

## **DISSENTING OPINION OF DR DON MATHIESON, PRESIDENT**

1. I regret that I must disagree with the majority of the Board. I would grant Family First's request for an R18 rating.
2. I agree with many statements in the majority decision and in particular with the conclusion that INTO THE RIVER is not to be held objectionable under s.3(2) of the Act. I do not think that the description of the music teacher Willie's drug-encouraging, grooming and/or pornographic activities, thoroughly reprehensible as they are, tends to exploit, let alone promote, the exploitation of young persons for sexual purposes within s.3(2)(a). The other paragraphs of s.3(2) are irrelevant. My opinion therefore rests on s.3(3) and s.3(4). I justify the age restriction that I prefer under both s.3A and s.3B.
3. I do not think that the majority grapple with the fact that the principal character in the book who comes to be called Devon, is at all times aged either 13 or 14. The two extremely graphic sex scenes do not concern a teenager of 16 or 17. It is injurious to the public good to normalise, as the book does, sexual intercourse by young teenagers. Even if it is prevalent in our society it is injurious to depict it as a normal activity for 13 - or 14-year olds to engage in because this tends to encourage wholly undesirable experimentation. If sex at such a young age is regarded by a 13-year old as normal there are all too likely to be mistakes - young teenage pregnancies, coercion, drug administration to overcome reluctance and an absence of consent (ie rape) among them.
4. INTO THE RIVER portrays girls as all too ready for sexual activity. Sex is portrayed as very pleasurable at the time even if Devon ultimately regrets his actions. It is treated as an animalistic fun activity. That is to say, there is no relationship other than that of the evanescent moment, no foreplay, no emotion, no romance, certainly no affection or love and no conversation about the possible consequences, no moralising and no contraception. Drug-taking is also presented as the kind of thing that a modern young teenager does; if you don't do it, it is likely you will be disapproved by your schoolmates.
5. I attach weight to the extent and degree to which the book describes "sexual conduct with or by young persons" (s.3(3)(a)(iv)). I also attach due weight to the manner in

which it does so. Thus the scene with Tania is offensively explicit (eg "draping the wall of the bathroom with a ribbon of sperm"). Girls are just sex objects for Devon. The book degrades and demeans his sexual partners, and suggests that instant gratification is what you should be expecting in today's New Zealand. Even if many young New Zealanders could be shown to think like that (which I very much doubt) any increase in such attitudes is injurious to our society. I do not here confuse injurious consequences and immorality.

6. In terms of s.3(4), I believe that "the dominant effect of the publication as a whole" is to normalise sexual acts and drug-taking as a normal part of years 9 and 10 in a modern education in a boarding school. I believe the book will not be read by a huge number of young teenagers because it is too lengthy but that an appreciable number will peruse it because it has achieved some notoriety and because of its explicitness; it will be viewed as naughty material that titillates. The book has in my opinion little merit in relation to social matters, throwing no light on any aspect of bullying for instance. Thus the reason why the teachers at the school which Devon attends take no steps to stop what they must know is the traditional practice of some senior boys is not explored or even raised incidentally.
7. The majority think that the dominant effect of the book will be to promote useful discussion. I agree that if treated as a minor item on a reading list handed out to year 13 students it could provoke some strong reactions and enliven a discussion about sex or drugs, but that hardly ranks as a dominant effect, and there are likely to be several other less advantageous effects which, as a matter of common sense, tell against the advisability of doing so. As to "other relevant circumstances" ( para (f) of s.3(4)) the heavy use of offensive words must be taken into account ("cunt" used 9 times for example). I would be more tolerant of offensive language in today's society if it was used only occasionally and not in a way that was deliberately intended to increase the realism (in the author's view) of the book, its notoriety and its sales.
8. In my opinion the book is likely, if not restricted, to cause serious harm to at least some persons under the age of 18. The book is full of language that is "highly offensive to the public in general". Section 3A therefore applies.

9. Further, in my opinion the book describes physical conduct of a degrading or demeaning nature to such an extent or degree that it is likely to be injurious to the public good as being likely to cause persons under the age of 18 to be "greatly disturbed or shocked"(s.3B(4)(a)). If 18-year olds can find useful discussion material in this book, which is problematic, they will at least probably have sufficient "emotional and intellectual development and maturity" to deal with highly explicit sex scenes, the drug-taking and the utter disregard of the interests of other people shown by Devon, without being greatly disturbed.
10. I would reject Family First's requests that the rating sticker should be prominent on the cover, and that the book not be made available in school libraries or public libraries. Even if desirable, those restrictions lie beyond the powers of the Board.

17 December 2013

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Date



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President, Dr Don Mathieson