

# Censorship of pornography



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Freedom of speech and expression is a legitimate right that is enjoyed by any free man. It is the most fundamental and essential right given to every individual in any democratic country. But the privilege of freedom involves respect of morality and decency of every man. Pornography is generally a protected right by the First Amendment but laws and legal decisions regulate such freedom of expression. Child pornography has been criminalized by legislation such as Child Protection and Obscenity Enforcement Act while the definition of obscenity has continuously evolved through time. In 1973, the Supreme Court tried to define what could be considered as obscene in the case of *Miller v. California*. It was held in the said case that pornography is obscene if applying community standards and viewing such material as a whole, (1) the "dominant theme taken as a whole appeals to the prurient interest" (2) that it depicts or describes sexual conduct in a patently offensive way; and (3) that it lacks serious literary, artistic, political or scientific value (*Miller v. California* 1976). Community standards may have evolved, as more people are becoming more liberated and open-minded. But the average person as a whole still defines what is proper. Pornography injures not just the community but also, the self-respect lost by its subjects. The abuse that it contemplates is not limited to what could be shocking to the conscience of men, but what is proper to humanity. Obscenity is never a matter of individual belief or perception, it is not how one can be impressed or satisfied by such material, rather, it is the perception of the community as a whole which is genuinely taken. In our modern time where media and the Internet are accessible to every person, even to a child, the State must act upon its authority to provide the sanctity and safety of every individual through regulation. Regulation of pornography is not a curtailment of the

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right of every person to freely express himself, it is rather a limitation, to such great privilege of having freedom, while respecting your fellow men. The limitation of freedom is for the common good, the prevention of disorder and protection of lives and morals. Everyone has the right to freedom of expression, but such right is not absolute, as such free expression is limited to “ the right of the Nation and the States to maintain a decent society (Jacobellis v. Ohio). Works Cited Jacobellis v. Ohio, 378 U. S. 184, 199 (1964) Miller v. California, 413 U. S. 15 (1973)