

DRAFT – PLEASE DO NOT QUOTE

Under the Counter: The Business of Pornographic Magazines in Sweden 1950-1971

Introduction

In the late 1960s and early 1970s, hard core pornography became increasingly accessible for common people in the western world.¹ The development in Scandinavia is sometimes discussed as a reason for the coming of this pornographic breakthrough; Denmark and Sweden legalized pornography as the first countries in the world and had developed hard core pornography markets early on.² When other countries followed the Scandinavian example, larger markets became available for the already established Swedish and Danish publishing firms and an international pornography industry started to take its shape. In this paper, I discuss the underground pornographic publishing firms in Sweden during the 1950s and 1960s, the so called “porn wave” in the late 1960s, and the process leading to the decriminalization in 1971.

Pornography is, and has historically been, a highly contested commodity.³ This means that firms that are publishing pornography shares special conditions with for example the alcohol industry, tobacco industry and gambling industry etc. As discussed by economist Kirk D.

¹ Jane Juffer (1998), *At home with Pornography: Women, Sex and Everyday Life*, New York University Press, New York; Kendrick, Walter (1987/1996), *The Secret Museum: Pornography in Modern Culture*, University of California Press, Berkeley.

² David Hebditch & Nick Anning (1988), *Porn Gold. Inside the Pornography Industry*, Faber and faber, London, p 20; Tobias Pettersson (2003), “Introduktion” in Daniel Dellamorte, *Svensk sensationsfilm: En o censurerad guide till den fördolda svenska filmhistorien 1951-1993*, Tamara press, Malmö, p. 7; Kutchinsky, Berl (1999), *Law, Pornography and Crime: The Danish Experience*, Univ.-forl, Oslo, p 50ff; Paasonen, Susanna & Nikunen, Kaarina & Saarenmaa, Laura (2007), “Pornofication and the Education of Desire” in Paasonen, et. al (eds.), *Pornification: Sex and Sexuality in Media Culture*, Berg, Oxford, p. 7.

³ For a discussion about pornography as a contested commodity, see Radin, Margaret Jane (1996), *Contested Commodities: the Trouble with Trade in Sex, Children, Body Parts and Other Things*, p. 175f. For discussions about historic battles about the introduction of pornography on the common market, se for instance Hunt, Lynn (1993), *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800*, Zone Books, New York; Walter Kendrick (1987/1996), *The Secret Museum: Pornography in Modern Culture*, University of California Press, Berkeley; Lisa Z. Sigel, (ed., 2005), *International Exposure: Perspectives on Modern European Pornography 1800-2000*, Rutgers University Press, New Brunswick.

Davidson, these industries have common histories surrounded by regulation, resistance groups and strong coverage by mass media.⁴ When explaining firm behaviour on the pornography market, it is thus important to focus on the changing relationship between the industry and the society and its institutions. Acknowledge of this mutual relationship makes it possible to analyse changing degrees of acceptance of pornographic products historically. It is also possible to explain specific firm strategies to balance between making a profitable product and still making business in a legal and accepted way.

Although pornography has a long tradition, the raise of the girlie magazine is a rather new invention. The earlier erotic pictures (aka “French postcards”) certainly featured naked women, but also naked men and couples. The girlie magazine came as a response consumer culture, technology, gender issues and class politics according to historian Lisa Z Sigel.⁵ Both in the U.S and in Great Britain, pin up magazines such as *Esquire Magazine* and *Men Only* introduced in the 1930s made an attempt to organize a consuming male audience.⁶ This new male identity, later developed in magazines such as *Playboy* in the 1950s, developed and reflected a consuming lifestyle separated from the female by declaring what men should do in their newly found leisure time.⁷ The new men’s magazines could thus be seen in an economic history context when mass consumption changed and reflected (gendered) identities in the 20th century. During the century, pinup and pornographic magazines grew rapidly and used different strategies to attract consumers and advertisers. In her study of *Playboy*, sociologist Gail Dines describes the balancing between sexual explicitness in the magazines (that attracted consumers) and the possibility to attract advertisers that tried to avoid being associated with pornography but wanted to reach the male audience. The magazines that were openly pornographic had a clearly inferior market position, lacking possibilities to sell

⁴ Davidson, D. Kirk (2003), *Selling Sin: the marketing of socially unacceptable products*, Praeger publishers, Westport.

⁵ Sigel, Lisa Z (2005), *International Exposure: Perspectives on Modern European Pornography 1800-2000*, p 2. See also Larsson, Lisbeth (1991), ”Utvecklingslinjer: Trender i svensk veckopress” in Gustafsson, Karl Erik (ed.), *Veckopressbranschens struktur och ekonomi*, Handelshögskolan vid Göteborgs universitet, Göteborg, p. 25. Larsson stresses that both modern men’s magazines and women’s magazines are post WWII phenomena. Pornography and gossip in the popular press are according to Larsson thus quite recent.

⁶ Breazeale, Kenon (1994), ”In Spite of Women: Esquire Magazine and the Construction of the Male Consumer” in *Signs* vol. 20, no. 1, p. 1; Greenfield, Jill, O’Connell, Sean & Reid, Chris (1999), “Fashioning Masculinity: Men Only, Consumption and the Development of Marketing in the 1930s” in *Twentieth Century British History*, Vol. 10, no. 4.

⁷ Breazeale (1994), p. 3.

commercial advertisements and lacking national distribution, according to Dines.⁸ Due to the absence of legitimacy, the pornography business was hence quite isolated from common business.⁹ Both Sigel and Dines stress that mass-produced and mass-distributed pornography is a rather recent phenomenon, growing out of the under-the-counter, poor quality pin-ups and stag movies that had until that time dominated the market.¹⁰ This paper deals with the under-the-counter magazines that paralleled the development of the modern man's magazines and how sexually explicit pornography finally was sold over the counter.

Aim and questions

The aim of the paper is to discuss how pornography became commercialized and mass produced in the late 1960s by focusing on the development in Sweden that early decriminalized pornography and where an industry developed relatively early. Previous research (including some of my own research) suggests that structural tendencies such as increased incomes, more leisure time for common people, Social Democracy, secularization, sexual liberation, and the reputation of the "Swedish sin" made a breeding ground for a flourishing pornography industry in Scandinavia in the 1960s.¹¹ Building on these findings and acknowledging their importance, this paper instead focuses on firm behaviour in relation to the special institutional settings directed to the business. This focus makes it possible to bridge the gap between a more structural level and a firm and entrepreneurial level. Special attention is paid to the question of distribution and the possibilities to evade the regulations on pornography in general.

–How did the Swedish pornographic press develop and change before 1971?

–What strategies did the pornography firms use to combat the regulations?

⁸ Dines, Gail (1998), "Dirty Business: Playboy Magazine and the Mainstreaming of Pornography" i Dines, Gail & Jensen, Robert & Russo, Ann (red.) *Pornography: The Production and Consumption of Inequality*, Routledge, New York, p. 53.

⁹ Compare with the research collective I Spy Productions, that argues that there is an intimate connection between the UK pornography industry and the surrounding media industries. They claim that pornography gains maximum distribution since it is accepted by the business industry and is recognized as an important and profitable section of the publishing industry. I Spy Productions (1992), "Pornography and Capitalism : The UK Pornography Industry" in Itzin, Catherine (ed), *Pornography – Women, Violence and Civil Liberties. A Radical New View*, p 76. These findings is clearly at odds with pornography's historical market position, see Arnberg, Klara (forthcoming 2010), *Motsättningarnas marknad. Den pornografiska pressens kommersiella genombrott och regleringen av pornografi*; Dines (1998).

¹⁰ Dines (1998), p. 37.

¹¹ See for instance Kutchinsky (1999), chapter 3; Arnberg, Klara (2009), "Synd på export: 1960-talets pornografiska press och den svenska synden" in *Historisk tidskrift* no 3:2009; Arnberg (forthcoming 2010).

Method and sources

To quantify the development of the pornographic press, I have used a method that is based on the categorization used by the National Library of Sweden.¹² The national library collects all printed material published in Sweden, including pornographic material. Material considered pornographic when it is delivered to the library is put in a locked collection. A search in the library database would thus ideally give a complete list of all pornography publishers. However, there are some missing magazines in the collection. Therefore, the list of pornographic magazines and publishers from the library collection has been supplemented by lists of pornographic magazines and publishers from the distribution company Pressbyrån and from the Swedish Register of Periodicals, *Svensk tidskriftsförteckning*, (published every other year). The definition of pornography used in this paper is thus in brief whatever the library finds pornographic when it comes in and whatever the distribution company finds pornographic when distributed. This definition makes pornography a variable concept that is able to change over time. I have also completed the definition with magazines that has been prosecuted for its obscene content prior to 1971.

To be able to see how the publishers have responded to formal institutions, all prosecutions and their preliminary investigations 1950-1971 have been analysed as well as Parliamentary documents and official reports.

Institutional settings

Institutions especially regulating the pornographic press were twofold prior to 1971.¹³ First, pornography was regulated by the Freedom of the press act where printed material offending “discipline and morality” could be confiscated and the publisher prosecuted.¹⁴ Second, the monopoly positioned distribution company Pressbyrån had parallel rules where magazines considered immoral could be denied distribution or get a warning. Pressbyrån was owned by the Swedish press, and the business was regulated by agreements between the company and Swedish Media Association (TU). According to these agreements, Pressbyrån was required to provide all periodicals listed in the Post Authority register impartially. Only if a magazine was considered harming discipline, morality or public decency by the Advisory Board of the Press

¹² www.kb.se

¹³ In this paper, the Douglass North definition of institutions as “rules of the game” is used. Although informal institutions are highly important when analysing the changing legitimacy of the industry, formal institutions are in focus in this paper. Compare North, D. (1990) *Institutions, Institutional Change and Economic Performance, Political Economy of Institutions and decisions*, Cambridge University Press, p. 4.

¹⁴ “Såra tukt och sedlighet”, Swedish Code of Statutes (SFS) 1949:105, 7 kap 4§, pt 12.

(Pressens rådgivande nämnd), Pressbyrån could refuse to distribute. Intervention by the board could lead to a warning to the publisher, refusal of distribution of a certain number or a total stop of distribution of the magazine.¹⁵

Transformations and changes of the pornographic press

A compilation of the source material described above is shown in diagram 1. Data only found in the prosecution material is marked out in order to avoid asymmetries. The diagram shows that there was a “porn wave” prior to the legislative amendment in 1971, at least when it comes to the number of unique magazines and publishers.¹⁶ “Porn wave” was discussed by contemporary commentators as an increase in pornography on the market in the late 1960s and caused great concern especially by conservative and Christian representatives.¹⁷ The diagram also shows that the discrepancy between the prosecuted magazines and the magazines in the library database are vast during the late 1960s. There can be several reasons for this discrepancy, but it indicates that some of the publishers were trying to escape authorities (like the library). The reason for the high number of prosecuted magazines in the late 1960s was also due to a “porn raid” initiated by the Minister for Justice, since the magazines went underground and became more sexually explicit and, in the eyes of the officials, more obscene. The law prescribed that a review exemplary of every magazine printed or sold in Sweden should be sent to the Minister for Justice or his representatives.¹⁸ The inspection was then made after the magazine was published. The sources shows that several publishers prosecuted for publishing obscene material in the late 1960s were not really organized as real firms but consisting of one or two persons buying pictures and put them together into a magazine distributed by themselves to sex shops in towns like Stockholm or

¹⁵ See Pressbyråavtalet 1966 in Swedish National Archive, Kommittéarkivet, Kommittén för lagstiftningen om yttrande och tryckfrihet 1965-1969, vol. 8. See also *Yttrandefrihetens gränser: Sårande av tukt och sedlighet, Brott mot trosfrid* SOU 1969:38, p. 32f; Frick, Gunnar & Bergh, Gunnar & Nilsson, Gustav (eds., 1974), *Pressbyrån 75 år*, AB Svenska pressbyrån, Stockholm, p. 6. The Post Authority Record was open for registration for all papers and magazines that wanted to use the special terms for post distribution. The only requirement for registration was that it concerned existing newspapers or magazines with the required authorization to publish from the Department of Justice. See Bergling, Olov (1988), *Posten och pressen: Postens distribution av tidningar fr o m år 1645 med tonvikt på tiden 1955-1986*, Postens tryckeri, Stockholm, p. 188ff. See also Swedish Code of Statutes SFS 1932:75 and SFS 1962:373; SOU 1969:38f, p 33; Frick & Bergh & Nilsson (1974), p. 76.

¹⁶ This partly questions the decriminalization effect described by the journalists Hebditch & Anning. They claim that decriminalization first led to a curiosity driven rise in sales, but that salesfigures then dropped reflecting the underlying demand. Hebditch, David & Anning, Nick (1988), *Porn Gold. Inside the Pornography Industry*, p. 4. Even if Diagram 1 does not show sales figures, the development of the number of porn firms indicates that the decriminalization effect preceded the legislative amendment.

¹⁷ See for instance, Arnberg (forthcoming 2010), chapter 3. See also Kuthinsky (1999), chapter 4 for the paralleling Danish “porn wave”.

¹⁸ Freedom of the Press Act, Tryckfrihetsförordningen SFS 1949:105, 4th chapter.

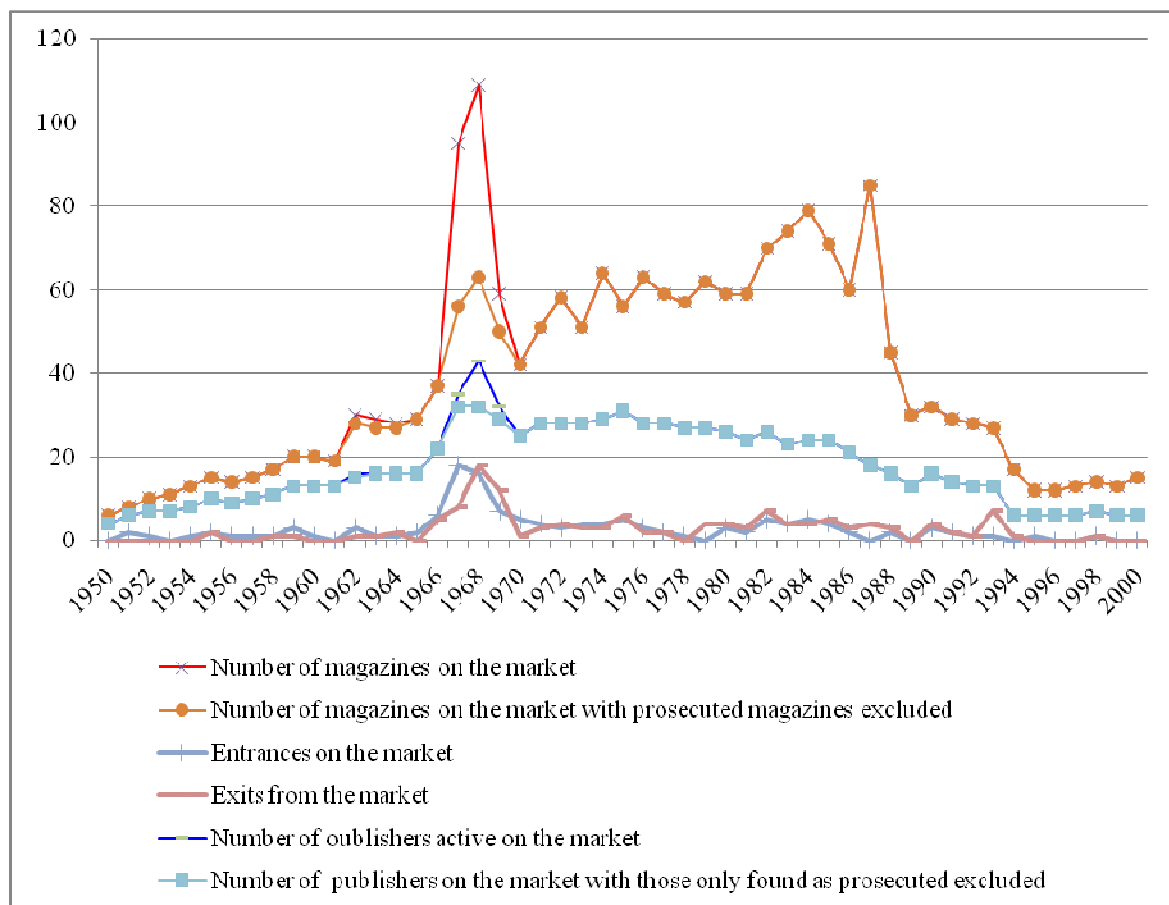
Malmö. The pornographic press in the late 1960s was thus to some extent business activity without firms. This form of loose organisation can be seen as a way of trying to escape repression and partly explains the discrepancy.

However, diagram 1 does not explain anything about the total circulation of the magazines since every magazine is treated equally. Instead diagram 1 show the diversity of the supply of pornographic magazines which indicates that the market was more concentrated during the start and the end of the period than in the middle of it. The number of entrances and exists of actors from the market also shows a changing market in the late 1960s. Many magazines existed on the market during only one year and sometimes with only one number in the late 1960s, which can be seen as a sign of high (and perhaps unrealistic) expectations of profitability. But it could also indicate a strategy to escape punishment since the law was stricter on periodicals.¹⁹ This seems to have led to a diversity of titles. One publishing house named their magazines *Loving Sweden*, *Petting Sweden*, *Spanking Sweden* and *Stripping Sweden* and published them all in 1967. In the preliminary investigation made by the police, the publisher denied that the different titles were a cover for an in fact periodical magazine.²⁰

¹⁹ All periodical magazines had to apply for a special publication proof at the Ministry for Justice before publishing. See Freedom of the Press Act, Tryckfrihetsförordningen (SFS 1949:105), chapter 5.

²⁰ Preliminary investigation made by the Stockholm Police, in the Attorney General Archive, acts on common cases no. 237, 238, 239 and 268, 1967 in Swedish National Archives.

Diagram 1 Number of Swedish publishers of pornography and number of Swedish pornographic magazines 1950-2000



Source: Compilation of data from the National Library Catalogue Regina and Libris (www.kb.se), Svensk tidskriftsförteckning, Chancellor of Justice Archive, a list of locked in publications from the National Library and the Pressbyrån compilation of disused magazines. Entrances to the market have been included in the total number of publisher the same year as their entrance while exits have been withdrawn the coming year. A brief displacement can therefore affect the overall impression. This so that magazines only existing during one single year are counted.

The development (measured in number of firms and magazines) is similar to the common pattern of the business cycle like an S-curve with an introduction phase 1950-1965, a growth phase 1965-1971, a maturity phase 1972-1980 and a decline phase from 1980 onwards.²¹ These phases also broadly coincide with content transformations and international connections. A brief review over the content shows that the magazines counted as

²¹ About the business cycle and its phases, see for instance Porter, Michael E. (1998), *Competitive Strategy: Techniques for analysing industries and competitors*, p.p. 157ff

pornographic in the introduction phase can be separated into three main categories that followed an international pattern; pin-up magazines, nudist magazines and so called model study magazines. Both nudist and model study magazines were directed to special consumers (nudist clubs and artist lacking nude models) but were sold broadly as pornography.²² With the more or less subterfuge of selling to these groups, the magazines were able to be far more “naked” than the pin-up magazines. During this period Pressbyrån sales of pornographic or pin-up magazines increased from 4 titles sold in 1,7 million copies in 1949 to 14 titles sold in more than 3 million copies in 1965.²³ This compared to the Swedish population of 7,5 million inhabitants in 1960.²⁴

During the late 1960s a new genre of explicit picture magazines started to appear in both Denmark and Sweden. Often, the magazines were directed towards an international audience with additional short texts in English and German. In both countries, the authorities tried to strike back against these magazines. In Sweden, these interventions was seen as quite paradoxical since a Commission was appointed in 1965 to investigate whether the Freedom of the Press Act and the regulation on pornography could be liberated or abolished. Pornography publishers said that they took the appointment of the commission, and that the publishing of a famous book of pornographic short stories (*Kärlek*) passed without interventions, as signs of a more liberal view from the authorities. In the so called porn raid that was initiated by the Social Democratic Minister for Justice Herman Kling, hundreds of domestic and foreign (mostly from Denmark) porn magazines were subject to prosecution and seizure. A lot of the magazines had small circulation (around 5 000-10 000 copies) and were of poor quality with black and white sexually explicit pictures stapled together to a magazine. In the late 1960s a new genre of magazines directed exclusively to a male homosexual audience started to take its shape.²⁵ The new heterosexual magazines directed to an international audience also

²² Hanson, Dian (2004), *The history of Men's Magazines vol. 1: from 1900 to Post-WW II*, p. 111; Bjurman, Lars (1965), "Pop och pornografi" in *Ord & Bild*, no 3, p. 264; Nestius, Hans (1982), *I last och lust: sexuella bilder förr och nu*, p. 54; Strand, Olle (2005), *Sol, hälsa, glädje: En bok om naturismen i Sverige*, p.p. 82-83.

²³ Compare data from Avskrift av brev till justitieministern in Pressklipp enskilda ärenden (ÖIIB 18), Justitiekanslerns arkiv, huvudarkivet, RA, s 3 with : Protokoll från Kommittén för lagstiftningen om yttrande- och tryckfrihets sammanträde med Pressens rådgivande nämnd den 2 februari 1967, Kommittéarkivet, Kommittén för lagstiftningen om yttrande och tryckfrihet, vol. 1. The data consists of some irregularities further described in Arnberg (forthcoming, 2010), p.p. 92-95.

²⁴ Statistics Sweden,

<http://www.ssd.scb.se/databaser/makro/SubTable.asp?yp=bergman&xu=scb&omradekod=BE&huvudtabell=Folkmand&omradetext=Befolkning&tabelltext=Folkm%E4ngden%2B!%E4nsvis%2E%2BVart%2Bfemte%2B%E5r&preskat=O&prodid=BE0101&starttid=1805&stopptid=2005&Fromwhere=M&lang=1&langdb=1>

²⁵ See for example *Homo International Magazine* (1966-1969) and *Homo-kontakt* (1968). See also Bertilsdotter Rosqvist, Hanna (2009), "'Vi tar farväl av pianoläraren': Retoriska konstruktioner av en homosexuell manlig

frequently used the myth of the “Swedish sin” and used the image of the sexually liberated Swedish girl, previously spread by famous “naked” Swedish films, as a kind of marketing tool.²⁶

The high number of entrances and exits from the market indicates strong competition and a transformation of the industry in the late 1960s. A closer look at the exits thus reveals that many of them were the newly started small magazines with sexually explicit pictures together with the older nudist magazines and model study magazines. Most of the pin-up magazines stayed at the market for some years, but their circulation figures clearly decreased.²⁷ The market for the magazines thus seems to have been divided to some extent in the late 1960s, with new magazines directed to an international audience and the older ones with short stories in Swedish and less explicit pictures. According to Berl Kutchinsky, the magazines directed to the domestic audience experienced a hard time during the Danish “porn wave”.²⁸ Although this was the case for some magazines in Sweden, publisher Curth Hson Nilsson that still published his magazines in Swedish, claimed that he had around 40 percent of the market. Even if he might have overestimated his market share, available figures of his sales does not seem to have been affected by the competition from the “porn wave” magazines.²⁹

The growth of the pornographic press was also paralleling what has frequently been called the sexual revolution. The freer view of sexual issues surely helped a more accepted view of the existence of pornography both by the authorities and by the public in general.³⁰ The rhetoric of the sexual revolution, like calls for sexual freedom in terms of pre-marital or every ones right to pornography was however not to any larger extent used by the Commission of Inquiry on Freedom of Speech or in the Government bill that preceded the law change.³¹ Even if the

subjektivitet utifrån tal om öppenhet och homosexuell exklusivitet i svensk homopress 1965-1986” in *Historisk tidskrift* no 3:2009; Lindeqvist, Karin (2002), ”Större frihet att älska än de stackars heterosexuella’: Homosexuell organisering på det sena 1960-talet” in *Lambda Nordica*, vol. 8, nr. 2; Arnberg (forthcoming 2010), chapter 3.

²⁶ For further discussion about the “Swedish sin” and the pornographic press, see Arnberg (2009).

²⁷ Swedish National Archives, Kommittéarkivet: Kommittén för lagstiftningen om yttrande och tryckfrihet, vol. 8, letter from AB Hsonproduktion 25 oktober 1966; Swedish National Archives, Kommittéarkivet: Kommittén för lagstiftningen om yttrande och tryckfrihet, vol. 1, Filmcensurutredningens bil 2 till prot. 16/12 1966.

²⁸ Kutchinsky (1999), p.92.

²⁹ See annual financial reports for Hsonproduktion during the period, Swedish Companies Registration Office (Bolagsverket), Sundsvall. See also diagram 2.4 in Arnberg, Klara (forthcoming, 2010).

³⁰ Arnberg, Klara (2007), “‘Hallo boys! I’m horny Ulla of Sweden’ The change of 1960s Swedish policy on pornography and the pornographic press” in *American Sexuality* 12 Dec 07 (http://nsrc.sfsu.edu/article/ulla_sweden_porn)

³¹ See the Commission of Inquiry on Freedom of Speech (Kommittén för lagstiftningen om yttrande- och tryckfrihet) SOU 1969:38 and the Government bill Prop. 1970:125.

argument was used that a proof of the harm of pornography was needed to keep the obscenity regulation, the promoters of the legal change were focusing on the right *not* to be confronted by pornography and the need for a regulation on dissemination. They also argued for the incompatibility of censorship with a modern democratic society. However, most of the members of the parliament meant that pornography could harm its viewers and distort their sexuality. Pornography stayed contested and although the paragraph in the Freedom of the Press Act was removed, new regulations on unordered dissemination and window display replaced the old regulation.

During the 1970s and 1980s the porn magazines developed towards higher quality in terms of paper and photo and the genres became more strict with homosexual and heterosexual content clearly separated.³² A concentration of actors on the market became clear as publishers decreased while the number of different titles on the market increased. Although a liberalization of pornography laws in parts of the rest of the Western world in the 1970s at first increased markets for the Swedish pornographers, it later led to competition from bigger international porn companies. During the 1980s the pornographic press also suffered from the competition of VCR pornography.

The importance of distribution

The right to distribute was, according to the Commission on the Freedom of Speech, tightly connected to the freedom of the press. Without the right to distribute, the freedom of the press was nothing but an illusion they argued. But they also pointed out that the right to distribute and the right of free speech could not be totally unlimited with reference to protection of individuals and groups and the safety of the country and maintaining public order.³³

The right to distribute was practiced by the pornography industry through ordinary distribution to sex shops, tobacco shops and kiosks and also by mail order. The distribution of magazines in Sweden was mainly carried out by Pressbyrån.³⁴ The Pressbyrån regulation lasted until 1972, when the paralleling paragraph in the Freedom of the Press Act had been

³² Earlier, magazines such as *Piff* had some pages directed to a male homosexual audience with pictures of naked men.

³³ Commission of Inquiry on Freedom of Speech (Kommittén för lagstiftningen om yttrande- och tryckfrihet) SOU 1969:38, p. 63.

³⁴ The company was owned by 130 Swedish newspapers and magazines and had the purpose to be an impartial service organ for all Swedish press. See Kugelberg, Bertil (1974), "Inledning" in Frick, Gunnar & Bergh, Gunnar & Nilsson, Gustav (eds.) *Pressbyrån 75 år*, p. 6.

abolished.³⁵ To get national distribution in the 1950s and 1960s then, the pornographic magazines had to be soft core to some extent. The Advisory Board of the Press was a bit stricter than the authorities. This meant that they served as some kind of subsequent (privately regulated) censorship.³⁶ The archive material on the Advisory Board is not complete. Their interventions and warnings issued between 1959 and 1966 are, however, summarized in the table below.

Table 1 Interventions and warnings issued by the Advisory Board of the Press 1959-1966

Year	Interventions	Warnings
1959	4	0
1960	5	0
1961	0	0
1962	1	0
1963	0	0
1964	0	0
1965	0	0
1966	0	11

Source: Record from *Kommittén för lagstiftningen om yttrande- och tryckfrihets sammanträde med Pressens rådgivande nämnd den 2 februari 1967*, *Kommittéarkivet*, *Kommittén för lagstiftningen om yttrande och tryckfrihet*, vol. 1

As Table 1 shows, the Board was more active during 1959 and 1960 than during the first half of the 1960s and then gave a joint warning to several publishers in 1966. A new such joint warning was sent out in 1968 as a consequence of an increasingly offensive content.³⁷ The Advisory Board also stopped single numbers of some magazines during the late 1960s.³⁸ The

³⁵ Jacobson, Kjell-Otto (1974), "Nuets och framtiden" in Frick, Bergh & Nilsson, p.161.

³⁶ Commission of Inquiry on Freedom of Speech (*Kommittén för lagstiftningen om yttrande- och tryckfrihet*) SOU 1969:38, p. 33.

³⁷ The Advisory board exemplified the more offensive content as: "provocative and offensive covers, undisguised photographic and cartoon depictions of sexual intercourse and other similar situations, violence and sadism in sexual contexts and personals related to the latter behaviour", own translation from Swedish "utmanande och stötande omslagsbilder, ohöjlda fotografiska och tecknade framställningar av samlag och samlagsliknande situationer, våld och sadism i sexsammanhang samt kontaktannonser i anslutning till sistnämnda beteenden". Swedish National Archives, *Kommittéarkivet: Kommittén för lagstiftningen om yttrande och tryckfrihet*, vol. 8, Skrivelse till Eira-förlaget, Etno-förlaget, Förlags AB Hansa, AB Hsonproduktion, Kontinentpress AB, Monogram press, Solanco AB, Svea Förlags AB, Svea Press AB och AB Veckotidning från Aktiebolaget Svenska Pressbyrå 31 oktober 1968.

³⁸ In 1967 *Sextas* no. 3 was stopped, in 1968 *Helios aktstudier* no. 5 and *Indiscreet* were stopped and in 1969 *Fritidssex* no.10 and 11. Publishing firms Hsonproduktion and Svea Press got additional warnings during 1968 for the content of *Piff*, *Raff* and *Modern Girls*. See Swedish National Archives, *Kommittéarkivet: Kommittén för*

parliamentary and public debates about pornography were intense during the whole period, with throughout going debates in 1954 and 1960. Often, politicians put their hope in a kind of self-regulation of the press through the Advisory Board. The editorial of the liberal newspaper *Dagens Nyheter* however commented that it was improper to call the actions of the board self-regulating; the publishers of pornography was *not* members of the Swedish Media Association and hence had no influence on the Board's actions. The Advisory Board was not in the spirit of the freedom of the press, the editorial stated.³⁹

The interventions by the Advisory board can accordingly be seen as a result of a relatively hard political pressure, since freedom of the press legal interventions were much more politically sensitive. But the hopes of a self regulation and also hopes that the curiosity of pornography would diminish were to be dashed.

Even if first hand sources on the Advisory Board are scarce, newspapers from the time show that the interventions in 1959 consisted of a distribution stop of two magazines and that two planned magazines were never issued since the Board after a review stated that they did not want to deal with the magazines.⁴⁰ The restriction in the Pressbyråns distribution also led to paralleling activity of distributing pornography, something commentators had warned. When Pressbyråns refused to distribute the magazine *Ögat* (the eye) in 1960, the woman that published it decided to engaged two retailers on commission, one for the area south of Gothenburg and one for the area north thereof.⁴¹ The Board also acted against the magazines *Piff* and *Paris Hollywood*. The result of this action was that *Piff* and its sister magazine *Raff* were distributed together with *Ögat* while *Paris Hollywood*, an old pin-up magazine, decided to tone down their content to be able to keep national distribution.⁴²

lagstiftningen om yttrande och tryckfrihet, vol. 8, Protokoll fört vid sammanträde med Pressens Rådgivande Nämnd på Svenska tidningsutgivareföreningen i Stockholm torsdagen den 15 februari 1968, den 2 oktober 1968, den 16 december 1968 och den 7 mars 1969. In 1968 *Maxim* got a warning and *Puss*, a radical art magazine were denied distribution, see Swedish National Archives, Kommittéarkivet: Kommittén för lagstiftningen om yttrande och tryckfrihet, vol. 8, Protokoll fört vid sammanträde med Pressens Rådgivande Nämnd på Svenska tidningsutgivareföreningen i Stockholm tisdagen den 29 oktober 1968.

³⁹ "Pornografien" in *Dagens Nyheter* 24 March 1961.

⁴⁰ "Pornografien ånyo under debatt" in *Smålands dagblad* 12 December 1960.

⁴¹ Swedish National Archives, Justitiekanslern, huvudarkivet, Handlingar till allmänna diariet (EIIIa), 1961, dnr 43 and 48.

⁴² "Föga troligt skrivelsen ger resultat: Pressbyråns är skyldig att distribuera" in *Norrländska socialdemokraten* 24 July 1960.

The circulation for *Ögat* decreased from 13 000 copies to 10 000 copies after the distribution stop, indicating that the interventions had some economic effects.⁴³ The *Ögat* case also suggests that there were no organized alternative distribution forms that the publisher could engage prior to 1960: the woman employed the retailers her self. Even if the circulation went down as a consequence of the lack of Pressbyrå distribution, the publisher got an advantage when hired for distribution of other pornographic magazines.⁴⁴

The organisation of alternative distribution channels by cooperation between the pornography publishers made it possible for the magazines to challenge the legislation directly.⁴⁵ International distribution firms are mentioned in the source material as early as the 1950s, and during the 1960s domestic distribution channels specialized on pornography started to take its shape possibly lowering the cost of efficient distribution outside of Pressbyrå. The tendency of alternative distribution is also significant in the data from the Post Authority record (the prerequisite for a right to Pressbyrå distribution) compared with the pornographic press as a whole, as shown in diagram 2.

As Diagram 2 shows, a lot of magazines were issued without being in the Post Authority register during the 1960s with a first separation in 1962 and a second one in 1967 coinciding with the “porn wave”.⁴⁶ Most of the magazines in this wave were thus privately distributed, which explains how they could challenge the regulation on obscene material. It is important to note however, that magazines that were denied Pressbyrå distribution weren’t necessary removed from the Post Authority register. It is also likely that the Pressbyrå magazines had higher editions and that they represented a larger share of total sales than indicated by the diagram.

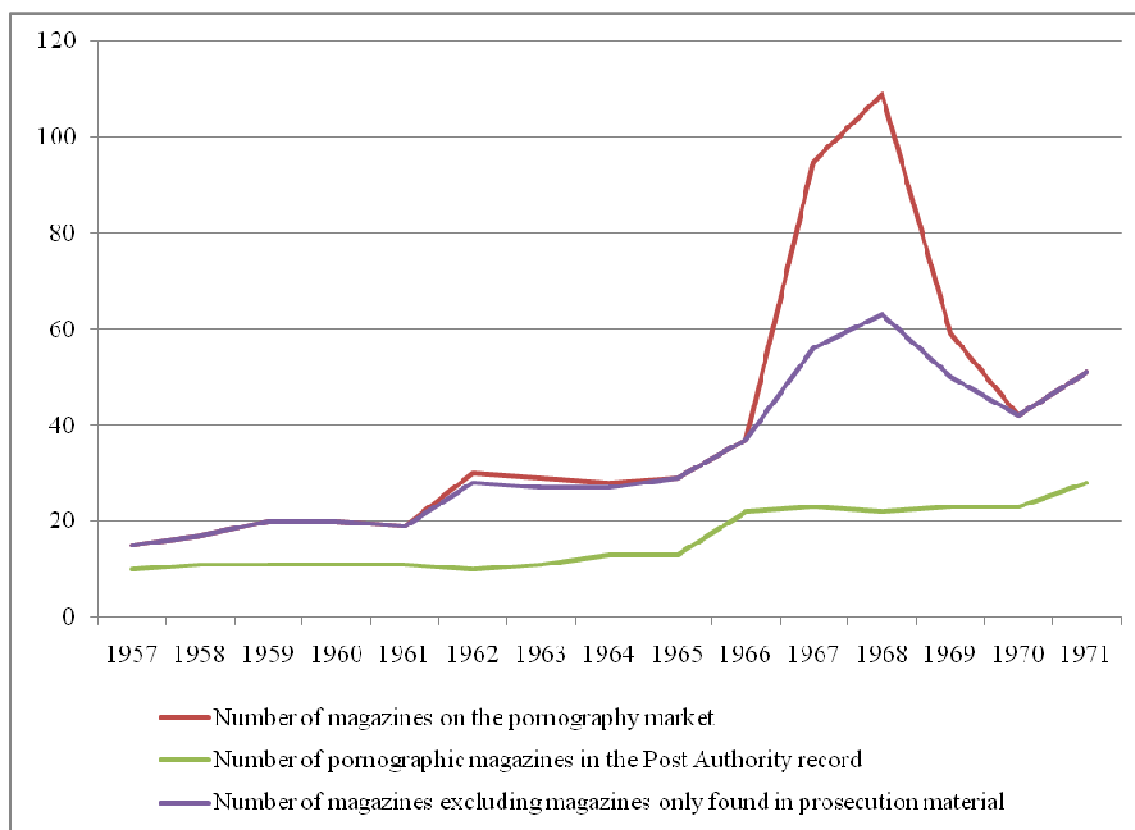
⁴³ Swedish National Archives, Justitiekanslern, huvudarkivet, Handlingar till allmänna diariet (EIIIa), 1961, dnr 43 and 48.

⁴⁴ The *Ögat* publisher later also distributed *Album Artiste Studiomodeller*, Swedish National Archives, Justitiekanslern, huvudarkivet, Handlingar till allmänna diariet (EIIIa), 1963, dnr 142.

⁴⁵ Evening paper *Aftonbladet* commented that the magazines apparently considered it more important to be close to the limit for possible prosecutions than to keep the national distribution. *Aftonbladet* also claimed that politicians did not foresee this development and called for further combat against the pornographic press. ”Två storutgivare dirigerar svenska pornografipressen” in *Aftonbladet* April 18, 1960.

⁴⁶ Some of the new pornographic magazines thus applied for authority to publish. In 1967 applications for this peaked when 11 pornographic magazines applied. The same year, however, 65 new pornographic magazines were issued. See Swedish Patent and Registration Office register of periodicals in comparison to Arnberg (forthcoming 2010), Appendix 1.

Diagram 2 Number of pornographic magazines in the Post Authority register compared to the total number of pornographic magazines on the market 1957-1971



Source: Compilation of data from the National Library Catalogue Regina and Libris (www.kb.se), Svensk tidskriftsförteckning, Chancellor of Justice Archive, a list of locked in publications from the National Library, the Pressbyråns compilation of disused magazines and an own compilation from the Post Authority register (Postens inländska tidningstaxa).

Diagram 2 does also show that there have been pornographic magazines outside the register, and thus the Pressbyråns distribution, all along. The reason for this might have been that they were small magazines sold primarily by mail order or magazines that simply stayed away from authorities and didn't apply for publication authorization (one of the requirements for joining the register).

Since the Advisory Board was significantly more stringent than the government authorities that applied the Freedom of the Press Act, some pornography publishers didn't even try to get Pressbyråns distribution. The more advanced magazines were sold in special shops and by mail order according to the Freedom of the Press Commission. They concluded that a lot of these

magazines were unknown by the majority of the population.⁴⁷ The distribution situation thus also affected retail, where sex shops had a far higher range of sexually explicit magazines than ordinary kiosks and newsstands. Some magazines also had clearly limited geographical distribution, since the publisher him or herself together with an employee drove to different kiosks and sex shops to sell their magazines in the end of the 1960s.⁴⁸ In Stockholm and Copenhagen, streets like Isedgade and Klara norra kyrkogata became famous sex shop districts that attracted costumers and tourists.

Increasingly in the late 1960s, voices were raised criticising the Advisory Board that intervened in a increasingly liberal political climate. Attorney Leif Silbersky that defended a lot of the pornographic publishers, even called the Board a private censorship court ruled by the rest of the conservative media through the Swedish Media Association.⁴⁹ One of the most famous pornographers, Curth Hson Nilsson, saw the Board's actions as a kind of blackmailing, since Pressbyrån in his opinion was the only company that effectively and affordably could deliver the magazines to the customers. Pressbyrån however defended their actions claiming that it was necessary to react on contents with detailed intercourse pictures, group sex and animals involved in sexual contexts.⁵⁰

The pornographic press was thus further divided when alternative distribution channels developed and pornography was also separated from the rest of the Swedish press by this, both when it came to retail and national distribution. The Pressbyrån kiosks were also required to have a discreet signage.⁵¹

The "porn raid"

The underlying story of the "porn raid", introduced in 1967 by the Minister for Justice, was the first seizure of a Malmö magazine called *Orgasm* no. 1. The publisher found it unfair that his magazine was seized when other equally explicit were sold openly on the market. He

⁴⁷ SOU 1969:38, p. 33.

⁴⁸ See also Hebditch & Aninng (1988), s 44 about Berth Milton Sr's own deliveries to kiosks with the first number of *Private* magazine.

⁴⁹ Silbersky, Leif & Nordmark, Carlösten (1969), *Såra tukt och sedlighet: en debattbok om pornografin*, p.p. 66ff.

⁵⁰ "Pressfönstret" in Swedish Television, TV1, 1 December 1966.

⁵¹ See Swedish National Archives, Kommittéarkivet, Kommittén för lagstiftningen om yttrande och tryckfrihet, vol. 1, Protokoll från Kommittén för lagstiftningen om yttrande- och tryckfrihets sammanträde med Pressens rådgivande nämnd den 2 februari 1967.

therefore gathered a bundle of magazines and handled them over to the authorities which led to further seizures.

The many prosecutions and the rich source material from police interrogations and investigations, reveal some of the strategies used by the publishers. One often used strategy was to have a dummy as legally responsible for the magazines. In southern town Malmö, close to Copenhagen, one man was legally responsible for several magazines and different publishers there. He had specialized in the balancing between the legally accepted and commercially successful. With a low registered income the fines were not too high when he was convicted for a magazines content. The seizures thus had economic consequences for the pornographic firms. Some of the publishers therefore tried to retouch the pictures in order to make them less offensive. There was though great uncertainties both among officials and publishers about what kind of material that should be punished. Juries in different towns developed separate praxis about what they considered publicly offensive. Stockholm municipal court freed almost all pornographic magazines after 1967, whereas similar material were convicted in smaller towns.

The parallel development in the film industry should not be underestimated. When artistic and yet sexually explicit films such as *I am Curious Yellow* (Vilgot Sjöman 1967) and *Language of Love* (Torgny Wickman 1969) was shown openly at the cinemas for full houses, pornography publishers found it unfair that their magazines were considered criminal. The attorneys pushed this issue, and Leif Silbersky even took the whole court to the movies to see *I am Curious Yellow*, something he later claimed changed the praxis in Stockholm.⁵²

In several ways the porn raid was considered to have revealed that the legislation was obsolete and unfair. It was therefore considered to be a desperate need for a revision of the Freedom of the Press Act. Both the more frequent actions by the Advisory board and the “porn raid” can thus be said to have had the opposite effect to the intended: instead of combating pornography, it made the industry more independent with own distribution channels and helped forces arguing for a liberal revision of the Freedom of the Press act. For individual firms, however, the interventions sometimes had lethal effects. Perhaps the interventions also

⁵² See Silbersky & Nordmark (1969), p. 43.

made the transformation of the industry to speed up, leaving a fewer number of sexually explicit colour magazines on the market.

Conclusions

The Advisory Board of the Press can be seen as the main gate keeper between the accepted and the unaccepted press, when explicit pornography were locked out from the main distribution channel. Unlike the development in UK and the United States, advertising seems to have played a minor role in the division between soft core and hard core before the end of the 1960s. Although *Playboy* certainly served as a role model of a winning business concept for Swedish magazines, no one of the major magazines was able to use its mixture of advertising, national distribution and soft core sexual content before the middle of the 1960s when the men's magazines *Fib Aktuell* and *Lektyr* entered this market segment. Unlike previous Swedish men's magazines with sexual content, these magazines were published by major (and thus accepted) popular press firms. The magazines analysed here did not have commercial ads and some of them also had a hard time to get or keep national distribution.

When studying the development of the pornographic press, the importance of institutions becomes clear. But the implication of institutions for the pornography industry is of a quite complex nature. The regulation on obscene material and the stricter praxis by the Advisory Board of the Press opened a market for other distribution firms specialized on pornographic magazines in the late 1960s. The intension of the regulation was thus rather different from its consequences. But although the stricter application by Pressbyrån was called for by conservative politicians and Christian interest groups, sexual revolution rhetoric helped the acceptance of a pornography industry and remarked on the obsolescence of the obscenity paragraph. The relaxed application of this paragraph by some of the courts made a gap where magazines could be legal without the right to national distribution. In this gap the pornography distribution firms found its market. This, together with other strategies used by the pornography publishers, seems to be an important reason why the "porn wave" preceded the legislative amendment.

The study of the economics of pornography offers a new way of defining (at least hard core) pornography. Since ordinary, accepted firms didn't want to be associated with pornography, the appearance of advertisement for other products than sex industry products and the possibility to national distribution could be a boundary between soft core and hard core. This

could be seen as a balancing between getting profit and getting bad will since support for the sex industry was (and is) considered ethically wrong. A study of how this balancing changes over time could both say something about the press economy in general and reflect how sexuality has been constructed. This further supports the idea that the economics of pornography and the institutions regulating it, is shaped a consequence of pornography being a contested commodity. This has also resulted in a special kind of entrepreneurship, bordering the illegal.