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Senator ZAKHAROV (Victoria) (5.42 p.m.) --I commend the report of the Australian Institute of Criminology, as I congratulate regularly the Institute on its continuing work. In speaking to this report, I want to respond to an attack on the integrity of the Institute and its past Director of Research, Dr Paul Wilson, by Senator Harradine in speaking to this document during the last session. I believe it was actually in March, but it has taken a long time to reach the top of the *Notice Paper*.

In reference to the annual report of the Institute, Senator Harradine attempted to show that there had been some impropriety regarding the Institute's payment of \$3,618 towards the cost of bringing a Danish criminologist, Dr Berl Kutchinsky, to Australia to [speak](#) at the [Institute's Conference on the Sex Industry and Public Policy](#).

Senator Harradine's objections seemed to focus on the fact that Professor Kutchinsky's findings that there had been a 30 per cent decrease in sex crimes in three European countries since the legalisation of adult erotica were opposed to his personal beliefs that non-violent adult sexual depictions lead otherwise normal human beings to rape or even to kill. I attended that conference and recall that [Professor Kutchinsky's contribution](#) was very well received.

Senator Harradine quoted Dr John Court and Dr Judith Reisman as criticising Kutchinsky's research and therefore calling into question his suitability to address the conference. I would like to inform the Senate of what the British Royal Commission on Pornography had to say about Dr Court. It said:

"We reject his" --

that is Court's--

"evidence and to the extent that they rely on it, those who quote him."

From my own experience of Dr Court's published work, I would concur with the Commission's view. Senator Harradine also claimed that the Institute had failed to invite any of Dr Kutchinsky's critics to debate his findings. That puzzles me and perhaps Senator Harradine has begun to re-evaluate his traditional allies, because both the Reverend Fred Nile and Senator Shirley Walters attended the conference, and it is my recollection that both were invited speakers. Senator Harradine also claimed that the selection of funded speakers was made solely by Dr Wilson. This is incorrect as all speakers were approved by the Director of the Institute who was kept informed through all stages of the preparation and the conference itself.

Dr Kutchinsky's work was published in the *International Journal of Law and Psychiatry* where it was of course peer reviewed and should therefore be beyond reproach. It was also extensively quoted and praised throughout the Williams Commission. I will seek leave to incorporate the [conclusion of Dr Kutchinsky's contribution](#). I regret that the contribution itself is too long and not in a suitable form to incorporate. I will also seek leave to incorporate a [letter from the coordinator of the largest file on sex crime in the world in Michigan in the United States](#), who says that he can demonstrate a

stronger correlation between sex crimes and alcohol than he can between sex crimes and sexual depictions.

Research like Kutchinsky's answers narrow-minded and prejudiced calls for prohibition and censorship of a wide range of material made by Senator Harradine and his supporters. I personally wish that those who favour prohibition would focus on areas such as extreme violence and extreme sexism which, from current research, have been shown to be more likely to cause harm and offence in the community than the non-violent depiction of human sexuality.

I commend the work of the Institute of Criminology, as I have before, for its research and for the opportunity it provides through conferences and seminars, such as the one Senator Harradine attacked and the more recent one on homicide, which I also attended and which enabled informed debate on issues that should concern us all. I condemn the Opposition who are happy to distort Institute research results for their own purposes, for example, in their recent leaflet on violent crime and the aged. I believe the Opposition proposes to axe the Institute itself as part of the Fightback package. I seek leave to incorporate the material I referred to.

Leave granted.

*The documents read as follows--*

"Conclusion

The aggregate data on rape and other violent or sexual offenses from four countries where pornography, including aggressive varieties, has become widely and easily available during the period we have dealt with would seem to exclude, beyond any reasonable doubt, that this availability has had any detrimental effects in the form of increased sexual violence. Especially the data from West Germany are striking since here the only increase in the sexual violence takes place in the form which includes the least serious forms of sexual coercion and where there may have been increases in reporting frequency. As far as the other forms of sexual violence are concerned, the remarkable fact is that they decreased--the more so, the more serious the offense.

The finding is not so strange. Most other research data we have about pornography and rape suggest that the link between them is more than weak. And our knowledge about the contents, the uses and the users of pornography suggests that pornography does not represent a blueprint for rape, but is essentially an aphrodisiac, that is, food for the sexual fantasy of persons--mostly males--who like to masturbate.

The policy implications of this conclusion are, of course open to debate. But as mentioned earlier, the mainstream attitude would seem to be a combination of two movements; (1) To reduce the area of total prohibition and censorship to a minimum, and (2) to implement a variety of restrictions, suitable of each form of pornography, in order to obtain maximum protection of children, and of adults who want no confrontation with the material.

[Full paper available at  
<http://www.aic.gov.au/publications/proceedings/14/kutchinsky.pdf>]

References

A detailed documentation and list of references can be found in some of my earlier and forthcoming publications including:

Kutchinsky, Berl (1983) Obscenity and pornography: Behavioural aspects. In Sanford H. Kadish (ed.) Encyclopedia of Crime and Justice, Vol. 3. New York: Free Press. Pp. 1077-1086.

Kutchinsky, Berl (1985) Pornography and its effects in Denmark and the United States: A rejoinder and beyond. in Richard F. Thomasson (ed.) Comparative Social Research, Vol.8. Greenwich CT: JAI Press. Pp. 301-330

Berl Kutchinsky, Legalized pornography in Denmark. In Michael S. Kimmel (ed.): Men confronting pornography. New York: Crown Publishers, 1990. Pp. 233-45, 335-36.

Berl Kutchinsky: Pornography and rape: Theory and practice? Evidence from crime data in four countries where pornography is easily available. International Journal of Law and Psychiatry, 1991, 14, (1-2), 47-64.

Berl Kutchinsky: Law, pornography, and crime: The Danish experience. New Haven: Yale University Press, forthcoming

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#### DEPARTMENT OF STATE POLICE

714 South Harrison Road, East Lansing, Michigan 48823  
Col. Michael O Robinson, Director

December 2, 1991

Gael Parr

Acquisitions Librarian

J.V. Barry Library

2 Marcus Clarke Street

GPO Box 2944

Canberra ACT 2601, Australia

Dear Gael,

My office has received an order request from the Michigan State Police study on pornography and it's impact on sex motivated crime. This is truly the most distant request we have ever received. For several years I have responded to requests from all over the United States and Canada. This study was allegedly conducted by a former member of this Unit and presented in various public forums. Since his retirement, several attempts were made to locate this study. After years of investigation, the truth is that no such study was ever conducted.

The promise of the study was supposed to show that pornography causes sexual assault. Anyone who has ever studied human behaviour knows that this is extremely difficult, if not impossible to say that one things causes certain behaviour. The best one can show is a correlation. The Michigan State Police maintain the largest computerized sex motivated crime file in the world. This file was initiated in 1955 and continues to be present, with almost 75,000 cases on file. The information that we can glean from these reports is greater today than during the time that this study was allegedly conducted. I have attempted to replicate the information that was being offered about pornography. There is insufficient data to indicate anything other than a weak correlation between pornography and sexual assault, and even less information to suggest that pornography was used prior to or during sexual assault.

As the criminal personality profiler for the Michigan State Police, I can offer that pornography is used to enhance sexual fantasy and for arousal. That this material would cause one to work themself up into a frenzy and then commit a sexual assault would be

a giant leap indeed. In fact, one of the most popular magazines in prison amongst child molesters is the J.C. Penney catalog (retail store), because it features young boys and girls in their underwear. I believe that the person who presented this study had a religious agenda. Wouldn't it be nice if all we had to do was eliminate pornography and we could eliminate sex crimes? Aside from the difficulty in defining pornography, I could show a stronger correlation between the use of alcohol and sexual assault than pornography and sexual assault.

I hope this answers any questions you might have had on our non-existent study. If I can ever be of further service to you, please feel free to contact me.

Sincerely,  
David Minzey, D/Sergeant  
Michigan State Police  
Investigation Resources Unit,  
Violent Crimes.

Question resolved in the affirmative.