

CENSORSHIP IN THE UNITED KINGDOM  
ADDRESS TO SOUTH PLACE ETHICAL SOCIETY 29TH  
APRIL 2001 BY CLLR TED GOODMAN, CHAIR OF CAMPAIGN  
AGAINST CENSORSHIP

Britain is by far the most secretive and censorious country in the Western World. There are several reasons for this.

Firstly, the English Puritan tradition means that sex is regarded as "dirty" - to be, as far as possible suppressed. This is exemplified by what Professor Christie Davies of Reading University calls British "Double Porn" ie pornography masquerading as an attack on pornography eg "Shock, Horror, We Expose This Filth" tabloid stories. This contrasts with Continental "good honest porn" which does not need to be so disguised.

Secondly, the British 'Establishment' (including politicians of all Parties) believes in authoritarian nannyism. A good example was the motion, signed by one hundred Members of Parliament in 1990, calling for the proscription of the paperback edition of De Sade's "Justine" on the grounds that this work should not be "generally available" ie cheap enough for the "plebs" to read !

In addition politicians in this country are spineless and follow, not lead, what they believe to be public opinion. Hardly any Members of Parliament will thus put their heads above the parapet and tackle the issue of sexually explicit material. In other countries, by contrast, Ministers are prepared to take a moral lead. Thus when legalising hard-core pornography in France in 1979, the Minister of Culture, Jacques Lang, declared "the State has no right to prevent citizens seeing what they choose."

Pre-publication State censorship exists in the British electronic media. All films and video recordings supplied commercially in this country must be classified and can be censored by the British Board of Film Classification (formerly called the British Board of Film Censors). This system was introduced for films by the Cinematograph Act of 1909 and extended by the Video Recordings Act 1984. Other countries, however, have either abolished State censorship or never introduced it. The First Amendment to the United States Constitution specifically prohibits it.



The result was that all sexually explicit and many overtly political films were banned in Britain. The Establishment wanted popular entertainment to be a sedative, not stimulating. In 1929 no fewer than 300 films shown in British cinemas had been cut by the censor.

The Soviet film "Battleship Potemkin", for instance, was refused a certificate for twenty years. An anti-Nazi documentary suffered the same fate in 1937, as did a filmed expose of the concentration camps in 1946, until an outcry about the latter decision by some Labour Members of Parliament caused a reluctant rethink by the British Board of Film Censors. To cap it all in 1992 the video recording "Visions of Ecstasy" about Saint Teresa of Avila was banned as blasphemous, because the finger of the figure on the Crucifix was seen to move! No other country in the whole world proscribed this work.

By the 1990s the situation was ridiculous. Most video recordings being sold in the United Kingdom were pirated sexually-explicit works from abroad, being supplied "under the counter" without certification from the British Board of Film Classification and in contravention of the Obscene Publications Acts. Virtually all other Western countries had legalised this sort of material, but British politicians would not even consider so doing, for fear of offending perceived grundyist public opinion.

The situation came to head in 1999 when the Video Appeals Committee overturned refusals by the British Board of Film Classification to grant "R18" Certificates (ie restricting sale to licensed sex-shops) to several sexually explicit video recordings. The Committee took the sensible view that the whole purpose of licensed sex shops, which only adults could enter, was to provide a legitimate outlet for this type of material. The BBFC challenged the Appeals Committee's decision in the High Court by way of judicial review, but lost. It thereupon realised that its strict "No Sex Please We're British" attitude was no longer tenable. Anne Widdecombe MP, the Shadow Home Secretary, on the other hand, publicly called for all the members of the Video Appeals Committee to be dismissed!

To deal with the situation, the British Board of Film Classification decided to test the waters and it commissioned a survey of British attitudes. To its surprise, the Great British Public was revealed to be



much more broad-minded than was previously imagined. It wanted sexual material to be made available to adults. Jack Straw, the "born-again Christian" Home Secretary, to whom the BBFC is responsible for video censorship, had other ideas. Robin Duval, Director of the BBFC, decided to call Straw's bluff.

In 2000 Duval publicly declared that the Home Office needed the BBFC, as otherwise the Secretary of State would have to carry out the controversial censorship function himself. In September the BBFC then revised its guidelines, allowing certain defined types of sexually explicit material in the "R18" (sex-shop videos) Category. The Home Secretary did nothing. HM Customs and the Police followed the BBFC lead and ceased to prosecute importers and publishers of such material, if it was sold in licensed sex-shops and conformed to the BBFC guidelines. The officials had acted where the politicians feared to tread !

The BBFC had, however, committed the moral crime of doing the right thing for the wrong reason ! It had liberalised censorship because it wanted to keep BBFC jobs by being in tune with public opinion-not because it believed in freedom of expression. In other words, like all "jacks-in-office" the BBFC pandered to what Dr Jinnah used to call "the brute majority".

The effect of the BBFC reform is, however, limited by certain factors. One, for example, is that the BBFC regards visible urination as unacceptable (as opposed to visible copulation !) It therefore continues to refuse to allow depiction of urolagnia. In 2001 this led to the refusal of a certificate for the video recording "Ben Dover's Squirt Queens", because it featured female ejaculation, which the BBFC interpreted as a form of urination, rather than masturbation !

In addition, the Labour Government has still not implemented its pledge to decriminalise male homosexual acts by consenting adults where more than two persons are present. The video classifiers take the view that the presence of the cameraman should not be counted, as otherwise no sexually explicit gay material could ever be given a certificate ! If, however there are more than two participants in such a video recording, it is refused a certificate on the ground that the acts depicted are illegal.

The refusal by over half the local authorities in England (mostly Labour controlled ones) to license any



sex-shops operates as a form of covert censorship. The Labour Chair of Chesterfield Council Licensing Committee, for instance, publicly proclaimed that there would only be a licensed sex-shop in that town over his dead body ! This means that the outlets in Britain for lawful sexually explicit material are few and far between.

In addition the Department of Culture illogically continues to proscribe foreign satellite television stations showing the type of material now legal on "R18" video recordings in Britain. No other country in Europe does this, but the United Kingdom has criminalised the sale of decoders and advertising on ten such stations, including a Russian one ! When asked to explain by the Campaign Against Censorship, the Department stated that British parents cannot be trusted to keep the decoders out of reach of their offspring minors ! Chris Smith, the openly "gay" Secretary of State for Culture, has thus banned a satellite station catering for homosexuals !

Television is governed by the Cable and Broadcasting Act 1984 and the Broadcasting Acts 1990 and 1998. Control is exercised by the BBC Governors and the Independent Television Commission. They impose the strictest television broadcast control in Europe. Under their shadow, even newscasts are self-censored. French television, for instance, showed public executions by firing squad in Lagos which inspired protests in Paris against the Nigerian government. There were none in Britain, however, because television here would not broadcast the graphic and shocking scenes. Similarly the RSPCA obtained footage of cruelty in Greek abattoirs, but British television stations refused to screen it. Instead the RSPCA then managed to get it shown on newscasts in Greece, where it caused such an outcry that the government there took action !

Telephones are governed by the Telecommunications Act 1984 and control is exercised by ICSTIS (Independent Committee for the Supervision of Standards of Telephone Information Services), which stops British companies allowing "bad language" on chat-lines. Most therefore route their calls through foreign jurisdictions, to avoid this absurd restriction.

Computer pornography is criminalised by the Obscene Publications Acts as amended and Part VII of the



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Criminal Justice & Public Order Act 1994. To enforce them, the Regulation of Interception Procedures Act 2000 allows police to demand at will, without a warrant, anyone's computer encryption code, on pain of two years imprisonment for refusal to comply. No other Western country has such an Orwellian law. The architect of this odious statute was Patricia Hewitt MP, former General-Secretary of the National Council for Civil Liberties, but now a career politician and authoritarian Government Minister. She should be ashamed of herself !

The Communications White Paper of 2000 envisages placing all the electronic media (including films and video recordings) under the control of one body. That at least might achieve consistency, ending the present much more restrictive standards imposed on television than on video recordings.

Non-electronically published material is not pre-censored in the United Kingdom, but is subject to a host of legal requirements and prohibitions which force self-censorship. In addition "D-Notices" can be issued under the Official Secrets Act "asking" editors to refrain from publishing material on grounds of national security. The misnamed Freedom of Information Act (introduced by Jack Straw) allows Government Ministers to withhold information about their Departments on the grounds of perceived national wellbeing ie at will ! The result is the the United Kingdom remains the most secretive country in Europe.

Other statute laws which restrict freedom of expression are:

Customs Consolidation Act 1876 (Section 42 prohibits indecent imports)  
Disorderly Houses Act 1751 (used against private erotic shows)  
Malicious Communications Act (prohibits insulting letters)  
Obscene Publications Acts 1959 and 1964  
Post Office Act 1953 (prohibits sending of indecent articles)  
Protection of Children Act 1978 as amended (criminalises possession of indecent photographs or computer images of children under sixteen)  
Theatres Act 1968 (prohibits obscene performances).  
Common Offence of Law of Blasphemy



In addition there are antiquated common law offences eg  
 Common Law offence of Conspiracy to Corrupt Public Decency  
 Common law Offence of Conspiracy to Corrupt Public Morals  
 Common Law Offence of Conspiracy to Outrage Public Decency  
 Common Law Offence of Exhibiting Indecent Activities, Pictures or Things

Common Law Offence of Keeping a Disorderly House (eg by staging an indecent performance in private)  
 Common Law Offence of Obscenity (no defence of public good)  
 Common Law Offence of Outraging Public Decency  
 Scottish Common Law Offence of Shameless Indecency

The Law Commission in 1976 recommended the abolition of these outdated crimes, but successive gutless governments have failed so to do. The common law thus continues to be used against art galleries, erotic exhibitions in night clubs, gay poets, naked protesters, private sex-shows, prostitutes advertising themselves, sex parties, streakers and such like, making Britain an intolerant, authoritarian society.

Instead of repealing any of these laws, the Home Office instead proposes to increase penalties for public male nudity and criminalise advertising by prostitutes (see: "Setting the Boundaries: Reforming the Law on Sexual Offences" published by the Home Office, July 2000).

The whole thing is a sorry tale of the English idea that overt sexuality is a subject that is too hot to handle and the consequent cowardly neglect of legal reform by lily-livered British politicians. Elected as legislators, they never open law books, but instead spend their time playing to the gallery by posturing to the local and national media and self-righteously preaching morality (which they rarely practise themselves !) Being unprincipled careerists, they care not a jot for freedom of expression in itself and instead gladly support any form of censorship if they think there are votes in it !

They therefore succumb to pressure from the likes of the Evangelical Anglican letter writers, who believe that people must be protected from themselves by the legal imposition of puritanical standards. (When asked

why British television was subject to much greater sexual constraints, Christine Ockrent, a celebrated Paris broadcaster, stated that it was because of the English Protestant tradition). Consequently Government policy is largely determined by focus groups composed of "Daily Mail" readers, the supposed representatives of narrow-minded "Middle England" ! Principles do not come into it.

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