

# AGAINST CENSORSHIP

DAVID BOTSFORD

“A street trader who sold T-shirts proclaiming ‘Liverpool 38 Juventus 1’ in reference to the Brussels football tragedy was fined £300 by a London magistrate ... (who) said: ‘This seems to be tastelessness beyond the bounds of credibility’.”<sup>1</sup>

One of the more disturbing trends in Britain today is the lack of serious opposition to the increasing state restriction on freedom of speech and expression. The right to free expression, of course, has never existed in British law, and the state has regularly imposed controls on it, especially in wartime: during the First World War a man in Scotland was imprisoned for sedition for distributing copies of the Sermon on the Mount! Nonetheless the idea that people had the right to read, write and view the material they chose, in private and at their own expense, gained ground in the 1960s and 70s. When in 1977 *Gay News* was convicted of blasphemy under an 18th century law for publishing a poem which depicted Jesus as a homosexual the public image of censorship was probably as low as it has been in this century. Unfortunately, a new climate of intolerance has since grown up among both conservatives and socialists, which has led to further limitations on freedom of expression (such as the “video nasties” act which forces all videos to undergo state censorship) and the more oppressive use of existing legislation, such as the Obscene Publications Act and the Customs Act.<sup>2</sup>

Our freedom of speech has been curtailed by a malicious body of legislation that takes away from us the control of our own lives and gives it to people we have never met. It also, because it can only be interpreted subjectively, undermines the rule of law. An individual *cannot know* whether the material he is reading, buying, writing, publishing or selling is liable to have him prosecuted or not. In the above example, a man is fined for selling a shirt with a slogan that a magistrate thinks is in bad taste. I find much (if not most) of the rubbish put out on television “to be tastelessness beyond the bounds of credibility”, but I am forced to finance it through my television license and am also prohibited by law from setting up a station broadcasting material I would prefer.

## POLICE CORRUPTION

One problem with subjective laws is that, as with every other area of state activity, their administration will become increas-

ingly extensive rather than remaining static, and will thus become more expensive to uphold. The Obscene Publications Act prohibits material “liable to deprave and corrupt” (from what into what?) and originally applied largely to heterosexual “pornography”. Of course, nobody has ever produced definitions of the words “obscene” or “pornographic” that everybody accepts, and so the decision to seize “obscene” material rested with the police, with temptations for bribery and corruption that could hardly have left Dixon of Dock Green unmoved. A sex shop owner who paid the local police enough money remained in business: why else is one sex shop raided, prosecuted and fined or closed down while the one down the road, selling identical material, goes unmolested? (Material for which sex shop owners have been convicted under the Obscene Publications Act includes a book of Picasso’s paintings.) The Obscene Publications Act is probably the primary cause of police corruption in recent years; its sole effect on the supply of “pornography” has been to make police bribes one of the overheads of those who wish to sell it.

But considerably worse than that, the Obscene Publications Act is now being used as a weapon against minority groups of which the authorities or the police may disapprove. Recently, Knockabout Comics was prosecuted for selling comics and other literature that, according to the police, showed drug-taking “in a sympathetic light” and was therefore “liable to deprave and corrupt” (although almost all the material had been available in Britain for over a decade with no catastrophic effects.) Knockabout Comics, a shoe-string operation, was eventually acquitted, but only after a year in the courts which drove it almost to bankruptcy. We have reached a situation where the police can cripple a small operation which cannot afford to pay them off as the big sex-shop chains can, simply by raiding them and taking them to court. Similarly, the London bookshop Gay’s The Word is being prosecuted under the Customs Act for allegedly importing “indecent” homosexual literature (which includes a book that has been continually in print in England since the 15th century), and is now facing a lengthy court case with much of its stock held by the magistrate, which could well bankrupt it even if it is found not guilty.<sup>3</sup>

## FORBIDDEN AND COMPULSORY

The ridiculous thing about censorship laws is that they cannot benefit even those who seek to use them to impose a particular view on other people, so subjective are they, and so malleable is public taste. To take a single example, in 1971 the chapter on sex in *The Little Red Schoolbook* (written by two Danish Maoists, Soren Hansen and Jesper Jensen) was declared obscene by a London magistrate and had to be re-written (although the book was published uncut in several Western European countries, the United States and Australia, being banned in France). I have read the original, uncensored edition, and the chapter in question is remarkably tame compared with some of the sex education material that taxpayers and ratepayers are *forced* to pay for through state schools, the



### Political Notes No. 20

ISSN 0267-7059 ISBN 1 85637 200 6

An occasional publication of the Libertarian Alliance,  
25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN  
www.libertarian.co.uk email: admin@libertarian.co.uk

© 1983: Libertarian Alliance; David Botsford.

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.

Director: Dr Chris R. Tame  
Editorial Director: Brian Micklethwait Webmaster: Dr Sean Gabb

**FOR LIFE, LIBERTY AND PROPERTY**



Health Education Council and the Family Planning Association (see, for example, *Make It Happy* by Jane Cousins). But the *Schoolbook* remains censored.

Often it is difficult to see what exactly the authorities seek to gain by imposing censorship. Many films are banned or cut in this country (such as Kubrick's *A Clockwork Orange*) which one only has to go to Boulogne or Paris to see in their entirety. Such censorship merely discriminates against northerners and the Scots, it being easier to reach Paris from Dover than from Inverness. The absurdity is particularly obvious when it comes to the suppression of material about the intelligence and security services. For instance, a British court ordered the suppression of part of *The Circus*, a history of British intelligence since 1945 by Nigel West, and it is now available only in censored form in this country. Yet the uncut version is a bestseller in the United States, available to anyone (including myself) able to spend four dollars in an American bookshop.<sup>4</sup> Surely such a daring operation is not beyond the capacity of the KGB, the IRA, or whoever is not supposed to know the censored information.

### SELECTIVE OPPOSITION

One problem in the struggle against censorship is that many who claim to oppose it are in fact in favour of censorship of material of which they disapprove. *The New Statesman*, for instance, is a valuable source of news about state suppression of information on the security services, drug-related and homosexual material, and other opinions towards which it is tolerant.<sup>5</sup> Nonetheless next to such news appear earnest calls for the state to prosecute the purveyors of racist literature, and praise for the imprisonment of those, such as Joe Pearce, a National Front editor, convicted of spreading material "liable to incite racial hatred" under the Race Relations Act. This act, again, can *only* be interpreted subjectively, and thereby undermines the rule of law as well as restricting freedom of speech. Libertarians, for instance, would argue that state intervention in the field of "race relations" has incited more racial hatred than the combined efforts of every National Front supporter and "black power" zealot multiplied many times. The *New Statesman* and other selective opponents of censorship cannot have it both ways; if they argue that the National Front's views are "anti-social", the government could say the same about homosexual or anti-MI5 literature with equal validity. Freedom of speech should exist for every shade of opinion.

With censorship we are back with the familiar problem of "who, whom": who is to censor the material that is read by whom? Our present laws imply that the police, magistrates and members of parliament possess innate cognitive powers, unattainable by the rest of us, which mean that their subjective tastes and opinions are binding upon the rest of the population. The law attempts to lay down certain approved attitudes towards sex, drugs, religion, the state, race relations and so on to which we are all expected to adhere; the only problem is that these attitudes are constantly changing with the views of those in authority (in wartime an unacceptable attitude means insufficient enthusiasm for killing people on behalf of the authorities), and so we can never know in advance exactly what it is we are supposed to believe at a given future date.

### TECHNOLOGY AND CENSORSHIP

Futile as censorship is already, the spread of computer technology is in any case making any attempt to suppress the free flow of information a physical impossibility. Already texts can be transmitted across the world in seconds, and the growing ownership of increasingly sophisticated home computers

will make censorship as impossible in the twenty first century as universal literacy would have been in the eleventh. The technological revolution is bringing into existence a new libertarian world, a vast network of information unplanned by any central authority, and quite beyond the capacity of any government to control. This information, no matter how pornographic, offensive, seditious, homosexual, drug-related, blasphemous, racist, subversive, depraved or corrupt it is considered, will be available in seconds to anybody, anywhere in the world with access to a computer. And no censor anywhere in the world will be able to do a thing about it.<sup>6</sup>

Supporters of state censorship should have the intelligence to see that in a few years any attempt to control the free flow of information will simply not be feasible. Indeed, it is probably already an impossibility in highly computerised societies such as the United States or Japan. Unfortunately, such is the stubborn mentality of the sort of people who run the state that it will be many decades before they finally admit defeat and scrap the censorship laws; after all, the last law against witchcraft in England was only repealed in 1957. Until then we will be faced with inane laws that cannot be enforced but which may well become increasingly oppressive as they become increasingly difficult to impose.

### NOTES

1. *Guardian*, July 19th 1985, p. 3. Respectable opinion fluctuates. While the Liverpoolian thugs responsible for the Italian deaths in Brussels are today universally execrated, during the Second world war they would have been regarded as heroes for doing much the same thing, especially if both sides had been armed and in uniform.
2. The change in opinion has been especially remarkable on the left. Today's socialist support for censorship of pornography should be compared with the files of any left-wing newspaper or book on the subject circa 1970. One gains the impression that the entire British left has taken a day-trip to Damascus at some stage between then and now.
3. Taxpayers and ratepayers are now in the ridiculous situation of being forced to finance both this sort of persecution of homosexuals and lavish subsidies for 'gay centres' via the Greater London Council and other local authorities, in order to buy the political support of homosexuals for the leadership of these bodies. If the GLC, for instance, was really interested in helping homosexuals (or blacks, women, the disabled or any other group) it would be far easier to simply reduce or abolish their rates. But that would not have the necessary political pay-off.
4. On my recent trip to the USA I picked up a number of books banned in this country, including the Yippie manual *Steal This Book*, which a neighbour finds very useful for its information on growing cannabis.
5. I recall reading some years ago that a man bought a book at a Heathrow Airport news-stand, went on holiday and returned to have it confiscated by customs on arrival. On another occasion customs officers seized books called *Fun In Bed* and *Rape Around Our Coast*. The former turned out to be a collection of games for sick children, the latter a study of soil erosion.
6. The impact of computerisation on Soviet and Eastern European politics will be especially profound. Communist regimes go to great lengths to maintain their monopoly of information; last year the Romanian government introduced strict regulations on the use of typewriters: all typewriters must be registered with the local police, and suspected dissidents are prohibited from owning or using them. If these countries are not to fall irretrievably behind the West in the field of technology, they will have to accept universal computerisation (entirely imported from the West, of course). This will mean the development of an immense data-base entirely separate from officially-approved information, which can be tapped surreptitiously by anyone in an office, factory or library. The spreading of unofficial knowledge will thus be many times easier than the present laborious *samizdat* methods, and it is difficult to see how the various regimes will resolve the dilemma in coming years. Each government is already taking strenuous efforts to prevent the possession of home computers by its citizens, for obvious reasons.