

"The 1959 Obscene Publications Act, which was intended to 'strengthen the law on pornography', should be made effective."

The case against the proposition is made by David Webb, Honorary Director of the National Campaign for the Reform of the Obscene Publications Acts (NCROPA)

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"Pornography" means the "description of the life, manners etc. of prostitutes and their patrons",<sup>(1)</sup> although it is indiscriminately and inaccurately used by many of our self-appointed moral guardians to refer to the depiction of anything sexual, even straightforward pictures of the naked human body. What is certain is that ideas about its meaning always differ. Perhaps this is why the term appears only in the preamble to the 1959 Obscene Publications Act, never in the Act itself and nowhere else in British law.

The 1959 Act concerns itself instead with the concept of 'obscenity', which cannot be measured objectively. What one person finds 'obscene', another will not. Despite this, the Act attempts to define the indefinable by specifying that an article shall be deemed to be obscene if its effect is such as "to tend to deprave and corrupt" persons who are likely to read, see or hear it. However, 'depravity' and 'corruption', like 'obscenity', cannot be measured objectively either.

In spite of, or rather because of, its use of these absurd legal definitions, the Act has served as a viciously repressive, authoritarian measure, imposing, as it does, the most draconian censorship restrictions of virtually all other countries of the so-called free 'Western World'. In France, West Germany, Holland, Denmark, Sweden, Italy, Spain, Portugal, Switzerland, Greece, U.S.A, Australia, and many more countries, such gross infringement of individual liberty and the freedom of expression would not be tolerated.

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There is no doubt that the present Act is not only "effective", but ruthlessly effective. That it does not result in more prosecutions is simply a measure of its oppressive influence. It is, however, also unfair, unreasonable and unnecessary. All the really credible, major investigations into the effects of the free availability of sexually explicit material for consenting adults have reached the conclusion that it is basically harmless and often even positively helpful, not least for providing an important 'safety-valve' release for natural, sexual energy. (In an AIDS-plagued society such a 'safety-valve' is even more important.) The distinguished 1977-79 Home Office Committee on Obscenity and Film Censorship also unanimously came to this conclusion. It recommended that one new, comprehensive law should replace the present Act and all other relevant legislation. (2) The NCROPA agrees with that idea, provided that such a law enshrines our inalienable right to choose for ourselves what we read, see and hear. The blanket censorship effectively imposed by the present 1959 Act is wrong in principle, savage in implementation and a national disgrace. It must not continue.

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(1) Oxford English Dictionary, OUP.

(2) Home Office Report of the Committee on Obscenity and Film Censorship. 1979. Cmnd 7772, HMSO.