging in verbal humiliation.

The combination of three men and one woman; the element of humiliation without the ability to express verbal dissent and the labelling of a woman as just a body part, were all felt to be of concern, especially for under aged viewers.

- A woman in a wig is given beer to drink. The man with her draws an oversized clown mouth on her with lipstick. He taunts her verbally and she then performs fellatio for him and two other men.

The depiction of the use of alcohol to generate compliance or as a reward, and the element of degradation were felt to be of concern.

In their comments on the clips, the panel members were extremely concerned about the potential for harm should anyone copy the erotic or aggressive asphyxiation or airway restriction as well as the possibility of drowning. Anything which, if copied, could lead to severe injury, or even death, was considered potentially harmful for any audience. As far as vulnerable and under age viewers the concerns were, in order of seriousness:

1. Acts which could result in death.
2. Acts which could result in serious injury and or prosecution.
3. Lack of consent, or ambiguous consent, particularly when the nature of the sex changes. This is felt to legitimise lack of consent – i.e. rape – and the suggestion that abuse will result in victim compliance.
4. Degradation and humiliation, as these legitimise offending behaviour, particularly scenarios involving humiliation.

Concern was also expressed about the harmful effects of under age viewers being exposed to material where women are referred to as sluts or whores; extreme power imbalances between male directors or performers and female performers; and any activity in pornography using a 'real life', semi-documentary style typical of Gonzo porn. It was felt that such material:

"promotes many myths regarding female sexuality which might be very harmful. Sexual actions are potentially dangerous on a physical basis and present concern if re-enacted."

"...many of the clips turned women (and men) into objects with holes to be done to, and with, and this could be harmful developmentally."

“The more the women are seen as real participants and the more they have an identity, the less harmful such scenes are for this group.”

For clips and acts where the panel expressed concerns, and given the scoring system these were strong concerns with high levels of agreement, consent from the participants did not override the concerns. Where there was felt to be a high potential for harm or potential for very serious harm from the acts of concern, this overrode the performers’ apparent consent; whether explicit on screen consent or implicit consent, implied by the presence on camera. This is backed up by the law where it is not possible for an individual to consent to a physical assault.

Mitigating factors, such as comedy or evidence of enjoyment, or a storyline were felt to lessen the potentially harmful effects of less serious issues. But in the clips which caused most concern such mitigating factors did not reduce the potential for harm.

There was a statistically significant gender difference between the reactions of the male and female panel members to the Gonzo clips. This could be due to the skewed gender power balance portrayed – male director and performer and compliant (abused/degraded) female performer being read differently by male and female respondents. Pornography is often said to offer, at all levels, a very ‘conservative’ model of gender relations and power dynamics. The difference could also have been due to two of the male panel members having very robust opinions on the lack of a causal link between viewing material and behaviour. However, even taking into account the robustness of that view, clips were rated as harmful, and members of that sub sample still considered some elements and entire clips to be harmful to viewers.

### **The social context**

The ‘at risk’ groups considered as part of this research may represent a minority of the population, but this study deals with stimuli which may have an impact on offences like rape, date rape, domestic violence as well as to death due to dangerous sexual activity.

The British Crime Survey, which deals with self reported crimes, shows that:

- Around one in 20 women (4.9 per cent) say they have been raped since age 16, an estimated 754,000 victims.
- About one in 10 women (9.7 per cent) said they had experienced some form of sexual victimisation (including rape) since age 16<sup>4</sup>.

Research carried out in the U.S. and Canada in the 1980’s suggested that around 20 per cent of male college students would either commit rape if they were certain they would not be caught or punished, or had reported having committed an act of non consensual sex.<sup>5</sup> As most sex crimes are crimes by and against young people (60 per cent of offences against children are carried out by teens; youth is a risk factor for rape in women)<sup>6</sup> the student studies overestimate the number of those in

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<sup>4</sup> <http://www.crimestatistics.org.uk/output/Page1.asp>

<sup>5</sup> Briere, J. and Malamuth, N. (1983) Self-reported likelihood of sexually aggressive behavior. *Journal of Research in Personality*, **17**, 315-323.

<sup>5</sup> Tieger, T. (1981) Self-rated likelihood of raping the social perception of rape. *Journal of Research in Personality*, **15**, 147-158.

<sup>5</sup> Koss, M.P & Oros, C (1982) Sexual experiences survey: A research instrument assessing sexual aggression and victimisation. *J. Consulting and Clinical Psychology* **50**, 455-457

<sup>6</sup> <http://www.crimestatistics.org.uk/output/Page1.asp>

the whole population with a vulnerability to offending. In other words, if 20per cent of students are potential rapists, the figure for the population as a whole will be lower because the student population has a bias towards the young and sexual violence is more prevalent among the young. The British Crime Survey also indicates youth as a risk factor for rape as well as some under reporting and under labelling of rape among women. Taking that into consideration, it is possible to suggest that the UK male population potentially at risk of sexual offending against adults lies between 2.5 - 5.3 million. The population of sex offenders with child victims is estimated at 230,000<sup>7</sup>.

In Ofcom's literature review on the impact of explicit pornography<sup>8</sup> there was no evidence of major increases in offending in countries which allowed the distribution of explicit pornography (While the report refers to 'R18 material', it is unclear whether the material in question was regulated in the same way that 'R18' material is in the UK). However, there were concerns about under aged viewing in all countries.

## **CONCLUSIONS**

The outcomes of this research indicate that the BBFC is right to have concerns about the content of material being sent in for classification at the upper end of the 'R18' category. The BBFC's policy of cutting this extreme material is supported by the views of the experts consulted.

The Video Recordings Act only covers the regulation of DVD and video. Experts clearly share concerns about the material the BBFC requires to be removed under the terms of the VRA, particularly as evidence suggests the likelihood of under aged viewing is much higher for online delivery.

AEA 2007

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<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1044901626358>

<sup>8</sup> Helsper, Ellen. (2005) R18 material: its potential impact on people under 18  
<http://www.ofcom.org.uk/research/radio/reports/bcr/R18.pdf>