

it as of any such value. There is general agreement that the book has considerable literary and artistic merit. On this aspect I defer to others who are better qualified to judge than I. For myself I would not regard the novel as a great literary achievement. If I am compelled to classify the book's literary and artistic merit (a most invidious task) I should classify it as having literary and artistic merit but would not use any superlatives.

(c) *The persons amongst whom the book is likely to be distributed*

In view of the publicity that the book has received it is likely to have a wide distribution.

(d) *Price of Book*

It is published at 21s. and as a paperback at 5s.

(e) *Whether any person is likely to be corrupted by reading the book and whether other persons are likely to benefit therefrom*

The book can be of no benefit to the scientific student as it has no scientific basis. It could be of value to the student of literature but my view is that it would have no exceptional value.

As to whether any person is "likely to be corrupted" I take the view that some minors and indeed some adults would be likely to be corrupted by the book. I believe that reading about sexual perversion may have harmful effects upon immature and inexperienced persons, particularly when they read of it in a book by a distinguished author who has made his characters appear in a not unsympathetic light. Undoubtedly certain persons can get drawn into sexual perversion by associating with perverts and the habits of sex perversion are sometimes thereby formed. This is no place to discuss sex morality. However, I do say quite emphatically as anyone of experience of matrimonial courts knows, that the sexual pervert, like the alcoholic, causes deep and widespread misery to himself and others. In my view immature persons should be guarded as much as possible from the infection of sexual perversion until they are strong enough to resist infection. I believe that young persons are susceptible to infection. They are at an age of experiment, an age of indiscretion and an age of increasing sexual impulse. While the great majority of young persons would be unaffected by *Lolita*, some would not be. The reader of a book about sexual perversion is in a sense participating in the perversion. I do not suggest for a moment that merely reading about sexual perversion can be compared with physical participation in it. I do suggest that just as physical participation in such perversion can be harmful, mental participation in the form of reading about it could also do harm to susceptible minors. I think *Lolita* has dangers in this respect. Superficially at any rate it has a light-hearted attitude towards sexual perversion and conventional standards of morality. The main character lusts after "nymphets". He is a criminal by legal standards and an evil man by moral standards. The treatment of the theme and the ability of the writer is such that the main character's conduct is made to appear understandable. Under the Act the tribunal is required to consider (*inter alia*) whether "any person is likely to be corrupted by reading the book". Though this provision must not be considered in isolation it is not sufficient in my view to have regard only for the fact that the majority of normal readers would be unaffected morally by this book. I am of the opinion that the book would tend to corrupt some persons particularly in the younger age group. Accordingly I would ban it from minors under 18 years of age.

My views do not commend themselves to the other members of the tribunal who have come to a contrary decision. I wish to acknowledge that there are arguments against my viewpoint and that I respect the conscientious approach to and appraisal of the book by my colleagues whose views must prevail. The book is accordingly classified as "not indecent" without qualification.

A. P. BLAIR, Chairman.

11 August 1964.

*Decision of the Indecent Publications Tribunal*

In the matter of the Indecent Publications Act 1963 and in the matter of an application by the Comptroller of Customs in respect of the book *No Adam in Eden* by Grace Metalious.

DECISION OF THE TRIBUNAL

COUNSEL appearing for the Comptroller of Customs in a series of reasoned submissions contended that the book is such as to call for its being held indecent or alternatively that its sale should be so restricted as not to be available to persons under 18 years of age. The publisher was not represented by counsel and merely submitted that the book—first published in the United States of America on 24 September 1963, where on unrestrained sale about 50,000 copies had been sold, and subsequently published in England in January 1964, where approximately 33,000 copies had been sold without complaint having been received from any quarter—was not to be held indecent. Further, it was submitted that the book had been circulated in Australia and other countries of the British Commonwealth and had been "passed" by the authorities at Canberra.

Our function is to classify the book in terms of the New Zealand Statute, and in so doing, to be governed by the considerations contained in the Indecent Publications Act 1963 and more particularly the matters enumerated in section 11 of the Statute.

We do not think it necessary to summarise the story. It is sufficient to say that it deals with several generations of a French-Canadian family. The women characters are despicable creatures; the men little less so. It is true, as contended by counsel for the Comptroller that there is much narration of sexual behaviour and that there are present in such episodes violence and brutality. It was claimed that there should have been more restraint in the narrative. But the author gives no indication of approving, still less does she extol the conduct of her characters. There is little use of crude or obscene language which is a feature of much of the fiction published today.

It is our view that the book does not have any literary or artistic merit; it is, in our opinion, a sordid and undistinguished work quite devoid of merit. Under the Statute the dominant consideration is whether its sale in this country is injurious to the public interest. We do not think the circulation of the book can be said to be for the public good, it is too trumpery and worthless. But that does not compel a finding that it is injurious to the public welfare and we are not prepared so to hold.

As to whether its sale should be restricted to persons of 18 years or over, though we think it to be unwholesome reading for adolescents, or indeed for adults, we do not feel disposed in this case to impose such a restriction; moreover its operation would be difficult. Such a restriction as we are invited to impose though provided for, and perhaps contemplated by the Statute, could not be more than partially effective. We do not make any order restricting circulation.

Our decision is therefore, that the book is not indecent within the meaning of the Indecent Publications Act 1963 and no order restraining circulation is made.

In conclusion we desire to record that we have been much assisted in our task by the careful, temperate, and reasoned presentations of the case for the Comptroller of Customs by his counsel Mr Richardson.

K. M. GRESSON, Chairman.

17 July 1964.

*Decision of the Indecent Publications Tribunal*

In the matter of the Indecent Publications Act 1963 and in the matter of an application by the Secretary for Justice in respect of three books: *Fanny*, *Whiplash*, and *Adultery in Suburbia*.

DECISION OF THE TRIBUNAL

THE tribunal has considered the application of the Secretary for Justice for a decision in respect of each of the above-named books submitted—whether it is indecent, or alternatively a decision as to the classification of each.

Counsel for the Secretary for Justice appeared formally to support the application but made no submissions. The publisher, the New International Library Inc. of U.S.A., was given notice of the application and of the date fixed for the hearing but did not appear nor make submissions. No evidence was heard.

The function of the tribunal is to consider the books in terms of the Statute. The books are of a type very different from those which have been submitted hitherto. They are paper-backs, each having a cover suggestion that the contents deal with either sex or violence—as is the case. We have sought to judge each book by applying the provisions of the Act; it defines "indecent" as expressing or otherwise dealing with matters of sex, horror, crime, cruelty, or violence in a manner that is injurious to the public good. That takes the matter no further than to pose the question whether the matters of sex and violence are described in a manner injurious to the public good. Though we are of the opinion that none of the books contribute anything to the public good, the question whether any of them is positively "injurious" is more difficult. We have already expressed the view (in our decision regarding *Another Country*) that to warrant a finding that a book is indecent it must be such as to offend against the provisions of the Statute. Accordingly we have turned to the matters enumerated in section 11 of the Act.

(a) *The dominant effect of each book as a whole*

Although these books would make little impression on the mature mind, and would be regarded by many simply as trash or rubbish, yet what effect, if any, they had would be in the direction of encouraging the acceptance of abnormal, cruel, or depraved conduct as normal behaviour.

(b) *Literary or artistic merit*

None of the books has any merit literary, artistic, or otherwise.

(c) *The persons amongst whom the books are likely to be distributed*

The books, if allowed to be distributed, are likely to be displayed in milkbars, tobacconist shops, and on book stalls. The titles and the covers, depicting semi-nude females, may well attract attention.