

Facets of Child Pornography  
Jacob R. Butlett

Loras College

Dr. Leonard Decker  
CRJ-252: Criminology

18 March 2016

### Facets of Child Pornography

Among cultures around the world, children typify innocence. These cultures, as a result, have relied on their own societal mores to create ways to protect their children from those who wish to exploit them. One form of exploitation is the harboring, manufacturing, or the distributing of kiddie porn—otherwise known as child pornography. Within the last several decades, the United States has rectified laws that protect children from child pornography. From 1997 to 2007 alone, the sentencing length of the offenders rose 443 percent, with the perpetrator on average now serving about 91 months in confinement (Steiker, 2013, p. 37). In other words, the United States has underscored the need to punish child pornography offenders by instituting longer incarceration times. Understanding key facets of child pornography can help one to better realize the dynamics surrounding this type of crime.

Although the official definition of *child pornography* has faced opposition over the years, the United States has classified the key characteristics of child pornography under federal law. The law states that child pornography can assume a variety of visual forms, all of which depict individuals under the age of 18 engaging in sexual acts such as posing nude or engaging in intercourse (“Child Pornography,” n.d.). Based on the formal definition, a physical depiction is necessary for the criminals to be charged with possession of child pornography. These variety of visual forms include pictures, films, images featuring real or imaginary (computerized) minors in sexual situations, and electronic data capable of becoming child pornography (“U.S. Federal Law on Child Pornography,” n.d.). Based on the factors, an offender may be arrested for harboring child pornography even if the porn contains no real children but rather *realistic* depictions of children (see section entitled “Limitations to the First Amendment” for more information).

### **Offenders Most Likely to Strike—Literature Review**

Whether featuring real or imaginary minors, child pornography continues to be studied by many researchers. Many citizens assume that those who collect child pornography are typically “creepers”—that is, older obese males with low intelligence who stalk children in parks or other public venues. Research contradicts this mainstream assumption. Approximately 99 percent of offenders are male and approximately 89 percent are white, yet despite popular opinion, a little over 35 percent of the offenders have some college experience, with nearly 18 percent of them passing colleges; furthermore, only about 27 percent of the offenders are older, that is, age 50 and above (Spearit, 2011, p. 103).

The so-called creepers are also thought of as being psychopathic and devoid of empathy, likening them to child molesters. Research defies this assumption, too. Child pornography offenders are typically ages 25 to 50; they have few to no criminal backgrounds; they display more empathy than child molesters; and they are usually employed and in relationships with significant others (Lollar, 2013, p. 372). Lastly, research on whether child pornography offenders are synonymous with pedophiles further contradict popular culture. Data show having child pornography does not necessarily lead perpetrators to commit physical sex crimes with children—as seen with pedophiles (Lollar, 2013, p. 370). Ergo, those who harbor child pornography are not, strictly speaking, the same as pedophiles or child molesters.

### **Categories of Offenders**

Regardless, according to research, child pornography offenders belong to different categories, all of which help to characterize their behaviors. One category insists that certain offenders engage in such criminal behavior as a means of empowering or sustaining preexisting sexual attractions for children. Another category suggests that certain offenders engage in wider patterns of sexual behavior and that the child pornography is one small yet significant factor or

contributor to those deviant patterns. A third category explains that certain offenders harbor child pornography because those offender might be impulsive or curious (impulsivity is discussed more in depth in the theoretical section of the paper). A final category reasons that certain offenders handle child pornography to cultivate non-sexual gains—in other words, to sell the child pornography for money (Seto, Reeves, & Jung, 2010, p. 170). In summary, child pornography offenders typically commit the crime out of lust, impulsivity, or economic gain.

Selling child pornography, in fact, has become a major lucrative crime over the last couple decades, despite the advent of stricter laws. Moreover, the advent of the Internet has contributed to growing sales and the larger distribution of child pornography. The distribution, indeed, has grown globally. Experts conjecture that the child pornography over the Internet has forged a \$20 billion black market worldwide (Eggstein & Knapp, 2014, p. 29). The Internet can be used to share obscene visuals with others conveniently and anonymously; such convenience and anonymity encourage offenders to showcase, collect, and sell child pornography without leaving their homes (the so-called creeper stereotype might have grown from this fact). The Internet is replete with adult porn from both credible and questionable sources, but child pornography makes up a significant percentage of the porn one can locate, either with ease or difficulty. The National Center for Missing and Exploited Children (NCMEC) estimated that 20 percent of online pornography exploit children (as cited in “Issues & Controversies,” n.d.).

### **Child Porn—A Form of Re-Victimization**

As mentioned earlier, child pornography offenders are not interchangeable with molesters and pedophiles (crossovers, however, sometimes occur). As such, the minors who are victimized are not necessary molested by the offenders. Research suggests, nonetheless, that victimization can cause perpetual emotional disturbance not strictly because of the initial trauma (being photographed nude, for example), but rather because of the subsequent trauma of knowing that the sexual

experience has been recorded and is still permeating the black market of online child pornography. The constant re-victimization of the experience hence has caused more emotional and psychological damage to the child victims than when the child pornography was initially made (Lollar, 2013, pp. 368-69).

**Limitations to the First Amendment**

Many offenders have argued that the First Amendment guarantees them the right to possess child pornography. Some have even claimed that child pornography is protected under the First Amendment especially if the pornography depicts fictitious children. The First Amendment, however, does not protect the offenders. As exemplified in **Figure 1**, Samenow (2012) listed five major reasons that the First Amendment does not shield child pornography offenders from liability (p. 17). The reasons range from artistic merit to protecting public safety, all focused on the protecting children from sexual exploitation.

<u>Figure 1</u> <b>Reasons the First Amendment Does NOT Protect Child Pornography Offenders</b>
<b>The law shows interest in stopping the continued exploitation of children.</b>
<b>The law highlights and criticizes the inherent perverseness associated with child pornography, which is tool for re-victimization. Furthermore, the law aims to monitor, control, and eradicate the mediums in which the pornography is dispersed.</b>
<b>The law desires to stop the production of child pornography since it creates financial incentives for the perpetrators.</b>
<b>The law recognizes the poor artistic merit of child pornography.</b>
<b>The law bans certain materials based on historical trends and public acceptance of what “illegally obscene” means in terms of safeguarding social welfare from said materials.</b>

### **Child Pornography Addiction—A Theoretical Application**

Offenders also turn to medical science to uncover a scientific justification(s) for showing a fascination for child pornography. One theory suggests that certain offenders engage in riskier behaviors—in this case, harboring, producing, and/or selling child pornography—because the offenders are addicted to or are more prone to commit the illegal behaviors. Studies show that a profusion of addictions exist, and most, if not all, are founded on some genetic or psychological basis. If an individual can prove that he or she has a reduced mental capacity, the individual can be given a more lenient punishment. Acknowledging that the legal system has recognized that child pornography addiction may be grounds to declare reduced mental capacity, Samenow (2012) summarized the criteria of reduced mental capacity: the individual must be unable to retain new information and use logic; or the individual must be aware of his or her behavior but cannot him- or herself (p. 26). As a result, proving that child pornography addicts have a reduced mental capacity could cause the offenders to face less severe punishments.

### **Brain Chemistry—Neurotransmitters**

Child pornography addiction, many have argued, is linked to chemical and electrical imbalances in the brain, causing the brain's neurotransmitters to operate improperly. Eggestein and Knapp (2014) concurred, suggesting “that pornography addiction leads to the same brain activity as other potent drug addictions” (p. 40). As mentioned above, an offender's impulsive desire to find, buy, and collect child pornography is sometimes a significant factor in certain child pornography cases. Siegel (2016) explained that “low serotonin levels are associated with poor impulse control and hyperactivity, increased irritability, and sensation seeking” (p. 115). Based on research, impulsivity is linked to brain chemistry and perhaps to porn addiction—and by extension, to a reduced mental capacity.

## **Opposing Views**

Research has provided contrasting conclusions regarding whether child pornography addiction carries enough legal legitimacy. Studies have shown that child pornography addiction is a condition that impacts proper behavioral patterns. In a study by Sitarz et al. (2014), the Internet Addiction Test (IAT) was administered to respondents to determine whether child pornography offenders display a higher likelihood of becoming addicted to using the Internet; the study suggested that developing child pornography additive behaviors is correlated with impulsive Internet usage (p. 69). The study's findings suggested that the Internet contributes much to addiction. Perhaps the Internet is exacerbating preexisting neural traits in potential offenders, making the offenders unable to inhibit their impulsivity—in effect (A) making them more likely to be addicted to child pornography while (B) giving them a reason to have their criminal behavior at least somewhat excusable. Further research is needed to render this hypothesis verifiable, that is, probable.

The scientific recognition of child pornography addiction is gaining more favor in the scientific community. However, other researchers are hesitant to accept these types of findings. A study by Seto et al. (2010) surmised that child pornography addiction may be a minor, if not an overall insignificant, factor or reason behind the crime; they reported that “indiscriminate sexual interests or pornography addiction were reported infrequently and are likely to be rare considerations in the treatment or supervision of child pornography offenders” (p. 179). More evidence, however, is needed to bring the scientific community into closer agreement on what is the true etymology of child pornography addiction.

## **Summary**

Harboring, manufacturing, or distributing child pornography is a serious crime in the United States. Laws are put in place to prevent the sexual victimization and re-victimization of minors. Those under the age eighteen may be forced, knowingly or not, to pose nude or have sex while

having their sexual experiences visually documented. Imaginary children—that is, figments of one’s imagination—are also used in child pornography. The crime has grown to large extremes, becoming a multibillion dollar industry worldwide. As a chief tool to share and sell child pornography, the Internet has been linked to child pornography addiction. However, once more research is compounded, the addiction theory may be able to explain beyond a reasonable doubt whether addiction is grounds for reduced mental capacity. Criminally obscene images stay on the Internet forever, re-victimize the minors in the images, and creates long-lasting emotional suffering.<sup>1</sup>

### **Reflection**

Child pornography abuses the basic moral, political framework concerning children (and, more generally, any human being): Every person deserves to be treated with respect. Researching child pornography from a plethora of angles has further crystalized my appreciation for those who strive to understand the complexities surrounding child pornography. I have also grown more interested in the biology and psychology of pornography addiction in general. More research on serotonin levels and their connection to addiction and reduced mental capacity might revolutionize the way lawmakers think about punishing child pornography offenders.

---

<sup>1</sup> According to the consensus model of crime, communal values related to children’s rights imply that minors (an archetypical image) represent innocence, a protected virtue.



## References

- Child Pornography | CRIMINAL-CEOS | Department of Justice. (n.d.). Retrieved February 14, 2016, from <http://www.justice.gov/criminal-ceos/child-pornography>
- Citizen's Guide to U.S. Federal Law on Child Pornography | CRIMINAL-CEOS | Department of Justice. (n.d.). Retrieved February 14, 2016.
- Eggestein, J. V., & Knapp, K. J. (2014). Fighting Child Pornography: A Review of Legal and Technological Developments. *The Journal of Digital Forensics, Security and Law : JDFSL*, 9(4), 29–48.
- Issues & Controversies - Spotlight: Recent Supreme Court Rulings on Child Pornography. (n.d.). Retrieved February 14, 2016, from <http://icof.infobaselearning.com.ezproxy.loras.edu/support-materials/learn-more-about/r/rg/recent-supreme-court-rulings-on-child-pornography.aspx?sr=1>
- Lollar, C. E. (2013). Child Pornography and the Restitution Revolution. *Journal of Criminal Law & Criminology*, 103(2), 343–406.
- Samenow, C. P. (2012). Child Pornography and the Law: A Clinician's Guide. *Sexual Addiction & Compulsivity*, 19(1/2), 16–29. <http://doi.org/10.1080/10720162.2012.660432>
- Seto, M. C., Reeves, L., & Jung, S. (2010). Explanations given by child pornography offenders for their crimes. *Journal of Sexual Aggression*, 16(2), 169–180. <http://doi.org/10.1080/13552600903572396>
- Sitarz, R., Rogers, M., Bentley, L., & Jackson, E. (2014). Internet addiction to child pornography. *Proceedings of the Conference on Digital Forensics, Security and Law*, 63–71.
- Spearit. (2011). Child Pornography Sentencing and Demographic Data: Reforming Through Research. *Federal Sentencing Reporter*, 24(2), 102–107.

Steiker, C. S. (2013). Lessons from Two Failures: Sentencing for Cocaine and Child Pornography

Under the Federal Sentencing Guidelines in the United States. *Law & Contemporary Problems*,

76(1), 27–52.