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THE SCANDAL OF BRITAIN'S OBSCENE 'OBSCENITY' LAWS

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At an Arts Council Conference on 6th June 1968 a Working Party was set up to investigate the operation of the 1959 and 1964 Obscene Publications Acts, and other relevant Acts which implement State censorship in the U.K. and thus curtail freedom of expression, and to recommend any changes in these laws deemed necessary. Not surprisingly that eminent Working Party concluded that these laws did not simply require changing, but scrapping altogether:-

" the laws against obscenity, while constituting a danger to the innocent private individual, provide no serious benefit to the public. The basic problem of founding a law that can be accepted on so subjective a concept as obscenity appears to be insuperable. Any formula of definition must be doomed to beg the question, so there can be little hope of formulating alternative legislation with more than peripheral improvements.

The Working Party therefore recommends that the Obscene Publications Acts of 1959 and 1964 should be repealed ..."¹

The Working Party's Report was sent to the Labour Home Secretary of the day, James Callaghan, M.P. (later ^{to} become Prime Minister and now Lord Callaghan) who, while not holding out much hope of legislation in that present Parliament, stated that he would welcome further study on the subject "at an early date". Sadly, the "early date" for that further study did ^{not} arrive until a decade later, however, when the Home Office's Report of the Committee on Obscenity and Film Censorship (the Williams Report) was formerly presented to Parliament in November 1979 by the then Conservative Home Secretary

1. "The Obscenity Laws" - A report by the Working Party set up by a Conference convened by the Chairman of the Arts Council of Great Britain. Published by André Deutsch 1969.

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William Whitelaw M.P. (now Lord Whitelaw), although the Williams Committee itself had been set up in July 1977 by the previous Labour Home Secretary Merlyn Rees M.P. (now Lord Rees) "to review the laws concerning obscenity, indecency and violence in publications, displays and entertainments in England and Wales except in the field of broadcasting, and to review the arrangements for film censorship in England and Wales, and to make recommendations."² Again, and again not surprisingly, the unanimous core conclusions of that distinguished Williams Committee were that sexually explicit material of, by and for consenting ^{adults} (which the law presently regards as "obscene" and thus criminalises) should not be prohibited and it recommended that the relevant laws should be repealed and/or amended accordingly.

Fifteen more years have passed and no action whatsoever has been taken during that time to implement any of Williams' proposals.

Rather, instead, ever more restrictive and repressive additional censorship legislative measures have been introduced by successive Governments to increase still further the mass of draconian laws to which the British people were, and still are, uniquely subject - e.g. the Indecent Displays (Control) Act 1981; the Local Government (Miscellaneous Provisions) Act 1982 (the licensing of sex shops); the Video Recordings Act 1984; the Cinemas Act 1985 (concerned with film censorship); and currently the horrifying Criminal Justice and Public Order Bill, Part VII of which, amongst other things, affords the police alarming new powers of arrest, search and seizure regarding allegedly "indecent" or "obscene" material. The findings of the Williams Committee did not suit the establishment bigots in the Government, so it was ignored, in just the same way as the more recent Home Office research project report was dismissed when, in December 1990, it, too, found no link between crime and sexually-explicit material.³

During the past 26 years since that extremely common-sensed Arts Council Report, whereas virtually all other so-called 'free world' countries (including all European Union countries, with the exception of Ireland, a tiny country of only 3½ million people, remember) have, rationally, completely dispensed with sexual censorship as we know it here, Britain, uniquely and intolerably, still shamefully retains its

2. "Report of the Committee on Obscenity and Film Censorship"

Cmdnd 7772, published by H.M.S.O.

3. "Pornography: impacts and influences - Cumberbatch & Howitt, Home Office 1990"

repressive, 'nanny-state-knows-best-for-you' restrictions and prohibitions. It is a scandal and a national disgrace, not least because it blatantly infringes the U.K.'s commitment to that most basic of human rights 'freedom of expression' as enshrined in both the 1948 United Nations Universal Declaration of Human Rights (Article 19) and the 1950 European Convention on Human Rights (Article 10), and to both of which she is an originating signatory.

For the past 18 years, ever since I founded it in 1976 in the wake of the ridiculous "Inside Linda Lovelace" Old Bailey trial, the National Campaign for the Reform of the Obscene Publications Acts (NCROPA) has been waging a relentless war against these vicious and unjust laws. It has been a daunting and often deeply dispiriting task constantly frustrated and sabotaged, as it undoubtedly has been, by the rampant hypocrisy amongst much of the U.K. population, which is a seemingly endemic disease and ^{which} positively engulfs the British 'establishment', including almost all politicians. If I had a fiver for each politician who has, over the years, privately agreed with me that the principles upon which the NCROPA campaigns are absolutely right but that he either cannot or will not publicly support it, I would be a rich man.

'Sex' and the pursuit of 'sex', in all its many diverse and delightful forms, is a perfectly natural, instinctive human phenomenon. Likewise, therefore, the pursuit and consumption of material about 'sex' is also perfectly natural and healthy, whether in newspaper, magazine, book, film, video or computer form. It may not be as sexually gratifying as the real thing, but it nevertheless provides a most satisfying substitute for the many millions of people throughout the world who are not fortunate enough, for a myriad reasons, to be able to partake ^{of} the ecstatic delights of real-life sexual activity with another consenting partner. It does, of course, also often assist and enhance sex-life within a real-life partnership, and very importantly it often provides disabled people with their only form of sexual stimulus and gratification. Above all, the way in which it serves as a 'safety valve' for the release of pent-up, frustrated, unfulfilled sexual energy, by providing a vital masturbation aid, is immensely important.

All the really credible, major world investigations into the effects of sexually-explicit material (often referred to as "pornography") on those who make it and those who see it, have reached the same conclus

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ion. They have found that it is basically harmless, certainly not harmful, and often even positively helpful.

Virtually all other free-world nations have long since been wise, civilised and rational enough to act on these findings, have refused to be influenced by the vociferous, minority self-appointed moral guardians which every country throws up in some shape or form, or to be panicked by the disingenuous propaganda and tactics of the 'save-our-children' lobbies, or to swallow the destructive rhetoric of some 'misterogynistic' feminist factions, but, unlike Britain, have honoured their national commitments to true 'freedom of expression' in those two great charters of liberty. Even most former Communist Eastern-Bloc countries, like Poland, Czechoslovakia and Romania, and former fascist dictatorships like Spain and Portugal, have now abandoned state sexual censorship. It is an outrage that this freedom of sexual expression so rightly afforded all these other nations is still uniquely denied to the people of the U.K.

Unless far more people are prepared to stand up and be counted, to forswear their erstwhile hypocrisies and embarrassments and become much more openly and actively involved in campaigning for Parliament to change our laws, I fear another 18 years of the NCROPA's existence will be as unrewarding and bring as little success as the first 18 years, and all in a cause for which it should never have been necessary to fight at all-in this "Land of hope and glory, mother of the free"!

May I let a quote from celebrated anthropologist Dr. Desmond Morris in the 23rd July edition of "The Radio Times" serve as my epilogue to this piece? In it he says:-

"There is more hypocrisy about the subject (sex) than any other aspect of human behaviour. We can show murder, but not copulation. Do you know it's illegal - not a matter of taste - for me to show an erect penis. I can show a gun that shoots death, but not something that shoots life. To me that is absolutely extraordinary."