

WHY PORNOGRAPHY SHOULD NOT BE CENSORED

ANTONY GREY



Censorship versus Free Speech is the oldest debate in the world. It is also one of the most important. As Ben Whitaker – a former Chairman of the Defence of Literature and the Arts Society (now the Campaign Against Censorship) – has said,

Freedom of expression is in many ways the quintessential freedom and in fact the key to all human rights, because through it we can win or defend all our other liberties.

Censorship – whatever its pretext – is the denial of our freedom to choose what we can read, see, hear and do. It consists of arbitrary interference with free communication and is a distortion of the marketplace of ideas.

ALL CENSORSHIP IS POLITICAL

We hear a great deal from those who want censorship about the harm which untrammelled communication can do to the young, the ignorant and the weak-minded. Pornography, we are told, must be restricted because of its bad influence upon behaviour. We hear far less about the extraordinary effect of pornography upon the morals and behaviour of the censorious, although I believe that a good many of their antics in seeking to restrict the freedom of others to obtain and use pornography are more socially harmful to the civil liberties of us all than the availability of unrestricted pornography can possibly be.

Political Notes No. 85

ISSN 0267-7059 ISBN 1 85637 179 4

An occasional publication of the Libertarian Alliance,
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The views expressed in this publication are those of its author, and not necessarily those of the Libertarian Alliance, its Committee, Advisory Council or subscribers.

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FOR LIFE, LIBERTY AND PROPERTY

Because whatever its ostensible motive, *all censorship is political*. It is about the use of social power – the imposition of one faction's wishes about what should be prohibited upon the free choices of the rest of us.

It is essential to get this point clearly understood at the outset, because in our humbugging British way too many of us find it easy to pretend that censorship of erotica or pornography is not political at all – it's about "morality" (and no *decent* person could possibly disagree about the need to protect *that!*). Those who argue in this way are fond of describing themselves as representing the "moral majority". I submit, however, that they are neither moral nor in the majority. (How many people really believe that they are on a private telephone line to God?) The trouble with this argument, of course, is that one person's morality can be another's viciousness. We have only to remember the religious wars in the Middle East and, nearer home, in Ulster, to realise that.

"PERMISSIVENESS"

Another piece of complacent British humbug is that we are all a freedom-loving people. It's true that down the centuries we have produced some of the greatest philosophers of intellectual and political freedom (Milton, Locke, Lord Acton, J. S. Mill), but by and large we still remain a sadly intolerant and unruly lot. Respect and consideration for other people doesn't seem to loom very large in the private or public agendas of most contemporary Britons.

Does saying this make me sound like a relic of the sixties? It's interesting that those of us who helped to bring about what we perceived as some modest and overdue reforms of repressive laws concerning personal choices about private life are now branded by the dubious moralists of the New Right as having inflicted the scourge of "Permissiveness" upon Britain. Personally I repudiate the term and the concept, because of its impudent inference that there is some social and moral elite who have – or should have – the right to give and withhold "permissions" to others about how they should live their own lives. These self-styled Permit-ters (more accurately, aspiring Banners) are – apart from those who get themselves elected to Parliament and other public assemblies – merely a clamorous bunch of self-important busybodies.

Sexual censorship is political censorship. Because sex is one of the most highly political topics there is. It affects individual human happiness and relationships, and social arrangements and attitudes, more profoundly than any other area of life. It is paradoxical in that it is a very private matter as well as a crucially public one. And with desperately serious health issues (such as AIDS) arising, sex is going to become even more political. (Even now, the DHSS is pursuing a curiously muted advertising campaign about AIDS so as to avoid being "offensive" in preference to being frank and saving more lives.)

The case for free speech in relation to sex is precisely the same as the case for free speech in any other area of life. As Winston Churchill said of Parliamentary government, with all its shortcomings, anything else would be infinitely worse.

THE BURDEN OF JUSTIFICATION

In an ideal world, there would be no censorship. The world we live in is far from ideal, and so we must be prepared to

live with at least some censorship. But those of us who cherish freedom of expression must strive to ensure that what censorship there is is as limited as possible, and that the burden of justifying it is placed fairly and squarely upon the shoulders of its advocates. Censorship must always be kept under constant and vigilant scrutiny.

It is for those who wish to censor to demonstrate that in any given instance, censorship is the lesser evil. It is for them to provide valid reasons, and solid proof, for claiming that the demonstrable harm to individuals, groups, or society as a whole of what they wish to ban is greater than that of imposing restrictions on free speech. Far from it being the case that opposition to censorship depends upon an erroneous belief that all pornography is harmless, the true ground for objecting to moral censors is that their activities are likely to be far more harmful to society than freely available pornography would be.

A censor is a third mind interposing itself between a would-be sender and a would-be receiver of a communication. A censor says: "For a reason which seems good to me, I shall stop A from sending this communication and B from receiving it, even if they both wish to do so."

FALSEHOOD SHOULD NOT BE CENSORED

What is censored may be a *fact*, an *opinion* or a *scene*. A censored fact may be true or untrue. A censored opinion may be well-founded or ill-founded. A censored scene may be real or imaginary (maybe fantastic!). As J. S. Mill pointed out in his essay *On Liberty*, society can be harmed just as much by the censoring of falsehoods and errors as by the suppression of truth: not least because what is in fact true and what is false can best be established by free and full public scrutiny.

A censor's "good reason" for censoring a fact is usually that its dissemination will cause harm or damage to others; her reason for censoring an opinion is likely to be that it is offensive or untrue; while she may wish to censor a scene (including one depicted dramatically) on the grounds that it will harm, outrage, deprave or corrupt those likely to see it – an argument which conveniently ignores the distinction between innocence and ignorance which John Milton inimitably drew attention to in his *Areopagitica* some 340 years ago:

I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race, where that immortal garland is to be run for not without dust and heat. Assuredly we bring not innocence into the world, we bring impurity much rather, that which purifies us is trial, and trial is by what is contrary. That virtue therefore which is but a youngling in the contemplation of evil, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank virtue, not a pure; her whiteness is but an excremental whiteness. ... Since therefore the knowledge and survey of vice is in this world so necessary to the constituting of human virtue, and the scanning of error to the confirmation of truth, how can we more safely, and with less danger, scout into the regions of sin and falsity than by reading all manner of tractates and hearing all manner of reason?

I hold, with Milton, that in a democratic society the presumption must always be in favour of free speech. If any

other presumption prevails, the society is no longer free and open, but will, albeit gradually, become closed and authoritarian, if not ultimately totalitarian.

Is there such a trend in Britain today? I see too many signs of it for my comfort.

LESS MUTUAL TOLERANCE

We are confronted with an increasing incidence of physical violence in present-day society, and increasing acceptance of this higher level of violence as being unavoidable. (What reason is there to believe that what is being accepted, however reluctantly, in Ulster today will not be acceptable in Britain in ten years' time?) We see lower standards in public life, and a greater acceptance of corruption and sometimes of brutality as normal practice on the part of State officials. As a consequence, more citizens experience a growing sense of fear and insecurity in their personal as well as their social lives – especially if they belong to unpopular and widely vilified minorities.

The sum of all this is less mutual tolerance than there used to be, and a less critical attitude to authoritarian excesses of power. It is ironic that this is occurring under a government supposedly wedded to individualistic liberties and preaching a strident rhetoric of freedom. Though they abhor U-turns, they have recently reneged on their pledges to introduce community radio – possibly because of their apprehensions about what the citizenry might wish to say to each other over the airwaves!

This continuing breakdown in mutual social trust and tolerance of differences cannot be masked by appeals to economic forces and the supremacy of "the market". Whatever our views about the desirability or otherwise of government intervention in the decisionmaking of commerce, we cannot ignore the inescapable fact that complexity and interdependence are the hallmarks of contemporary society. St. Paul's assertion that "we are all members one of another" and John Donne's injunction "ask not for whom the bell tolls – it tolls for thee" are even truer today than when they were first spoken.

HOW TO DEAL WITH THE ENEMIES OF FREEDOM

Whatever its starting point and expressed intention, the end of the censor's road is repression of "dangerous" ideas – not only about sex but about morals, politics, art and life. Opposition to censorship must inevitably involve us in defending things and people whom we may dislike and disapprove of (sometimes passionately). Voltaire's well known saying that "I detest what you say, but will defend to the death your right to say it" may seem trite to us but is as apposite as it ever was.

This leaves us with the unresolved (and possibly unresolvable) dilemmas of where to draw the line – *does* tolerance have limits? – and how to deal with the enemies of freedom in an open society. I do not know the answers, but I am profoundly convinced that censorship is not one of them: censorship is the supreme arrogance, and as a libertarian I want none of it.

NOTE

The main points of my argument are amplified in section 3 of Yaffe and Nelson, eds., *The Influence of Pornography on Behaviour*, Academic Press, London, 1982.