

# CAMPAIGN AGAINST CENSORSHIP

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## The CAC Council

- Ted Goodman - Chair
- Mary Hayward - Secretary
- Nigel Meek - Editor
- Basil Stein
- Mark Taha
- Brian Seager

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## CHAIR'S REPORT Ted Goodman

The Chair has maintained CAC's policy of writing formal letters of protest to authorities exercising censorship (including self-censorship) in the United Kingdom. Although few of them reply, such protests are noted. The British Board of Film Classification (BBFC), however, did respond, trying to justify its overzealous censorship of all scenes of defecation, urination and violence. It argued that the laws against obscenity and consensual assault (the Spanner case) justified the BBFC's stance. The UK is thus the only country to prohibit the video game *Manhunt 2* for adults.

A notable example of self-censorship occurred in the Channel 4 television programme *Ancient Greek Olympics*, broadcast in July 2007. It purported to be an accurate reconstruction, but the

athletes wore modern posing pouches! The Chair of the CAC wrote to the programme's director stating that he should be ashamed at participating in the decline of civilisation since classical times when male nudity was acceptable. Similarly a letter of protest was sent to the director of the *Charlotte Church Show*, also broadcast by Channel 4, complaining that newsreels of female celebrities appearing in public without knickers were shown pixilated, thus defeating the whole object of the feature! British television companies are treating all programmes as though they were on children's hour. Fear of OFCOM was admitted in a written response by ITV to CAC in April 2007 justifying pixilation of a penis after the 9pm watershed.

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## EDITOR'S COMMENTS Nigel Meek

Welcome to the latest issue of the *CAC Newsletter*.

Aside from the modest effort in compiling and distributing this newsletter, the majority of my work has involved liaison with allied organisations such as those mentioned in the Chair's report.

Some of this has involved interesting philosophical dilemmas, particularly in the case of Backlash.

The commitment by the CAC and its representatives to Backlash has been that of civil libertarians rather than as those personally involved in the activities covered

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## **DRAFT OF THE CAC'S COMMENTS ON THE CRIMINAL JUSTICE AND IMMIGRATION BILL 2007**

### **Introduction**

The indented text below is a draft of the CAC's comments to be sent to the relevant House of Commons Select Committee concerning sections of Part 6 of the *Criminal Justice and Immigration Bill 2007* (<http://tinyurl.com/2vh8fl>) regarding "extreme pornography".

For reasons of space we cannot reproduce all of Part 6 here. However, sense can be made of the CAC's comments by following the link in the preceding paragraph. The text below follows the sections and sub-sections used in the *Bill*.

### **Proposed Comments**

**GENERAL:** The mischief at which Part 6 is aimed is incitement to crime through viewing "extreme pornography". That could easily be dealt with by a clause stating that viewing such material cannot be used as a defence or mitigation by someone accused of any crime. Instead, Part 6 criminalises mere possession of a wide range of visual material, thereby grossly violating freedom of expression in a way unknown in any other Western country.

64 (3) Obscene Publications are already criminalised by existing statute. This Section, however, conflicts with that law by introducing a new, differently defined, publication called "pornography." This would cause confusion and conflict of laws.

64 (6) To criminalise images which

merely "appear" to threaten would outlaw a wide range of fiction.

65 The need for "excluded" images highlights the draconian nature of Part 6. To avoid conflict of laws, all classified recordings must be excluded.

66 To make this Section compatible with the existing *Obscene Publications Acts*, a defence of public good is necessary.

67 This is a victimless crime in that viewing such material causes no injury to anyone. Imprisonment is therefore wholly inappropriate, especially having regard to the fact that this country already has by far the biggest prison population in the European Union.

### **Suggestions Welcomed**

The CAC Council welcomes suggestions from Members regarding amendments to the draft. Comments should be sent to the CAC via one of the routes indicated on the back page of this *Newsletter*. However, it is expected that the Select Committee will be chosen in October so this is rather "short notice" and any suggestions are requested as soon as possible!

[*Editor's note: This article was submitted some time ago. However, its contents are still of relevance. As we go to press, the legislation is still going through the various Parliamentary stages.*]

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The Chair has also participated in available media opportunities. One was a *Radio 5 Live* debate in February 2007 dealing with the call by the Director of Communications of the Diocese of Lichfield for more censorship of cinema and television, as they were "eroding standards of behaviour".

Rapid response to the continuing assaults on freedom of expression in this country regrettably remains as necessary as ever. To that end the Chair of CAC has maintained contact with allied organisations such as Backlash (the group opposing the proposed prohibition of "extreme pornography"), the Libertarian Alliance, the Sexual Freedom Coalition and the Society for Individual Freedom.

## SECRETARY/TREASURER'S REPORT

**Mary Hayward**

Because of various health and family problems the CAC's Council has not been as active lately as we would have wanted. An organisation like CAC, run entirely by volunteers, is always limited by other demands on people's time and energy.

If you are a member of CAC, live within reach of central London and can spare time in the evenings for meetings, would you be interested in joining the Council? With more people we could do more. Get in touch with the Hon. Secretary for more details. Contact details can be found on the back page.

The Campaign's position is that mere possession

of any material, no matter how offensive, should not be a criminal offence. This applies to extreme politics as well as deviant sexuality. The government proposes to make looking at "extreme pornography" a crime but the material to be proscribed could include images of torture from Iraq or elsewhere. We can now be imprisoned just for daydreaming about "terrorism". The day of the thought-crime has arrived.

Our profound thanks to Mr McCormack of Loughborough, a long-standing member who died in 2007 and remembered the CAC in his will. His money will be well spent.



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by the relevant parts of the *Criminal Justice Bill*. For good or ill, this can lead to a position of doctrinal purity and taking the radical position that there should be *no* legal censorship of *any* material featuring consenting adults, irrespective of what they are doing.

However, particularly for Backlash contributors who *are* involved in these activities, things take on a decidedly more practical and personal aspect. In particular, and given that these parts of the *Bill* are all-too-likely to proceed through Parliament in *some* form, the question for them is: what can be done to lessen the impact?

As result, we have arrived at two positions. The "practical" one has involved getting down to the detailed, hard slog of legislative drafting and then attempting to "sell" these alternative and *relatively* better proposals to those civil servants and parliamentarians most involved in the legislation.

The "purist" one has involved saying, to put it bluntly, "Balls to this! I'm damned if I'm going to

do their dirty work for them!" In short, a refusal to become co-opted into the process of censorship and the assault on civil liberties.

It is perhaps obvious that I take the latter view. But then, as suggested above, my involvement is that of a civil libertarian, not as someone likely to be caught up in the net of censorship of "extreme pornography". Many that I have spoken to in the Libertarian Alliance, Feminists Against Censorship and so on agree with me. But others do *not*, and even when the matter was discussed at a CAC Council meeting in July 2007 opinion was evenly split.

Does one stand firm on principle but lose the chance to lessen the harm done? Or does one try to lessen the harm done but "imperil one's soul"?

As I said, it's a dilemma! It's one that is probably irresolvable for one person or even within one organisation. Perhaps the answer is: attack from all directions!

## **CAMPAIGN AGAINST CENSORSHIP**

25 Middleton Close  
Fareham, Hampshire  
PO14 1QN  
United Kingdom

Phone: 01329 284471  
Email: [chair@dlas.org.uk](mailto:chair@dlas.org.uk)  
Email: [secretary@dlas.org.uk](mailto:secretary@dlas.org.uk)  
Website: [www.dlas.org.uk](http://www.dlas.org.uk)

### **About the CAC**

The CAC is the successor to the Defence of Literature and the Arts Society that was founded in 1968 to assist writers, artists, and others threatened by censorship, and to campaign for reform of censorship laws.

In 1983 the DLAS was re-launched as the CAC with the object of promoting freedom of expression in all its forms and combating restrictions on that freedom and its exercise.

We believe that the repressive dangers of censorship for adults outweigh any possible benefits, and that what is acceptable for adults to read, see, or hear should be decided by personal judgement and taste, not by the law.

### **The Guiding Principles of the CAC are:**

1. The right to obtain and impart knowledge.
2. Freedom from censorship.
3. Freedom for creative artists to present their perceptions, interpretations, and ideas.
4. Support for victims of censorship without discrimination on the grounds of sex, sexual orientation, race, politics, or religion.

### **Further policies guiding the work of the CAC are:**

1. Vigilance in defence of the freedoms of information and expression requires continued monitoring of attacks on and restrictions of those freedoms, and of the effects of new technology on the control of information gathering, so that the public may be made aware of any dangers that may ensue.
2. Individual or group privacy should not be used as a weapon in defence of censorship or to restrict free access to information.
3. Reaction to any threat or restriction must be positive and expressed in simple, comprehensible terms.
4. The CAC is and should remain independent of all political parties.
5. Collaboration with individuals and organisations in Britain and elsewhere pursuing similar purposes should be pursued where appropriate.
6. The problem of access to material by children is different from that of access by adults. The principles listed above apply to adults.

### **Joining the CAC**

If you support our work and would like to join the CAC, then please write to us at the address at the top of this page. The minimum annual subscription is £5 or £2.50 for students, senior citizens or the unwaged.