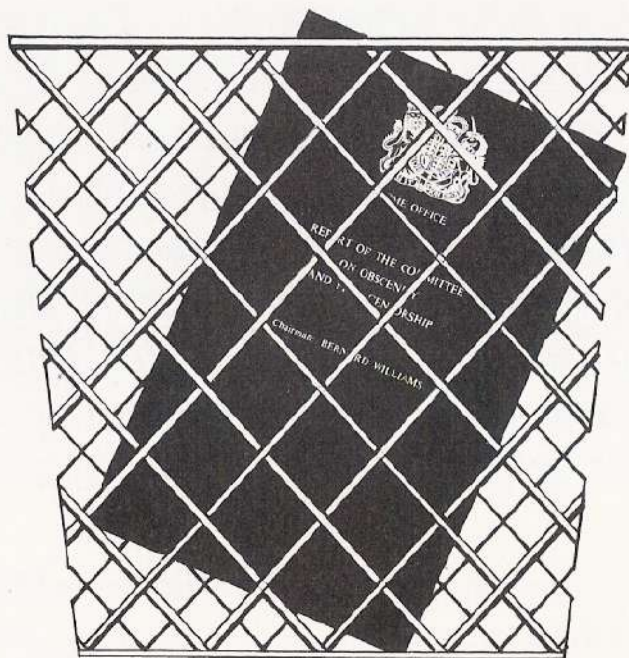


The Williams Committee



A forgotten report

“There was a sense, we felt, in which pornography was being used by many of our witnesses as a scapegoat”

Williams Committee

"So we heard arguments about pornography leading to sex crimes, and violence in the media engendering crimes of violence, about pornography leading to marital breakdown by encouraging unusual and sometimes abhorrent sexual demands (usually by husbands of their wives) and arousing false expectations of sexual fulfilment, about the encouragement of promiscuity and sexual deviation, about the promotion of self-gratification and a contempt for discipline, about the engendering of hate and aggression, about the risk to the normal sexual development of the young, about people becoming desensitized or callous through a diet of violence."

Williams Committee

"...There is often a real difficulty in identifying what the harmful effect of the material is supposed to be!"

Williams Committee

The Unanimous Thirteen

To the Rt. Hon. William Whitelaw, CH, MC, MP, Secretary of State for the Home Department.

We were appointed by your predecessor on 13 July 1977 "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."

We now have the honour to submit our Report.

Bernard Williams, chairman	Anthony Storr
B. Hooberman	M. Jessie Taylor
John Leonard	John Tinsley
R.M. Matthews	Polly Toynbee
David Robinson	J.G. Weightman
Sheila G. Rothwell	V.A. White
A.W.B. Simpson	

31 October 1979

How Many Read It?

Pornography is a controversial subject – one which inevitably arouses strong feelings both for and against but one in which the arguments are all-too-often based on pre-conceived ideas rather than on the relevant facts.

To some extent that is understandable – a prejudice is far easier to arrive at than a case based on detailed examination and research of the subject, whatever it may be. But ready conclusions are no substitute for the truth based on available evidence.

It was, for example, simple enough for the Lord Chief Justice to make his comments in the House of Commons recently and reported in the "Times" under the banner headline: "Pornography is leading too many youngsters into crime."

Lord Lane called for "action against the huge increase in the sale of pornography traceable to glossy imports, large quantities of which came into the country disguised as Danish bacon or Dutch tomatoes."

He claimed that "it found its way into the hands of young people with the inevitable results seen increasingly every day." Lord Lane is entitled to his opinion – we believe that we are, however, entitled to ask for the evidence that pornography is directly linked with crime.

It was equally easy for Lady Saltoun to tell their Lordships: "When I was young, pornography was virtually unobtainable and in most parts of most cities in this country a woman could walk safely through the streets." Again, an opinion with no statistical support.

There are many similar examples of public figures and sections of the media holding strong views – no doubt genuine – on the question of pornography and sex shops and it is a fact that they have been able to achieve considerable coverage for them.

The question we pose is this: how many of the critics have taken the trouble to read the Williams Report on pornography and related matters, presented to the Home Secretary in 1979, after two years of the most careful consideration?

How many of them have taken into account the possible effects of a ban on pornography, of censorship or of a licensing system in which the local authority has the right to say "no sex shops in our area"?

The evidence available to us suggests that the Williams Report did not receive

the attention it deserved and as a result many of the myths, the misunderstandings and the gross misrepresentations continue.

In view of legislation now before the House of Lords and shortly to return to the House of Commons we have endeavoured to analyse the Williams Report, together with the current position, in this document.

We hope it will play a part in – and make a useful contribution to – the public debate on pornography, one which is of concern to many people and in which both sides of the case need to be heard.

The Law

The Williams Committee examined the present position and in a paragraph headed "The chaos of the present law" commented that it soon became clear why one of the courses commonly urged was "a rationalisation of the law into a comprehensible and coherent whole."

It added: "The law is scattered among so many statutes, and these so often overlap with each other and with the various common law offences and powers which still exist in this field, that it is a complicated task even to place together a statement of what the law is, let alone to attempt to wrestle with or resolve the inconsistencies and anomalies to which it gives rise."

According to Williams, the definitive test of obscenity was first laid down by Chief Justice Cockburn in 1868: "the tendency to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall." It is still essentially in use.

Williams said: "It is one thing to claim that a publication tends to deprave and corrupt, and a different thing to claim that it offends against current standards of what is acceptable."

"The deprave and corrupt test, the basic idea of the most important present law, had virtually none (defenders) and almost all of our witnesses wanted it abolished."

The Williams' conclusion was that "The law, in short, is a mess."

House of Lords

During the Committee stage of the Local Government (Miscellaneous Provisions Bill) the House of Lords has been considering amendments tabled by the Government at the Report stage in the House of Commons.

It has approved amendments which will give a local authority the right to ban sex shops from its area, it has to meet no conditions nor give any reasons and – in our view, quite astonishingly – there is to be no right of appeal.

The position was put clearly by Lord Belstead from the Front Bench. He said:

“In particular, as Amendment 31 proposes to make clear, the local authority would be able to form the opinion that it would be inappropriate to have any sex shops at all in the locality to which the application relates...

“We have also put down Amendments Nos 37 and 39 which propose that the local authority’s judgement on the question of whether a sex shop is appropriate should be final: in other words, on that question there should be no appeal.

“We have put down these two groups of amendments in the light of concern expressed before this debate took place that, as has happened in other fields, a local authority’s judgement might be overturned by a court which is less familiar with local circumstances.”

In our view the action of the House of Lords is both remarkable and unique, it is contrary to every concept of natural justice in that it takes away the basic right of appeal. And why? Because their Lordships were afraid that the courts might take a different view!

What Their Lordships Said...

Lord Belstead

“It is, indeed, the case that this amendment and the Government’s Amendment No 31 are both aimed at precisely the same objective – that is to make it clear that a licensing authority may form the opinion, on considering an application, that there should be no sex establishments in the locality to which the application relates, and that the application may be refused on that ground.”

Baroness Birk

“This is a question of taking away the right of appeal. The fact that it is also tied up with the “nil” provision – which the Government are seriously contemplating to put it at its lowest – makes the whole thing even more restrictive.

“The Minister said that the courts would probably overturn, or might overturn, the local authority on appeal. If we follow that dictum about almost everything else we can think of, we are really saying that we will not risk taking something to a court in case the verdict which the court gives is one we do not like.

“I must confess – and I do not like saying this to the Minister – that I find this quite monstrous. It seems to me completely contrary to British justice and to natural justice.”

Lord Belstead

“We have considered this matter very carefully and we take the view that in this instance it would be right to make the local authority’s judgement final.”

Lord Evans of Claughton

“This appears to me to be saying that local authorities might well make a

decision which is totally contrary to natural justice...why do we not impose the same kind of rules about licensing of public houses? Why do we not apply the same kind of rules about licensing betting shops and so on?

"Although I do not like the concept of sex shops, although I do not like the idea at all, I feel that by taking this step we would go too far and we might be creating a much worse situation than the one we are trying to cure."

Lord Wigoder

"I agree with those such as the noble Baroness, Lady Birk, and my noble friend Lord Evans, that this is going down a rather dangerous path to say that not only shall the decision be that of the local authority but that there shall, on these issues – which are justiciable issues – be no appeal whatever to the courts."

Lord Monson

"Sex shops have been in existence for many years and I think one can take it that if the medical advisers to successive Governments had endorsed the fears of the noble Lord, sex shops would have been out-lawed many years ago and rightly so. The fact that they have not been out-lawed suggests that the expert consensus is that they are not, on balance, harmful however aesthetically distasteful they undoubtedly are. That being so I contend that people should not be driven out of what is a lawful business without the fullest right of appeal."

Baroness Birk

I found the Minister's reply extremely unsatisfactory. He said that because of the proliferation of betting shops, we want to make absolutely certain that no court will be able to give the go-ahead to an application for a sex shop which has been turned down by the local authority.

Lord Houghton

"We hear a good deal about objections to sex shops. We have heard nothing so far about the demand for them. Why are sex shops where they are and why is it proposed to have more of them?"

"The simple reason is that there is a demand for them, otherwise they would pack up. When local authorities are given the power to decide on licensing sex shops, are they to take into account any evidence that might be available about the demand for them?"

"Or will they take a high moral line and say "Nil, nil, nil" and that will be it? Is it local government if it is done that way? Is local government just one grand piece of idiocy, or does it have some sense of responsibility?"

"Nowhere in the Bill is a local authority under any obligation to consider demand."

Earl of Halsbury

"Up and down the country local authorities want the power to say (in the words of an old wartime song) "Anywhere else you can do that, but you can't do that there 'ere."

Lord Bishop of Norwich

"What the Minister said about providing the local authorities with an opportunity of a nil return will give great encouragement."

Lord Jenkins of Putney

"We are saying 'There shall be no appeal against the local authorities' decision'. That is a very undesirable thing, and I am wholly against it."

Lord Houghton

"If I may say so, it all reflects upon the indecent haste which Government rushed into this kind of legislation. We are not an authoritarian state: we are not a clerical state; we are not a community which is imposing its prejudices or its religious beliefs on people or its concept of what is good or bad for them.

"We are trying to deal fairly with a whole community, with different points of view and different demands within it. I think that the bias with which noble Lords approach this Bill is quite deplorable."

Baroness Birk

"A number of people feel that despite their views on sex shops, it is wrong to deny people in a large locality the chance of access to something which is completely legal."

Lord Houghton

"If noble Lords had served, as I did, for three years on the Royal Commission on standards of conduct in public life they would have heard a good deal of evidence about the tyranny of local authorities, with a built-in majority lasting for years and years for one political party.

"It is dangerous to allow even an elected local authority to have absolute power. Some check on the abuse of that power is essential in the interests of liberty. That is why the right of appeal is given against refusal of licences in other connections."

Lord Monson

"I believe that the amendment we are now discussing is the thin end of a dangerous wedge of censorship, which I have always opposed, and therefore I must oppose the amendment."

Baroness Birk

"I am here talking not about natural justice but British justice...we are talking about taking away a right of appeal, and the Minister more or less said that it was being taken away because it was thought that too many applications might get through the net."

Lord Houghton

"The word 'pornography' has been used to denounce all kinds of things over the years and people have been prosecuted and sent to prison for offences which were quite outrageous in the context of what they were alleged to have done."

Baroness Birk

"This seems to me to be getting very close to – in fact, to be getting right on top of – the whole problem of censorship. This is not the Bill for it. If the Government feel as strongly as this about it, the right place for this to be is in public legislation, for sex shops to be made illegal if that is the will of Parliament."

Lord Houghton

"I think the Government have got themselves into unnecessary difficulties over this set of proposals by not giving them enough thought before introducing them into another place. This is the second time that a Bill dealing with this kind of subject has come to your Lordships' House, ill-thought-out, badly constructed and containing provisions which, when you examine them closely, have very disturbing meanings."

What Williams Said...

DEMAND

Those who are opposed to pornography are divided on one basic issue – the demand for it. On one hand there are those who claim that very few people purchase this type of material and that, if it was banned, the overwhelming majority would suffer no loss.

On the other hand there are those who believe that pornography is exerting such an influence on society that it is spreading like wildfire. Both sides have got it wrong – as the Williams Committee discovered.

The Committee looked into the matter very closely and estimated that there was a market in magazines of about 3,000,000 a month.

The Report said "...the gross audience for magazines of this kind is about 8,000,000 adults in Britain, but this does not mean that 8,000,000 adults read these magazines because some read more than one. However the indications are that about 4,000,000 people have read one or more of these magazines during the preceding month."

Williams found that the information available suggested that "the audience is fairly broadly based, except that it is predominantly male. It is also younger than the population at large, with those under 35 much more likely to be readers of such magazines than those over 45. Readership spans all social classes but is strongest among the skilled working class and weakest among the highest and lowest socio-economic groups.

"But interest is clearly not confined to any particular small group in the population: the common idea that this material appeals especially to the 'dirty old man' is not supported by the evidence."

Williams reported that a similar picture appeared from research studies undertaken for the US Commission on Obscenity and Pornography.

CRIME

People who are opposed in principle – as well as in practice – to pornography and sex shops frequently rely on their belief that these matters are directly linked to crime, an emotive argument and one which is bound to arouse public indignation.

The point is increasingly made by Members of Parliament, by their Lordships, by senior police officers, by journalists, by spokesmen for various pressure groups and so on. They have one thing in common: they rarely, if ever, produce statistical evidence to support their case.

Williams recognised that "the issue of whether people are more likely to be sexually assaulted as a result of the circulation of certain kinds of publication or the showing of certain kinds of films is obviously a very important one."

But the Committee did not leave it there. It looked at all the available evidence and commented: "Given the amount of explicit sexual material in circulation and the allegations often made about its effects, it is striking that one can study case after case of sex crimes and murder without finding any hint at all that pornography was present in the background."

It added: "In our society, as in others throughout the world, rising crime has been a matter of much concern for many years and it is pointless to seek a special explanation for a rising trend in sexual offences if that trend merely reflects an increase in the general level of offences.

"But is that the case? In fact it is not, because sexual offences have not shown anywhere near the same increase in numbers over the years.

"Much of the evidence we received assumed that pornography had worse effects the more extreme it was. Thus, mild pornography consisting of little more than 'pin-up' pictures is often regarded as harmless, whilst the strongest

and most explicit material is commonly regarded as the most corrupting.

"Yet in considering a hypothesis that sexual offences are linked to the widespread availability of pornography it is not obvious, on reflection, that hard-core pornography should lead to the commission of offences in a way that soft pornography does not.

"Indeed, many people might think that if a potential sex offender was going to be triggered off by something he saw, that effect would be produced at least as well, if not better, by the titillating and erotically arousing than by the clinical close-up."

Williams looked closely at the crime figures, together with the growth and subsequent decline in the popularity of pornography magazines during the 1970s and came to the conclusion that

"a period of apparently rapid increase in the availability of pornography seems to have been accompanied by a reduction in the number of sexual offences reported, which was reversed in the year in which increased police activity reportedly reduced the availability of sex magazines."

It continued: *"In 1946 sexual offences accounted for 2 per cent of all indictable offences recorded by the police. This proportion rose to almost 4 per cent in 1955 but has fallen steadily since until, in 1977 and 1978, sexual offences accounted for less than 1 per cent of all indictable offences reported by the police.*

"Offences of rape have increased faster than sexual offences as a whole, there having been five times as many reported cases in 1978 as in 1946, but this is the same rate of increase as for all indictable offences and a much smaller increase than for offences against the person, which increased over 20-fold."

Williams explained that it had taken evidence from a number of experts and

one, Yaffe, was able to conclude from the detailed research he had undertaken that *"sex offenders have had less recent exposure to sexual material than other groups."*

The Report added: *"We discussed these matters with a number of psychiatrists and psychologists, including some with special experience of the treatment of offenders, but we were struck by the fact that none of them was able to tell us of a case of which they had experience in which there was evidence of a casual link between pornography and a violent sexual crime.*

"None of our psychiatric or psychological witnesses in fact saw very great harm in straightforward sexual pornography and some, indeed, felt that cases more frequently occurred in which the effects of pornography were beneficial rather than harmful."

The Committee quoted Professor H.J. Eysenck of the Institute of Psychiatry as agreeing that, depending on how it was portrayed, sexual material could reduce violent activity.

And Dr. A. Hyatt Williams of the Tavistock Clinic gave evidence that the outlet provided by pornography could prevent the commission of offences and that an offence could result if a person dependant of that kind of satisfaction was deprived of it.

The Committee noted that the American Commission had come to the conclusion that *"empirical research has found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behaviour among youths or adults."*

Williams' own conclusion was: *"It is not possible, in our view, to reach well-based conclusions about what in this country has been the influence of pornography on sexual crime. But we unhesitatingly reject the suggestion that*

the available statistical information for England and Wales lends any support at all to the argument that pornography acts as a stimulus to the commission of sexual violence.

"Clinical opinion and our impression of the anecdotal evidence cohere: the cases in which a link between pornography and crime has even been suggested are remarkably few."

CRIME – SPECIAL CASES

Two particularly horrific murder cases – very widely publicised – have been used in an effort to prove that there is a link between pornography and crime: the Moors Murders and the Cambridge Rapist. The Williams Committee looked closely at both and reported:

"In the case of the Cambridge Rapist, the defence tried to emphasise the influence of pornographic films and magazines and the local Chief Constable stated at the end of the trial that the case had 'proved the real danger of pornography.'

"We do not believe that a study of the case permits such a simple conclusion... there was nothing to suggest that the particular methods which he had chosen to use in committing his offences owed anything to the pornography he had seen or that he would not have committed the offences had it not been for the influence of pornography.

"Somewhat similar considerations applied in the case of the Moors Murders, although in that case less emphasis was placed on the influence of the publications in the possession of the offenders.

"It would be extremely unsafe in our view to conclude, even tentatively, that exposure to pornography was a cause of the offences committed in those particular cases."

The Committee saw fit to comment on the general attitude of the defence in sexual cases – it said: *"We saw a number of press reports in which the defence had alleged on behalf of a man charged with sexual offences that the commission of the crime could be ascribed to the influence of pornography.*

"To lay weight simply on what it said by the defence would be rather naive: offenders or their counsel are not slow to proffer an excuse which mitigates the seriousness of the offence or reduces the individual's responsibility for having committed it...and it was noticeable that there were fewer cases in which the trial judge offered his own comment on the influence of pornography."

HARM

The Williams Committee recognised from the start the "harm condition" and it was faced with evidence in which people claimed to be opposed to pornography on the grounds that it caused harm to those involved in it.

It approached the matter on the basis of: *"What sorts of conduct may the law properly seek to suppress? An answer to that question which is widely accepted in our society, as in many other modern societies, is that no conduct should be suppressed by law unless it can be shown to harm someone."*

The Report explained: *"The arguments here are that certain kinds of behaviour, particularly in the form of criminal offences of violence and of a sexual nature, are either directly provoked by exposure to particular stimuli – such as the reading of a sex magazine producing a state of arousal which is manifested in rape or sexual assault, or the viewing of a film producing imitative violence – or are at least more likely to occur in an atmosphere created by pornography and violent material.*

"No one can reasonably say – though one or two of our witnesses have incautiously said it – that no pornographic book has ever harmed anyone. But that is not the point. It may well be that reading the Bible, for instance, has harmed someone. The question is whether pornography constitutes a class of publications to which, as such, there belongs a tendency to cause harms."

The Report added: *"...as Mr. Yaffe points out in his updated review, there does not appear to be any strong evidence that exposure to sexual explicit material triggers off anti-social behaviour. We would add only that this is consistent with what we learned from the clinical experience of those experienced medical witnesses we consulted.*

"This does not mean that no harm was seen in pornography – Dr. Hyatt Williams, for example, was less concerned about the possibility of initial corruption than about the way certain patients might have their recovery impeded if they were again exposed to pornography. Dr. Gellway, too, made the point that for some people on the edge of psychosis, pornography served to

weaken their grip on reality."

But Williams went on: "Our witnesses emphasised to us, however, that it was only a very small minority of people who were likely to be affected in this way and there was a general reluctance to suggest that the balance of advantage lay in attempting to place more severe restrictions on pornography in order to safeguard them."

The Report quoted Mr. Maurice Yaffe: "There is no consensus of opinion by the general public, or by professional workers in the area of human conduct, about the probable effects of sexual material."

Williams itself concluded "...our belief can only be that the role of pornography in influencing the state of society is a minor one. To think anything else, and in particular to regard pornography as having a crucial or even a significant effect on essential social values, is to get the problem of pornography out of proportion with the many other problems that face our society today.

"The indications from research results are that sexual patterns of behaviour are fixed before reading pornography can exercise any influence."

OFFENSIVENESS

Those who fail to prove that pornography is harmful often resort to the "lesser crime" of offensiveness – again a matter to which the Williams Committee gave detailed consideration.

It said: "Pornography will have some tendency to be obscene but will not necessarily be so. We claimed (in Chapter 7) that a tendency to be offensive is built into it, but it is not universally even offensive – it may have some other merit which cancels that effect. Still less must it inevitably be very strongly offensive or obscene."

Williams commented: "...to restrict publications 'because they upset people' could be a dangerous precedent. There can be various public manifestations, publications or other forms of utterance which may upset people, even deeply upset people, without those people thereby having a right to have those manifestations suppressed."

It concluded that "Restrictions on the open sale of these publications, and analogous arrangements for films, thus seem to us to be justified... pornography might be legitimately sold in shops which announced their nature but did not allow their contents to be seen from the outside."

WOMEN

Certain women's organisations – and individual supporters of various liberation movements – have voiced their opposition to pornography and sex shops loudly in the Press, on radio and television. They were invited to give evidence to the Williams Committee.

But it reported that, whilst more than 150 organisations and groups had made written submissions, there had been "a very small response to our invitation from the women's movement, despite the strong view held about pornography by many who are active in the movement."

Williams commented: "Some emphasised the aspects of pornography which degrade women in that much material is not only offensive but encourages a view of women as subservient and as properly the object of, or even desirous of, sexual subjugation or assault.

"Many of our women correspondents wanted the law to be invoked against the degradation of women in pornography; but the consensus of those parts of the women's movements from which we heard tended to attach greater importance to freedom of expression than to the need to suppress pornography."

CHILDREN

We recognise the genuine public concern about the possible effects of pornography on children – we fully accept the need for protection as, for instance, with alcohol and cigarettes – and we take careful notice of the comments of the Williams Committee:

"The effects of pornography and violent material were widely seen as particularly dangerous to the young and most of our witnesses wished to see children and young persons protected.

"We did hear from some of our expert witnesses a certain caution about just how susceptible children were to such influences, for this is not a field in which much is known. For obvious reasons children have not been used in experimental work on exposure to pornography, and we heard no evidence of actual harm being caused to children.

"Some witnesses suspected that children would not take very much notice of pornography and that they might be more robust than was commonly

assumed, but there was nevertheless a reluctance to take any risks where the young were concerned."

MARRIAGE

As the Williams Committee explained, there are those who believe that pornography could be influential in damaging human relationships and in leading to marital breakdown – for example, pornography led to husbands demanding sexual experiment which their wives found abhorrent.

It was claimed that pornography's emphasis on sex divorced from any notion of love, and the wildly exaggerated ideas which it offered of sexual fulfilment and sexual performance, created dissatisfaction with existing partners and the desire to look elsewhere.

Williams commented: *"We have to say, however, that we received very little concrete evidence to this effect. The Nationwide Festival of Light expressed the belief that the problem was a very considerable one."*

"Mrs. Mary Whitehouse told us that she had received a large number of letters about the deleterious effect of pornography on marital relations...but she said it would not be practicable for her to produce them for us to see."

On the other hand, Williams said: *"If there was a real problem of this kind arising from pornography we had expected to hear more of it, and we were interested to hear from Mrs. Angela Willans, who has long experience of conducting the problems page of the magazine 'Woman's Own' that she received few letters complaining of the demands of their husbands instilled by a reading of pornography."*

PRESS AND PUBLIC OPINION

It is not unknown for the Press to seize on a particular issue and to attempt to arouse public opinion, thereby influencing the thinking in Government circles. Pornography has not escaped its attention.

Perhaps the classic illustration came over children and pornography, an obviously emotional issue and one in which the public outcry led to the enactment by Parliament in 1978 of the Protection of Children Act.

The Williams Committee looked closely at that controversy and reported:

"The need for fresh legislation for this purpose was always in some doubt."

"Certainly no evidence was put to us that child pornography was a growing problem – indeed, the Director of Public Prosecutions told us that he had no evidence that there was any new problem, or one of any significance, and he considered that the existing law was adequate to deal with it."

It is, perhaps, of some significance that neither the Members of Parliament nor the journalists who played such a prominent part in the public campaign took the opportunity to present their evidence to the Williams Committee!

Williams did, however, comment: *"The subject always attracts controversy and an obscenity trial or a censorship decision is likely to be exploited by the media for its public interest."*

"But this interest undoubtedly fluctuates over the years and the controversy rages more fiercely in some periods than in others. It may be that our appointment owes something to the fact that the preceding years had seen more frequent and more heated discussion of the subject."

OPINION POLLS AND RESEARCH

There has, in fact, been very little polling on the subject of pornography – and we do ask whether those who are implacably opposed to it have been careful not to commission opinion polls for fear that their own beliefs would not be shared by the majority.

The Williams Committee relied on the 1973 ORC survey which showed that 71 per cent of people claimed never to have been seriously upset by an indecent public display.

It also reported that people were *"apparently much more prepared to take a libertarian line with publications than with films with 74 per cent (as against 46 per cent for films) saying that they were in favour of the freedom of adults to buy whatever literature they wished."*

According to Williams, the Commission on Obscenity and Pornography in America conducted an attitudes survey and found a similar distinction.

On the question of research, Williams commented: *"It would be stupid to claim that no future research could shed more light on these questions than past research has done."*

"But we do strongly suspect, in fact, that what these questions need are not so much new facts as new ideas: and further, that enquiries which will be helpful are more likely to be those directed to the study of human personality as a whole, rather than to specific questions about violent or sexual materials and their supposed effects."

PROHIBITION

The more forthcoming and open of opponents of pornography simply want it prohibited – we respect their views and acknowledge their honesty. Others want prohibition through the back door and Williams took careful account of both types of witness.

It reported *"...it is neither necessary nor desirable to give the law the task of trying to suppress all pornography. We conclude, therefore, that the law should primarily aim to restrict pornography so that it will not be offensive to the public, and to satisfy the widespread feeling that young people should not be exposed to material of this kind."*

"Of course, to an extraordinary degree, nudity, titillation, eroticism and sexual imagery are generally deployed in present capitalist societies, above all for the purposes of advertisement, and having nothing to do with pornography or obscene publications at all."

Williams pointed out the futility of *"trying to impose a ban on a market which would inevitably continue to exist"* and it referred to *"frequent comparisons with the futile attempt to ban liquor, as in the American period of prohibition...the evils unleashed by the laws were worse, it was said, than those it was intended to prevent."*

LICENSING

In view of the decision of the House of Lords to give local authorities the right to licence sex shops – and to say that there shall be none in their area – with no right by the applicant to appeal, the views of the Williams Committee on licensing take on added importance.

The Committee reported: *"If, however, an exception to the use class covering shops were made in respect of shops selling pornography, the planning authority would be able to control the numbers and location of such shops."*

"There was real doubt as to the extent to which the planning authority could properly take into account the nature of the goods which a shop was to sell."

"It seemed to us that the pressures which would be placed on planning authorities when they were considering an application to open a pornography shop were unlikely to be based strictly on planning and amenity grounds and that it would be undesirable, by requiring special permission for such shops, to arouse expectations that other kinds of objection would be relevant."

"We found it hard to see sufficient reason why pornography shops out of so many other kinds of retail outlet should be singled out for special planning control."

Williams added: *"We see no reason to dignify pornography with the trappings of a licensing system or to make provisions for those carrying on business in such material to be subjected to vetting or for their premises to be subject to inspection."*

"The need for a licensing system to ensure that a service is carried out properly scarcely applies to this kind of business, which in any case is of interest to a relatively small part of the population and therefore lacks a place in national life that would justify the establishment of a formal system of control."

CENSORSHIP

Those who are in favour of censorship received a sharp answer from the Williams Committee: *"Few people suppose, for instance, that the mere fact that a lot of people dislike something is, just in itself, a good enough reason for suppressing it."*

ALTERNATIVES

Few of the critics of pornography have given serious thought to the fact that people who want a product badly enough will invariably find it – even if that product is driven underground.

What is even more likely is a significant growth in the mail order business and that involves at least one major problem: it will be impossible to exercise any

control over the age at which young people acquire pornographic material.

Williams pointed to another difficulty: "It was also widely agreed that if published pornography was not available, some people would simply produce it for themselves.

"Dr. Gellway, for example, showed us a highly pornographic and very disturbing story written by a young offender he had treated and cited to us another instance of a man using what materials were available to him in prison – even the *Farmers Weekly* – to construct pornographic pictures."

DR. JOHN COURT

Many of those who oppose pornography quote the research and findings of Dr. John Court, Reader in Psychology at the Flinders Institute of South Australia. The Williams Committee looked closely at his evidence and commented:

"We are satisfied that Dr. Court's publications about pornography are more successful in expressing condemnation of pornography than they are in giving the study of its effects a sound scientific basis. We discount his evidence and, to the extent that they rely on his word, the evidence of those who quote him."

DENMARK

The Williams Committee commented that "there has grown up something of a folk myth about the effect of the Danish liberalisation on the incident of sexual offences."

It added: "It is often said, and it was said to us, that the freeing of pornography in Denmark resulted in a decline in sexual offences, but this kind of unguarded statement is very vulnerable to attack."

The prohibition on the obscene written word was abolished in Denmark in 1967 and that on obscene pictorial matter in 1969. Williams discussed subsequent developments with Dr. Kutchinsky of the Institute of Criminal Science at the University of Copenhagen.

The Report stated: "He confirmed that his later work has supported his view that there has been a real and significant reduction in indecent assaults on

female children and that this very closely correlated with the availability of pornography.

"The dramatic reduction of two-thirds in the number of sex offences against children between 1967 and 1969 was difficult to explain other than in relation to the availability of pornography.

"Dr. Kutchinsky suggested that those who interfere with children typically do so not because they are irresistibly attracted to children, but as a substitute for a preferred relationship with a woman which they find difficult to achieve; but if there is another substitute available in the form of pornography then that serves the purpose just as well."

Williams expressed the view that "whilst Dr. Kutchinsky's explanation cannot be conclusive, we have to admit that it is plausible" and it said of the general situation in Denmark:

"It was clear that the whole subject was of very little interest to the officials and police officers to whom we spoke in Denmark, and this in turn is because the population at large finds very little controversy in the present situation.

"There seems to be no significant lobby for a return to the laws prohibiting pornography. There are some groups campaigning against moral decline but pornography is not a central issue for them and we found a recognition among them that fresh measures against pornography would not command significant support in the Danish Parliament. The clear impression which emerges is that for the Danes the issue of pornography is now dead."

FRANCE

Williams looked at the position in France and reported: "There is no special control of pornographic shops: They require no licence or other permission and are simply part of a free market, but in order to comply with the restrictions resulting from the 1949 law on the protection of the young they must not admit persons under 18 or display their publications where they may be seen by persons under 18.

"As in Denmark, the situation in France appears to give rise to very little controversy and we were told that there is no public debate on the availability of pornography or pressure against the Government allowing administratively what the law still in theory prohibits."

Conclusion

We set out to explain the position as we saw it – clearly we have a vested interest but we have, nevertheless, endeavoured to be rather more objective than some of those who wish to put us out of business.

The way in which the Government has introduced this new legislation – at short notice and, in our view, without adequate consideration or consultation – should be a matter of concern to Members of Parliament, whatever their view of this particular subject.

The fact is that it will now be possible for a local authority to say “no” simply because a majority of its members dislike pornography and sex shops. There are to be no stated grounds for such action and no right of appeal.

We believe we are entitled to point out that the Government has no mandate for this action – the matter was not mentioned in its election manifesto – and it has totally ignored the Williams Committee which rejected the need for the kind of licensing system now proposed.

The Government’s attitude is all the more peculiar in view of its commitment to the free operation of market forces and its opposition to unnecessary state regulation. It has made a nonsense of both principles.

In our view, the Government has bowed to vocal pressure groups which have provided not a shred of evidence that they speak for the majority of people – or even for a substantial minority.

For our part we recognise the need for certain controls and we have come to accept that a licensing system is likely to be introduced, despite the fact that we do not believe it to be necessary or desirable.

There are, after all, substantial regulatory authorities covering this field. The planning authority controls the user of the premises, the fire authority is responsible for general safety and means of escape and the police can act under the Obscene Publications Act 1959, the Indecent Displays (Control) Act 1981 and the Protection of Children Act 1978.

Now the Government is proposing fresh legislation and, if it is to become law, we ask that three matters – all of very considerable importance to our customers and ourselves as well as essential features of British justice – be introduced:

- (a) that Parliament lay down the conditions on which a local authority has the right to refuse an application
 - (b) that the local authority shall be required to state the grounds for rejection
 - (c) that the applicant shall have the right to appeal
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“There are people who will gain a perverted satisfaction from reading accounts of Nazi atrocities or of other historical happenings – or even passages in the Bible – but publications cannot be suppressed on that account.”

Williams Committee