

sexual acts, relationships and desires in the lives of lesbians. Some magazines contain discussion and/or depiction of sado-masochism, bondage and role-playing in sex. These issues are contentious ones in the lesbian community but these magazines play an important role in providing a forum for discussion of the issues. In contrast to mainstream pornography, lesbian sex magazines are consciously engaged in discussion and exploration of a variety of sexual acts, relationships and desires. Issues of sexism, racism and other forms of discrimination are openly discussed and often attempts are made to produce sexual material which does not rely on oppressive forms of social relations. Conscious attempts are made to produce sexual images which will express and appeal to the diversity that exists among lesbians. Women of different ethnic groups and body-types are depicted in ways that often break with the narrow stereotypical depiction of the desirable sexually attractive female.

- 4.3 In addition to the main intention of magazines such as *Wild Women* (sic) to provide positive lesbian sexual images, these publications are also valuable for the research and study of sexuality. This study takes place in both formal and academic settings, as well as in more informal and community-based educative settings."

Decision

At the outset it should be stated that the Tribunal did not find it was a straight-forward task to classify these publications. In one sense, too, the Tribunal encountered some difficulty in obtaining a clear view of what these magazines are. On the one hand they contain explicit descriptions of masochistic and disciplinarian sexual practices which often involve violence (for example, Volume 1, No. 6, page 15, where a kitchen knife enters a vagina; Volume 1, page 21, where a caning leaves welts, and page 26 of the same issue, where a uterus is ripped out of a living woman). Other stories are much less violent, but explicit in their sexual content. Yet there are also some quite good "public service" pieces on "safer" S and M sex, book reviews, serious editorials on aspects of lesbian sexuality, interviews, and news on overseas lesbian activities. Some difficulty was encountered in establishing what the dominant effect of these publications is. Section 11 (b) of the Act requires the Tribunal, in classifying or determining the character of any book to take into consideration its literary or artistic merit, or the medical, legal, political, social or scientific character or importance of the book. These magazines may have some importance with respect to section 11 (1) (b) in that they affirm the validity of a lesbian lifestyle and thus work to increase lesbian self esteem. The Tribunal considers that this is probably the main thrust of Ms Ryan's submission on behalf of the Lesbian and Gay Archives of New Zealand. The class of person amongst whom the magazine is likely to be distributed is obviously the lesbian community, and probably a small part of that community. The Tribunal doubts that anyone would be likely to be corrupted by reading these magazines, because probably they would appeal only to those who already possess lesbian sado-masochistic tendencies. If the magazines help readers to more readily identify and be content with their sexual preferences, then those persons are likely to benefit from *Wicked Women*.

Although Ms Ryan submitted that on the whole the magazines present "positive images of lesbianism which are generally absent from other publications", the Tribunal does not agree that the individual descriptions of sexual violence create a "positive image". Nor does the Tribunal agree that there is no injury to the public good because the magazines will appeal only to a small minority. The same argument could easily be made of apparently consensual homosexual or heterosexual sado-masochistic acts which have little appeal to anyone but the practitioners of the acts depicted or described. Yet these types of descriptions and depictions have regularly been found to be indecent by the Tribunal, because the public good would

be injured by their mere availability for supply, not because they may injure specific readers. It is injury to the public good that is the test, not injury to the good of people who happen upon the magazines. If it were otherwise, it would be difficult to know how the Tribunal could make anything unconditionally indecent because the more extreme magazines would be virtually unknown and would revolt everyone but those to whom the content of the magazines appealed.

Mr Wotherspoon submitted that an age restriction "may be more appropriate than an unconditionally indecent classification" without really giving any reasons in support of this submission. Perhaps these magazines fall into a grey area because they contain an inherent tension between affirming a lesbian lifestyle, which is arguably not injurious to the public good, and legitimising violence in the context of sexual fantasies, which arguably is injurious to the public good.

A number of past decisions of the Tribunal assist in the classification of these magazines. Consistently the Tribunal has classified as "unconditionally indecent" material that advocates S/M/bondage practices where there are depictions of such activities, obviously posed or not. The series *Piercing Fans International Quarterly*—which probably has the same kind of minute and highly specialised readership as *Wicked Women*—was classified as unconditionally indecent (piercing in one form or another is advocated in several instances in *Wicked Women*).

Anything paedophilic is automatically unconditionally indecent. It was unclear to the members whether the 3/4 page entry from the "Blaze Collective" (page 31, Volume 1, unnumbered) falls into this category. "Blaze" is described in the article on page 31 as "... a group of people who are working for the decriminalisation of consensual sexual relations between adults and children (specifically man/boy love relationships)." Given the evidence available to date the members do not believe that any (emphasis mine) adult/child sexual relationship is anything but abusive *per se*—i.e., it is simply not possible to have "consensual" sexual relationships between adults and children, because children are not capable of free willing and informed consent.

There are some pictures in the magazine which—if in a gay male magazine or heterosexual magazine—would render them liable to an unconditionally indecent classification (pages 14, 15, Volume 1; page 17, Volume 1, No. 8; pages 8, 16, Volume 1, No. 6).

Basically Ms Ryan's submission appears to be one of "special pleading for special decisions for special groups".

While sympathetic to the idea that lesbians should be free to have erotica written by and for them, the Tribunal must be consistent.

While there is a range of photographs, and some intriguing experimental writing, an occasional interview and some sane sexual advice, the dominant effect of these magazines is clearly that they are specialist magazines for lesbians who are interested or involved in S and M. In decision No. 14/87 the paperback publication *The Leatherman's Handbook Two*, which was described as a manual for homosexual sado-masochism, was classified as unconditionally indecent. In a number of Tribunal decisions (No. 1034, 20/84 and 57/89) publications known as *PFIQ* (an abbreviation for *Piercing Fans International Quarterly*), publications described as containing a significant photographic content relating to genital piercing and adornment, were considered to be injurious to the public good and classified as unconditionally indecent. In decision No. 43/88 several issues of the publication *Honcho*, which described many of the publications as containing pictorial and written aspects of bondage and sado-masochism of a kind which caused grave concern to the Tribunal, were classified as unconditionally indecent. Based on these and other previous decisions of the Tribunal, and the need to be consistent with those past decisions of the Tribunal, and in the absence of