

NO SEX, PLEASE : WE'RE CHINESE

Whatever is considered objectionable and/or offensive to accepted standards of decency is the excuse being employed behind, what must surely be, controversial and widespread disagreement throughout the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC) as that Government proposes to hammer in another nail into the coffin of Press Freedom in those 416 square miles.

That, really, is the essence behind the revamping of certain parts of The Obscene and Indecent Articles Ordinance of the Laws of the HKSAR.

And it is difficult to believe that the HKSAR Government did not engineer, with a great deal of cunning and forethought, those amendments to The Ordinance, amendments which are, without question, a retrograde step on the road to democracy.

Under the proposed amendments, it is admitted, openly, that it is the Government's intention to tighten controls of what it determines is pornographic material in newspapers.

And the arbiter as to what is to be considered pornographic material, will be, of course, those Government-appointed parties who sit on the Obscene Articles Tribunal.

Newspapers, which are deemed to have published obscene and/or indecent reports and/or photographs, will be required by law to print a red strike diagonally and prominently on the front page of the offending medium, it has been suggested.

Acting Secretary for Information Technology and Broadcasting, Ms Eva Cheng, has been vocal in stating that the Government of the HKSAR shall be monitoring the content of all local publications.

Ms Cheng was quick to allay fears of the introduction of controls on the Press by stating that no medium shall be censored before publication.

That means that a medium may be censored after having published an article/report/photograph that is deemed by the Government of the HKSAR to fall outside the standards of its imposed criteria for indecency.

And that is, in truth, the essence and the nut of the new Government proposals: To label with a scarlet stripe any HKSAR medium, not considered favourable to Government thinking and dogma of the day.

Like Nathaniel Hawthorn's 1850 novel, *'The Scarlet Letter'*, any HKSAR medium, thought to be contrary minded the Government's determination, will be branded with a scarlet stripe so that it may be shunned by the reading public of the HKSAR.

And to guarantee that the Press may be brought to heel, at any time, the Government will have the power to impose its standards, which the Government may vary from time to time, as it sees fit.

Ms Cheng is quoted as saying: *'We have to strike a balance between protecting public morals, and (protecting) young people from the harmful effects of obscene and indecent materials while preserving the free flow of information and safeguarding the freedom of expression.'*

And the Government's appointed body shall, by law, be the arbiter of what is to be considered *'obscene and indecent materials,'* of course.

Under the new proposals, a medium, deemed to have contravened The Obscene and Indecent Articles Ordinance, would, on conviction, be subject to a maximum penalty of \$HK2 million (about \$US257,000) and 3 years in jail, an order that a diagonal red line be emblazoned across every page of the repeat offender's newspaper, and the Government would be empowered to seize any and all materials that are considered to have offended the standards of public morality as particularised in the reworked Ordinance.

In short, these 'key' proposals leave the door wide open for the HKSAR Government to be armed to the teeth with legislation to take effective and immediate control of any and all HKSAR publications, or restrain and arrest any member of the Press on the grounds of an alleged infringement of the provisions of The Obscene and Indecent Articles Ordinance.

The David Incident

It was not too long ago that the Government determined that Michelangelo's statue of David was an obscene sculpture: It demanded that the penis of David be covered so as not to offend the public's standards of morality.

But the determination, that the statue was an immoral depiction of the Biblical figure of David, was a Government determination: It was not a determination of academics or Church leaders of the HKSAR.

That was the height of insanity; and, that HKSAR Government determination became the joke of the world.

Now, the HKSAR is about to make the world laugh, once again, with weird and wonderful amendments to its laws on obscenity.

These amendments will accomplish nothing, but they will give the HKSAR Government more power to control the Press of the HKSAR when it determines that such control is required.

What Is Obscene ?

In most Scandinavian countries, where children are taught sex education at a very early age, and where sex crimes and sexually transmitted diseases are among the lowest in the world, due completely to Scandinavian countries' enlightened views of the subject, the openness by which the human body is viewed, probed and explained, at a very early stage in the academic life of its population, tends to cause the public to have a very high regard for social probity.

In the US, especially, it is held that the basic guidelines for a trier of fact, in determining whether or not a work, which depicts or describes sexual conduct and which is being considered as a depiction of that which is obscene, is whether or not the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest, whether or not the work depicts or describes, in a patently offensive way, sexual conduct, specifically defined by the applicable law, and whether or not the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Applying US standards, the depiction of Michelangelo's David is not obscene.

But the HKSAR Government thought otherwise; and, it determined that the offending penis of David be covered so as not to offend the public's tender morals.

Under the proposed amendments to The Obscene and Indecent Articles Ordinance, for newspaper to reproduce the parts of Auguste Rodin's 'Die Erotischen Zeichnungen, Aquarelle und Colagen' or Paul Cadmus's classic 1931 oil rendition of 'Jerry' would be a criminal offense.

Auguste Rodin (1814-1917), the foremost sculptor of the 19th Century and early 20th Century, is known for, among other works of art, his depiction of '*The Thinker*' (a naked man, which definitely would be considered obscene in accordance with The Obscene and Indecent Articles Ordinance, as it stands, today) and '*The Kiss*' -- definitely a no-no since, in this case, there is a naked man and a naked woman, embracing and kissing.

As for Paul Cadmus, he was, and still is, a homosexual, and many of his works makes unashamedly reference to his sexual propensity.

The 1931 oil of '*Jerry*', for instance, is clearly a painting of Paul Cadmus's then male lover, who is shown, lying half naked in bed, with a copy of the novel, '*Ulysses*', clutched in his left hand.

James Joyce (1882-1941) was an Irish novelist whose psychological perceptions and innovative literary techniques made him one of the most influential writers of his day.

His novel, '*Ulysses*', written in 1922, is James Joyce's attempts to develop further the concept of the stream of consciousness as a means of character portrayal.

One might suppose that Paul Cadmus, fighting against a sea of ignorance with regard to his sexual proclivity, and the moral standards in the US in the 1930's, in general, was trying to send a message to the world via his then lover, Jerry, lying half naked while holding onto James Joyce's great work of art.

Then, the pornography to beat all pornographies would be the story of Peter Abelard (1079-1142?).

This French philosopher and theologian was one of the most celebrated figures of the 12th Century.

In 1117, Peter Abelard began tutoring Héloïse, the niece of a Canon of the Cathedral of Notre-Dame in Paris, France.

They fell in love and secretly married after Héloïse gave birth to a bastard son.

Peter Abelard then persuaded Héloïse to take Holy vows, but her uncle, convinced that his niece had been abandoned, had Peter Abelard castrated.

Peter Abelard, later, founded a chapel and oratory called the Paraclete, where Héloïse became Abbess.

In 1125, he became Abbot of the Monastery at Saint-Gildas-de-Rhuis.

In about 1132, Peter Abelard and Héloïse began their famous exchange of letters, which have become classics of romantic correspondence.

In 1140, the Roman Catholic Council and Pope Innocent II condemned Peter Abelard for his skeptical, rationalistic writings.

Upon his death, Peter Abelard's body was taken to the Paraclete; when Héloïse died, she was buried beside him.

Their bodies now lie in a single tomb in the Père Lachaise Cemetery in Paris.

A romantic tale, no doubt, but, in terms of the revised The Obscene and Indecent Articles Ordinance, this story would be banned from publication in any newspaper, published in the HKSAR.

And the famous Abelard and Héloïse letters would be a matter for immediate imprisonment, one would suppose.

Large erect penises, full and voluptuous breasts, tight buttocks, inviting pink vaginas, red painted toenails and any and all other parts of the human anatomy are difficult not to include in paintings, photographs and written reports about life.

But the Government of the HKSAR would have the world believe that such depictions offend the standards of the modern Chinese, those domiciled in the HKSAR, at least.

Interestingly enough, if the Government does start putting red, diagonal stripes across all the pages of a medium, said to have violated the Government's code with regard to obscenity, it will just make it that much easier for

people, wanting to exercise free choice and to thumb their noses at the Government's stupidity, to know which medium to read and to see what the Government has determined to be smut.

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