

## Problems And Legal Principles Toward A Legal Definition Of The Obscene

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The Article discusses the difficulty faced by judicial authorities when dealing with the issue of obscenity — particularly, finding a balance between the freedom of speech guaranteed by the Constitution and the duty of the State to protect the society from social evils. The discussion begins by looking into how obscenity is dealt with under the American law and jurisprudence and continues by tackling the different tests employed therein, to determine whether a material is to be considered obscene or not. It then moves on to how obscenity is treated under the Philippine law and jurisprudence. The contributions of various cases, like the relative theory of obscenity and the theory of redeeming social values, are also discussed.

After giving a brief background on obscenity, including both the definitions attached to it and the standards used to measure it, the Author then examines the problems arising from such treatment, including, but not limited to, its effect on thoughts, conduct and moral standards of the people in the society.

The Article ends by acknowledging that regulating unhealthy sexual propaganda will undoubtedly affect certain legitimate freedoms. Yet, this should not stop us in looking for solutions that will not only reflect the moral principles of the society but will also safeguard the freedoms accorded to a democratic society.