

*The Indecent Publications Act 1963*

IN the matter of the Indecent Publications Act 1963 and in the matter of an application by Pauls Book Arcade (Auckland) Ltd., in respect of John Cleland's *Fanny Hill* in a paperback edition.

## DECISION OF THE TRIBUNAL

THE tribunal has considered an application made by Pauls Book Arcade (Auckland) Ltd.—with the consent of the Minister of Justice—for a decision in respect of a paperback edition of *Fanny Hill*, whether it is indecent or not or for a decision as to its classification.

The book *Fanny Hill*, or to give it its full title *Fanny Hill, or The Memoirs of a Woman of Pleasure*, was written by John Cleland and first published in 1749. The book submitted to the tribunal is an expurgated paperback edition published by Mayflower Books Ltd. of London. It is stated on a fore leaf that only in the United States of America can the full unexpurgated edition be sold. There have been prosecutions in England regarding the book but we are not aware whether the edition submitted to us has been the subject of judicial consideration. It is this last we are called upon to consider.

It is the story of a young country girl in eighteenth century England, who goes to London and there adopts the profession of a prostitute not so much of her own inclination as because circumstances led her to such a life. She was in her ignorance innocently introduced into a house of ill fame where she was corrupted but subsequently escaped under the protection of a young gentleman she had met there, with whom she lived for a while, but from whom by an unfortunate chance she became parted. Thereafter at the instigation of and with the encouragement of others, she embarked on a career of prostitution until ultimately by chance she and her first lover became reunited. The book abounds in sexual incidents frankly narrating her progress in prostitution but avoids any gross and crude expressions.

No submissions were made on behalf of the applicant, but counsel for the Secretary for Justice argued that the book should be held to be indecent. We do not accept his contention that the conduct depicted was treated in an "uncondemnable" fashion, nor his contention that any literary value the book had was destroyed by the excisions which had been made to produce an expurgated edition though no doubt its literary value was thereby lessened. Nevertheless the book has some value as a "period piece" portraying eighteenth century life and manners. In so far as it describes the progress in prostitution of a young woman that is a theme by no means uncommon in present day novels in which sexual episodes are described with the utmost frankness and a wealth of detail.

There is, and no doubt always will be, a school of thought which would ban all accounts of sexual behaviour and another more liberal school which demands freedom from censorship except where it can be held that the circulation of a particular book is injurious in the public interest. We are not prepared to hold that the expurgated edition submitted to us is injurious to the public good. In our opinion it is unlikely that any adult reader would be corrupted or become depraved by reading it.

We are however faced with a more difficult question—as we have been before—whether the book should be held to be indecent in the hands of persons under 18 years of age. The question whether such a restriction should be imposed must be determined in relation to the particular book submitted. Decisions in respect of other books we have had to consider cannot be regarded as precedents governing this issue, especially as this book is being for the first time introduced into New Zealand. When the tribunal decided to impose no restriction on the sale of *Another Country*, it was influenced to some extent by such considerations as the high price of the hard cover edition which was submitted to it and to the improbability of juveniles reading it having regard to the difficulty minors would have in appreciating the theme and purpose of the author. So too in regard to *Lady Chatterley's Lover*, though the tribunal was unanimous in regarding the book as "unsuitable" reading for young persons, the majority of the tribunal was strongly influenced by the consideration that in the circumstances present, namely that a hard back edition was in full circulation, a decision to impose a restriction as to age would be ineffectual and might in fact promote or heighten a curiosity in juveniles to read the book. Moreover other and more fundamental considerations might have confirmed the majority in their attitude.

As regards the particular book we have to pronounce upon, we desire to emphasise that our decision relates to this edition alone. We have decided to restrict circulation or sale to persons of 18 years of age or over. Though well written it is no more than an account of a succession of bedroom reminiscences and sexual incidents. It would be easy reading for juveniles whose only interest could be precocious.

The book has no substance other than to relate the experiences of a prostitute and we think that it might arouse interest in the one form of perversion it describes. It should, as far as practicable, be withheld from impressionable young persons. It is not in the public interest that the access of juveniles to the book should be facilitated. We accordingly make a ruling which the Statute permits classifying it as indecent in the

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hands of persons under 18 years of age, though we feel considerable doubt as to how far, if at all, such a classification will have the effect sought. But for what it is worth we classify the book submitted as indecent in the hands of persons under 18 years of age.

K. M. GRESSON, Chairman.

12 May 1965.

**BANKRUPTCY NOTICES***In Bankruptcy—Supreme Court*

JOHN ANDREW ARMSTRONG, of Waipapa near Kerikeri, labourer, was adjudged bankrupt on 11 May 1965. Creditors' meeting will be held at the Courthouse, Whangarei, on Tuesday, 25 May 1965, at 11 a.m.

P. J. CUNNEEN, Acting Official Assignee.

Whangarei.

*In Bankruptcy—Supreme Court*

ROSINA HENDERSON, of 331 Great North Road, Grey Lynn, grocer, was adjudged bankrupt on 14 May 1965. Creditors' meeting will be held at my office on Wednesday, 26 May 1965, at 10.30 a.m.

E. C. CARPENTER, Official Assignee.

Fourth Floor, Dilworth Building, Customs Street East, Auckland.

*In Bankruptcy—Supreme Court*

COLIN CRAIG, of 5 Lansdown Avenue, Papatoetoe, contractor, was adjudged bankrupt on 13 May 1965. Creditors' meeting will be held at my office on Thursday, 27 May 1965, at 2.15 p.m.

E. C. CARPENTER, Official Assignee.

Fourth Floor, Dilworth Building, Customs Street East, Auckland.

*In Bankruptcy—Supreme Court*

EDWARD JOSEPH MARSH, of 7 Nola Crescent, Otago, plasterer, was adjudged bankrupt on 14 May 1965. Creditors' meeting will be held at my office on Friday, 28 May 1965, at 10.30 a.m.

E. C. CARPENTER, Official Assignee.

Fourth Floor, Dilworth Building, Customs Street East, Auckland.

*In Bankruptcy—Supreme Court*

KEITH TAYLOR, of 21 Cron Avenue, Te Atatu, butcher, was adjudged bankrupt on 11 May 1965. Creditors' meeting will be held at my office on Tuesday, 25 May 1965, at 10.30 a.m.

E. C. CARPENTER, Official Assignee.

Fourth Floor, Dilworth Building, Customs Street East, Auckland.

*In Bankruptcy—Supreme Court*

THOMAS JAMES SLADE, of 3 Corinth Avenue, Te Kuiti, bulldozer driver, was adjudged bankrupt on 14 May 1965. Creditors' meeting will be held at the Courthouse, Hamilton, on Friday, 28 May 1965, at 11 a.m.

H. G. WHYTE, Official Assignee.

Hamilton, 17 May 1965.

*In Bankruptcy—Supreme Court*

BARRY PERKINS, of Woodville, driver, was adjudged bankrupt on 12 May 1965. Creditors' meeting will be held at the Courthouse, Palmerston North, on Wednesday, 26 May 1965, at 10 a.m.

J. N. MUNCASTER, Official Assignee.

Palmerston North, 12 May 1965.