



Art, Sexuality and Images: The legalization of pornography in Denmark

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Art, Sexuality and Images

The legalization of pornography in Denmark

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Denmark was the first country worldwide to legalize pornography in the late 1960s. In a way the legalization of pornography in Denmark can be considered an outcome of an activist 'misperformance' lead by avant-garde artists. The explicit struggle for liberalization and 'freedom of speech' that many artists in Denmark engaged in during the post-war era and afterwards eventually led the Danish Parliament to repeal the laws on pornography in 1967 (literature) and 1969 (pictures). However, very soon the emancipation turned into commercialization and capitalization.

The Danish Parliament passed the decision to repeal the laws against obscenity on 30 May 1969. According to criminologist Berl Kutchinsky, within a few months after the liberalization of visual pornography there were more than ten major porno producers in Denmark, as well as 120 specialized porno shops and clubs. October 1969 saw the so-called 'World's First Sex Fair' in K. B. Hallen, Copenhagen, which in six days was visited by more than 49,000 people from all over the world (Kutchinsky 1999: 135). As it happens, art historian and situationist artist Jens Jørgen Thorsen made the opening speech at the World's



• Jens Jørgen Thorsen:
Action at the opening of 'The
World's First Sex Fair' in
Copenhagen, October 1969.
Photograph: Jørgen Sperling.
© POLFOTO.

• Wilhelm Freddie:
Sex-paralysappeal, 1936.
Object (64,5 x 33 x 22 cm).
KUNSTEN Museum of
Modern Art Aalborg.
Courtesy Wilhelm Freddie's
Archive.



First Sex Fair on 21 October 1969. A happening, apparently borrowing its formal approach from Yves Klein and his idea of women as living brushes, followed the speech. In the happening, the audience was urged to actively make their own pornography rather than passively consume the pornography offered by commercial producers. At the stage, in front of hundreds of attentive men, Thorsen covered a naked woman in paint and held up posters saying, 'Do it yourself: Make your own pornography' and 'Down with censorship'.

In Thorsen's welcome speech the discourses of emancipation from the 1930s resonate, mixed in with the celebration of pleasure and eroticism known from the youth culture of the 1960s:

It made world history and was epoch-making when small Denmark as the first nation in the world recently did away with censorship. For the first time in the history of the world it has become possible without fear of being persecuted, imprisoned, cursed, banished, to talk about, to play about, to write poems and sing about the biggest incentive,

pleasure, madness, poetry, yes, the precondition for humankind: The erotic life. Without that right, freedom is not worth much. [...] Many [...] will say: Now look... is that really all it leads to, that freedom?... Good Lord ... To those I will kindly say: Take it easy. This is only the beginning, the first hesitating openness. It's going to get much, much worse as time passes. Much, much worse. 'Cause no one knows the roads of freedom. (Thorsen 1980)

Thorsen was right. It got much worse. For two or three years Denmark was the global centre of porn production, delivering the goods worldwide. Indeed, Denmark was at once turned into 'the homeland of horniness', which is a term introduced in 1982 by Jens Jørgen Thorsen, now in the role of art historian. Thorsen used the term to characterize the work of Danish surrealist artist Wilhelm Freddie. As Thorsen explains:

We didn't meet in the first land, which is that of reality. And we didn't meet in the second land either. Which is that of the dream. We met in the third land, which is our common homeland. It is the land of horniness. (Thorsen 1982: unpaginated)

No one could more appropriately have made such a tribute to Freddie, whatever we shall make of it. Jens Jørgen Thorsen had at this point himself tested the tolerance of the morals and the law, most notably by his adaptation of Henry Miller's novel *Quiet Days in Clichy* into film in 1970 and later, in 1973, by proposing a film, *The Return*, which was not realized until 1992, about the sexual life of Jesus.

Going back on the road that led to this 'homeland of horniness' actually brings us right back to Wilhelm Freddie and his role as a scandalous surrealist in the 1930s. In the 1930s and the 1960s Wilhelm Freddie's work became the object of intense attention from parts of the Danish authorities that do not usually take any interest in art. The unlikely, almost surreal, event of the vice squad visiting an art exhibition better than anything shows that two major 'revolutions' of the twentieth century converged in Freddie's controversial work: the Surrealist Revolution and the Sexual Revolution.

Wilhelm Freddie's first confrontation with the Danish authorities took place in 1937, but it has direct links to a number of significant events that took place in the 1960s as well. The controversy began when Wilhelm Freddie's exhibition, 'Pull the Fork from the Butterfly's Eye: Sex surreal', showing some thirty-eight of his recent works, opened in a gallery space in the centre of Copenhagen in March 1937. Among the works were the object *Sex-paralyseappeal* (1936), which involved the graphic depiction of the male sexual organ on the cheek of a woman's face. The male sexual organ also appeared more or less manifest in paintings such as *Psychophotographic Phenomenon: The fallen of the world war* (1936) and *The Legionnaires of Pleasure* (1936).

A few weeks after the opening of the exhibition, the right-wing press led by *Nationaltidende* (*National Times*) started a bitter campaign against Freddie. Under the headline 'The exhibition by sex maniac Freddie. How long will the coarse pornographic monstrosities be tolerated?', an anonymous journalist in *Nationaltidende* attacked Freddie: 'It is a disgrace that does not bear repeating that an exhibition in Østergade, which in its sick filthiness, or filthy sickness if one prefers, escapes all further mention' (Læssøe 1996: 88). The following day, 19 March, the police seized six paintings and two objects from the exhibition, among them all the above-mentioned works. The incident received a lot of media attention, although it was in fact quite undramatic. Freddie even assisted the police in removing the works from the gallery. Later Freddie was charged with violation of the penal code's paragraph 234, the so-called porno paragraph, which speaks of 'public exhibition of obscene contents'. On 29 July 1937 he was fined 200 kroner by the City Court in Copenhagen. The case went on to the High Court in September 1937, where the fine was reduced to 100 kroner. However, Freddie did not pay the fine but in November 1937 went to jail for ten days instead. The seized works remained in the care of the police, who kept them in the Criminal Museum.

Thirty years after the trials of the 1930s, everything seemed to have changed and the discourse on emancipation seemed to have won out over prudishness and censorship. This change follows the post-war tendency in Western societies in general as noted by Sadakat Kadri:

[A]s courts made clear that works ranging from Ulysses to saucy seaside postcards could fall foul of the legal definition of obscenity, the law's breadth fell into increasing disrepute. A sense grew that material with cultural merit should be guaranteed heightened protection, (Kadri 2007: 24-5)

Looking at the specific Danish situation in the 1960s, we find once again that Wilhelm Freddie and his works play a pivotal role in the debates relating to these questions.

When Freddie in 1961 was given the opportunity to have a large, retrospective show in Arturo Schwarz's gallery in Milan, he contacted the Danish Ministry of Justice and asked to have the seized works from the 1930s returned and included in the show. However, the Minister of Justice, Hans Hækkerup, did not agree to the return of the works, arguing that he did not want to contribute to a 'watering down' of the paragraph against pornography in the penal code (Læssøe 1996: 189). Once again Freddie received a lot of media coverage, and he knew well how to use the media interest for his own purpose. Immediately following the refusal from the Minister of Justice, Freddie declared to the press that he would begin making copies of the seized works. 'I will immediately begin making copies of the two paintings and the sculpture... and in a month and a half they will be exhibited in a gallery in Copenhagen,' Freddie is quoted in *Ekstra Bladet* on 8 August 1961 (189).

Working from memory and from photographic documentation, Freddie now produced almost exact copies of the original works. Freddie made sure to send invitations for the opening of the exhibition of the three copies to the Minister of Justice and the commissioner of police. The exhibition, which took place in the gallery of Fluxus artist Arthur Köpcke, opened on 17

November 1961. On the same day the police seized the three copies under massive media coverage. The police official charged with preliminary examinations made a statement, in which he commented on the relation between art and freedom of speech:

I am not in agreement with those who think that works of art should be exempt from punishment. In my opinion, it is exactly the intelligent artist who is capable of producing the most dangerous pictures, which conflict with the penal code's paragraph 234. (Læssøe 1996:192)

However, after having been found guilty of violating the paragraph 234 at the City Court in March 1962, Freddie was acquitted of all charges at the High Court where the case was tried in May 1963.

The case against Wilhelm Freddie, spanning more than twenty-five years, shows that the discourses on pornography, censorship and freedom of speech from the outset were permeated by larger ideological questions about regulations of the body and its sexual impulses. The case against Freddie formed an important part of the development towards ending what Danish historian Morten Thing has called 'the era of prohibition' and the introduction of a new permissiveness (Thing 1999a: 8). The ending of the era of prohibition did not merely accidentally coincide with the 1960s, where radical experiments with what Herbert Marcuse called 'fundamentally different existential relations' were performed (Marcuse 1956: 5). The ending of the era of prohibition only happened at this specific time because a thorough will to experiment with social, existential and sexual relations manifested itself. Gradually sexuality became more and more autonomous, as it was no longer exclusively tied to matrimonial reproduction, or to what Marcuse called 'the monogamic-patriarchal family' (37), but increasingly existed for its own sake and for its own pleasure, so to speak. The dominant views on sexuality in those years changed quite dramatically towards a discourse of

emancipation that considered sex in itself - not for the purpose of reproduction - normal, pleasurable and healthful.

In fact, the debates leading directly to the legalization of visual pornography in Denmark were, among other things, linked to the changing role played by contraceptives, not least the introduction of the contraceptive pill in 1966. This discursive change is very evident in the court cases against Freddie. Where hardly anyone defended Freddie in the 1930s, not even authorities within the art world who in fact turned against him, he received a lot of support when the case against him was re-enacted, as it were, in the 1960s. Among others, the students of the Royal Academy of Fine Arts in Copenhagen demonstrated for 'freedom of artistic expression' in November 1962 to show their support of Freddie.

More important, several individuals as well as groups of people did what they could to push the limits for free speech in order to problematize and contest the official understanding of the term pornography. The years leading up to the legalization of written pornography in 1967 had witnessed several court cases concerning novels, which were mostly historical or foreign (or both). The most famous case concerned John Cleland's more than 200-year-old novel *Memoirs of a Woman of Pleasure*, better known as *Fanny Hill*. The novel was translated into Danish and published in an unabridged edition in 1964, which immediately led to its being tried at court. The Supreme Court in 1965 found the publisher not guilty of violating paragraph 234. It was this decision that led to the Danish Parliament repealing the laws on written pornography in 1967. When it comes to visual pornography, however, the majority of tried cases concerned contemporary and Danish works, such as those described in the case of Wilhelm Freddie.

The explicit and successful provocation that Freddie performed when re-enacting his 1937 exhibition in 1961 inspired others to contest the laws on pornography. An instance of deliberate provocation occurred when the left-wing journal

Politisk Revy in 1966 published a series of four photographs depicting intercourse between a man and woman. The theme of this particular volume of the journal was 'Love' and the photographer Roald Pay had been asked to illustrate it (Thing 1999b: 46). When the volume came out on 29 September 1966, the police requested the entire edition confiscated. However, at that point the main part of the edition had already been distributed to the subscribers. The case had also been mentioned in a national newspaper, *Ekstra Bladet*, which not only described the confiscation of *Politisk Revy* but made sure to illustrate the article with two of the controversial photographs by Roald Pay as well. Now both the editor of *Politisk Revy*, Jesper Jensen, and the editor of *Ekstra Bladet*, Victor Andreasen, were charged with violation of paragraph 234. In February 1967, they were both found guilty at the City Court and later at the High Court and the Supreme Court as well.

Since these rulings took place during a time when censorship and pornography were already being heatedly debated, a will to contest the court decisions manifested itself. Soon one of Roald Pay's photographs appeared on a poster produced by the Youth Department of the Society of Danish Women promoting the use of contraceptives. The poster reproduced one of Pay's photographs that in part showed male testicles, but apart from that no indication of sexual organs. The image was accompanied by a text saying: 'It's pleasurable, when you use diaphragm, condom, coil or pills.' In the 1960s Denmark witnessed a new permissiveness regarding contraceptives and sexual behaviour, and the pleasurable aspects of sex could now be explicitly stated, at least in writing. Nonetheless, this poster also ended up in court, and Roald Pay's photograph was again found 'obscene' in the High Court on 4 September 1968.

The following day the anarchic underground magazine *Hætsjj* (the title phonetically evoking the Danish word, borrowed from German *hetz*, meaning 'smear campaign'), which originated from the radical artists in The Experimental Art

School, came out with a reproduction of the poster on its cover. The result of this provocation came immediately when the editors were charged with violating the paragraph 234 and the police seized the remaining edition. A few days later *Hætsjj* came out in a new edition carrying the same image on the cover. However, now the image was no longer a photograph, but a drawing. In fact, a drawing made by Danish artist Per Kirkeby, who at the time experimented with his so-called hatchings. Predictably, this new version of the image, now drawn, not photographed, went unnoticed by the police. Before the case against the editors of *Hætsjj* ever reached the court, the paragraph on pornography in the penal code had been repealed, pornography had been legalized.

A couple of days after the Danish Parliament had passed the decision to repeal the laws against obscenity, *Hætsjj* came out with a cover photograph showing a naked woman holding a white cross above her head in the midst of a group of men in dark suits. The photograph documents the artist Lene Adler Petersen performing the action *The Expulsion from the*

• Wilhelm Freddie posing with his copy of *Sex-paralysappeal*, 1961. Photograph: Jørn Freddie. Courtesy Wilhelm Freddie's Archive.



Temple / Nude Female Christ at Børsen, a historical building that housed the Danish stock exchange, located a few hundred metres from the Parliament Building. Lene Adler Petersen performed the action along with her partner Bjørn Nørgaard and their friend John Davidsen, who filmed it. They were all part of The Experimental Art School in Copenhagen. The naked woman silently walking right through a crowd of dumbfounded, male stockbrokers with a cross raised above her head, in a Danish context, is iconic of the 1960s.

The action took place in the late afternoon on 29 May 1969. Although the historical coincidence with the legalization of pornography is remarkable, to my knowledge this work has never been connected with the liberalization or the commercialization of pornography. Instead, it is seen more as an outcome of Nørgaard's more abstract interest in gender roles and religion, which he explored in several works. Of course, most of all it is seen as an image that is emblematic of generational difference. But could it not be seen, also, as a striking comment to Denmark's historical transformation to 'the homeland of the horny', an almost prophetic critique of the commercialization of nudity and sexuality? The action certainly marks the transition from an 'innocent' struggle for emancipation to a much more politicized art production in Denmark. Significantly, Adler Petersen went on to become a leading figure in

the feminist art movement, which only took shape after 1969. The abolition of censorship in 1969 in Denmark meant the introduction of sexism and commercialization of sexuality on an unseen scale that called for new strategies from artists. The struggle for emancipation may have been won, but with this triumph many new challenges had to be faced.

REFERENCES

- Kadri, Sadakat (2007) 'The Licence of Poets and Madmen: Judging art since Veronese', in Daniel McClean (ed.) *The Trials of Art*, London: Ridinghouse, pp. 19-35.
- Kutchinsky, Berl (1999) *Law, Pornography and Crime: The Danish experience*, Oslo: Pax Forlag.
- Læssøe, Rolf (1996) *Wilhelm Freddie*, Copenhagen: Fogtdal.
- Marcuse, Herbert (1956) *Eros and Civilization: A philosophical inquiry into Freud*, London: Routledge and Kegan Paul.
- Thing, Morten (1999a) *Pornografiens historie i Danmark*, Copenhagen: Aschehoug.
- Thing, Morten (1999b) 'Pornografisk revy: En historie var den virkelige uvirkelighed', *Social Kritik* 64 (June): 46-7.
- Thorsen, Jens Jørgen (1980) 'Verdens Første Sexmesse, 1969: Åbningstale', in *Friheden er ikke til salg*, Copenhagen: Bogan, p. 91.
- Thorsen, Jens Jørgen (1982) *Wilhelm Freddie: Brændende blade*, Rungsted Kyst: Internationalt Forlag.

• Bjørn Nørgård and Lene Adler Petersen: *The Expulsion from the Temple/Nude Female Christ* at Børsen in Copenhagen, May 1969. Photograph: John Davidsen. Courtesy of the artists.

