

The Human Body is Not an Action: Why Natural Skin is Constitutionally Incapable of Lewdness

We need to talk about a quiet, steady confusion that has crept into our local laws, our beaches, and our daily lives. It is a confusion that mixes up what we are with what we do—and in doing so, it treats our very existence as a crime.

When we look at the way municipal codes are written, we constantly see words like "indecent," "lewd," and "offensive" slapped onto the simple, unclothed human body. But if we are going to talk about the law with any real honesty—the kind of rigor that actually holds up in a court of law—we have to draw a hard, bright line between two fundamentally different things: **the object itself** and **the conduct of the person**.

The simple truth is this: **the human body, including the genitals, is a physical fact. It is not an action. And because it is not an action, it is constitutionally incapable of being "lewd" or "indecent."**

1. The Core Distinction: Object vs. Conduct

To understand why our current legal framing is broken, we have to look at the difference between an inanimate or natural object and human behavior.

Imagine a common household hammer. A hammer is an object. It has no moral character. It is neither good nor bad, peaceful nor violent. If you use that hammer to build a bookshelf, you have committed a constructive act. If you swing that hammer at someone's car window, you have committed a destructive, criminal act.

We do not outlaw the hammer. We do not declare the steel head or the wooden handle to be "inherently violent." We regulate the **conduct** of the person swinging it.

The human body is no different. Your skin, your chest, and your genitals are biological facts. They are the physical vessel of your life. A body simply existing, breathing, resting, or swimming is not "doing" anything. It is a state of being, not an act.

The legal reality: *For an act to be "lewd" or "indecent," there must be mens rea—a guilty, sexualized, or malicious mind—coupled with a specific behavior designed to shock, harass, or sexually arouse. Simply existing in one’s natural skin contains no such intent. Therefore, to label the body itself as "indecent" is a massive category error.*

2. Defining the Line: Utility vs. Intent

To prevent the state from making the lazy claim that "choosing to be unclothed is itself the conduct," we must establish clear legal definitions. We draw a hard line between ordinary human utility and targeted sexual behaviors.

Ordinary Living Conduct (Protected)	Targeted Sexual Conduct (Unprotected)
Definition: Actions driven by basic biological, recreational, or human utility. This includes swimming, sunbathing, resting, walking, or cooling off. The Legal Standard: These are neutral, ordinary human behaviors. Performing them without clothes does not change their non-sexual, utility-based nature. There is no <i>mens rea</i> (guilty mind) or sexualized intent.	Definition: Actions driven by active, non-consensual sexual intent, designed specifically to shock, intimidate, or sexually display to an unwilling audience. The Legal Standard: This includes exhibitionism, public sexual acts, or using one's body as a tool of deliberate harassment. These acts are defined by their hostile, aggressive conduct and are not protected.

3. The Bold Line: No Defense for Sexual Misconduct

Let us be absolutely clear, with zero hesitation or compromise: **We are not defending, excusing, or legitimizing sexual harassment, exhibitionism, or non-consensual sexual behavior. No defense here, at all.**

AN UNCOMPROMISING BOUNDARY

Forcing a sexual display onto an unwilling audience, engaging in explicit sexual acts in public, or using one's body to deliberately intimidate, harass, or shock others is a hostile action. We do not need to ban natural skin to protect people from harassment.

We already have clear, powerful laws against harassment, assault, and sexual misconduct. When we pretend that the *body itself* is the weapon, we let actual bad actors off the hook by reducing serious behavioral offenses down to a mere dress-code violation.

4. The Absurdity of "Inherent Offensiveness"

If we argue that the human body is inherently offensive or lewd, we run into an absurd legal and logical wall.

If genitals are inherently indecent, then every human being is born in a state of active criminality. It means that under the law, our dignity as human beings is something we have to "earn" by purchasing and applying pieces of fabric. It suggests that a cardboard cutout of a swimsuit has more legal standing and respectability than the living, breathing human being wearing it.

Furthermore, community standards of "offense" cannot be the sole basis for restricting basic human existence. If a passerby is offended by the sight of someone's skin, that offense is happening entirely inside the mind of the observer. The person simply existing in their body has done nothing to actively harm, obstruct, or infringe upon anyone else's rights.

The Path Forward in Court

If we were to stand in front of a judge today, this is the framework we must present:

- **The State must prove conduct, not just presence.** The prosecution cannot simply point to bare skin and claim a crime has occurred. They must prove a specific, active, lewd intent.
- **The physical body cannot be categorized as "lewd expression."** Nudity *per se* is simply a state of being, not an inherently expressive act. You cannot ban a state of being under the guise of regulating conduct.
- **We must prosecute the behavior, never the biology.** Keep the focus entirely on protecting people from genuine, active harassment, while leaving the peaceful, quiet, natural human body completely alone.

It is time to stop apologizing for the skin we were born in. We are not indecent. We are just human.

*Feel Good Swimming is an advocate for natural human dignity and Acceptance by Design.
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