

Marlborough College

2/2/84

'PORNOGRAPHY' OR CENSORSHIP?

It's thanks to my arch adversary, the President of the National Viewers' and Listeners' Association, that I have been afforded the very great pleasure of talking to you tonight. When I heard that Mrs. Mary Whitehouse had cancelled her visit on 19th January because of, quote, "national" affairs, I thought for one awful moment that she might be bringing yet another prosecution against the "National" Theatre, but it seems that she was merely preparing the stage for the next day's N.V.A.L.A. annual award presentation ceremony to BBCTV's "Yes Minister" programme, when Margaret Thatcher demonstrated with startling effectiveness that, as an actress, what a good Prime Minister she is! I had hoped to bring a message to you from her, but she did not turn up at the House of Commons yesterday for the weekly Wednesday sitting of the Standing Committee currently examining the controversial Video Recordings Bill. ^{I thought that} Perhaps she had anticipated that a crucial vote was going to go against her! But it appears that she has now turned her attentions to the I.B.A. and is suing them for permitting "Scum", the film about Bobal life, to be transmitted on I.T.V. Having done battle with the formidable lady on a number of occasions, I feel confident in anticipating that the talk you are going to get from me will differ considerably from the one you would have got from Mrs. Whitehouse. Certainly the conclusions that I draw will be diametrically opposed to those she would have drawn. But anyway, after I've given a brief outline of my views and the views of the National Campaign for the Reform of the Obscene Publications Acts, of which I am the Honorary director (as you know) and which I founded in 1976, there will be an opportunity for questions and, I hope, general discussion. Just before I start, however, let me just ~~mention that~~ say that I hope you will not find what I have to say boring, but if you do, please try not to nod off, otherwise you might just miss the free pornography samples that I shall be passing round from time to time! And before the Chaplain has a seizure, I hasten to add that I'm an inveterate liar! What I am now about to say, however, is not a lie.

As I see it, there are five questions which need answering:-

- (1) What is "pornography"?

- (2) Is "pornography" harmful?
- (3) Should "pornography" be censored?
- (4) How should "pornography" be censored?
- (5) Who should censor "pornography"?

First, then, what is "pornography"?

Many years ago, when I was at school, in nineteen hundred and frozen to death, there was a very popular BBC Radio programme called "The Brains Trust". Its 'star' performer was a Dr. C.E.M. Joad who began virtually every answer he gave with the words - "It depends what you mean by etc." ^{well} Nowhere would such a response be more appropriate than when applied to 'pornography'. Its literal meaning is, of course, the writings of whores, ^{but} Nowadays it is used much more indiscriminately to describe any ^{form of} publication from the so-called 'soft-core', mildly erotic, to the 'hard-core', unrestrainedly sexually explicit and sexually arousing. Since people's ideas about 'pornography' differ so widely, and since, if you'll pardon the expression, 'pornography' has become a dirty word, I always try to use the word as little as possible, and always, when I do, I put it in inverted commas, so to speak. Instead I much prefer to refer simply to sexually explicit material. For the purpose of this talk, therefore, any reference I may hitherto make to 'pornography' should be interpreted as meaning sexually explicit material.

The second question to be answered is "Is pornography harmful?"

Since 1966, there have been four major investigations into 'pornography' and so-called 'obscenity' and its effects. The first of these was the Danish Forensic Medicine Council's Report to the Danish Penal Code Council in 1966, and which subsequently led to the complete removal of all censorship restraints in that country, although it is fair to say that in 1980, I think it was, legislation was enacted

to censor sexually explicit material involving young children under fourteen. Then came the 1968 Arts Council of Great Britain's Report on the Workings of the Obscene Publications Acts (I shall have more to say about the O.P. Acts later on). This was followed in 1970 by the exhaustive, two million dollar United States Presidential Commission on Obscenity and Pornography. And then in 1979, after being in session for nearly two and half years, our own Home Office Committee on Obscenity and Film Censorship (known as the Williams Committee) reported its findings to Parliament.

All these thorough and authoritative major investigations reached the same conclusion, that 'pornography' of whatever kind, is basically harmless and should, therefore, be freely available to consenting adults.

The Williams Committee is, of course, the investigation with which I am most familiar, because the N.C.R.O.P.A. gave both written and oral evidence to it. There are a number of its conclusions with which we did ^{not} agree. We did not agree, for example, that live sex shows should still be banned. That, we thought, was a silly inconsistency with their other conclusion that pictures of sexually explicit acts should be permitted in books, magazines and films. If in films and books, we argued, why not in reality? However its basic findings were very much in line with our own submissions. It is also very significant to note that its findings were unanimous and it was a very distinguished Committee by any standards. Its chairman was, of course, Professor Bernard Williams, Provost of Kings College Cambridge, and its members included the headmistress of a large girls' - no, sorry, girls' large comprehensive school, a high court judge, a former police chief constable, two other university professors (one a professor of law) ^{an eminent psychiatrist} and the Bishop of Bristol. It is quite disgraceful that so many scurrilous attacks have since been made on the integrity of these people, especially by Mary Whitehouse, and that ^{their Report} ~~it~~ has lain gathering dust on the Home Office shelves for the past four years without any action being taken on it, *whatsoever*.

There have, of course, been many other smaller pieces of research conducted into the effects of 'pornography', but very few of them stand up to in-depth scrutiny. This is usually because, by its very nature, any evidence produced or collected, is inevitably anecdotal rather scientific. If there are any harmful effects of this material, they simply cannot be measured scientifically. Any researcher or investigator must rely on straightforward questionnaire techniques which are notoriously unreliable particularly when used on children. The recent report I have here on "Video Violence and Children" is a classic example of the dishonest way in which such a survey can be manipulated to produce a desired result - in this instance by a Church of England Working Party, parading under the grand sounding but largely bogus name of Parliamentary Group Video Enquiry and marketed by the Order of Christian Unity. Notwithstanding that the methods used in gathering the data for the survey are highly questionable to say the least, the Group published its findings based on only one sixth of all ^{the} 6000 children's questionnaires, ^{distributed} and before any parents' questionnaires had been processed at all! These quite improperly drawn findings were given banner headlines in the press, like those in the cutting I have here from the "Daily Mail" of November 24th last. ^{What they did for the 'Puritan Brigade', I don't know, but} ~~they~~ ^{they} didn't do much for Christian Unity, since they were very quickly condemned by the Methodist Church and Roman Catholics, and also by the Oxford Polytechnic's Television Research Unit, the people who were ^{actually} conducting the survey. Not surprisingly, these disclaimers have not received "Daily Mail" banner headlines, ~~nor~~, indeed, even a mention in a footnote.

It has, of course, always been a favourite ploy of the pro-censorship, anti-pornography brigade to campaign on the emotive "Save our Children" banner and use it as their final bastion of defence. In fact, children are not nearly so vulnerable as many would have us believe. In reality, there is no firm evidence of (a) any mass corruption of children as a result of the existence of 'pornography'; (b) no firm evidence of any mass exposure of children to 'pornography' and (c) no firm evidence of any lasting harmful effects even if a child is accidentally exposed to such material. As ^{BBC TV} "Mastermind" Chairman Magnus Magnusson said in a BBC television interview with Terry Wogan last year, if young children see it, they won't understand

it, and if they are old enough to understand it, it won't do them any harm anyway. I should add, incidentally, that he himself ^{frankly} admitted to a penchant for 'pornography'. Full marks to him for having the courage to say so publicly. Not many do. Fortunately, however, Magnus Magnusson's view is also shared by many others who can legitimately claim expert knowledge of the subject. In a letter to "The Times" dated 10th February 1978, Professor Ivor Mills, Professor of Investigative Medicine at Cambridge University, pleaded for a more rational look at the facts about the effects on children of sexual material and in another letter dated 22nd February 1978, a former Metropolitan Police Surgeon, Mr. A.P. McEldowney, with 25 years experience in the Met, entirely supported the Professors's plea and said that, in his opinion, "far more harm was done to a child who had experienced sexual exposure of one kind or another, by the repeated questioning by parents, police, and people like himself, than was done by the exposure itself, which if left alone, the child would have soon forgotten."

Neither I, nor the N.C.R.O.P.A., of course, condone the use of children in sexually explicit material, but although we go along with limited measures ~~to~~ to "protect" children from 'pornography', this does not imply that we accept that children are necessarily at risk. This is simply to allow parents, up to a point, to decide on what their children view, although many of our supporters, myself included, would not classify anyone of 16 or over as a child.

We must also remember that, for some people, 'pornography' is positively beneficial. We have two doctors on our Committee, one male and one female, both of whom are specialists in sexual medicine. Many of their patients with sex problems, are helped by exposure to this kind of material. And let us not also forget those unfortunate people who, for one reason or another, are denied available sexual partners, the sexually deprived, including social misfits, the lonely and the disabled, and whose only sexual outlet, is through the use of pornography as a means of stimulation in masturbation. And while we're on that subject, I wonder how many potential rapes

have been averted by potential rapists releasing their sexual frustration in the privacy and safety of their own homes by means of pornography-assisted masturbation, instead of resorting to the criminal pursuit of unwilling partners? *No survey is done going to tell us that unfortunately but I think that the 'Porn equals Rape' protesters ~~should~~ would do well to consider it.*
In the absence of any verifiable proof otherwise, then, the only conclusion that can be drawn, is that pornography is not harmful - and certainly not for adults.

Our third question follows on, logically, from the answer I've just given to the previous question. "Should 'pornography' be censored?"

In the words of the immortal Marilyn Monroe, "Sex is here to stay". Whether you or I, or Mrs. Whitehouse like it or not, it is a fact and it is with us. Like eating and drinking, sexual appetite, although varying in individuals both in quantity and taste, is one of the prime instincts in man - and woman (nothing sexist about me!). The pursuit of sex is a most natural, wholesome and pleasurable activity. It is not something to be ashamed of, nor suppressed. That means that representations of it - books, magazines, photographs, films, videos or any other kind of publication, however explicit, - similarly, should not be suppressed, any more than publications on food and drink should be suppressed, and goodness knows, there are millions and millions of those. I maintain that there is no such thing as an unhealthy interest in sex - even deviant sex, ^{if} to coin a phrase, that's what turns you on -. There is however, unhealthy interest in wanting to suppress it. And that, regrettably, is what this country is obsessed with.

~~There are three~~ Pornography should not be censored and should be free from all legal restraints, other than, perhaps film advisory classification, except in three respects:-

(1) For reasons I've already mentioned, it should only be available for consenting

adults (and I have given my interpretation of adulthood, i.e. 16 years plus),
(2) Its production should ^{not} involve the infliction of any actual physical harm to any participant, and
(3) No 'pornographic' publications should include or involve anyone who has been coerced into participating in its production. So its (1) consenting adults, (2) no physical harm and (3) no coercion. And the third qualification does, of course, preclude ~~exclude~~ the use of children in such material since, obviously coercion would have to be used to recruit ^{immature} children for such a purpose.

Some will accuse me of pretending to champion a "no censorship" cause whilst at the same time, by accepting the need for these three exceptions, acknowledging that some censorship is necessary. Let me say straightaway ^{gay} that there are already sufficient laws in this country to take care of the second and third of these qualifications, these exceptions, what I would describe as regulatory controls. They are merely controls but they are not prohibitions where adults are concerned. And, as I've said, the age limit is simply a realistic concession to allow parents the right to decide what they want for their children - up to a point - just as they do in other matters of ethical choice.

Fourth Question - How should 'pornography' be censored?

The Williams Report, recognising that our present censorship laws are a chaotic mess, recommended that they should all be scrapped and replaced by one new comprehensive statute. The N.C.R.O.P.A. is in full agreement with this recommendation. It would mean the repeal of the chaotic present Obscene Publications Acts of 1959 and 1964, which incorporate the famous and absurd "deprave and corrupt" definition of what is "obscene", and the amending of a number of other Acts which restrict or prohibit in one way or another the dissemination of 'pornography', e.g. The Post Office Act 1953 (so that it would not be an offence to send a so-

called "indecent" article through the post,)), the Customs Consolidation Act 1876 (so that the import and export of "indecent" articles would not be an offence) and the Cinematograph Acts of 1909 and 1952 (so that film censorship could not be imposed by the licensing authorities) and so on. The new, comprehensive Act that the Williams Report talked of, would, we believe, need simply to incorporate minimal regulations to cover the restrictions I have already mentioned. A statutory body to classify films would be required, but not the B.B.F.C. who are a self-appointed, self-perpetuating body accountable to no-one. The Statutory Films Classification Board envisaged, would, however, ~~be~~ ^{be an} advisory body only and would or should not have the power to ban ~~any~~ ^{out} any film whatsoever.

Since the Williams Report was published in November 1979, not only has the old status quo not been maintained, and goodness knows our censorship laws were already then draconian enough, but four more additional pieces of legislation on 'pornography' have been added to the Statute Book, and if the present Video Recordings Bill, which we are currently battling against furiously, becomes law, the most repressive yet, that will be the fifth. And the Williams Committee specifically recommended that there should be no more piecemeal legislation of these kinds. Furthermore, all this new frighteningly authoritarian legislation has been enacted whilst most other countries in the Western World have been liberalising and in many cases completely dismantling their censorship restraints. Even recently fascist Spain has removed most censorship. It is a fact that this country now has more censorship restrictions than virtually any other Western World country and the horrifying thing about the Video Recordings Bill is that, for the first time in this country, apart from theatre censorship, which was abolished by the 1968 Theatres Act, State pre-censorship is to be implemented. '1984' is with us in more ways than one!

Our Final question, "Who should censor pornography?" has really already been answered.

Ideally, and I'm sure you have certainly got this message, if no other, I would rather no-one was allowed to carry out this impossible task - and having sat through all eight debates on the Video Recordings Bill at the House of Commons so far, if ~~there~~ there is one thing that has become abundantly clear, it is that a censor's task is an impossible one. Individuals certainly cannot be entrusted to carry it out. The hole that all censors and would-be censors fall into, however objectively they claim to look at things, is that they always want to censor what they, as individuals, don't like. The only way to overcome the dilemma, therefore, is, firstly, to have as few restrictions as possible, and I think the ones I've put forward tonight are as minimal as one could get, and secondly, to define those restrictions as clearly, and as unambiguously as possible. The law which incorporates these restrictions must, in fact, be foolproof, It ~~can~~ ^{can} ~~be~~ ^{be} done, and if it ~~cannot~~ cannot, then we will do better, to do without it. *Altogether.*

In conclusion, then, censorship is a very blunt instrument, and it is a very dangerous instrument. It can only be justified in exceptional circumstances, for example in the interests of national security or where there is indisputable evidence that ~~that~~ positive harm will be caused if it is not imposed. With regard to 'pornography' no such evidence has ever been produced. That some, or even many, may find it distasteful, or repugnant or even offensive, is no reason for its suppression. In a free society, we must be free to have both the good and the bad, and free to choose between what we see as the good and the bad, even if we harm ourselves in the process, as long as we don't harm others in ~~the~~ so doing. That was ~~the~~ ~~philosophy~~ of Victorian writer John Stuart Mill's famous philosophy, of course, It seems to be getting fashionable to knock John Stuart Mill nowadays. His philosophies do not apply to a modern technological age, we are told. I disagree. I believe that every adult has an inalienable right to see, read and hear whatever he chooses for himself. On May 14th last year, a ~~misant~~ militant, feminist group parading under the ~~the~~ ^{"Pornography is violence against women"} banner, organised a series of bonfires in

public places ceremoniously to burn pornographic material. It called to mind what the German poet and philosopher Heinrich Heine wrote in "German Philosophy and Literature" in 1840. "When books are burned," he wrote, "in the end people too get burned". How prophetic! I think those misguided feminist censors would do well to consider that Hitler began by public ~~book~~-burning and ended by burning people in the incinerators of Auschwitz, Dachau and Belsen. I don't think they understand the full implications of their action. I only hope that you do.