

No. 23-1122

In the
Supreme Court of the United States

FREE SPEECH COALITION, INC., ET AL.,
Petitioners,

v.

KEN PAXTON, ATTORNEY GENERAL OF TEXAS,
Respondent.

On Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit

**BRIEF OF SOCIAL SCIENCE SCHOLARS AS
AMICI CURIAE IN SUPPORT OF
RESPONDENT**

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INTEREST OF *AMICI CURIAE*¹

Amici are leading scholars that study how internet pornography affects minors. Extensive research shows that internet pornography threatens the well-being of minors. *Amici* therefore support public policies such as age-verification laws that effectively prevent these harms.

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¹ No party's counsel authored this brief in whole or in part, and no person or entity other than *amici* or its counsel made a monetary contribution intended to fund its preparation or submission.

political divisions. Since 2018, he has been studying the contributions of social media and online pornography to the decline in teen mental health and political dysfunction. His most recent book is *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness*.

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SUMMARY OF ARGUMENT

Although exposure to sexual media and pornography has long been known to harm children, the risk of harm has become far greater since the Court decided *Ashcroft v. ACLU*, 542 U.S. 656 (2004). As the Court then cautioned:

[T]he factual record does not reflect current technological reality—a serious flaw in any case involving the Internet. The technology of the Internet evolves at a rapid pace. Yet the fact findings of the District Court were entered ... over five years ago. Since then, certain facts about the Internet are known to have changed. ... It is reasonable to assume that other technological developments important to the First Amendment analysis have also occurred during that time.

Id. at 671. In the two decades since *Ashcroft*, the landscape has changed in two significant ways.

First, minor access to pornography has grown, and pornography has gotten worse. Over the past two decades, the smartphone has encouraged a digital culture where minors have regular and unfiltered access to online pornography. Underage pornography use has become the norm, not the exception. Online pornographic content has also changed, becoming more extreme, violent, and deviant. For example, minors are frequently exposed to pornography involving unhealthy and risky sexual scripts, deviant sexual behavior (e.g., incest, statutory rape), and violence (rape and sexual assault) that is typically directed towards women and girls. These developments have shown

that internet “filtering,” the current means of protecting minors from online obscenity, has failed as a “least restrictive alternative.” *Ashcroft*, 542 U.S. at 666.

Second, this Court has access to far more advanced research on the effects of underage pornography use than when it decided *Ashcroft*. New social science shows that pornography harms minors in myriad ways. Recent research has confirmed that underage pornography use encourages unhealthy sexual scripts and behaviors, sexual aggression, pornography addiction, struggles with mental health, and less stable relationships. Some risks continue well into a person’s adulthood and have lifelong deleterious effects on relationships and well-being. Ubiquitous pornography access, abetted by smartphones, harms vulnerable young people the most.

Petitioners ask this Court to hold that “strict-scrutiny” applies to age-verification laws such as H.B. 1181. “[T]hat balancing approach is policy by another name. It requires judges to weigh the benefits against the burdens of a law and to uphold the law as constitutional if, in the judge’s view, the law is sufficiently reasonable or important.” *United States v. Rahimi*, 144 S. Ct. 1889, 1920 (2024) (Kavanaugh, J., concurring). Age-verification laws help prevent problems that are far more grave than any incidental “chilling” of adult access to pornography. Whatever test the Court applies, it should allow room for reasonable age-verification laws.

“There is danger that, if the Court does not temper … doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into” a tool to promote obscenity, heedless of minors. *Ter-*

miniello v. City of Chicago, 337 U.S. 1, 37 (1949) (Jackson, J., dissenting). The Free Speech Clause doesn't guarantee effectively unrestricted access to pornography in minors' pockets.

ARGUMENT

I. Minors often access obscene pornographic content that is extreme, violent, and deviant

Since this Court decided *Ashcroft* in 2004, the amount and kind of pornography that children consume has changed dramatically. Minors now view pornography far more often, and the pornography they view is far more extreme.

A. Minors often view pornography

With the advent of smartphones and the proliferation of online technologies, pornography is more accessible than ever.² As a result of these changes, the number of pornography viewers has increased exponentially over the last two decades.³ Although this trend cuts across all age groups, young people today have more access to pornography than any generation in history.

Most minors are exposed to pornography well before they reach adulthood. For example, a large national survey from the United States found that over

² R. Ballester-Arnal et al., *Pornography Consumption in People of Different Age Groups: an Analysis Based on Gender, Contents, and Consequences*, 20 Sexuality Rsch. & Soc. Pol'y 766, 766 (2023).

³ *Id.*; M. N. Potenza, *Pornography in the Current Digital Technology Environment: An Overview of a Special Issue on Pornography*, 25 Sexual Addiction & Compulsivity 241, 241–42 (2018).

97% of boys and 78% of girls between the ages of 12 and 17 have viewed pornography.⁴ Studies in other countries yield similar results.⁵

This marks an important shift from the situation before *Ashcroft*. Unlike then, viewing pornography is now the norm, rather than the exception, for minors. Traditional means—legal and cultural—of limiting minor access to “adult material” have failed. That includes internet “filtering,” which has been ineffective as a “least restrictive alternative.” *Ashcroft*, 542 U.S. at 666.

Minors also start viewing pornography at an early age. One national U.S. study found that most children begin to view sexually explicit material

⁴ Ballester-Arnal, *Pornography Consumption*, *supra* note 2, at 769, 771–72 tbls. 2, 3.

⁵ For example, a 2023 Australian government study showed that 75% of youth 16–18 had viewed online pornography, with 60% encountering pornography at least once a month. See eSafety Comm'r, Gov't of Australia, *Young People's Encounters with Online Pornography* 4–5 (Sept. 2023), <https://www.esafety.gov.au/sites/default/files/2023-08/Accidental-unsolicited-and-in-your-face.pdf?v=1731704530777>. A Swedish study based on three nationally representative studies from 2004 to 2014 found that 50% of teenage girls and 90% of teenage boys reported that they had viewed pornography in their life; over 80% of males and 20% of females viewed pornography at least once a month; and almost one in four teenage boys reported viewing pornography every day—a rate of habitual use that was more than twice as high as in 2004. M. Donevan et al., *Adolescents' Use of Pornography: Trends over a Ten-Year Period in Sweden*, 51 Archives Sexual Behavior 1125, 1131 fig. 1, tbl. 4 (2022).

around the ages of 10 to 14 years of age.⁶ These trends are consistent across developed countries. For example, an Australian study found that half of young boys have viewed pornography by the time they are 13 years old, and half of young girls have intentionally accessed pornography by the time they are 16 years old.⁷ Another Australian study found that the average age of first exposure to pornography was 13 years old.⁸ This Australian study is particularly relevant to age-verification laws, because it found that a lack of effective safeguards led to 58% of first encounters with pornography for minors.⁹

With modern internet technology making pornography more available to minors than ever before, age-verification laws are more needed than ever.

B. Pornography has become more extreme

The rise in minor access to pornography has been paralleled by a shift to more extreme types of pornography. A growing body of research has consistently shown that children now regularly view pornography depicting rape, sexual violence against women, deviant sexual behaviors, and other harmful content.

⁶ B. J. Willoughby et al., *Exploring Trajectories of Pornography Use Through Adolescence and Emerging Adulthood*, 55 J. Sex Rsch. 297, 302 (2018).

⁷ M. S.C. Lim et al., *Young Australians' Use of Pornography and Associations With Sexual Risk Behaviors*, 41 Austl. & N.Z. J. Pub. Health 438, 438 (2017).

⁸ eSafety Comm'r, Gov't of Australia, *Young People's Encounters*, *supra* note 5, at 4, 12.

⁹ *Id.* at 4, 23.

Recent studies documenting this trend are legion. For example, a 2015 study undertook a content analysis of the 100 most viewed pornographic videos from the four most popular pornography sites.¹⁰ The study found that over 37% of the videos—and 40% of those that were professionally produced—depicted some sort of violence against women.¹¹ Over 6% of videos depicted non-consensual acts of sexual violence, including rape.¹² Another study examining over 7,000 videos from two of the largest online pornographic tube sites found that almost 45% and 35% for each site showed some type of physical aggression.¹³ Women in these pornographic videos were almost always shown as enjoying or deriving pleasure from these acts of violence or passively ignoring them.¹⁴ A study examining 50 of the most popular online pornographic videos at the time also showed a consistent pattern of non-consent, with only 12% of sexual scenes showing explicit verbal consent before engaging in sexual acts.¹⁵

¹⁰ M. J. E. Klaassen et al., *Gender (In)equality in Internet Pornography: A Content Analysis of Popular Pornographic Internet Videos*, 52 *J. Sex Rsch.* 721 (2015).

¹¹ *Id.* at 728 & tbl. 3.

¹² *Id.* at 726, 730.

¹³ N. Fritz et al., *A Descriptive Analysis of the Types, Targets, and Relative Frequency of Aggression in Mainstream Pornography*, 49 *Archives Sexual Behavior* 3041, 3044, 3046 (2020).

¹⁴ *Id.* at 3047; *see also id.* at 3050 (explaining that both pleasure and neutral reactions are “explicit or implicit affirmations of pleasure”).

¹⁵ M. Willis, *Sexual Consent Communication in Best-Selling Pornography Films: A Content Analysis*, 57 *J. Sex Rsch.* 52, 59 (2020).

Modern pornography sites promote videos of sexual violence, content featuring minors, and incest. In perhaps the largest study to date examining sexually explicit online content, researchers examined the titles and keywords of over 150,000 video segments from the three most popular pornography sites in the U.K.¹⁶ They found that 12% of all videos included a reference to sexual violence in the title, and the most common keyword in the videos studied was “teen.”¹⁷ Over 10% of these videos mentioned family relationships in their keywords or title.¹⁸ Worse, most of these videos specified that the participants were blood relatives, not step-relations.¹⁹

This study analyzed mainstream pornographic sites, not outliers. As the study concluded:

We have found that mainstream pornography websites are likely hosting material that is unlawful to distribute or download. It is not the case that criminal material is relegated to niche sites, hidden from all but a determined viewer, or only available on the dark web. It thus cannot be assumed either by regulators, individual users or policy-makers, that the mainstream websites are ‘safe’ sites, free from unlawful material.²⁰

¹⁶ F. Vera-Gray et al., *Sexual Violence as a Sexual Script in Mainstream Online Pornography*, 61 Brit. J. Criminology 1243, 1243–44 (2021).

¹⁷ *Id.* at 1249.

¹⁸ *Id.*

¹⁹ *Id.* at 1250 & tbl. 1.

²⁰ *Id.* at 1254–55.

Not only is extreme and deviant sexual content now readily accessible to minors, but recent studies have found that a large portion of minors are seeking out and viewing these developmentally harmful sexual materials online. In a large U.S. survey, more than 1 in 5 boys who have viewed pornography reported repeatedly looking for and viewing sexual material that depicted domination and submission, 1 in 10 reported regularly viewing pornography that depicted rape or other forms of sexual violence, and almost 1 in 10 searched for sexual activity involving urine and feces.²¹ Over 1 in 3 reported viewing pornography that portrayed at least one of the partners as an underage teenager, and nearly 4% reported viewing sexual acts with children (pedophilia).²² These numbers were similar for underage girls, where 1 in 5 also reported viewing pornography involving domination and submission and over 13% reported viewing pornography that portrayed rape or sexual violence. One in 5 underage girls reported viewing pornography where at least one partner was portrayed as being a minor and 1% viewed pornographic content depicting sex acts with children.²³

Minors now frequently view violent pornography. A 2018 study found that “a significantly higher proportion of young people reported frequently seeing violence than those who reported frequently seeing romance/affection when they watched pornography

²¹ Ballester-Arnal et al., *Pornography Consumption*, *supra* note 2, at 771 tbl. 2.

²² *Id.*

²³ *Id.* at 772 tbl. 3.

during the previous 12 months.”²⁴ The study also found that 72% of those 15 to 29 reported seeing violence or aggression towards a woman that appeared consensual, with 34% seeing this frequently, and 42% reported seeing violence or aggression toward a woman that appeared nonconsensual, with 11% seeing this at least half the time.²⁵ Viewers aged 15 to 19 were more likely to frequently see this content than older users aged 20 to 29,²⁶ proving again that filtering has not been effective as a “least restrictive alternative.” *Ashcroft*, 542 U.S. at 666.

II. Viewing pornography harms minors

Minors viewing pornography has been associated with an increase in unhealthy sexual behavior, sexual aggression, mental illness, unstable relationships, and reduced family formation.

A. Unhealthy sexual behaviors

Given that the online pornography that minors watch today increasingly features violence, domination, and unrealistic depictions of sexual intimacy, it is not surprising that pornography is linked to unhealthy sexual attitudes and behaviors among adolescents. Social science has consistently demonstrated that viewing pornography increases sexual permissiveness, making minors more likely to engage in sex-

²⁴ A.C. Davis et al., *What Behaviors Do Young Heterosexual Australians See in Pornography? A Cross-Sectional Study*, 55 J. Sex Rsch. 310, 316 (2018).

²⁵ *Id.* at 315 tbl. 2.

²⁶ *Id.* at 316.

ual behaviors that increase the risk of poor health outcomes, teen pregnancy, and economic disparities. Although dozens of smaller scale studies have shown these links,²⁷ here, we focus on the highest quality data: large U.S. national samples and systematic reviews of the scientific literature.

The link between viewing pornography and permissive sexual attitudes among teens is now virtually undisputed. One 20-year review of research on pornography and teens noted that “consistent evidence has emerged that adolescents’ use of pornography is related to stronger permissive sexual attitudes.”²⁸

Viewing sexually explicit content that creates and perpetuates these permissive attitudes appears to accelerate sexual debut and make minors more likely to engage in sexual behaviors earlier and more often. According to a meta-analysis of 21 separate studies,

²⁷ See, e.g., G. Koletić et al., *Associations Between Croation Adolescents’ Use of Sexually Explicit Material and Risky Sexual Behavior*, 31 Int'l J. Sexual Health 77 (2019); K. R. Rasmussen & A. Bierman, *Risk or Release?: Porn Use Trajectories and the Accumulation of Sexual Partners*, 5 Soc. Currents 566 (2018); P. J. Wright et al., *Consumption of Pornography, Perceived Peer Norms, and Condomless Sex*, 31 Health Commc'n. 954 (2016).

²⁸ J. Peter & P. M. Valkenburg, *Adolescents and Pornography: A Review of 20 Years of Research*, 53 J. Sex Rsch. 509, 519 (2016); see also P. J. Wright, *Theoretically Suggested Divergent Predictions for Pornography Use, Religiosity, and Permissive Sexual Attitudes*, 51 Archives Sexual Behavior 1281, 1288 (2022) (analyzing multiple samples from the General Social Survey, a large U.S. national sample, and finding that pornography viewers held more permissive attitudes toward a variety of sexual behaviors).

pornography exposure increased the likelihood of unhealthy sexual behaviors among minors by 150%.²⁹ Exposure to violent or aggressive pornography (which is common, *see supra* Part I.B) increased the likelihood of unhealthy sexual behaviors even more, by 250%.³⁰ These links were stronger among girls than boys.³¹ Another study of over 600 minors ages 13 to 15 found that engaging regularly with pornography was associated with earlier engagement in masturbation, petting, oral sex, and vaginal sex, especially for males.³²

This link between pornography use by minors and a host of risky sexual behaviors has been found recently in numerous regions around the world, suggesting it is robust.³³

²⁹ C. Mori et al., *Exposure to Sexual Content and Problematic Sexual Behaviors in Children and Adolescents: A Systematic Review and Meta-Analysis*, 143 Child Abuse & Neglect, art. no. 106255, at 1, 8 (2023).

³⁰ *Id.*

³¹ *Id.* at 9.

³² D. Pirrone et al., *Pornography Use Profiles and the Emergence of Sexual Behaviors in Adolescents*, 51 Archives Sexual Behavior 1141, 1141, 1144 (2022).

³³ For example, a large national sample of 1,500 Spanish adolescents found that pornography use was correlated with other risky behaviors, such as drug use and abuse, and that viewing pornography was a key predictor of engaging in unprotected sex, having sex after using substances, and engaging in infidelity. See J. M. Farré et al., *Pornography Use in Adolescents and its Clinical Implications*, 9 J. Clinical Med., art. no. 3625, at 1, 9 & fig. 1, 12–13 (2020).

These findings have been consistent across studies. Although individual studies will always have limitations based on sampling and measurement, studies regularly confirm this link. Several scholars who have written systematic reviews on the topic have concluded that such a link is well-established and likely varies only in degree based upon the vulnerability of the minor.

B. Sexual aggression

Viewing pornography as a minor also leads to aggressive and violent behavior. This is unsurprising given how frequently violent and aggressive sexual acts are shown and glorified in pornographic videos and given the well-established influence that media exposure has on minors.³⁴ A variety of recent individual studies have linked viewing pornography, especially violent pornography, to sexual harassment, sexual aggression/dominance, and sexual assault among adolescents.³⁵

³⁴ See, e.g., M. Adelantado-Renau et al., *Association Between Screen Media Use and Academic Performance Among Children and Adolescents: A Systematic Review and Meta-Analysis*, 173 JAMA Pediatrics 1058 (2019); K. Karsay et al., *Sexualizing Media Use and Self-Objectification: A Meta-Analysis*, 42 Psych. Women Q. 9 (2018).

³⁵ See, e.g., C. Huntington et al., *The Confluence Model of Sexual Aggression: An Application with Adolescent Males*, 37 J. Interpersonal Violence 623, 623–24 (2022); W. L. Rostad et al., *The Association Between Exposure to Violent Pornography and Teen Dating Violence in Grade 10 High School Students*, 48 Archives Sexual Behavior 2137, 2137, 2143–45 (2019); E. A. Waterman et al., *Prospective Associations Between Pornography Viewing and Sexual Aggression Among Adolescents*, 32 J. Rsch. on Adolescents 1612, 1612, 1618–21 (2022); P. J. Wright et al., *Exploratory (continued on next page)*

A meta-analysis of 22 studies with over 20,000 participants found that viewing pornography was associated with more verbal and physical sexual aggression.³⁶ The authors concluded that “the accumulated data leave little doubt that, on the average, individuals who consume pornography more frequently are more likely to hold attitudes conducive to sexual aggression and engage in actual acts of sexual aggression than individuals who do not consume pornography or who consume pornography less frequently.”³⁷ Another recent meta-analysis surveying 59 studies from the last 20 years (i.e., since *Ashcroft*) found a significant association between pornography use and *non-sexual* violence.³⁸ These meta-analyses provide a comprehensive summary of the recent research literature and are therefore especially reliable. Thus, pornography use is linked to violence in general, not just sexual violence.

Findings on US Adolescents’ Pornography Use, Dominant Behavior, and Sexual Satisfaction, 33 Int’l J. Sexual Health 222, 224–25 (2021); P. J. Wright et al., *Preliminary Insights from a U.S. Probability Sample on Adolescents’ Pornography Exposure, Media Psychology, and Sexual Aggression*, 26 J. Health Commc’n 39, 43–44 (2021).

³⁶ P. J. Wright et al., *A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies*, 66 J. Commc’n 183, 183, 192 (2016).

³⁷ *Id.* at 201.

³⁸ G. Mestre-Bach et al., *Pornography Use and Violence: A Systematic Review of the Last 20 Years*, 25 Trauma, Violence, & Abuse 1088, 1103 (2024); see also K. Jongsma & F. P. Timmons, *The Role of Pornography Use in Intimate Partner Violence in Different-Sex Couples: A Prospective Longitudinal Study*, 37 J. Interpersonal Violence NP20873 (2022).

Recent studies have shown an association between viewing pornography and violence among teens. A 2019 review of 43 studies found that exposure to pornography was linked to sexual violence.³⁹ The review determined that for young teens, “exposure to sexually explicit media and sexually violent media is positively related to dating violence and sexual violence myths and more accepting attitudes toward dating violence and sexual violence,” and “exposure to sexually explicit media and sexually violent media is related to actual and anticipated dating violence.”⁴⁰ Like associations with risky and early sexual behavior, the consistency of the findings leaves little doubt that viewing pornography increases the risk of sexual and generalized aggression among minors. Almost every measure of sexual aggression and violence has been documented to be associated with viewing pornography.

C. Mental illness

Pornography use among minors also affects mental health. Clinical experts agree that viewing pornography can develop into a compulsive and addictive behavior that undermines individual and relationship health. Recently, the World Health Organization updated the criteria for Compulsive Sexual Disorder in the International Classification of Diseases manual (“ICD-11”) to recognize pornography use as a behavior

³⁹ K. A. E. Rodenhizer & K. M. Edwards, *The Impacts of Sexual Media Exposure on Adolescent and Emerging Adults’ Dating and Sexual Violence Attitudes and Behaviors: A Critical Review of the Literature*, 20 *Trauma, Violence, & Abuse* 439, 439, 445–46 (2019).

⁴⁰ *Id.* at 443 tbl. 1 (acronyms expanded).

that could lead to dysfunctional sexual behaviors and mental health disorders.⁴¹

Clinicians typically distinguish between compulsive pornography use (“CPU”), which involves functional impairment in daily life, and problematic pornography use (“PPU”) which is less severe but can still create emotional distress and disruption to daily life. Many clinical researchers agree that even PPU can have negative impacts on mental, physical, and relational health creating the need to treat this behavior with clinical interventions.⁴² A large meta-analysis of 61 recent studies found a robust and consistent effect between the quantity of pornography viewed and PPU.⁴³ Simply put, viewing pornography with any degree of frequency puts one at risk of compulsive and problematic use.

Due to a lack of both neurological and emotional maturity, children who view pornography are particularly at risk. A recent large national survey found that viewing pornography that depicts group sex, sex among adolescents, or domination was significantly

⁴¹ World Health Org., ICD-11, Code 6C72 (rev. 2024), <https://icd.who.int/browse/2024-01/mms/en#1630268048> (last visited Nov. 21, 2024).

⁴² J. Castro-Calvo, *Cognitive Processes Related to Problematic Pornography Use (PPU): A Systematic Review of Experimental Studies*, 13 Addictive Behaviors Reps., art. no. 100345, at 1, 14–15 (2021).

⁴³ L. Chen et al., *The Association Between the Quantity and Severity of Pornography Use: a Meta-Analysis*, 59 J. Sex Rsch. 704, 704, 712–13 (2022).

associated with both excessive and problematic pornography use among children and adolescents.⁴⁴ Another recent study of almost 1,000 young adults in the U.S. found that early engagement with pornography (typically before the age of 12) was significantly associated with dysfunctional use of pornography during adulthood.⁴⁵

One of the best predictors of problematic or compulsive pornography use during adulthood is viewing pornography on a regular basis as a minor.⁴⁶ Regular use of pornography among minors, thus, risks the development of compulsive and problematic pornography use during adulthood.

Viewing pornography may also have negative impacts on teens' self-esteem and body image. A recent study of high school students from the Southeastern U.S. found that viewing pornography was associated with an elevated tendency to compare one's body to

⁴⁴ Ballester-Arnal et al., *Pornography Consumption*, *supra* note 2, at 774.

⁴⁵ Willoughby et al., *Exploring Trajectories*, *supra* note 6, at 297, 305–06.

⁴⁶ B. Young-Peterson et al., *The Impact of Timing of Pornography Exposure on Adulthood Outcomes of Life Satisfaction, Sexual Attitudes, and Sexual Behavior*, 31 *Sexual Health & Compulsivity* 123, 134 (2024).

others.⁴⁷ Other recent studies have linked higher pornography use to more negative appraisals of one's body.⁴⁸

D. Unstable relationships

One of the most consistent findings over the last twenty years has been the link between higher pornography use and worse romantic relationship outcomes. Most of this research has focused on young adults and adults. These findings suggest that viewing pornography as a minor likely contributes to behavioral patterns that make long-term relationship success and successful family formation—two pillars of stability and economic well-being in our society—less likely in the future.

Much of the recent, and still nascent, research exploring pornography and relationship health has focused on self-reported levels of sexual and relationship satisfaction. Most research on this topic has reported small effects, but the results have consistently shown harm. A meta-analysis of 50 studies and over 50,000 research participants found that more frequent viewing of pornography was associated with

⁴⁷ A. J. Maheux et al., *Associations Between Adolescents' Pornography Consumption and Self-Objectification, Body Comparison, and Body Shame*, 37 *Body Image* 89, 91–92 (2021).

⁴⁸ M.-M. Paquette et al., *Can I Love My Body Even if It Doesn't Look Like the Porn Stars? Longitudinal Associations Between Pornography Use Frequency and Body Appreciation in a Diverse Sample of Adolescents*, 52 *Archives Sexual Behavior* 3471, 3483–85 (2023); S. Cranney, *Internet Pornography Use and Sexual Body Image in a Dutch Sample*, 27 *Int'l J. Sexual Health* 316, 320–21 (2015).

lower relationship satisfaction, especially for men.⁴⁹ Since then, other studies have found associations between viewing pornography and lower relationship and sexual satisfaction. In one study of 3,750 U.S. adults, more frequent viewing of pornography was linked to less sexual satisfaction,⁵⁰ while in another, higher pornography use was associated with lower self-reported relationship quality.⁵¹

These findings have been replicated among teen samples.⁵² Researchers have concluded that viewing pornography as a minor undermines healthy relationships.⁵³

“[M]ore frequent pornography use [i]s almost never associated with better relationship quality.”⁵⁴ No meta-analysis or review of research we know of has found that pornography use has broad *benefits* for re-

⁴⁹ P. J. Wright et al., *Pornography Consumption and Satisfaction: A Meta-Analysis*, 43 *Hum. Commc'n Rsch.* 315, 315, 334 (2017).

⁵⁰ B. J. Willoughby et al., *Curvilinear Associations Between Pornography Use and Relationship Satisfaction, Sexual Satisfaction, and Relationship Stability in the United States*, 125 *Computers in Hum. Behavior*, art. no. 106966, at 1, 7 (2021).

⁵¹ S. L. Perry, *Pornography and Relationship Quality: Establishing the Dominant Pattern by Examining Pornography Use and 31 Measures of Relationship Quality in 30 National Surveys*, 49 *Archives Sexual Behavior* 1199, 1210–11 (2020).

⁵² Wright et al., *Exploratory Findings*, *supra* note 35, at 224–25.

⁵³ C. Huntington et al., *Associations of Adolescents' Pornography Viewing with Their Romantic Relationship Skills and Behavior*, 61 *J. Sex Rsch.* 80, 85 (2024).

⁵⁴ Perry et al., *Pornography and Relationship Quality*, *supra* note 51, at 1211.

lationship quality. Other studies have found associations between pornography use and a host of other negative relationship outcomes, including higher sexual insecurity⁵⁵ and lower feelings of intimacy and connection.⁵⁶

Recently, social scientists have also started examining links between pornography use and relationship instability. A large study of 3,750 Americans found a moderate to large association between pornography use and breakups.⁵⁷ This was true regardless of gender and even if pornography use was reported as a shared couple behavior.⁵⁸ But the results extend beyond stability in a current relationship. Adults who view pornography are significantly more likely to report breakups overall, even after controlling for many other factors⁵⁹ and are about twice as likely to divorce and separate.⁶⁰ The association between pornography

⁵⁵ Wright et al., *Exploratory Findings*, *supra* note 35.

⁵⁶ M.-P. Vaillancourt-Morel et al., *Partner Knowledge of Solitary Pornography Use: Daily and Longitudinal Associations with Relationship Quality*, 61 J. Sex Resch. 1233, 1241–42 (2023) (finding lower feelings of intimacy and connection for a pornography user when their partner did not know about the pornography use, and for the user's partner when they did know).

⁵⁷ Willoughby et al., *Curvilinear Associations*, *supra* note 50, at 5–6 & fig. 1.

⁵⁸ *Id.*

⁵⁹ S. L. Perry & J. T. Davis, *Are Pornography Users More Likely to Experience a Romantic Breakup? Evidence From Longitudinal Data*, 21 Sexuality & Culture 1157, 1172 & fig. 3 (2017).

⁶⁰ S. L. Perry & C. Schleifer, *Till Porn Do Us Part? A Longitudinal Examination of Pornography Use and Divorce*, 55 J. Sex Resch. 284, 292–94 & fig. 1 (2018); S. L. Perry, *Pornography Use and Marital Separation: Evidence from Two-Wave Panel Data*, 47 Archives Sexual Behavior 1869, 1876 (2018).

and divorce is especially strong among younger couples.⁶¹

Like other research, the consistency of the links between pornography use and relationship instability suggest that underage minors who develop patterns of pornography use may struggle developing and maintaining long-term romantic relationships, marriages, and families.

III. Research may understate these harms

In recent years, scholars have argued that some researchers have designed studies in ways that may mask the negative effects of pornography.⁶² In particular, some studies control for too many variables. This diminishes the association between pornography and negative outcomes, when many of these control variables are *predictors* of pornography use.⁶³ This implies that current research *underreports* the actual magnitude and effect of pornography viewing, particularly among minors.

⁶¹ Perry & Schleifer, *Till Porn Do Us Part?*, *supra* note 60, at 293 & fig. 2.

⁶² P. J. Wright et al., *To Misspecify is Common, to Probe Misspecification Scientific: Common ‘Confounds’ in Pornography Research May Actually be Predictors*, 72 J. Commc'n 429 (2022).

⁶³ Statistical methods experts agree that controls that may be predictors should not be included in statistical analyses as they lead to overcontrolled models. See, e.g., E. F. Schisterman et al., *Overadjustment Bias and Unnecessary Adjustment in Epidemiologic Studies*, 20 Epidemiology 488 (2009); J. M. Roher, *Thinking Clearly About Correlations and Causation: Graphical Causal Models for Observational Data*, 1 Advances in Methods & Pracs. in Psych. Sci. 27 (2018).

An example is a 2020 study from Samuel L. Perry that examined links between pornography and relational happiness in two national surveys.⁶⁴ Although viewing pornography frequently was associated with lower relationship happiness in both studies, once a dozen controls were factored in (including depression and masturbation), these associations disappeared. Perry then argues that masturbating, not pornography, might be the true link between pornography and unhappiness.⁶⁵

This is a bad argument. Although no studies have bothered to examine this, minors who view pornography masturbate as a part of their viewing process, so the two are linked. Perry's argument is the equivalent of arguing that the bun, not the sausage, is the real problem with a hot dog.

Some scholars have nonetheless maintained that many of the associations between viewing pornography and negative outcomes are due to internal stress among those with religious convictions or moral objections to pornography.⁶⁶ But in almost all cases the associations between viewing pornography and negative outcomes are merely reduced, but don't disappear, when accounting for these additional characteristics. This is a normal statistical phenomenon: associations will decrease as more variables are introduced into a

⁶⁴ See S. L. Perry, *Is the Link Between Pornography Use and Relational Happiness Really About Masturbation? Results From Two National Surveys*, 57 J. Sex Rsch. 64 (2020).

⁶⁵ *Id.* at 69–74.

⁶⁶ J. B. Grubbs & S. L. Perry, *Moral Incongruence and Pornography Use: A Critical Review and Integration*, 56 J. Sex Rsch. 29, 35 (2019).

model. Regardless, a recent study of 3,700 U.S. adults found that viewing pornography was consistently linked with lower relationship satisfaction and stability, regardless of controls used, including religiosity.⁶⁷

In any event, contributing factors don't undermine the case for regulating minors' access to pornography. For example, both boys and adult men with certain personality traits (such as narcissism, impulsivity, and psychopathy) are the most likely to be encouraged toward violence by pornography.⁶⁸ Minors with preexisting risk factors may thus be more likely to be negatively influenced by pornography—but that hardly suggests doing nothing to protect minors. Rather, this is all the more reason to enact laws such as HB 1181 that effectively curb minor access to pornography.

⁶⁷ B. J. Willoughby & C. R. Dover, *Context Matters: Moderating Effects in the Associations Between Pornography Use, Perceived Addiction, and Relationship Well-Being*, 61 J. Sex Rsch. 37, 37, 46 (2024).

⁶⁸ G. M. Hald & N. N. Malamuth, *Experimental Effects of Exposure to Pornography: The Moderating Effect of Personality and Mediating Effect of Sexual Arousal*, 44 Archives Sexual Behavior 99, 100, 105 (2015); see also Rodenhizer & Edwards, *Impacts of Sexual Media Exposure*, *supra* note 39, at 439.

CONCLUSION

In closing, minors who view pornography are at greater risk of unhealthy physical, relational, emotional, and mental health outcomes. Many scholars in the field have therefore asked policymakers, practitioners, and public figures to regulate and limit underage viewing of pornography. As a 2023 review of the dangers of viewing pornography for minors concluded:

The major issue with online pornography is that it is unregulated and studies have pointed out that as compared to traditional forms, online pornography has much more violent, unnatural, and depicts extreme forms of sexuality which increases the chances of these behaviors getting imprinted on impressionable minds of adolescents.⁶⁹

The First Amendment shouldn't render states powerless to mitigate this threat through reasonable age-verification laws.

⁶⁹ S. Chatterjee & S. K. Kar, *Teen Pornography: An Emerging Mental Health Challenge*, 5 J. Psychosexual Health 30, 32 (2023).

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