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### Rjurik Davidson

@gingerandhoney @Jeff\_Sparrow I can see myself doing that...)

## essay | Wendy Bacon



### OVERLAND 202

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### 'BEING FREE BY ACTING FREE'

## Wendy Bacon on campaigning against censorship in the 1970s

When I was growing up in the early 1960s, I knew that on the top shelf of our bookcase, beyond easy reach, were copies of the unexpurgated editions of DH Lawrence's *Lady Chatterley's Lover* and Henry Miller's *Tropic of Cancer*. Both were banned in Australia.

No-one knew then how many books and films were prohibited because the list of banned titles was not published. In 1963, a Literary Censorship Board review was ordered to cut the list back to the explicitly pornographic. The outcome was, however, a big disappointment, with the board's recommendations overruled on grounds that were never explained. James Baldwin's celebrated *Another Country*, a book that dealt with homosexual relationships and race relations, was banned. The minister for customs, Denham Henty, explained on television that 'normal healthy Australians would not be interested in the works of DH Lawrence and Henry Miller anyway' – though he released James Jones' *The Thin Red Line*, a novel about the emotional trauma of war, because it would be read mainly by men.

At that time, Australia's involvement in the Vietnam War was building, university students were radicalising, and the contraceptive pill was available. Australian audiences were increasingly irritated by the regular partial censorship of movies that overseas audiences could watch uncut. Meanwhile, offset printing and computerised typesetting replaced hot metal publishing, giving editors more control over content and layout. As with the internet a few decades later, the developments extended the power to publish to more people.

Politically, the ruling conservatives confronted community groups and unions, and movements on campuses and in schools through-out Australia. Such was the situation in which, in late 1969, I joined a group of editors, writers and political activists taking over the University of New South Wales student newspaper *Tharunka*, a paper that had already fought censorship battles in the 1960s. When our money ran out, we launched an underground version called *Thor*, which we sold to students and other eager customers in pubs. Over two years we campaigned for the 'freedom to write, read, think and express without restraint'.

We published hundreds of pages: stories about Vietnam, apartheid, conscription, student sit-ins, gay sex, high school protests, police persecution of homosexual men, film censorship, the early women's liberation movement,

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drugs, contraception, Afghanistan, Opus Dei, the environment, along with detailed reports of our own court appearances, adorned with sexual images. The articles were accompanied by erotic stories and poems, pornographic cartoons of Disney characters, tracts on urban warfare and a basic recipe for bombs (then being reprinted all over the Western world), extracts from Yippie Jerry Rubin's banned book *Do It*, and essays by Sydney philosopher John Anderson, whose argument that censors spread illusions to disguise their own special powerful interests influenced our own ideas.

Our aim was political confrontation rather than sexual arousal. After police arrested a protester for handing out a pamphlet of a US soldier holding up a mutilated body, we juxtaposed sexual images with the violence of war.

In March 1970, a UNSW academic suggested we publish the bawdy poem 'Eskimo Nell', which, as we pointed out, was well known to our conservative critics as it was sung widely in football shower rooms. We positioned the 48-line poem beneath a carefully chosen picture of a bride.

*But Eskimo Nell was an infidel – she equalled a whole harem,  
With the strength of ten in her abdomen and her rock of ages beam.  
Amidships she could stand the rush like this flush of a water closet,  
So she grasped his cock like a Chatswood lock on the National Safe  
Deposit.  
She lay for a while with a subtle smile while the grip of her cunt grew  
keener,  
Then giving a sigh she sucked him dry with the ease of a vacuum  
cleaner.*

A mass meeting of UNSW students approved publication, while the mainstream media predictably screamed: 'Students publish filthy sex ballad.'

At the same time, a La Trobe University student newspaper republished extracts from Philip Roth's *Portnoy's Complaint*, the banning of which had become a cause célèbre. Recommending others follow suit, we made our intentions clear: 'If the government prosecutes in all cases, it slows up the courts, if it picks and chooses, their ridiculous inconsistency will be more apparent and underlined; if it prosecutes in no cases, at least there will be a temporary and minor victory against censorship and for freedom.'

Author Frank Moorhouse organised a *Tharunka* literary supplement of works that would be or had been 'banned or interfered with by Australian censorship legislation'. The supplement was 'not intended to meet the establishment on its own terms – that erotic or obscene writing is acceptable sometimes, if the English is correct and a professor of English testifies to its literary value,' he wrote. Rather it was a 'gesture by writers against censorship but also as a thing in itself – "being free by acting free".' AD Hope, Frank Hardy, Judith Wright, Tom Shapcott, Robert Adamson and Michael Wilding contributed works. Thomas Keneally (even though he had not been censored) included a statement supporting the supplement. Confessing to 'spinsterish views about eroticism', he found the 'ability of our Customs to ban seminal books (the pun not intentional) is to me the embarrassment of never having been banned myself'.

In his introduction Moorhouse wrote:

printers, editors and distributors work on the safe side of the margin when dealing with difficult material. Writers eventually come to censor themselves to get publication and of course the readers never know that they are reading emasculated material. The dependence of the literary magazines on government grants has inclined them to get on with 'safe' publication and to avoid the offensive and troublesome. They publish articles against censorship but not censorable material ... This supplement is not, then, an argument for freedom for only 'serious'

material or material of 'merit'. Free communication cannot be reserved for the intellectual modes.

Soon afterwards, we published 'Cunt is a Christian Word', a disturbing poem about the repressed sexuality of women, and in particular nuns, in the Catholic Church:

*Think of all the careless girls  
who let men touch them there,  
Who were foolish and silly  
and forget about their immortal souls  
Thinking instead of fleshly pleasures  
and who have been brought to ecstasy  
five thousand times.  
But you have been saved from that.  
Saved.*

*But soon you will realise,  
That you have been getting fucked all along.  
For there is no cock as big and rough  
As the one your church has thrust into you.  
God's great steel penis ...*

Catholic priests called on the government to censor *Tharunka*, and soon our editors and student publisher were charged with publishing indecent material. Our printer was also charged, which forced us to find printers for future editions who would print in return for cash and without identification.

We responded by spending a weekend sewing nun costumes with words from the poem concealed by a bib. The lines were dramatically revealed during a court hearing at which we also distributed copies of the offending poem. I was arrested.

That was how, in February 1971 – forty years ago – I found myself in a paddy wagon on the way to a week's imprisonment in Mulawa Women's Prison, while the court prepared to sentence me for exhibiting an 'obscene publication' with a tendency to 'deprave and corrupt' – to wit, the nun's habit with the slogan 'I have been fucked by God's steel prick'.

The Act under which I was charged still used the language of depravity and corruption. But those nineteenth-century concepts already sounded absurd, and so the jury was not shown the Act itself. Faced with the impossibility of proving depravity, courts had replaced the need to prove the 'tendency to deprave' with a 'community standards' test, which is still widely used in censorship regimes today.

The job of lawyers is to apply the law, not attack it, so I defended myself. I asked the jury to question the notion of the 'average person' and 'community standards', suggesting that the strong support we had at UNSW was evidence itself that a single community standard was an illusion used by conservatives to impose their views on others. The judge cut me off, on the basis that I could not address the jury on 'matters of law'.

My approach was vindicated, however, when the jury returned with a split decision. We were later told that there had been a big argument, with one jury member assaulting another before they reached a compromise verdict. I was guilty of exhibiting the slogan on the habit but not guilty of distributing the poem. A supportive lawyer immediately sent the poem to lawyers and the media as an example of what could be published. The *Daily Telegraph* later reported that a police investigation was launched when a solicitor complained that his female secretary opened the 'obscene' letter. Omitted from the story was the information that the pamphlet had been found not to

be 'obscene'.

A week later, I was placed on a good behaviour bond. But by then my short stay in prison had further educated me in the contradictory ways of the 'protectors'. The destitute and prostitutes were my fellow prisoners. Prostitutes, serving time rather than paying fines for what was then an illegal activity, told me that they regularly bribed the very same vice squad that kicked in my door at 3 am a year later to serve me with another summons. The sex shops, too, were paying off the police. It was another decade or so before evidence emerged that money from bribes made its way to ministers in the same NSW government that was pursuing us.

The following year, I, along with John Cox, was on trial again for distributing an obscene publication, in this case a whole issue of *Thor*. Showing signs of the pragmatism we so criticised in others, we now used the 'literary merit' defence to introduce political witnesses and arguments during the two-week trial. One expert witness was Germaine Greer, then a Cambridge academic and now featuring on Australian postage stamps, who gave evidence that *cunt* was an Anglo-Saxon word.

The prosecution focused on a particular page that was a reprint of a US cartoon of Disney cartoon characters in every imaginable sexual pose. The verdict was guilty. We were again imprisoned for a week and released on bonds. The NSW Court of Criminal Appeal overturned the verdict on the basis that the judge misdirected the jury by not telling them to consider the publication 'as a whole' rather than dealing with each individual part – something that incidentally is, in practice, very difficult to do.

The censorship laws were in disarray. Scores of publishers, booksellers and activists were awaiting trial for a large range of publications. Jurors in two NSW obscenity trials relating to *Portnoy's Complaint* failed to reach agreement and the cases were dropped. With judges now bound to follow the NSW judgement, convictions were unlikely.

As our opponent, the right-wing politician Peter Coleman, later wrote, our actions had 'dramatically smashed' the liberal compromise that allowed 'the middle-brow and high-brow magazines' to attack Christian morality but did not extend the same freedom to popular magazines.

We believed, as I still do, that by bringing what was considered shameful into the open, we would extend sexual freedom. Our stance was also influenced by the Sydney Libertarian position of permanent protest and direct action. A year after publishing 'Eskimo Nell', I noted, in a piece for Monash university paper *Lot's Wife*, that no-one was interested in Nell anymore. In the same article, I wrote:

I also see printing pornography as just a protest in itself. Now as far as I'm concerned, if something is forbidden, unless there is some good reason not to do it which I feel myself and understand myself, the fact that it is forbidden is enough for me to want to do it. So providing pornography is banned, or that it really freaks politicians right out, I'm going to be really keen to keep doing it.

While the *Tharunka* campaign was particularly vigorous, it echoed similar actions across Australia. So began a gradual shift away from the customs and criminal law regime towards the current bureaucratic system, built around publishers applying for classification codes enforced by occasional bans and criminal action. Conflict around censorship became less common by the end of the 1970s.

We were, however, wrong to think that the censorship battle was won. The old language of depravity was replaced by community standards tests, while references to drugs, violence and instruction in crime were now explicitly

included.

The Australian women's liberation movement, which I later joined, was only in its infancy in the early 1970s. By the end of the decade, pornography – and the objectification of women it often involves – had become a feminist issue. Some feminists joined conservative groups campaigning for censorship, although this tendency was not strong in the Australian movement, which was influenced by libertarian forms of socialism. Feminists who opposed censorship, like me, argued that whatever one thought of pornography, censorship would cause more harm than it prevented, especially given the way the law had historically been used to restrict women.

People sometimes ask me whether, in the light of feminism, I regret publishing pornographic images. My answer is 'no', but it needs some explanation. While we used the word 'pornography' to distinguish ourselves from those claiming 'literary merit' in erotic writing, very little of what we published would meet current definitions of porn, which often include the qualifier 'design[ed] to sexually arouse'. Naked bodies imposed on the cenotaph, explicit Aubrey Beardsley drawings, penises splashed across court drawings, Disney characters in outlandish sexual poses: these were scarcely designed to arouse and were, for the most part, not particularly sexist. We were not interested in commercial porn, which, as we said, was already available in sex shops.

When Janet Strickland, Australia's most liberal chief censor, resigned in 1986, she warned of a swing to conservatism, which she linked to a more fearful economic and political climate. In 1995, the Australian Retailers Association and a talkback radio campaign pushed the Classification Board to ban a satirical shoplifting guide published by La Trobe University's *Rabelais* on grounds that it 'instructed in matters of crime'.

No wonder that Strickland later told the *Sydney Morning Herald* she felt her predictions had been right: 'God knows what kind of society we'll be living in in ten years' time. It could be like Victorian times again, with all the hypocrisy and double standards ... Why is it that we are not allowed to be shocked and offended? It's good to be shocked and offended. It means we can still feel.'

A glance at recent classification decisions shows that our censors still refer vaguely to 'coarse language', with the word 'cunt' still coming in for special treatment. I also imagine many children would find it amusing that *Narnia* is PG (parental guidance) not G (general) because it has what are referred to as 'scary scenes'.

The most disgraceful recent banning is that of *Philip Nitschke's* pro-euthanasia book *The Peaceful Pill Handbook*, prohibited in Australia in 2007 because it 'instructs in matters of crime'. While narrow political and religious interests impose their views of the Australian community, widespread public support for euthanasia is evident. It occurs to me that the publication of this book might be an appropriate case for direct action by anti-censorship campaigners from my own generation.

Like all anti-censorship campaigns, *Tharunka* emerged from a particular political context. From today's perspective, it appears like the period piece it is, and my early defiance seems optimistic, even naive. Nonetheless, I still believe that direct action and resistance is the best way to counter censorship in whatever form it comes.

The terrain shifts but the struggle continues. Today, for instance, I would not embrace the then common practice in oppositional media of publishing bomb recipes, which in any case are now freely available on the internet. But I am very concerned with constraints on freedom of expression created by draconian anti-terrorism laws that were barely debated in parliaments and

are now taken for granted as part of our political landscape, even though they leave us open to selective surveillance, raids and prosecution – and even prevent people from telling anyone that they have been questioned by ASIO. Writing in *Griffith Review* in 2006, Frank Moorhouse predicted that the ‘government will probably have to send some of us to jail’. This has not yet occurred, but we have moved back to not knowing what is kept secret in our name. If someone fell foul of the laws against publishing security information in the public interest, I would still approve of republication.

In 1970, we could never have imagined a global, internet-based anti-censorship campaign on the scale of WikiLeaks. While the survival of WikiLeaks will depend on the deployment of the full ambit of available tactics, the mirroring and hacking actions in defence of the site remind us of the efficacy of direct action against censorship – being free by acting free.

Wendy Bacon is the Director of the Australian Centre for Independent Journalism.

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