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HARM IS A NOUN AND A VERB

IN 1990, THE SUPREME COURT OF CANADA GAVE REASONS IN AN OBSCENITY CASE CALLED *R. V. BUTLER*. R STANDS FOR REGINA. I DO NOT, UNFORTUNATELY, HAVE TIME TO ADDRESS YOUR UNDERSTANDABLE SUSPICIONS THAT SHE -- THE GREAT ONE -- TAKES A PERSONAL INTEREST IN OBSCENITY CASES. PERHAPS NEXT YEAR, I WILL BE INVITED BACK TO SPEAK TO ANGLOPHILE AFFECTIONS -- EXCUSE ME -- AFFECTATIONS.

IN THE *BUTLER* CASE, THE COURT REWROTE THE MEANING OF THE CRIME OF COMMERCE IN OBSCENE OBJECTS. THEIR REASONS GOT A LOT OF PRESS ATTENTION BECAUSE THEY RECAST THE LAW FROM THE PERSPECTIVE THAT PORNOGRAPHY IS HATE PROPAGANDA AGAINST WOMEN.

IT WAS WIDELY BELIEVED THAT THE COURT, IN MAKING THE CHANGES IT DID, WAS ADOPTING THE ABLE AND ELOQUENT SUBMISSIONS OF MS. MAHONNEY ON BEHALF OF THE LEGAL EDUCATION AND ACTION FUND, A WOMEN'S LEGAL

ADVOCACY GROUP. THE SUBMISSIONS WERE DRAFTED WITH THE ASSISTANCE OF CATHERINE MCKINNON, THE NOTED AMERICAN LAW PROFESSOR AND ADVOCATE, WHO WAS WORKING IN CANADA AT THE TIME. HER ROLE IN SHAPING THE SHIFT IN OUR LAW, RIGHTLY OR WRONGLY, HAS BEEN TAKEN AS A HARBINGER OF A CHANGE IN AMERICAN LAW. ON THE BASIS OF THIS, IT IS SUPPOSED THAT AMERICANS WOULD BE INTERESTED IN WHAT IS HAPPENING IN THE CANADIAN COURTS -- AND I WOULD NOT DREAM OF DIMMING THIS ASTONISHING MOMENT IN THE SPOTLIGHT -- BY SUGGESTING THAT MS. MCKINNON NOT BE ANY MORE THAT GREAT A THREAT TO THE FIRST AMENDMENT IN AMERICA. MORE MODESTLY, I SHOULD SAY I AM HERE -- OPRAH, ARE YOU LISTENING? -- TO SHARE THE PAIN.

THE CRITICAL PASSAGES IN THE *BUTLER* DECISION ARE AS FOLLOWS:

"Pornography can be usefully divided into three categories: (1) explicit sex without violence, (2) explicit sex without violence but which subjects people to treatment that is degrading or dehumanizing, and (3) explicit sex without violence that is neither degrading nor dehumanizing.

Some segments of society would consider that all three categories of pornography cause harm to society because they tend to undermine its moral fibre. Others would contend that none of the categories cause harm. Furthermore there is a range of opinion as to what is degrading or dehumanizing. See *Pornography and Prostitution in Canada: Report of the Special Committee on Pornography and Prostitution* (Ottawa: Ministry of Supply and Services, 1985) (the Fraser Report), vol. 1, at p.51. Because this is not a matter that is susceptible of proof in the traditional way and because we do not wish to leave it to the individual tastes of judges, we must have a norm that will serve as an arbiter in determining what amounts to an undue exploitation of sex. That arbiter is the community as a whole.

The courts must determine as best they can what the community would tolerate others being exposed to on the basis of the degree of harm that may flow from such exposure. Harm in this contest means that it predisposes person to act in an anti-social manner as, for example, the physical or mental mistreatment of women by men, or, what is perhaps debatable, the reverse. Anti-social

conduct for this purpose is conduct which society formally recognizes as incompatible with its proper functioning. The stronger the inference of a risk of harm the lesser the likelihood of tolerance. The inference may be drawn from the material itself or from the material and other evidence. Similarly evidence as to the community standards is desirable but not essential."

THESE REASONS GIVE A LITTLE ASSISTANCE ON THE QUESTION OF WHAT IS
"DEGRADING AND DEHUMANIZING". WE CAN LOOK TO ITS APPROVAL AN EARLIER
COURT DECISION WHICH HELD THAT MATERIALS:

"...that 'degraded' or 'dehumanized' any of the participants would exceed community standards even in the absence of cruelty and violence. (Justice Ferg) in *R. V. Ramsingh*, described in graphic terms the type of material that qualified for this label. He states:

They are exploited, portrayed as desiring pleasure from pain, by being humiliated and treated only as an object of male domination sexually, or in cruel or violent bondage. Women are portrayed in these films as pining away their lives waiting for a huge male penis to come along, on the person of a so-called sex therapist, or window washer, supposedly to transport them into complete sexual ecstasy. Or even more false and degrading one is led to believe their *raison d'être* is to savour semen as a life elixir, or that they secretly desire to be forcefully taken by a male.

Among other things, degrading or dehumanizing materials place women (and sometimes men) in positions of subordination, servile submission or humiliation. They run against the principles of equality and dignity of all human beings. In the appreciation of whether material is degrading or dehumanizing, the appearance of consent is not necessarily determinative. Consent cannot save materials that otherwise contain degrading or dehumanizing scenes. Sometimes the very appearance of consent makes the depicted acts even more degrading or dehumanizing.

This type of material would, apparently, fail the community standards test not because it offends against morals but because it is perceived by public opinion to be harmful to society, particularly to women. While the accuracy of this perception is not susceptible to exact proof, there is a substantial body of opinion that holds that the portrayal of persons being subjected to degrading or dehumanizing sexual treatment results in harm, particularly to women and therefore to society as a whole. (Cites excluded) It would be reasonable to conclude that there is an appreciable risk of harm to society in the portrayal of such material. The effect of the evidence on public opinion was summed up by Wilson J. In *Towne Cinema*:

The most that can be said, I think, is that the public has concluded that exposure to material which degrades the human dimensions of life to a subhuman or merely physical dimension and thereby contributes to a process of moral desensitization must be harmful in some way."

THE DECISION ALSO DISCUSSES THE TRADITIONAL "ARTISTIC" DEFENCE SOMETIMES REFERRED TO AS THE "INTERNAL NECESSITIES" TEST. UNDER OUR OLD LAW, THIS WAS AN ASPECT OF INTERPRETATION OF THE WORDS IN THE *CRIMINAL CODE* WHICH SAID THAT OBSCENITY WAS THE UNDUE EXPLOITATION OF SEX OR SEX AND VIOLENCE.

THE COURT REPEATS THE SACRED MANTRA ABOUT CONSIDERING THE WORK AS A WHOLE, ADVANCING THE PLOT AND ALL THAT. BUT THEN THE COURT GOES ON TO SAY THAT A WORK MAY BE HARMFUL EVEN IF THE EXPLOITATION OF SEX IS TOLERABLE. IN OTHER WORDS, IT APPEARS THE ARTISTIC DEFENCE MAY NO LONGER BE TRUMP. ARTISTIC MATERIAL MUST DEFEND LIKE ALL THE REST -- DOES IT PREDISPOSE TO ANTI-SOCIAL BEHAVIOUR?

IN THE *LANGER* CASE WHICH ANDY FABO WILL DISCUSS, ARTISTIC MERIT IS HELPFUL AND THE DEFENCE WAS SUCCESSFUL, BUT THAT WAS A KIDDIE PORN CASE WHERE, INTERESTINGLY, THE PRECISE STATUTORY LANGUAGE IS DIFFERENT AND SPECIFICALLY RECOGNIZES THE ART DEFENCE. THUS, A SERIOUS NOVEL DEALING WITH AN INTENSE RELATIONSHIP WHERE ONE OF THE PARTIES IS

THOUGHT TO BE DEGRADED OR DEHUMANIZED WILL NOW HAVE TO SEARCH AROUND IN DARK CORNERS OF THE ANALYSIS OF THE 'RISK OF HARM', 'PREDISPOSITION' AND 'ANTI-SOCIAL BEHAVIOUR'. YOU MIGHT BE INTERESTED IN READING A.S. BYATT'S *BABEL TOWER* ON THIS VERY SUBJECT. I'M LOOKING FORWARD TO SOME INTERESTING AND LITIGATION IN THIS AREA.

I WOULD OBSERVE THAT THE *BUTLER* DECISION SHIFTS THE FOCUS OF DISCUSSION REGARDING OBSCENITY FROM VICTORIAN PRUDERY AND CONCERN ABOUT EXPLICIT SEX TO THE QUESTION OF HARM. WHATEVER WE MAY THINK ABOUT OBSCENITY LAWS, FREE SPEECH, ETC., IT IS SURELY CORRECT THAT SOCIETY THESE DAYS IS ONLY WILLING TO RATIONALIZE CENSORSHIP IN TERMS OF HARM. HARM -- THE NOUN -- IS APPROPRIATE AS A FRESH PERSPECTIVE ON OBSCENITY. I WILL COME BACK TO HARM -- TO HARM AS A VERB.

SECOND, I WOULD SAY THAT FROM THE POINT OF VIEW OF CLARITY -- SOMETIMES THOUGHT TO BE A VIRTUE IN LEGAL AND ACADEMIC CIRCLES -- *BUTLER* IS A NOTABLE FAILURE. PREVIOUSLY WE COMPLAINED ABOUT THE DIFFICULTIES, THE ABSURDITIES OF TRYING TO PROVE INTERNAL NECESSITY AND COMMUNITY STANDARDS OF TOLERANCE AND THE UNDUENESS OF THE "EXPLOITATION" OF SEX IN MATERIAL. IT WAS A FINE EXERCISE, REQUIRING MANY

EXPERTS FROM THE FIELDS OF SOCIOLOGY, POLITICAL SCIENCE, JOURNALISM AND FINE ARTS. IT WAS MY IMPRESSION THAT THESE FOLK, WHO THUS SHARED IN THE BOOTY OF THIS TORTURED LITIGATION, PREFERRED THE OLD TEST FOR ALL THE WRONG REASONS. UNDER THE NEW TEST, WE NOW ASK PSYCHOLOGISTS, WHO ARE PAID EVEN MORE HANDSOMELY, TO OPINE WHETHER PARTICULAR MATERIAL "PREDISPOSES" PERSONS TO ACT IN AN "ANTI-SOCIAL MANNER". THEIR GRAVE AND WEIGHTY EXPERIMENTS ON PRISONERS AND UNIVERSITY STUDENTS SUPPOSEDLY TELL US WHAT SORTS OF MATERIALS WILL CAUSE THE MALE BEAST TO SLIP HIS CHAINS. THERE IS NOW A VAST LITERATURE ON THE SUBJECT. EACH SIDE CLAIMS THEIR EXPERT HAS PROOF. THE QUESTION, OF COURSE, WHICH COLLEGE ART PROFESSORS WOULD INEVITABLY AND WISELY ASK IS: PROOF OF WHAT?

PERHAPS THE MOST TROUBLING ASPECT OF *BUTLER* LIES IN THE VAGUENESS OF THE CRITICAL WORDS OF 'DEGRADING AND DEHUMANIZING'. AT ONE END OF THE SPECTRUM, THE WORDS ARE CLEAR ENOUGH. FILMS OF ACTUAL TORTURE BETWEEN NON-CONSENSUAL PARTIES -- ALL WOULD AGREE -- WOULD BE DEGRADING AND DEHUMANIZING AND ARE ALREADY BE PROHIBITED BY CRIMINAL LAWS AGAINST ASSAULT AND MURDER..

HOWEVER, THE VAST BULK OF MATERIAL IN ISSUE FROM CHEAP PORN TO HIGH-BROW ART IS NOT LIVE TORTURE. AND WE HAVE TO STRUGGLE WITH THE VERY SUBJECTIVE ISSUES ABOUT THE MEANING OF 'DEGRADING' AND 'DEHUMANIZING'. WHAT DO WE MAKE OF THE WORDS SUGGESTING THAT DEGRADING OR DEHUMANIZING MATERIAL 'PLACE WOMEN (AND SOMETIMES MEN) IN POSITIONS OF SUBORDINATION, SERVILE SUBMISSION OR HUMILIATION'? WHAT ARE POSITIONS OF SUBORDINATION? IS ONE PARTY IN THE SEX ACT WHO KNEELS TO LICK OR SUCK ANOTHER IN A SENSITIVE PLACE -- ACTS FOR WHICH THERE ARE LATIN NAMES I CAN'T REMEMBER AND VULGAR NAMES SO NUMEROUS I WON'T REPEAT -- IS THAT PARTY IN A "POSITION OF SUBORDINATION"? SOME MEN I KNOW LIKE IT THAT WAY. IS IT REALLY WISE TO CRIMINALIZE SEXUAL POSITIONS THAT OFFEND SOME PEOPLE. I'M ALWAYS AT A LOSS TO KNOW HOW TO DESCRIBE SUCH PEOPLE. IF I REFER TO THEM AS FEMINIST, SOMEONE ALWAYS OBJECTS -- THAT'S NOT WHAT FEMINISTS THINK AND I AM RELIEVED EVERY TIME TO HEAR IT. IF I CALL IT CONSERVATIVE, SOMEONE ALWAYS INSISTS CONSERVATIVES DO HAVE HETERO SEX IN NON-MISSIONARY POSITIONS. AND WHO AM I TO DISPUTE THIS. SOME SAY IT IS THE POSITIONS OF THOSE WHO SAY ALL SEX IS RAPE. BUT COMING FROM A BENCH OF OLD MALE JUDGES, I DOUBT THEY SPEAK FROM THAT RADICAL

PLATFORM. WHATEVER IT IS, LET'S ALL HOPE THAT THE COURTS HAVE THE GOOD SENSE TO IGNORE THIS ASPECT OF *BUTLER*. BUT YOU AND I WILL BE SADDLED WITH THE EXPENSE OF PERSUADING THE COURTS TO DO SO.

ANOTHER TROUBLING ASPECT OF *BUTLER* IS THE MEANING OF THE WORDS, 'SOMETIMES THE VERY APPEARANCE OF CONSENT IS NOT GOOD ENOUGH', 'SOMETIMES THE VERY APPEARANCE OF CONSENT MAKES THE DEPICTED ACTS EVEN MORE DEGRADING OR DEHUMANIZING". IN OTHER WORDS, WE, THE COURT, KNOW BETTER THAN YOU, THE PARTICIPANTS, WHETHER OR NOT YOU SHOULD ENGAGE IN PARTICULAR SEXUAL ACTS. WITHOUT USING THE WORDS, THE COURT HAS ADOPTED THE RHETORIC OF FALSE CONSCIOUSNESS. I, FOR ONE, HAVE MORE RESPECT FOR THE INDIVIDUALS AND WHAT THEY CHOOSE TO DO IN THEIR SEXUAL BEHAVIOUR. I FIND THE INTERNAL LOGIC OF THIS IMPOSSIBLE TO FOLLOW. IF SOMEONE CONSENTS TO ENGAGE IN SEX IN A POSITION OF SUBORDINATION, TO ME IT IS IMPOSSIBLE THAT THAT IS DEGRADING OR DEHUMANIZING.

THE 'HARM' THE COURT TELLS US 'MEANS THAT IT PREDISPOSES PERSONS TO ACT IN AN ANTI-SOCIAL MANNER AS, FOR EXAMPLE, THE PHYSICAL OR MENTAL MISTREATMENT OF WOMEN BY MEN, OR PERHAPS WHAT IS DEBATABLE, THE REVERSE. ANTI-SOCIAL CONDUCT FOR THIS PURPOSE IS CONDUCT WHICH SOCIETY-

FORMALLY RECOGNIZES AS INCOMPATIBLE WITH ITS PROPER FUNCTIONING".

WHAT ON EARTH DOES THIS MEAN? HOW BROAD IS THE NOTION OF "MENTAL MISTREATMENT", THE DEPICTION AND DISCUSSION OF WHICH WE PURPORT TO CRIMINALIZE? WHAT IS AN "ANTI-SOCIAL MANNER"? WHAT DOES SOCIETY "FORMALLY RECOGNIZE AS INCOMPARABLE WITH ITS PROPER FUNCTIONING"? WHAT DOES THIS MEAN? TO ME, THE ONLY FORMAL RECOGNITION OF ANTI-SOCIAL CONDUCT IS THAT CONDUCT PROSCRIBED BY THE *CRIMINAL CODE*. THE UNCERTAINTY OF THESE WORDS MAY BE, I HOPE, A WAY OUT OF THE *BUTLER* MESS. I SAY THIS BECAUSE THE VAST BULK OF WHATEVER WOULD BE CAPTURED AND CRIMINALIZE BY THE WORDS 'DEGRADING' AND 'DEHUMANIZING' IS NOT, IN FACT, CRIMINAL. SHALL I SPEAK ABOUT THE EFFECT OF THE WORDS "THE PROPER FUNCTIONING OF SOCIETY", OR JUST OBSERVE THAT IT IS AN UNFORTUNATE INVITATION TO TOTALITARIAN THOUGHT CONTROL?

THIS LANGUAGE CAME UP SHORTLY AFTER *BUTLER* IN CASES DEALING WITH LESBIAN AND GAY MATERIAL. IF YOU POSE THE QUESTION IN THAT FRAME, YOU READILY SEE THE DANGERS OF *BUTLER*. SAME-SEX BEHAVIOUR IS NOT CRIMINAL, BUT MANY PEOPLE TREATED IT AS "ANTI-SOCIAL" AND "INCOMPATIBLE WITH THE PROPER FUNCTIONING OF SOCIETY". TO ILLUSTRATE THE PROBLEM, I WILL

REMEMBER FOR YOU THE ARGUMENTS BY CROWN COUNSEL IN A CUSTOMS CENSORSHIP CASE, APPLYING *BUTLER*. THEY ARGUED THAT THE DEPICTION OF SEX OUTSIDE THE MATRIMONIAL RELATIONSHIP WAS "ANTI-SOCIAL" AND "INCOMPATIBLE WITH SOCIETY'S PROPER FUNCTIONING". THE JUDGE DIDN'T ADOPT THESE WORDS, BUT PROCEEDED TO CRIMINALIZE SOME VERY SOFT-CORE PORN ITEMS OF SAME-SEX ACTIVITIES, ACCEPTING, IT SEEMED TO ME, THE SENTIMENT, IF NOT THE LANGUAGE.

AND LAST, BUT NOT LEAST, WHAT DO WE MAKE OF THE WORD 'PREDISPOSES'? THE COURT SAYS THAT "THE STRONGER THE INFERENCE OF THE RISK OF HARM THE LESSER THE LIKELIHOOD OF TOLERANCE". IT APPEARS THAT THE COURT PROPOSES TO CRIMINALIZE MATERIAL THAT MIGHT CAUSE ATTITUDINAL CHANGE. *BUTLER* DIRECTS US TO WHAT TO ME IS A WHOLLY SUBJECTIVE EXERCISE OF ANALYSING THE DEGREE OF ATTITUDE CHANGE AND HENCE INTO THE BOG OF SOCIAL SCIENCE EVIDENCE FOLLOWING THE PIED PIPERS OF SEX STUDIES WHO PURPORT TO KNOW WHAT MAKES US ACT.

IN ANOTHER SECTION OF THE JUDGMENT THE COURT ADMITS, AS I READ EARLIER, THAT "THE ACCURACY OF THIS PERCEPTION IS NOT SUSCEPTIBLE TO EXACT PROOF". BUT THE COURT SAYS THAT THERE IS A "SUBSTANTIAL BODY OF

OPINION" -- WHATEVER THAT MEANS -- THAT HOLDS THAT THE PORTRAYAL OF PERSONS SUBJECTED TO DEGRADING OR DEHUMANIZING SEXUAL TREATMENT RESULTS IN HARM PARTICULARLY TO WOMEN AND THEREFORE TO SOCIETY AS A WHOLE. I DO NOT DISSENT FROM THE PROPOSITION THAT HARM TO WOMEN IS A HARM TO SOCIETY AS A WHOLE. I DO DISSENT THAT THERE IS A "SUBSTANTIAL BODY OF OPINION" THAT ASSERTS THAT THESE IDEAS SHOULD BE PART OF OUR LAW.

THE SUM TOTAL OF ALL OF THIS IS THE MOST MUDDLED NOTION OF "RISK OF HARM" IMAGINABLE. GIVE ME BACK THE CERTAINTY OF EVALUATING SOCIETY'S TOLERANCE OF NUDITY!

THE REAL PROBLEM OF WHICH WE HAVE LOST SIGHT IN THE STAGE FOG OF HARM-AS-A-NOUN IS THE MEANING OF HARM AS A VERB. WHAT IS THE CAUSAL CONNECTION?

AS I UNDERSTAND AMERICAN LAW AND ITS CANADIAN DERIVATIVE, WE TRADITIONALLY LOOK TO THE CLEAR AND PRESENT DANGER TEST TO EVALUATE THE CAUSAL CONNECTION. WE DO NOT CRIMINALIZE SPEECH UNLESS THERE IS A CLEAR AND PRESENT DANGER THAT THE SPEECH IS GOING TO LEAD DIRECTLY TO HARM.

IN OUR CRIMINAL LAW, WE HAVE SPECIFIC PROVISIONS WITH RESPECT TO THE PUBLIC INCITEMENT OF HATRED. THAT *CRIMINAL CODE* SECTION -- 319 -- CRIMINALIZES "COMMUNICATING STATEMENTS IN ANY PUBLIC PLACE THAT INCITE HATRED AGAINST ANY IDENTIFIABLE GROUP WHICH SUCH INCITEMENT IS LIKELY TO LEAD TO A BREACH OF THE PEACE". THIS IS PRETTY CLOSE TO THE AMERICAN LANGUAGE OF CLEAR AND PRESENT DANGER.

WHAT *BUTLER* DOES IS TO ABANDON THE CLEAR AND PRESENT DANGER TEST AND HI-JACK THE OBSCENITY SECTION BY CRIMINALIZING DEPICTIONS OR DESCRIPTIONS OF SEX WHERE THERE IS NO CLEAR AND PRESENT DANGER, WHERE THERE IS NO RISK TO A BREACH OF THE PEACE, WHERE THERE IS NO CRIMINAL ACT BY ONE PERSON AGAINST THE ANOTHER, WHERE WE'RE NOT EVEN ASKED TO SCRUTINIZE WHETHER THERE IS A RISK OF A CRIMINAL ACT. ALL THAT *BUTLER* SUGGESTS IS WHETHER THE DISPUTED MATERIAL AFFECTS ATTITUDES -- ALL THAT *BUTLER* REQUIRES IS THAT IT MIGHT PREDISPOSE SOMEONE TO ACT IN A CERTAIN FASHION.

THERE IS THEORY OUT THERE PROMOTED BY THOSE, FOR WHOM I KNOW NO LABEL, THAT SEES PORNOGRAPHY AS HATE PROPAGANDA. IN *BUTLER*, THEY HAVE EXCEEDED THEIR OBJECTIVES BY THE WILDEST OF MARGINS. IN *BUTLER*, THEY

HAVE SUCCEEDED IN CRIMINALIZING SPEECH PER SE, DISCONNECTED FROM ANY REAL RISK OF HARM. UNDERSTOOD IN THIS PERSPECTIVE, WE THEN HAVE TO ASK THE SAME PROPONENTS OF CONTROLLED SPEECH WHETHER THEY PROPOSE TO APPLY THE SAME STANDARDS OF CAUSATION TO SPEECH WHERE OTHER CHOSEN GROUPS MIGHT BE SEEN AS THE VICTIMS? WHO WILL CHOOSE?

IN MY 20 MINUTES, I CHOOSE NOT TO DWELL UPON WHAT THIS INTELLIGENT AUDIENCE ALREADY KNOWS. THERE IS A HORRIBLE DANGER TO OUR FUNDAMENTAL FREEDOMS, OUR FREEDOM OF THOUGHT, OUR FREEDOM TO GROW AND CHANGE AS INDIVIDUALS, OUR FREEDOM OF SELF-FULFILMENT, ALL OF WHICH ARE ROOTED IN OUR FREEDOM OF SPEECH, WHERE SUCH VAGUE AND SUBJECTIVE POWER IS HANDED TO A SMALL GROUP, OUR JUDGES, TO CONTROL WHAT WE CAN READ, WHAT WE CAN SEE, AND ULTIMATELY WHAT WE CAN THINK. NONE OF US SHOULD EVER TRUST SO MUCH POWER IN THE HANDS OF SO FEW WHEN THE FATE OF SO MANY HANGS IN THE BALANCE.

THE LAST THING I WANT TO SAY IS THIS. DESPITE THE DANGEROUS LANGUAGE OF THE *BUTLER* DECISION, MY IMPRESSION IS THAT IN FACT THE OBSCENITY LAWS ARE WIDELY IGNORED, INCLUDING *BUTLER'S* VERY DANGEROUS INTERPRETATION OF THOSE LAWS. THE AVAILABILITY OF SEXUALLY EXPLICIT,

AND ARGUABLY DEGRADING MATERIAL IS FAIRLY WIDESPREAD. PROSECUTIONS ARE SPORADIC, PROVOKED ONLY, IT SEEMS, BY RANDOM COMPLAINTS. IF THIS GIVES SOME PEOPLE A SENSE OF RELIEF, IT LEAVES OTHERS, INCLUDING MYSELF, WITH A SENSE OF DANGER THAT THE LAW IS SO OUT OF TOUCH WITH REALITY.