Censorship: some contemporary reflections

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Today's [28 April] news tells me that 29 Telstra technicians have been stood down for 'having inappropriate material' which they had downloaded from the internet [using Telstra Big Pond, one hopes] on their computers. One enterprising chap was alleged to have had 'over 295 megabytes of pornographic movie film'. On his hard drive, presumably. The wording is interesting. Stood down, not for bludging on the public purse, not for misappropriating a public resource but for 'having inappropriate material' on their computers. Perhaps not all of Telstra's wankers reside in the executive bunkers. The question has to be asked: 'what would be considered *appropriate* material?' And the inference which inescapably follows is that the Telstra managers are not playing at being managers, but at being *censors*.

Australia has always been a fertile playground for the censor and for the various exercises in contorted logic which accompany the exercise of that role; perhaps because of the early manifestation of the tendency to prescribe for other lesser mortals what they might and might not read, see or experience. The classic triangle of censorship in Australia consists of three planks: 'obscenity, blasphemy, sedition'.

'Sedition: *n* public speech or actions intended to promote disorder, vaguely, any offence against the state, short of treason…' The Australian ethos is founded in sedition: add to that the recently evident 'lese-majesty: an offence against the sovereign (that is, that of the reigning monarch) power' which flowered in the Republic 'debate', and nine out of ten Australians would be guilty of what was once a capital offence. 'Sedition' too has lost its power, and in many quarters, there is now a suspicion of, if not downright hatred of *government* that makes us all guilty of what was once called treason. The point here is that these aspects of the debate have lost their sting; they are no longer valid.

With the decline of religion as a moral, political and social force and the emergence of a secular society, the other blasphemy in the shape of 'a contempt or indignity offered to God' — once a hanging, drawing and quartering offence — has somewhat languished and is only invoked in those steamy liturgical quarrels with which Christians of various colourations are wont to divert themselves from the serious issues of the real world. Did I say 'Christians'? Perhaps unfair: the still smouldering Iranian fatwah which can render the life of a novelist forfeit for a somewhat ill-judged excursion into religious fantasy, has had a highly diverting effect in certain Muslim states. Perhaps putting a price on the head of an author is the ultimate form of censorship.

'Obscenity', in Australia the most common ground for censorship, usually rests on one or two grounds: the first is simply what used to be known as 'swearing', like other forms of 'obscenity' it is (or used to be) a context-based offence. Thus it was all right for shearers to use obscenity freely in the shed, but if a woman hove into view (or hearing) the utterance of the phrase 'ducks on the pond' produced a Sunday-school-like decorum on the boards. That was yesterday. Not since the farcical banning of the play *Rusty bugles* on account of the public utterance of the word 'bloody', has the verbal aspect of the obscenity clause had any real play. Indeed, in a recent judicial decision, a regional court in New South Wales declined a prosecution over the use of a certain popular swear word on the grounds of its public utterance. As anyone who has wandered through a shopping mall recently knows, to blaspheme (that is, swear) in a public place, is now commonplace, no more so than in and from the mouths of sub-pubescent females.

In earthy Oz it is of course the *sexual* aspects of the concept of obscenity which have for decades constituted the cockpit in which political roosters of various colourations strut their restrictive stuff, while the real obscenities of war, rape, starvation, infanticide, massacre and forced expatriation go on largely unremarked, and unabated. Different strokes, different folks. One's obscenity is another's viagra. What is art to some is obscenity to others. Which is to say that the notion of obscenity lies not so much in the depiction or relation of any particular and consenting adult act itself, but in the circumstances in which it is seen or experienced and, and by whom.

Sir Arthur Rylah, former chief secretary of Victoria, hanged Ronald Ryan without turning a hair; but he would blush (it is said) at some of the expressions used in the theatre and fiction of his time. He used to argue that that if material were not fit to be seen, read or heard by his sixteen-year old daughter (who rapidly assumed mythical status and the sobriquet of 'Fred') it should not be seen by anyone, except of course, the hardened persona of the chief censor, an office, which, co-incidentally, he also held. The recent confusion around the banning, then unbanning of the French film *Romance* is typical of the blurred thinking which pervades this aspect of human biology and behaviour. What was at issue was merely the question of whether or not it was proper to

permit the public at large to see cinematic screens full of the organs common to one gender or another, and in daily use, close-up: and in action.

This is not to deny that there are real obscenities of a sexual kind, the depiction and reticulation of which the internet, blind, unknowing, amoral and unreasoning has been the highly effective agent. The abuse of children for sexual ends and the merchandising of images depicting that process are indisputably abhorrent in themselves. We need not apply the incitement test to see that it is so.

But the actual abuse is one thing: the depiction and private viewing of it is another. Whether the abuse would or would not occur if there were not a market for the images of it is a moot point. But the viewer per se is not at the same level of depravity as the perpetrator, the conniver or the 'entrepreneur', although to judge by the outcries which occur when some sad sexual isolate (it is always a male) has trouble with his hard drive and takes it to be fixed, this distinction is often overlooked.

Such issues have a way of spilling over, and in our curiously splintered society, becoming inflated into a form of mass-hysteria verging on a blood sport. It is, of course, the highly-public and accessible nature of the internet which has energised this phase of the debate, or at least, made it impossible to ignore. 'In the privacy of one's own home' that liberal boundary of what was permissible behaviour has lately been shattered as a defence; one's computer, that silent witness of late-night folly may now be invoked in a criminal prosecution of its owner.

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The federal government has several times recently fallen into the logical trap of making a person other than the parent of an under-age child responsible for what that child may see in the family home. Reliance on the various forms of NetNanny and threats to prosecute internet service providers over what passes unseen and unknown down the electronic conduits which connect them to the customer are each logically and legally risible. It would be equally sensible to postulate the prosecution of Ziggy Switkowski for what is transmitted and received over the '1900' telephone lines.

The debate will no doubt continue to produce its share of logical and technical absurdity. Watch this space for details. ■

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Guidelines for the scholarships are available from
Michael Byrne
Statewide Projects Officer
Library Network Unit
State Library of Victoria
328 Swanston Street
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