



Keith Bailey

The price of OZ liberty came high. The appeal judges, whose hard clear thinking contrasted vividly with Argyle's foggy forays into legal abstraction, took the opportunity in their judgement to indicate that:-

1. Magazines and newspapers should be looked at item by item when being judged for obscenity. If any one item is held to be obscene, then the publication is obscene. This is the backlash verdict.

2. Expert witnesses can no longer be called to give opinions as to whether something is obscene or not. It's all got to be left to the jury's instinct. Even the appeal judges realised that this was crazy, and hinted that a campaign might be started to effect changes in the law.

3. Prison sentences are appropriate for offences under the obscene Publications Act and the Post Office Act. Widgery wrapped it up with legal cliches - 'The time comes in the affairs of men when courts, faced with an increasing flood of obscene material, will have to start first offenders to jail.'

What does all this mean? It means that the ruling class, its agents (the government) and their agents (the police) have some improved weapons to use alongside the drug laws as a means of political and class oppression. This could manifest itself as underground editors going to jail from time to time as a matter of course. Or, depending on how the underground press reacts and how the powers are used, we could see more cautious and boring publications. There'll be certainly less of Crumb Comix, Furry Freak Brothers, Honeybunch Kaminski. It also means that another large group of people will stop feeling they can get any sort of understanding and fair treatment (justice, some call it) from the courts. It means that the police will become more authoritarian and dominant in their dealings with the underground community.

It means that Britain gets even further out of step with the rest of the world. It makes it a more reactionary place where political repression has to hide in the guise of a censoring law which cuts in to the freedom of the press.
Andrew Fisher.