

Purifying Empire: Obscenity And The Politics Of Moral Regulation In Britain India And Australia

The regulation of morality has been a subject of intense debate and controversy throughout history. In particular, the regulation of obscenity has elicited diverse responses across cultures and time periods, reflecting the complex interplay between social, cultural, and political factors. This article presents a comparative analysis of the regulation of obscenity in three countries: Britain, India, and Australia. By examining the historical evolution, legal frameworks, and societal attitudes toward obscenity in these countries, this analysis aims to shed light on the multifaceted nature of moral regulation and its impact on freedom of expression.

Historical Context

Britain

The regulation of obscenity in Britain has a long and complex history. In the 16th century, the common law offense of "obscene libel" was developed to punish the publication of material considered to be lewd and immoral. This offense was later codified in the Obscene Publications Act of 1857, which established a test of obscenity based on whether the material in question had a tendency to "deprave and corrupt" readers.

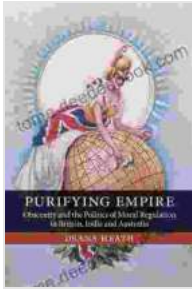
Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia

by Deana Heath

★★★★☆ 4.8 out of 5

Language : English

File size : 1279 KB



Text-to-Speech	: Enabled
Screen Reader	: Supported
Enhanced typesetting	: Enabled
Word Wise	: Enabled
Print length	: 248 pages
Lending	: Enabled



India

In India, the regulation of obscenity is rooted in colonial-era legislation. The Indian Penal Code, enacted in 1860, included provisions prohibiting the publication of obscene material. After India's independence in 1947, the government continued to regulate obscenity through various statutes, including the Cinematograph Act of 1952 and the Indecent Representation of Women (Prohibition) Act of 1986.

Australia

The regulation of obscenity in Australia followed a similar trajectory to that in Britain. The common law offense of obscene libel was introduced in the 19th century and was later codified in the Customs Act of 1901. However, the Australian government adopted a more liberal approach to obscenity regulation than Britain, with the High Court ruling in 1994 that material could not be classified as obscene simply because it offended "the prevailing moral standards of the community."

Legal Frameworks

Britain

The Obscene Publications Act of 1857 remains the primary legislation governing obscenity in Britain. The Act prohibits the publication of any material that is "obscene," defined as material that "tends to deprave and corrupt persons who are likely to read, see, or hear it." The Act also establishes a defense of "public good," allowing for the publication of obscene material if it is for the "public benefit."

India

The Indian Penal Code prohibits the publication of "obscene" material, defined as material that is "lascivious" or "tends to deprave and corrupt persons." The Cinematograph Act of 1952 regulates the exhibition of films, including films that contain obscene content. The Indecent Representation of Women (Prohibition) Act of 1986 specifically prohibits the publication of material that depicts women in an "indecent" or "derogatory" manner.

Australia

The Customs Act of 1901 prohibits the importation of obscene material into Australia. The Act defines obscene material as material that is "grossly offensive to contemporary community standards of decency or morality." However, the High Court's ruling in 1994 has limited the scope of this definition, requiring that material be "injurious to morality" in order to be considered obscene.

Societal Attitudes

Britain

Societal attitudes toward obscenity in Britain have evolved over time. In the 19th century, obscenity was widely considered to be a moral evil. However, attitudes began to change in the 20th century, with the advent of mass media and the rise of counterculture movements. Today, there is a greater tolerance for obscenity in British society, although it remains a subject of occasional controversy.

India

Societal attitudes toward obscenity in India are complex and often contradictory. On the one hand, there is a strong tradition of conservatism and respect for religious and cultural values. On the other hand, there is a growing desire for freedom of expression and sexual liberation. This tension is reflected in the ongoing debates over the regulation of obscenity in India.

Australia

Societal attitudes toward obscenity in Australia are generally more liberal than in Britain or India. This is due in part to the country's history as a multicultural society, which has fostered a greater tolerance for diversity of opinion. However, there are still pockets of conservatism in Australia, and obscenity remains a subject of debate from time to time.

Impact on Freedom of Expression

The regulation of obscenity has a significant impact on freedom of expression. In all three countries examined in this analysis, the laws against obscenity have been used to suppress political dissent, limit artistic expression, and restrict the flow of information.

Britain

The Obscene Publications Act has been used to prosecute publishers of political literature, including works by Thomas Paine and James Joyce. In recent years, there have been several high-profile cases involving the prosecution of individuals for sharing "indecent" images online.

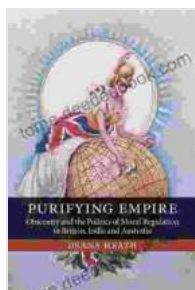
India

The Indian Penal Code and other laws against obscenity have been used to suppress political dissent and limit the freedom of the press. In recent years, there have been several cases involving the arrest of activists and journalists for publishing material considered to be obscene.

Australia

The Customs Act has been used to ban the importation of various books, films, and other materials deemed to be obscene. In recent years, there have been several high-profile cases involving the prosecution of individuals for possessing "child pornography."

The regulation of obscenity is a complex and controversial issue that has a significant impact on freedom of



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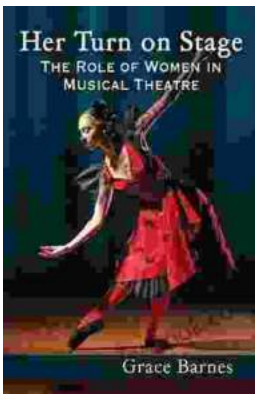
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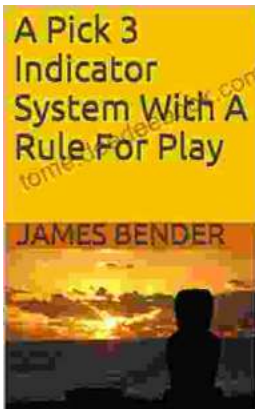
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