

OBSERVATIONS OF THE NATIONAL CAMPAIGN FOR THE REFORM
OF THE OBSCENE PUBLICATIONS ACTS ON THE BILL TO
REGULATE THE CONTENT, SALE AND HIRE OF VIDEO CASSETTES,
TO BE INTRODUCED BY MR. GRAHAM BRIGHT, M.P. FOR LUTON
SOUTH, WITH GOVERNMENT SUPPORT

PRESENTED TO THE RT. HON. LEON BRITTAN, O.C., M.P.,
SECRETARY OF STATE FOR THE HOME DEPARTMENT
1ST SEPTEMBER 1983

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The National Campaign for the Reform of the Obscene Publications Acts, which was founded in 1976, is unequivocally committed to fight for the removal of censorship for consenting adults and is therefore categorically opposed to any legislation, whether existing or proposed, which prevents adults from exercising a free choice over what they see, read or hear. It will naturally follow, therefore, that, since the purpose of Mr. Bright's Bill is to provide even more censorship restrictions than those we already have, the N.C.R.O.P.A. finds it almost totally unacceptable in what is supposed to be a "free society", and is strongly opposed to its introduction.

Although the Bill has received its first reading in the House of Commons, it has still to be formally drafted and our observations given here are thus confined to commenting on the proposals for the basic framework of the Bill as set out in Mr. Bright's press release of 14th July 1983.

The only part of those proposals with which the N.C.R.O.P.A. would not disagree, would be that which would make the sale of adult video cassettes to children an offence. Even here, however, there are differing views about what the actual age limit should be. For consistency's and simplicity's sake, the choice of eighteen years would probably arouse least opposition, although many parents do not wish their children to be subjected to such state 'nannyism' as the Bill would provide and are quite happy to allow them to see films with so-called 'adult' or 'horror' themes at a much lower age. (One of the N.C.R.O.P.A.'s committee members is one such parent and his sixteen year old daughter has been watching such films with his blessing and her harmless pleasure for many months. She simply cannot understand all the fuss that a few other parents are apparently making over the issue.)

There are many contentious statements in Mr. Bright's release which the N.C.R.O.P.A. vigorously challenges, as follows:-

- (1) He claims that his Bill deals with a subject "which is rightly a cause of great public concern". The N.C.R.O.P.A. disputes this. "Great public

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concern" over the issue is a myth. Any such concern is chiefly confined to a minority of self-appointed busy-bodies, albeit a highly-organised and very vocal minority, who wish to dictate to others and force their own tastes and standards on them. Their dangerous (we use that word advisedly) cause is often aided and abetted by irresponsible elements in the media who make highly inflammatory and unsubstantiated claims about the damaging effects of uncensored films and publications. Some repressive religious groups and often seemingly fanatically motivated police chiefs and members of the judiciary contribute further to these lies. In any event, Mr. Bright himself admits that "the great bulk of the trade (in videos) is, of course, entirely harmless". The N.C.R.O.P.A goes further and maintains that there/~~is~~^{is} no intrinsic, proven harm caused by watching sexually or violently explicit material. This is what all the bona fide world investigations have concluded. Attempts are often made to cite the dangers of 'copy-cat' behaviour after people have viewed a particular scene or activity depicted in a film. If the activity is of a dangerously anti-social or violent nature, like murder, for example, it is very rare indeed for any 'copy-cat' behaviour to be incited simply by the film on its own. In most cases where this does occur it is as the result of other much more complex, deep-seated, psychological reasons. Even if there is a small risk, however, in the much wider public interest of the freedom of the majority as a whole, it is a risk which, in a free society, must be taken. Living itself is a risk. Every year thousands of people are killed in motor vehicle accidents. Those thousands of lives could all be saved if we removed the risk involved (and it is a much more tangible risk than the existence of any video cassette could ever pose), by prohibiting all motor vehicles completely. No-one would seriously suggest such a drastic measure because, in the wider interest of the freedom of the majority, the existence and availability of motor vehicles is deemed a proper risk to take. We must have a proper sense of proportion over this matter.

(2) Mr. Bright refers to "objectionable" video cassettes, but to whom are they "objectionable"? Is it to himself, to the Government, to Mrs. Whitehouse, to N.C.R.O.P.A. supporters, or to whom? He goes on to say that video cassettes of a violent and horrific nature "are grossly offensive to all reasonable people". There are many "reasonable people" who would not be offended by such videos or, at least, would not object to being "offended" by them. In any case they have a free choice to decide whether or not they want to be "offended" by them. In any case, there is no justification whatsoever for banning something simply because someone, somewhere is offended by it. Besides it is sometimes a very good thing for people to be offended or shocked. As Bernard Shaw rightly stated

"The role of the artist is to shock". There are many things which personally offend people but which they would not expect to be banned because of their individual sensibilities. Nor would they wish to campaign for their suppression. Boxing is one such example which offends some people greatly, masquerading as it does in the guise of 'sport', when the aim is to render one's opponent unconscious and almost certainly inflict actual physical harm in the process. Nevertheless, as long as people are stupid enough to want to indulge in such an "offensive" activity and are not coerced into doing so, nor forced to watch it (even if it is shown on television they can always switch off), and as long as these participants are fully informed of the risks involved, then it is their own business and no-one, including the State, should interfere. Likewise if people wish to watch sex videos or video "nasties", that, too, is their own business, especially in the privacy of their own homes.

(3) By far the most alarming of Mr. Bright's proposals is that for the pre-censorship of video cassettes. His contention that "the law as it stands cannot operate as effectively as we (the Government) would like" and that there are a large number of video tapes which have not "been caught" by our existing, outrageously draconian Obscene Publications Acts, is not only wildly inaccurate, but if it means what we interpret it to mean, it is a truly frightening concept, because he obviously intends the Bill to ban much more material than has ever been contemplated before, and to ban material for showing through free, individual choice in the privacy of people's own homes but which would not necessarily be banned to audiences in public cinemas. The proposition is as lunatic as it is scaring and the reality of Orwell's chilling vision of 1984 and 'Big Brother' will already be with us.

Pre-censorship of the kind envisaged/^{is}totally abhorrent and quite unacceptable. It would mean a most serious erosion of our already drastically curtailed freedom of expression, a curtailment which we alone still have to suffer. The United Kingdom already has virtually the strictest censorship laws in the Western World and the introduction of even harsher controls over video cassettes, which are bought or hired for use in the home or in private, is outrageous and we deplore it.

(4) The Bill will confer a power upon the Secretary of State "to designate a body which he considers suitable to undertake the task of classification" and prohibition. We object to any body having such powers. It will be the kind

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of State censorship of an ominous kind never seen in this country previously, but constantly and vehemently condemned by British politicians, including members of the present Government, when imposed by the totalitarian regimes of the Eastern Block countries. Condemnation of that sort reeks of hypocrisy when such Members of Parliament also give their support to British legislation of so similarly repressive a kind as that proposed in Mr. Bright's Bill.

Worse still, Mr. Bright further "naturally" envisages that this body will be the British Board of Film Censors. This is another suggestion which horrifies the N.C.R.O.P.A. The British Board of Film Censors is a self-appointed, self-perpetuating body accountable to no-one, as the Home Office Committee on Obscenity and Film Censorship (the Williams Committee) discovered. To afford such a body statutory backing would, we believe, be a most dangerous and retrograde step. In any event, it is intolerable in a supposedly free society for any such body with statutory powers to be accountable only to itself. It is still more intolerable that any institution, however democratically elected and however responsible to Parliament or the populace, should possess the right to prohibit adults from viewing what video cassettes they choose for themselves. Such a system of pre-censorship is not democracy, which respects the rights of minorities too, but tyranny by the majority. That is why the Constitution of the United States of America, the greatest democracy in the world, specifically prevents the Government from instituting any system of pre-censorship, by virtue of its First Amendment.

(5) It is grossly unreasonable for video producers to be charged fees for the classification of their cassettes and doubly insulting should they end up being censored. If the Government insists on introducing so iniquitous a scheme, it should be financed by Government funds.

(6) It is also most unreasonable, unfair and unjust to exempt certain types of video cassettes from the provisions of the Bill, especially those of a religious nature. If there has to be a classification system, it must apply to all kinds of material, right across the board. All material must be treated alike, all subjected to the same classification criteria and all charged the same fees. Selective censorship in such circumstances, after all that has been said about videos, would be quite scandalous. Let all be administered an equal dose of the Bill's unnecessary and expensive medicine.

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The N.C.R.O.P.A. very much regrets the introduction of this Bill in any form. It regards the Bill as a further unnecessary, severely restrictive measure in an area where individual freedom of choice is already virtually non-existent and it will undoubtedly add intolerably to the United Kingdom's viciously repressive legislation.

The N.C.R.O.P.A. is also highly critical of many details of the terms of the Bill, insofar as they have been publicised. If its main aim is simply to prevent children from purchasing or hiring 'adult' videos, it is using a sledge-hammer to crack a nut. The situation is by no means a desperate one requiring the kind of ruthless measures proposed.

The N.C.R.O.P.A. deplures yet more 'piecemeal' legislation of this kind without any major, comprehensive legislation for liberalising censorship in this country in general and for adults in particular, on the lines suggested by the Williams Committee, whose unanimous report has now lain gathering dust on the Home Office shelf for nearly four years, quite ignored by the Government. It is doubly deplorable when that Government is formed by a political party, the Conservative Party, the cornerstone of whose philosophy is 'the freedom of the individual', but which has shown such scant regard for its noble sentiment whilst in office, and has, in fact, presided over an ever growing, insidious curtailment of individual liberty, by the introduction of ever more restrictions. (e.g. the Indecent Displays (Control) Act 1981; the Local Government (Miscellaneous Provisions) Act 1982; and the Cinematograph (Amendment) Act 1982). There is a dishonesty and hypocrisy in such actions which, by any standards, is quite shameful and the N.C.R.O.P.A. is duty-bound to expose it.

This Bill, if and when enacted, is a further manifestation of such dishonesty and hypocrisy because it will deprive millions of British subjects of yet another slice of freedom by State repression. As Immanuel Kant the philosopher stated, "A person's liberty is, as a moral right, a right to as much liberty as is consistent with every other person having as much". Mr. Bright's Bill will deny many millions such a right and the result will be that this country will have taken yet another most regrettable step down the road of authoritarianism.