

WHAT ABOUT THE FIRST AMENDMENT?

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Obscenity in the legal sense tries to show what is "socially permitted" material and what is not. There is no straightforward classification of what is obscene and what is not, knowing what could be considered obscene can only come from the knowledge of previous Supreme Court cases in which obscenity has been tried. The law is subjective and highly based on the time period's moral standards at the time it was created.



WHAT IS OBSCENITY?

"I shall not today attempt further to define the kinds of material but I know it when I see it."

- Justice Potter Stewart



Defined as behaving in an obscene matter, or a word or phrase that is indecent or offensive.

THE MILLER TEST

The Miller Test was developed in 1973 in the Supreme Court Case Miller v. California.

1. Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest
 2. Whether the work depicts/ describes, in a patently offensive way, sexual conduct or excretory functions specifically defined by applicable state law
 3. Whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value
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