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Case study: Pornography

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Case study:

Pornography: A Road to Riches or Ruin?

Gary Davies

Abstract

Pornography is one of the fastest growing industries in the world. Easier to order at home than a pizza, bigger than rock music; it's arguably the most profitable enterprise on the internet. The 1990s saw an explosion of adult material due to the ease of viewing and ordering porn from the Internet. The issues raised include the difficulty of distinguishing between pornography and more acceptable forms of eroticism, the problems of legislating, the ethical issues for companies directly or peripherally involved in the industry, the potential business benefits of dissociation from the industry and the potential for consumer pressure to influence corporate decision making.

The Moral Issues

America's Public Sector Broadcasting first brought pornography to the attention of mainstream America with a program entitled 'American Porn'. Their website contained an open discussion on many of the issues including how one distinguishes between what is acceptable or not. "The general litmus test for "pornography" seems to be whether it excites the viewer or the reader. But if that's the case, then how does one distinguish between pornography and "erotica" or "obscenity"? Opponents often avoid dealing with the benefits of arousal in favour of attributing unflattering motives to makers of pornography, whereas producers of pornography themselves may cloud matters by insisting that their materials are educational rather than deliberately stimulating. Because arguments over sexual expression mask issues of politics, religion, gender, race, class and (above all) sexuality, irrelevant claims and assertions cloud any discussion of pornography. At times, the confusion seems a deliberate means of demonizing enemies, achieving political advantage, or making a profit. The meaning of the term *pornographic* constantly shifts along a spectrum between what is *erotic* and what is *obscene*. An erotic representation is usually considered socially acceptable. "Eroticism," one source quipped "is what turns me on. Pornography is what turns *you* on."

At the other end of the scale are obscene representations, which are considered to be not socially acceptable. Obscene material can be prosecuted because of its nastiness, its demeaning "prurience," or its sheer inhumanness. By contrast, pornography is entirely legal in most countries. Sexual expression is free to arouse, but only within limits, and those limits, which are set by concepts of obscenity, erode only over time. "I know it when I see it," American Supreme Court Justice Potter Stewart once said of obscenity. Because Stewart was virtually blind, his comment illustrates the difficulty of deciding what is obscene rather than pornographic.

Some see sex as a necessary evil, sanctioned only by marriage for purposes of reproduction, and condemn sexual representations under any circumstances. Even those

who argue that sex can and should be recreational may find some types of representation disturbing. A reader, comfortable with a sexual scene in a novel, for example, may be repelled by the same scene in a movie or on stage. Others attempt to distinguish between degrees of explicitness -- how much flesh is visible, say, or how vulgar a spoken word, or what kind of sexual act is depicted. For many pornography includes peep shows, striptease, live sex acts, hardcore videos, adult cable programming, sexual aids and devices, explicit telephone and computer messages, adult magazines, and raunchy fiction. For others it includes much of mainstream television, advertisements that use half naked (female) forms to promote products and 'dirty' jokes.

Given the difficulty of defining 'porn' and differences of opinion as to how acceptable it is to be commercially involved, how do corporates decide where to draw the line? They may take the view that any legal, growing market is one that they should explore. Alternatively they may take the view that many commercially attractive markets, such as tobacco, should be avoided if owners/shareholders take a moral view on what is acceptable.

Putting a Positive Spin on Involvement

Many argue that involvement in porn is a matter of person choice, even personal freedom. The porn industry gives employment, particularly in certain areas. There are approximately 25, 000 video stores in America alone that rent and sell hard-core films. 70 percent of U.S. pornographic material is produced in Los Angeles. Others point to the exploitation in that same city of 'wannabees' who mistakenly perhaps see the porn industry as a way into mainstream entertainment.

When George W. Bush became president, porn moguls became more nervous due to his associations with fundamentalist views. In an attempt to head off a government crackdown, the top adult entertainment executives created a list of 21 pornography no-no's. Dubbed the "Cambria List" after First Amendment attorney and porn industry defence counsel Paul Cambria, who was involved in the list's preparation, it warns porn producers against showing such acts as bestiality, urination, and facial ejaculation.

Companies such as AT&T have argued that they are like the postal service -- delivering material people have ordered. They claim that they are meeting a popular demand and see nothing illegal or wrong in what they are doing. Web search engines often point to the filters that are available to block 'offensive' material. However the same search engine can be accessed via other portals negating the actions of any concerned parent inserting a filter. Survey statistics suggest that it is common for young teens to have been exposed to pictures of explicit sexual acts.

Attempts to prosecute those making 'porn movies' have floundered on the issue of what the public, i.e. a jury, would find crosses the line between eroticism and obscenity. In one proposed trial in 2002 Deputy Los Angeles city attorney Deborah Sanchez said she was prosecuting a leading porn producer because a video "Tampa Tushy Fest, Part 1" was filled with scenes that depicted sexuality in "a patently offensive way." The producer

concerned, Adam Glasser (known in the porn business as "Seymore Butts") head of Seymore Inc., maintained that the women in his film were consenting adults who were obviously enjoying themselves. Glasser's lawyer, Roger Diamond stated "If there are no children involved, and no violence, I don't see what interest the government has in prosecuting this stuff".

Child pornography is clearly something that is considered to be beyond the line of acceptability. In the UK a number of prosecutions have been made, often of leading figures, who had downloaded child pornography from the internet. Prosecutions for the possession or downloading of child pornography were being reported almost on a daily basis. However pressure groups criticised the frequent use of fines and conditional discharges as too soft a penalty. Spokeswoman Eileen Calder, from the Rape Crisis Centre, commenting on one such case claimed said that the sentence did not reflect the crime, "It says to men out there who are looking at child pornography that this is not something which is taken very seriously by society." Those prosecuted included professionals such as teachers, lawyers and doctors. One individual had downloaded more than 338,000 images of child porn. Offenders were sometimes linked to paedophile networks, although the links between the two issues were disputed, some claiming that viewing such material stopped people from becoming involved in paedophilia. Others claimed the exact opposite.

Under New Zealand's censorship legislation, as elsewhere, the possession or trade in sexual images of children and young people, images of torture, bestiality and necrophilia is illegal. A study there profiled 106 people who had been investigated by the country's Censorship Compliance Unit. The bulk of those profiled in the study had been identified via the internet. The offenders were overwhelmingly male (only one was a woman), mostly Caucasian, likely to be middle class and adept at using the internet. Virtually all of the offenders (99) had collected child pornography. Seventeen had images of sexual violence, 32 of bestiality, and 14 had images of torture. Two had images of necrophilia. The offenders' ages, at the time they were investigated, ranged from 14 to 67 with the average age being 30. But almost a quarter of the offenders were aged less than 20 years. The most common age of offending in the study's sample was 17.

More Bad Press

In America, the New York Times joined the PBS in listing the leading corporates involved in the porn industry. The lengthy Times report "Erotica Inc. -- A special report" was subtitled "Technology sent Wall Street into market for pornography." While most thought of Larry Flynt, publisher of Hustler, as a kingpin in the porn industry, the Times revealed that the General Motors Corporation sold more graphic sex films every year than did Flynt through its DirecTV subsidiary. GM had 8.7 million Americans buying some \$200 million a year in pay-per-view sex films from satellite. AT&T offered a hardcore sex channel called the Hot Network through its cable service despite the objections of some of its investors. EchoStar Communications, the second largest satellite provider (heavily backed by Rupert Murdoch--a member of the papal equestrian order, the Knights of St. George) outdid Playboy in the sex-business claimed the Times. Other major players

included Time Warner, Liberty Media, On Command, LodgeNet Entertainment, and Murdoch's News Corporation. Perhaps as a consequence of media pressure on them, General Motors sold its stake in DirecTV to Rupert Murdoch's News Corporation.

Forty percent of all US hotel rooms are equipped to offer porn. Marriott International, run by several prominent Mormons and the Hilton chain profit from the porn they offer in their rooms to guests on pay per view. The Times reported that hotel industry statistics indicate that at least half of all guests buy porn movies.

According to a WallStreet Journal article, among the top 20 adult sites, many were parked on netblocks owned by WorldCom through its ownership of Digex and UUNet. These sites included adult giant Cybererotica, which logged 4.6 million visitors in one month alone, and No. 2 adult site adultrevenueservice.com along with smutserver.com, sexspy.com and amateurfreehost.com. "porn sites are worth hundreds of millions, if not billions, to the Web-hosting industry" the article claimed.

Pornography Statistics

Internet Filter Review advises on anti-pornography topics, particularly how parents might protect their children from pornographic material on the internet. Their statistics may therefore be biased but they still make surprising or even shocking reading. The following were current in 2008 and compiled by Internet Filter Review from a number of different sources including Google, WordTracker, PBS, MSNBC, NRC, and Alexa research.

Internet Pornography Statistics

Pornographic websites	4.2 million (12% of total websites)
Pornographic pages	420 million
Daily pornographic search engine requests	68 million (25% of total search engine requests)
Daily pornographic emails	2.5 billion (8% of total emails)
Internet users who view porn	42.7%
Received unwanted exposure to sexual material	34%
Average daily pornographic emails/user	4.5 per Internet user
Monthly Pornographic downloads (Peer-to-peer)	1.5 billion (35% of all downloads)
Daily Gnutella "child pornography" requests	116,000
Websites offering illegal child pornography	100,000
Sexual solicitations of youth made in chat rooms	89%
Youths who received sexual solicitation	1 in 7 (down from 2003 stat of 1 in 3)
Worldwide visitors to pornographic web sites	72 million visitors to pornography: Monthly
Internet Pornography Sales	\$4.9 billion

Children Internet Pornography Statistics

Average age of first Internet exposure to pornography	11 years old
Largest consumer of Internet pornography	35 - 49 age group
15-17 year olds having multiple hard-core exposures	80%
8-16 year olds having viewed porn online	90% (most while doing homework)
7-17 year olds who would freely give out home address	29%
7-17 year olds who would freely give out email address	14%
Children's character names linked to thousands of porn links	26 (Including Pokemon and Action Man)

Adult Internet Pornography Statistics

Men admitting to accessing pornography at work	20%
US adults who regularly visit Internet pornography websites	40 million
Promise Keeper men who viewed pornography in last week	53%
Christians who said pornography is a major problem in the home	47%
Adults admitting to Internet sexual addiction	10%
Breakdown of male/female visitors to pornography sites	72% male - 28% female

A comprehensive two-year study by Alexa Research, a leading web intelligence and traffic measurement service, has revealed..."sex" was the most popular term for which people searched. Of all the terms searched for online, 0.3289% - or roughly 1 of every 300 terms, were "sex." According to their online searching habits, people want "sex" more than they want "games," "music," "travel," "jokes," "cars," "jobs," "weather" and "health" combined. "Porn" (along with "porno" and "pornography") was the 4th most popular search term. "Nude" (and "nudes"), "xxx," "Playboy" and "erotic stories" (and "erotica") were also among the top 20. Source: "Alexa Research Finds 'Sex' Popular on the Web..." *Business Wire*. 02/14/2001

"*The Industry Standard* reports that 70% of porn traffic occurs between 9 and 5, and people in the Eastern time zone account for the largest number of porn-site hits-30.3%." Source: Retzlaff, Eric. "Pornography's Grip Tightens by Way of Internet." *National Catholic Register*. 6/13-6/19/00

"A nationwide survey of 1,031 adults conducted by Zogby International and Focus on the Family March 8-10, 2000, found that 20 percent of the respondents - which represents as many as 40 million adults - admitted visiting a sexually-oriented web site. Thirty-seven

percent of males between the ages of 18-24 admitted they had visited sex sites. Almost 18 percent of those who identified themselves as Christians and 18 percent of married men also admitted viewing these sites. According to the Nielsen Net ratings, 17.5 million surfers visited porn sites from their homes in January; a 40 percent increase compared with September of 1999." Source: "Zogby/Focus Survey Reveals Shocking Internet Sex Statistics." Legal Facts: Family Research Council. Vol. 2. No. 20. 3/30/00

A Hotel Chain That Said 'No'

According to CBS porn films are purchased by 50 percent of Hotel guests, accounting for nearly 70 percent of their in-room profits. One hotel owner said, "We have to have it. Our guests demand it." However, in late 1999, Omni Hotels announced that it would no longer offer adult pay-per-view movies in its rooms. The company's statement noted that it made the decision "in response to what it perceives as a growing need for corporate America to support pro-family issues."

Based near Dallas, Texas, Omni had hotels and resorts throughout North America and ranked 45th in the list of the top 50 U.S. hotel chains.

In an October 2000 *New York Times* article, Omni's president, Jim Caldwell, said that his company's decision to remove the sex-videos would cost it an estimated \$1.8 million per year. The company stated, "the anticipated loss in revenue demonstrates the company's commitment to the issue. Omni Hotels has already removed adult magazines from the gift shops at its owned and managed properties." Omni received 50,000 calls and letters of support for its decision.

A Cable Company That Said 'No'

Adelphia Communications, America's fifth largest cable TV provider, became the only major cable operator to prohibit adult channels on its system. From Cleveland to Central Florida to Los Angeles, whenever Adelphia has expanded into a market or bought an existing cable outfit, it slowly purged any adult offerings from the line-up.

Despite the good profit margin for distributing adult channels, there were no signs that the company will change its policy. Adelphia's patriarch, CEO John Rigas, was said to be morally opposed to adult videos and had expressed his determination to keep his systems free of adult entertainment.

Companies that Declined to Say Yes

For AT&T, porn distribution is substantial business, but there's no mention of adult material in the company's annual report, nor how much it contributes to the company's bottom line. The company has stated that competitive pressures with companies like General Motors, which owned rival service DirecTV, are keeping AT&T in the business.

Yahoo! has made lots of money selling ads and links to porn websites. "When Yahoo! first launched, getting a site listed, even a commercial business site, was free," Sam Agboola, director of marketing for Danni's Hard Drive, one of the most popular softcore

sites online is quoted as saying. "Nowadays it costs \$200 to get a website listed unless you're an adult website, in which case they charge \$600."

Yahoo! ran into trouble in early 2001 when it announced that it was opening a virtual sex shop where millions of users could buy hardcore videos and DVDs. The anti-pornographers' assault began. Overnight Yahoo! was bombarded by hundreds of thousands of email complaints. The next day, Yahoo! insinuated that they were 'getting out of the business', but they continue to make money from porn site listings. Again how much money the company are reluctant to reveal.

Change But to What?

It was clear that attitudes to pornographic material and its use had changed, at least in some countries. Until the internet the purchase of porn had been a public act, involving perhaps an embarrassing meeting with another human being or the risk of being seen by others when purchasing. The internet had not made purchasing porn respectable but it had made it relatively easy and confidential. The high level of participation by the public suggested that porn was becoming if not respectable, then acceptable. But was it good for a company's reputation to be associated with it?

Social values in countries like America appeared to have changed. Porn is so accessible now that it has working its way into American culture, into fashion, music and television. A Christina Aguilera music video or a Brittany Spears concert is full of sexual imagery obviously borrowed from the world of adult entertainment. You will even find porn references on the TV show, "Friends." And the issue is global, as the internet has brought pornography to the homes of a global audience.