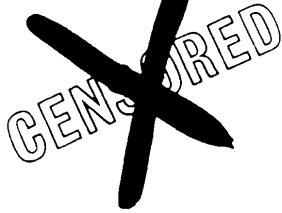


PORNOGRAPHY, FREE EXPRESSION AND THE FREE SOCIETY

Libertarian
Alliance

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One of the most fundamental, indeed, crucial, components of a 'free society' is, of course, freedom of speech, freedom of expression — the right freely to communicate by all the multifarious means available to us. This is why, of course, that fundamental right forms part of, *first*, the 1948 United Nations Universal Declaration of Human Rights, and then *second*, the 1953 Council of Europe's European Convention on Human Rights. Both Article 19 of the U.N. Declaration and Article 10 of the European Convention firmly assert this basic right to freedom of expression.

The U.K., although one of the original signatories of both of these great Charters, has, however, singularly failed to honour its pledges to either of them, by steadfastly and dogmatically, and most importantly, *unjustly*, denying its citizens that basic right to freedom of expression. And it has done so by retaining strict State censorship in the form of a myriad of highly repressive, proscriptive laws. In no other area are these proscriptive laws more draconian than in that concerning sexual expression — in the form of sexual material, sexual publications.

PORNOGRAPHY IN EUROPE AND AMERICA

Whereas virtually all other States of the European Community, and most countries of the 'free' world do not censor and prohibit sexually explicit material for adults, Britain, now almost uniquely, still imposes an iron-fisted suppression by the implementation of archaic, sweepingly all-embracing, ruthlessly catch-all, ridiculously imprecise and utterly unjust censorship legislation. This is achieved by enshrining into the law the absurd concepts of so-called 'obscenity' and 'indecentcy'. I say absurd because both these concepts are capable only of the most subjective interpretation. What is 'obscene' or 'indecent' to one person is nothing of the sort to another. And the equally absurd attempt to define the indefinable — the 'deprave and corrupt' test in the 1959 Obscene Publications Act — is, likewise, an entirely subjective test. That such laws should exist at all in a supposedly 'free society' is an outrage.

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This paper was originally delivered as a speech to the NCROPA fringe meeting at the Conservative Party Conference in Brighton, on October 8th 1992. For further information contact NCROPA (National Campaign for the Reform of the Obscene Publications Acts), 15 Sloane Court West, Chelsea, London SW3 4TD; tel: 071-730 9537.

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FOR LIFE, LIBERTY AND PROPERTY

If an American wishes to have access to — or to publish — a sexually explicit magazine, or book, or film, or video, he or she legally can do so. If an Australian wishes to have access to — or publish — a sexually explicit magazine, or book, or film, or video, he or she legally can do so. If a *Frenchman* wishes to have access to or publish a sexually explicit work, he or she legally can do so. If a *Dutchman* so wishes, he legally can do so! If a Dane so wishes, he can do so. A *Swede* legally can do so! A *German* — East or West! — can do so! A *Spaniard* can do so! A *Portuguese* can do so! Even a *Rumanian*, or a *Czechoslovakian*, or a *Pole*, or a *Hungarian* can now legally do so! — now that the shackles of Communism have been removed.

But a *Britisher* still *cannot* legally do so!

This is not only grossly unfair and unjust; it is also grossly unnatural and, I would even say, unhealthy.

IN DEFENCE OF SEX!

Sex and the pursuit of sexual gratification is a perfectly natural, instinctive, human phenomenon — and that is just as valid if your natural instinctive desire is for homosexual gratification, incidentally. It thus follows that intense interest in and desire for *material* about sex, 'expressing' sex — books, mags, films, videos, etc. — is *also* a perfectly natural human reaction. And so what if the sexual material — the sex mag, book, film, video — is sexually titillating, sexually arousing? What's wrong with that? What on earth is wrong with being sexually aroused, albeit by a substitute stimulant? Let's be honest. Most people at some time or another masturbate — another perfectly natural human activity, although, I grant you, rarely freely admitted to! Most sexual material is bought for use as an aid to masturbating to orgasm. Sexual material not only therefore provides a great 'safety-valve' for the release of excess sexual energy, but it is, moreover, with the nowadays ever-present danger of AIDS in the forefront of our minds, 100% safe! There is no safer sex than solo sex! Of course it isn't as good as the real thing. We all know that. But isn't it infinitely preferable to the unhappiness and problems — often serious psychological problems — that sexual frustration so often brings? We should at least have a care for the unlucky, the unloved or the unlovely, who may *never* find a real-life sexual partner. And is it not also singularly preferable, when a suitable, consenting sex-partner is not available, that a perhaps otherwise potential rapist or sex-attacker relieves his (or her) sexual frustration by using the harmless device of a piece of what some would call (wrongly) "pornography", or, as we prefer to call it, 'sexually explicit material', rather than force his sexual attention on an *un*-consenting, unwilling victim?

We shall never be able to find out, I grant you, but I wonder just how many potential rapes or sex attacks have been *averted* by the free access to so-called "pornography"? — by "pornography" providing a 'safety-valve' substitute?

PORNOGRAPHY AND CRIME

All of these other countries I've mentioned, and more, where true freedom of expression — *sexual* expression — *does* exist, have no more problems with sex-related crime than we do — and some of them have a great deal less. There is no relation between the legal availability of sexually explicit material and sex crime. That was also the finding of the December 1990 official Home Office Research Unit's Report *Pornography: Impacts and Influences*, carried out by university academics Drs. Guy Cumberbatch and Dennis Howitt. It was sickening, and indeed grossly insulting to these two distinguished psychologists, to witness the then Home Secretary (Kenneth Baker's) cavalier dismissal of their report (his own Department's report!) simply because it didn't come up with the findings he personally wanted. It was even more disgraceful that the report should be publicly savaged by the Head of Scotland Yard's Obscene Publications Squad, Superintendent Michael Hames, who, as a serving police officer, is supposed to be prohibited from taking part in such partisan activities and enterprises, by virtue of Police Regulations. In my view his behaviour warrants his removal from that post immediately.

But the Government — a *Conservative* Government, remember — also turned its back on the even more comprehensive, two-year Home Office Committee on Obscenity and Film Censorship's report (the Williams Report) in 1979. It has lain gathering dust — by now it's *buried* in dust, I should think — on the Home Office's shelves ever since, without any action whatsoever being taken on any of its recommendations — most of which, needless to say, sensibly coincided with the aims of the NCROPA. Again, the findings of this distinguished Committee were unanimous, but again, they were not the findings which suited the then Thatcher Government and they were ignored.

Is it not extraordinary that the Government has twice set up its own objective investigations into so-called “obscene” publications and then, when these findings have been produced, has twice rejected them? We have to ask ourselves: why? Why should this be so? What are they afraid of?

THE RULE OF HYPOCRISY

Well, I think I know why. The name of the game in this country is, regrettably, ‘hypocrisy’. Of course people here are basically no different from people elsewhere. Of course they like sex just as much as anyone elsewhere. And of course they are as interested in sexual matters as any Frenchman, or Dutchman, or German, or Dane or American. And of course people here like sexually explicit material just as much as they do. The great difference is that the British are *ashamed* of sex, and of their liking for sex, and simply refuse, publicly at least, to admit their perfectly natural, human sexual proclivities. Many Brits go even further and publicly *condemn* the very sexual activities, pursuits and interests they are themselves involved in. Sad to say, this seems especially to apply to our politicians, and it is often not until they are caught out by press investigation or an ill-judged lapse in discretion — or both — that the true hypocrisy of their erstwhile sanctimonious public persona becomes exposed. The recent demise of the former Secretary of State for National Heritage is a classic example of this. So is the case of a former Tory Party Chairman, recently ennobled for his sins and, presumably, services to hypocrisy! And likewise the case of the former Tory M.P. for Billericay who, only two weeks before he was forced to resign over a Court case involving rent-boys and bottom-spanking photographs, was voting in the House of Commons for a grotesque Private Member's Bill which would (had it been passed) drastically have strengthened (if that is possible!) our already hideously authoritarian obscene publications acts!

The NCROPA has always resisted the temptation to make capital out of such ‘scandals’, believing that, on a sexual level, they should not be regarded as ‘scandals’ at all. However, where people set themselves up to be pillars of virtue and so *hypocritically* publicly espouse the high moral ground, that is where the *real* scandal lies. When I went to vote at the last General Election, I was, by chance, followed in the door by the extremely nice Nicholas Scott, M.P., my local Chelsea Conservative Candidate and currently Minister of State for Social Security. He was doing a tour of the Polling-Stations. Now I had confronted Mr. Scott with a question about freedom of individual choice (the theme of his speech) and “pornography” at one of his election meetings a few days before. I told Nick Scott that, sadly, I would not be voting for him that day — not after page 25 of the Conservative Party Manifesto. Page 25, you may remember, proudly boasts “We have the toughest anti-pornography laws in Western Europe and we will keep them that way.”

Mr. Scott then revealed to me that, personally, he didn't mind such sexual publications at all and agreed with the NCROPA — and he apologised for having had to give me such a feeble answer to my question at his election meeting! And that is what it's all about! That is just the kind of hypocrisy we're up against and what is at the heart of the trouble. This constant conflict between our politicians' private (and *truthful!*) opinions on this issue, and their public (and so often *untruthful!*) opinions. It is high time this hypocrisy, so prevalent in our parliamentarians, *ceased!* We deserve and must have politicians who are honest and courageous enough to stand up publicly and be counted when it comes to *crucial questions of fundamental civil rights and principles* — even about sex!

Most other countries have a written Constitution of one kind or another which guarantees (or at least greatly assists in guaranteeing) their citizens' rights, of which freedom of speech and publication — freedom of expression — is the king-pin. An American, for example, can always claim his civil rights under the provisions of the First Amendment to the U.S. Constitution. Not having any written Constitution here, we have no such safeguards. If we had, much of our repressive and restrictive and prohibitive legislation, like the Obscene Publications Acts, and the Customs Consolidation Act, and the Video Recordings Act, would be rendered unconstitutional and untenable. And people like me, the many *millions* of people like me who like “pornography” and want “pornography”, and are not ashamed to say that we like “pornography”, would be legally entitled to buy the publications of our own, individual, adult choice.

THE CONTRADICTIONS OF CONSERVATISM

But what on earth, I am constantly asking myself, is the *Conservative Party*, of *all* parties, doing in giving in to the hysterical and emotive and dictatorial demands of the ‘Puritan Brigade’ — the Mary Whitehouse lobby — the God-bothering lobby (*not* God-following, please note!) — the religioso mafioso lobby — the fanatical, fascistic-feminist lobby — what on earth do *their* po-faced philosophies have in common with the purported philosophy of the Conservative Party, the cornerstone of which is, as I understand it, ‘Freedom of the Individual’; ‘Freedom of Choice’; ‘Freedom of the Market-Place’? How on earth can that be reconciled with the repressive, restrictive, dictatorial, state-nannyist philosophy of the ‘Puritan Brigade’? — the self-appointed guardians of the nation's morals?!

And how, too, can Conservative philosophy be reconciled with that disgraceful boast on page 25 of its election manifesto which proclaims, in effect, that the Conservative Party is the party of state censorship and state interference in the personal and private sexual lives of the citizen — that it relishes state nannyism and will ensure that it continues to flourish?!

In his last year's speech to the Conservative Party Conference in Blackpool, the Prime Minister, John Major, said, and I quote:

“I want to give individuals greater control over their own lives.”

He went on to say:

“That is our programme for the 90s. I will put it in a single phrase: the power to choose — and the right to own.”

And he further enlarged on that by affirming that:

“... choice is something most of us can be trusted with.”

Well, the NCROPA — and we believe the majority of the British people — are waiting to see those fine phrases become a reality. Where is this “*trust*” in us to give us this “power to choose” and “the right to own” in that outrageous page 25 boast? Where is our power to choose to have sexually explicit material if we so wish, in that?

What we are demanding is *not* extreme — *not* weird — *not* extraordinary — and *NOT* unreasonable. It is not the impossible dream some of our politicians would have us believe, but what should be ours *as of right*, as it is theirs *as of right* to most *other* people in the so-called ‘free’ world. We are here talking of the right of all adults to choose for themselves what they see, read or hear. We are not against the retention of certain measures to “protect” children (the word “protect” is in inverted commas because this does not necessarily mean that we accept that they would be otherwise ‘at risk’), nor are we against limited measures (the most limited possible) to “protect” — or rather “shield” those who might deem sexually explicit material offensive. But apart from these measures, as long as there is no coercion and no physical harm involved, anything goes.

That is what true ‘freedom of expression’ means and that is what we expect in a ‘free society’.