

aforementioned 14 issues of *Penthouse* are or are not indecent in Maoridom”.

Professor Money postscripted his affidavit with the observation that “visual erotica of the type found in *Penthouse*, when used as a masturbation accessory, is of exceptional value as a positive protection against exposure to the AIDS virus”.

**Bernard F. Norman, M.A.** Senior Clinical Psychologist, New Zealand Registered, in a report addressed to the Tribunal which is dated 12 November 1990 stated, *inter alia* “With respect to all the pictorials viewed I found nothing depicting violence, crime, cruelty or horror. Nor did I find any sexual content that could be construed to be injurious to the public good”.

**Rosalind Mary (“Tuppy”) Owens** of London deposed on oath that she has an honours degree in zoology and a diploma in human sexuality from London University and is the Founder of the Outsiders Club, a self-help group for physically and socially handicapped people looking for friends and partners. She said her experience with people with disabilities is that they very much enjoy magazines such as *Penthouse* although they prefer more hard core magazines. She said it is a wonderful thing for people with disabilities to be able to look at sexy pictures, the private parts and to see bodies being enjoyed as they would like to enjoy their own.

**Christine Alice Margrit Pickard** of London is a general medical practitioner with a particular interest in social gynaecology. Dr Pickard’s 8-page affidavit concluded with her belief that she could not think of any harm that might accrue from *Penthouse* magazines which would require their being banned.

**Joseph Raz** of Oxford, England, is Professor of the Philosophy of Law at the University of Oxford and a Fellow of Balliol College. He has published extensively on legal and social philosophy. Having examined the May, June, July and September 1988 issues of *Penthouse* magazine Professor Raz said there was no doubt in his mind that there was nothing indecent (within the meaning of the term in New Zealand law) in those issues of *Penthouse*. He said he found it hard to concede that anything in these issues is likely to corrupt or cause any specific harm to anyone. He found no portrayal of any horrors, crimes, cruelty or violence in these issues of the magazine. Some of the material in the issues examined by Professor Raz, tended, in his opinion, to encourage attitudes which he regards as flawed and against the public good. However, taking into account the values of pluralism and autonomy, Professor Raz considers that the issues examined by him are not injurious to the public good.

**Tom Scott** of Wellington, well known cartoonist and writer in this country, presented a submission. A certain reticence precludes us from reproducing some of the more humorous asides from Mr Scott’s submission. Suffice to say that he views *Penthouse* as being primarily a male masturbatory aid. He does not consider the U.S. editions of *Penthouse* examined by him as being indecent within the definition in the Act. In the particular editions read by him, Mr Scott said he could see nothing injurious to the public good. He could not see how anyone could be corrupted by them.

**Michael Schofield** of London is the holder of a masters degree in psychology from Cambridge University and has worked as a social psychologist, specialising in social research. Having read the March, May and June 1990 issues of *Penthouse* Mr Schofield concluded that no one is likely to be harmed or corrupted by them nor were they in any way injurious to the public good. In some circumstances Mr Schofield considers that they would have some beneficial effects. In his view erotic feelings in themselves are quite innocent. They become injurious only when they are mismanaged or directed towards anti-social ends.

**Gwendoline Smith** of Auckland, psychologist states she has been in practice for 9 years as a clinical Psychologist with a

wide range of experience in the mental health area. Having studied 4 copies of *Penthouse (U.S.)* magazine she states that there is not at this time any empirical evidence that shows a casual relationship between exposure to sexually explicit material and acts of sexual violence. Although comprehensive international studies suggest that pornography may be offensive to the value systems of some members of the community, Ms Smith said it has not been possible to show that it is harmful/injurious to the public good. Particularly she said there is no evidence to suggest that the use of consenting female adults in multiple model scenes is enough to injure the public good.

**Edward Chad Varah Obe**, of the City of London, has been a priest in the Church of England for 54 years, Rector of the Lord Mayor of London’s Parish Church for 37 years, holds a Masters Degree from the University of Oxford and has been providing sex therapy since 1935. In 1953 the Reverend Varah started the Samaritans, now a worldwide organisation with 183 branches including 7 branches in New Zealand. In his view it cannot be said that these magazines cause, or are even likely to cause harm and injury, or to corrupt or deprave.

**Graham Michael Vaughan** of Auckland, professor of psychology at the University of Auckland, in his affidavit concluded from a study of 6 issues of *Penthouse (U.S.)*, May, August, September, October and November 1988 and February 1989 editions, that none of the content in any of themes depicted in a manner which is injurious to the public good. The summary of a report attached to Professor Vaughan’s affidavit sites “On the whole, there is no evidence in the research literature pointing to harmful effects of non-violent erotica, as such, upon males”.

**Desmond Bruce Williams**, a professional photographer of Auckland, attested in general terms to his belief that the photos in the subject magazines are of a much higher standard than what appears in most fashion magazines.

**Glenn Daniel Wilson** of London, Senior Lecturer in Psychology at the University of London, Institute of Psychiatry and Adjunct Professor of Psychology with the University of Nevada, Reno, deposed, *inter alia*:

“A great deal of research has been done on the effects of erotica on the likelihood that the viewer will commit rape upon or assault women. While the case is still open with respect to certain types of pornography (in particular those which promote sexual aggression towards women with justifications to the effect that women are worthless whores, or that they enjoyed being raped, or eventually get around to enjoying it), there is no evidence that the softer, good-humoured type of erotica, such as *Penthouse* is harmful in any way.”

**Colin Rhodri MacTaggart Wilson** of North Hampton, England is a consultant psychiatrist specialising in the area of acute mental illness, group and individual psychotherapy and marital and psychosexual counselling. Having studied the *Penthouse (U.S.)* issues of January, March, June and August 1989, he said he saw no evidence whatsoever that the material contained in those magazines would be of any harm to anybody who read them.

Affidavits or statements in writing were received from a total of 29 witnesses. With the exception of Professors Donnerstein, Linz and Mullen and Dr Court their evidence was not tested under cross examination. With the exceptions noted Mr Akel indicated that application had not been made to cross examine any of these witnesses. It should be noted that section 6 of the Act permits the Tribunal to receive in evidence any statement, document, information or matter that may in its opinion assist it to deal effectively with any matter before it relating to the character of a document, whether or not the same would be otherwise admissible in a court of law. It can be appreciated, then, that the procedure of the Tribunal, by contrast to the process of a court of law, is less formal with the rules of evidence being relaxed in almost all cases. Nevertheless the