

MORAL  
CENSORSHIP  
AND THE  
VISUAL  
ARTS IN  
AUSTRALIA

THE AUSTRALIAN COUNCIL FOR CONTEMPORARY ART, MELBOURNE 1989

MORAL  
CENSORSHIP  
AND THE  
VISUAL  
ARTS IN  
AUSTRALIA



THE AUSTRALIAN CENTRE FOR CONTEMPORARY ART, MELBOURNE 1989

Assisted by the Friends of ACCA, Brazier Ella & Mitchell Fund and the Visual Arts/Craft Board of the Australia Council  
The Australian Centre for Contemporary Art is assisted by the Victorian Ministry for the Arts  
and the Visual Arts/Craft Board of the Australia Council



Norman Lindsay, *The Apex of Life*.

1924, etching on paper, 37.8 x 30cms. Private collection Adelaide. (Ch.3, cat.3, vii)

**Cover**

Jules Lefebvre, *Chloe* (detail)

(Ch. 2, cat. 4)

Copyright © The Hon. Justice Michael Kirby and Natasha Serventy, for their essays; the remainder The Australian Centre for Contemporary Art.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying or otherwise, without the prior permission of the copyright owners.

Catalogue design by Terence Hogan

XTENSION DESIGN

ISBN 0-947220-03-8

# CONTENTS

## *Foreword*

### **Tread Softly, Because You Tread on My Dreams**

BY THE HON. JUSTICE MICHAEL KIRBY

CMG Hon.D.Litt.

*p.5*

### **Outrageous**

The way our laws affect artists and those who display their work,  
and deny them freedom of artistic expression

BY NATASHA SERVENTY

Director, Arts Law Centre of Australia

*p.8*

### **A History of Moral Censorship and the Visual Arts in Australia**

BY ALISON CARROLL

Curator of the exhibition

1. Introduction *p.8*

2. Nineteenth Century *p.9*

*Catalogue p.11*

3. Fin de Siècle to World War II *p.12*

*Catalogue p.15*

4. World War II to 1970 *p.16*

*Catalogue p.18*

5. 1970 to Today *p.19*

*Catalogue p.23*

Selected Bibliography *p.24*

*p.24*

Acknowledgements

# TREAD SOFTLY, BECAUSE YOU TREAD ON MY DREAMS

BY THE HON. JUSTICE MICHAEL KIRBY

CMG Hon. D. Litt.

Given the very great place which sexuality plays in the lives of most people, what is surprising is not that the visual arts have portrayed it so much but that they have portrayed it so little. The clothes, the figleaf, the deftly turned figure, the branch of vine growing at a convenient angle and other expedients have been adopted over the centuries by artists to disguise or hide the sexual organs and images of sexuality. In part, these expedients reflected the mores of the societies in which the artists lived and the patrons who purchased or appreciated their works. But, in part too, artists were forced into cultural modesty by laws which reflected a morality which was largely anti-sexual. It is interesting to reflect upon the fact that the Gospels of the New Testament contain little or no reflection of the repressive morality of the desert people. But then, along came St. Paul. Together with the early organisation of the Church, the stamp of sexual repression was thereupon fixed upon two millennia of people in most of the world. The agents of such repression are still about today. Some of them give voice to their ideas in 'fundamentalism' - whether Christian, Islamic, Jewish or even Communist! Some of them have found a new ally in the terrible advent of AIDS. For some, AIDS is the ultimate answer of an angry God, calling His people back to the safety and virtues of sexual modesty. Will art follow?

The collection illustrated in this exhibition demonstrates, if nothing else, how far we have come in Australia in recent years. Nudes which were once considered too shocking to be exhibited publicly seem tame to the jaded eyes of today's observer: confronted by bikinis, topless bathers, and nudity, nudity everywhere we turn. Statues and paintings which caused a public outcry, customs seizures, police operations and courtroom prosecutions (even in the lives of most of us) now seem insipid when measured against the readily available markets for 'adult literature', and video pornography. Now, virtually everybody who wants to can take home his or her fantasy, neatly packed in a cellophane wrapper or in a colourful VCR container. In a sense, we are now all the children of the American First Amendment. Once it was ruled that this material could be distributed in the biggest and richest market of media and publishing in the world, keeping it out of other countries (even Puritan Australia) became virtually impossible.

To those who say we should ban this material and return to the 'good old days' of artistic modesty supported by legal censorship, I would give several answers.

First, the attempts at suppression have never been entirely successful (as the record of this exhibition demonstrates). Nowadays they are doomed to early failure because of the size of the market, the ease of international travel and even

the international reticulation of electronic messages by satellite, cable and other means.

Secondly, attempts to suppress pictorial representations of the human form and of human sexuality merely create an underworld which caters for the insatiable appetite of the community, over the generations, for such material. In retrospect, how foolish - even laughable - some of the acts of suppression recorded in this exhibition seem today. Can it really be true that as recently as 1973, in Melbourne, a poster of Michelangelo's *David* was seized by the vice squad?

Thirdly, whilst there may be special reasons for dealing differently with sexual violence and the involvement of people not old enough to give a true consent, adults today resolutely assert their right to be let alone by the State in such matters. So long as the portrayals of the human form and of human sexuality are not forced unwillingly upon those who do not want to see them or who are not mature enough to understand them, it is no business of the State to act as a moral censor. To the extent that the State and its agencies intrude into this field, its actions will be highly controversial and even divisive. What might seem to one person pornography will seem to others a piece of art, a thing of interest and beauty or a legitimate source of human fantasy and excitement.

Why should we be ashamed of sexual fantasy and excitement? I suspect that St. Paul and those early Church Fathers have a lot to answer for in terms of accumulated human misery. And to their number one could add not a few local

lawmakers, judges and the hapless police and customs officers who, with varying enthusiasm, tried in the past to carry out the work of moral censorship.

The great utility of this exhibition lies precisely in the fact that it shows how far we have come and how what was once shocking and obscene, monstrous or a menace to public morals can now be viewed as legitimate art. We are sometimes truly astonished at the reactions of our forebears. This very change should make us chary about the rules that we insist upon in our generation. Perhaps in a future time those rules too will be regarded as ridiculous or hopelessly old-fashioned.

W.B. Yeats, in his poem about the cloths of heaven lamented that he did not have the 'blue and the dim and the dark cloths' to spread before the feet of his lover. Being poor, all he had to offer her were his dreams. And you will remember his final injunction: 'Tread softly, because you tread on my dreams.'

That should be the moral for the law derived from this exhibition. In the portrayal of the beauties of the human body and the wonders of sex, the law should tread softly. Because it treads on the dreams of ordinary people.



After Hiram Powers, *The Greek Slave*  
Photo courtesy La Trobe Library, State Library of Victoria. (Ch.2, cat.1)

# OUTRAGEOUS

THE WAY OUR LAWS AFFECT ARTISTS AND THOSE WHO DISPLAY  
THEIR WORK, AND DENY THEM FREEDOM OF ARTISTIC EXPRESSION

BY NATASHA SERVENTY  
Director, Arts Law Centre of Australia

The many laws which operate in Australia to restrict obscenity and indecency can affect the visual arts in various ways, and it is usually the effect of a law that artists notice. These brief notes will not be a substitute for taking proper legal advice. I will attempt to explain what the laws mean, but most do not provide a certain guide to what is or is not acceptable. The deciding factor is often the judge or magistrate's personal view of society's standards.

Although it is not a complete defence, evidence of the artistic merit will usually be taken into account by the Court when deciding whether or not an article is obscene. My view is that this does not go far enough to protect artists from the sometimes appalling consequences of their challenges to community standards. There is a case for law reform to allow artists greater freedom of action.

## Cause and Effect

What action may be taken when a work is believed to infringe laws against obscenity or indecency.

This is not an exhaustive list, rather one which has been compiled to give a sense of what may occur.

### 1. Complaints

A complaint is received, from any member of the community.

This complaint may be acted on by:

- a) the police (especially the vice squad) who will approach the exhibitor and ask to see the work in question. The police may leave the work on display, or remove it. They may also press charges against the artist and/or the exhibitor of the work.
- b) the exhibitor, for example the curator or person responsible for the exhibition, may decide to remove the work from exhibition or to display the work separately, perhaps with a warning notice regarding the nature of the work. This protective mechanism means that the curators and town clerks play an important role in defining what is and is not acceptable as art. It also preserves the status quo, as there may be no uproar about the removal or separate display of a work.
- c) the artist or owner of the work, fearful of being charged, may remove the work. This is not so common, as most artists are aware of the nature of their work and are not surprised by its reception.
- d) the work may be left on display (i.e. no action is taken).

### 2. Charges

Often artists who are charged with 'obscenity' are not actually convicted. For example, the charges may be withdrawn, or the artist/exhibitor acquitted, or someone powerful may intervene.

Where the artist or exhibitor is convicted:

- a) if the courts have acted early enough, the work may not be exhibited.
- b) the person convicted may be fined, but the work remains intact and is returned.
- c) the person charged may be fined and the work ordered to be destroyed. An appeal to a higher court, or to the Commissioner of Police or State Minister is often successful in

stopping an order for destruction of the work.

d) the person charged may be given a prison sentence. This is most uncommon, and in all situations I'm aware of, an appeal from the sentence has been successful. (The sentence has been reduced to a fine.)

## The Laws which Protect Us

### Obscene libel

It is a common law offence to sell or exhibit to the public an obscene article. As the prosecution must prove both that the article was obscene and that it was published with a criminal intent (to corrupt public morals) it is a rarely used law.

### State Acts

Each State has one or more statutes which make publication of obscene works offences to be tried before magistrates, and which allow for the seizure and destruction of indecent or obscene articles.

*New South Wales - The Indecent Articles and Publications Act 1975*

This act makes it an offence to publish an indecent article, and publish is defined very widely. The police have power to search and seize, and to commence proceedings against the maker, owner or possessor of the indecent article. There is no definition of indecency.

*Queensland - The Criminal Code S228 Vagrants, Gaming and Other Offences Act 1931-1978*

These acts prohibit making, selling and exhibiting obscene material, which is defined as including 'writing, picture, slide, film, drawing'. There is a definition of indecent matter which prohibits, among other things, lewd, prurient or obscene matter.

*Tasmania - Criminal Code 1924 - S.138*

Prohibits exhibition of 'disgusting object or indecent show'. No offence to create or sell.

*South Australia - Police Offences Act 1953 - 1978*

Prohibits printing, selling, public exhibition of indecent matter. Indecent does not relate to matters of artistic merit unless they unduly emphasise sex, immorality, etc.

*Western Australia - Indecent Publications and Articles Act 1902 - 1974*

Offence to make, sell, possess, exhibit indecent or obscene work. Similar definition of obscenity as in Queensland.

*Victoria - Police Offences Act 1957*

In Victoria, s.166 of the Police Offences Act 1957 makes it an offence to print, photograph, lithograph, draw or make any obscene article. It is also an offence to exhibit such articles in a place to which the public has access, or to sell or distribute such articles. (See too, the Summary Offences Act 1966, s.17(1)(b).) The key word used is 'obscene', rather than 'indecent'.

The statute defines obscenity:  
S.164(1) Obscene (without limiting the generality of the

meaning thereof) includes -

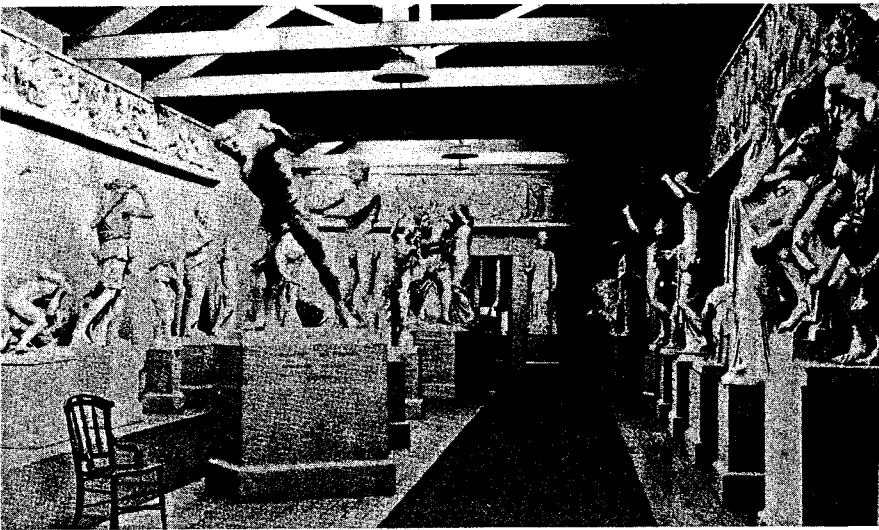
- a) tending to deprave and corrupt persons whose minds are open to immoral influences; and
- b) unduly emphasising matters of sex, crimes of violence, gross cruelty or horror.

S.164(2) In determining...whether an article is obscene the court shall have regard to -

- a) the nature of the article; and
- b) the persons, classes of persons and age groups to or among whom it was or was intended or was likely to be published, distributed, sold, exhibited, given or delivered; and
- c) the tendency of the article to deprave or corrupt any such person.

S.164(2) may be of benefit to an artist where the work is exhibited in a gallery where it can be shown that visitors would not be likely to be depraved or corrupted by the work.

The definition of the word obscene in s.164(1) is not particularly helpful as a definition but it is a pretty fair summary of previous legal thought on the subject.



The Statue Room, Public Library, Melbourne c.1868. Photograph courtesy La Trobe Library, State Library of Victoria. (See Ch.2)

Under the Police Offences Act a classification of Publications Board has been set up to assist in cases of obscene literature. The vice squad go through this Board, which reviews publications. No such scheme exists for the visual arts.

#### Commonwealth Acts

*The Commonwealth Customs Act 1901* controls the importation of any article. Regulations apply to blasphemous, indecent or obscene works which unduly emphasise matters of sex, horror, violence or crime or are likely to encourage depravity.

*The Commonwealth Post and Telegraph Act 1901* controls the post and prohibits the transmission through the mail of indecent or obscene articles.

*The Broadcasting and Television Act (1942)* controls material which is broadcast or televised.

#### Other Legislation

Many States have enacted legislation such as a criminal code, summary offences or police offences Acts to deal with minor criminal matters. Often these acts can be used to limit artists' freedom of expression, particularly in the areas of performance art, or performing artists such as actors and comedians.

#### But what does it all mean?

The laws briefly noted above prohibit the exhibition (among

other things) of obscene articles. But what is obscenity? Is there any definition, and who decides whether or not a work is obscene? Over time, through various obscenity cases, various tests of what is and is not obscene and some not very explicit definitions have been used.

The old test of obscenity, and the one which is incorporated into many current statutes, was whether or not the work had a 'tendency to deprave and corrupt' those whose minds were open and who might see the obscenities. Other catch phrases were;

- 'transgressing the bounds of decency'
- 'evil tendency and intent'
- 'endanger public morals'
- 'affront to modesty'
- 'dirty'.

The problems with all of these tests was proving that an obscene or indecent article had in fact depraved or corrupted any person. Time after time members of the vice squad, and juries hearing cases, remained unaffected by close contact with the obscene or indecent article.

The latest test was formed in the South Australian case of *Romeyko v Samuels*, by the then Chief Justice Bray. This test is 'whether the matter complained of was offensive, to a substantial degree, to the contemporary standards of the Australian community; and whether it had that character in the context of the publication as a whole'. The two tests are sometimes linked, whereby a work must be offensive according to current standards of decency and tending to deprave and corrupt.

Because the test involves the context of the publication as a whole the manner and place of exhibition is important. Works of art that are exhibited in a gallery or museum, rather than in a public place, will have some licence. As well, many of the State statutes make it clear that the relevant Australian community whose standards are being considered is the intended audience for the particular work.

What those community standards are, and whether they have been transgressed, is a question the court decides.

Evidence of literary or artistic merit will be taken into account when deciding whether the work is obscene. If the court decides a work is obscene, notwithstanding that it is also a work of art, that will be the end of the matter. The artist can not again raise the 'work of art' defence.

In Victoria the artistic merit defence is available unless the work was 'not justified in the circumstances, having regard, in particular, to the class of persons into whose hands it was intended or likely to come'. The Victorian statute gives artists a certain leeway, but it is up to the person charged to raise the issue of artistic merit and call the experts. The work may still be regarded as obscene under prevailing community standards. For example, the work may not be regarded as justified because school children may visit the exhibition.

It is nearly always the explicit depiction of sexual activity which is a problem under indecency and obscenity laws, although excessive violence, bad language, drugs or perhaps blasphemous statements might also fall foul of the laws.

#### What Should be Done?

In 1982 there was a flurry of comment and criticism when the film censor banned the film *Pixote* from being shown in uncut form at the Sydney and Melbourne film festivals. Never before

had the censors taken such an attitude to festival films. (It had been thought that showing such works to sophisticated and discriminating festival goers would not endanger their morals.)

Filmgoers cried out, the ban was overturned, the film was shown and the law was changed for film festivals. The political power of public outcry was effective - and the law was changed to accommodate one of society's various standards.

Readers will probably be aware that a system of classification exists for literature, printed material and films. Once this type of material is classified, it may be displayed, sometimes only in a limited manner and often with particular warnings as to the nature of the material.

There is no classification or censorship system in the visual arts, an area of art practice that has tackled erotic themes for thousands of years. The only exception is in NSW where 'photographs, posters, greeting cards and other pictorial matter' are included in the system. Even this will not assist most visual artists, unless they use the medium of photography.

The law as it currently stands in Australia can be restrictive, partly in that it almost always does not allow artistic merit as a defense, also because of the uncertainty of the definition of what is and what is not obscene.

The Arts Law Centre of Australia, which has been operating since 1983, has been involved in various controversies over recent years including the cases concerning Juan Davila, Anne MacDonald, Catherine Phillips and Robert Mapplethorpe. The issue of censorship is an important part of our brief, and we believe the present laws are ripe for reform - in so far as they affect artists. Possibly because it is usually an offence to sell or exhibit an indecent article (as well as to make or sometimes own an indecent article), galleries and other curators play a role in deciding what is and what is not acceptable at an early stage. Galleries often get cold feet and decide not to push an issue. Witness the recent decision by a Washington, USA gallery not to proceed with a retrospective of Robert Mapplethorpe's work,

apparently because of a moral 'backlash' in the USA. One can understand the gallery's point of view, as no one likes to be called before the courts with a possibility of being fined or even imprisoned. On the other hand, one could argue that galleries ought to be leading the call for law reform.

The law could be reformed if every State enacted an amendment to the legislation making works of art exempt from prosecution. If necessary, States could also set up Visual Art Review Boards, to decide what is or is not a work of art. With an extraordinary variety of pornographic material easily available in bookstores and even street corner newsagents, why is it that artists should bear the brunt of laws to protect Australia's morals?

If an artist seeks to exhibit a work which challenges community standards as to what is indecent or obscene the work may be seized and labelled indecent. Often the press enlarge the issue in eye-catching headlines. The artist may be fined or prosecuted. The gallery may also be fined.

If the prosecution is successful, the work may be destroyed. Who bears this loss? Almost always it is the artist or owner of the work. Rarely do exhibition contracts deal with the problem of loss if a work is likely to be judged indecent. If an artist wishes to exhibit challenging work, they run the risk of being labelled as a 'pornographic artist', or even as a pornographer rather than as an artist.

If a gallery gets cold feet and masks the 'dirty bits', moral rights problems emerge as well as the issue of sensationalism.

I'll close this essay with a quote from Premier Wran on 15 April 1982 concerning the furore over Juan Davila's *Stupid as a Painter*: 'I do not think art has got anything to do with the vice squad.'

Below: Mike Brown, *Untitled*, 1965 (now lost)  
Photo courtesy Mike Brown and Richard Haese. (Ch. 4, cat.6, ii)





# A HISTORY OF MORAL CENSORSHIP AND THE VISUAL ARTS IN AUSTRALIA

BY ALISON CARROLL

## I. Introduction

Morality and art have been continuously contentious partners. Together they have provoked situations loaded with personal frailty and fallibility, backed by reactionary and double standards. In the 1880s one defense against censorship was the homily 'to the pure all things are pure': of course half-true, half-ridiculous; half sincere, half a challenging spoof.

On one hand this story of censorship in Australian art is a pretty sorry one. It is full of stupidities and prejudice and nastiness and pettiness and some real hurt. On the other hand there is a need to try to understand the past, to focus on the issues, and address them for the future. The story also exposes some of our past folly as both food for thought for the historically curious and as moments of humour for all of us.

This is the first time that research on the history of moral censorship and art in Australia has been specifically undertaken. This seems strange when the cases are so spectacular, and so emotional. Certainly in other media, like books or film, attention to propriety has been covered in numerous publications.

Censorship in these other media is through quite sophisticated legal and social checks. For art the 'check' still very often is a solitary complaint by any member of the public calling in the police to decide whether to take it further. Legally moral censorship for art is very personal: the decision to complain and then the decision to prosecute made by individuals based on their own perception of obscenity or indecency. So, it should be no surprise that pervading the list of works included here is the personal and *random* nature of moral censorship of art over the last 150 years. As most viewers of art know, a lot of erotic or sexual art goes by unremarked - an example being the recent 'Imaging AIDS' exhibition at the Australian Centre for Contemporary Art, with many more potentially 'indecent' images than many included in this publication.

This personal nature of censorship has promoted the worst reactions: Are we wowsers to be upset at some images? Are we cowards to support/or not to support some issue of censorship? Does the herd carry us away on some issue - responding to a press beat-up? And are we equally full of remorse afterwards...?

Also, the lack of clarity of the issue - the fact that all images are liable and there are no rules except the police decision - makes avoidance of officialdom's displeasure uncertain. To avoid this, self-censorship occurs, especially in works entering public collections. The works of art from public collections in this publication are relatively rare partly because the staff of such institutions consider the likely difficulties of recommending sexually explicit works: will the Board of Trustees refuse to allow the work into the collection, and once there will the public react unfavourably? Will this affect political favour or business sponsorship? In private or commercial

galleries there are cases of certain works not being included (for example, Barbara Hanrahan's work excluded by a Sydney dealer, saying his was 'a family gallery'), and this attitude infuses the collections of corporate bodies, where - usually - the less controversial the work, the better.

However, the issues are quite complex. It has been generally said that artists, in challenging society's norms, will naturally produce images which confound and even shock the general public<sup>1</sup>. The current Australia Council policy basically supports this, stating 'much innovative work challenges community values, and the Board encourages public debate of that work and related issues'.

However artists' intentions can and do vary enormously; some indeed inviting controversy; others shocked when it occurs. Even those conscious of the issues of erotica/pornography can vary greatly in their application - either enjoying the type of image for its own sake, and/or using such images to question the genre. It would be naive to think that many weren't aware of the reaction likely from their work.

In Australia a change occurred when Norman Lindsay began and continued to exhibit his images. Previously (here and overseas) artists evaded the issue, hiding quite erotic nudes under (for example) classical titles. (One of *Chloe's* 'problems' was that she was popularly known to have been a real Parisian young woman, with an unhappy love affair to boot.) Blamire Young wrote about this in 1930, in a piece accompanying a painting *The Triumph of Faith* by St. George Hare in the National Gallery of Victoria: 'There are two ways of approaching a picture of this kind. We may meet the artist half way and accept his symbols in the spirit of unquestioning good faith that he asks of us, or we may look beyond his puppets and examine the mentality that can seriously expect so transparent a pretext to engage our sympathies'. The first, the 'theme' is two young (naked) Christian girls about to meet their fate in the Colosseum; the second is that 'the title is nothing but a smoke screen, behind which he feels license to display his



Rayner Hoff  
*The Crucifixion of Civilization 1914*  
(Ch.3, cat.8) Model, 1930-33 (now lost).  
Photo courtesy artist's family

eroticism - sweet, sweet, sweet poison for the age's tooth. The age of course, was the Victorian, when an emphasis upon modesty demanded the plausible device.<sup>2</sup>

Lindsay openly challenged his viewers and since then a much more frank relationship has - generally - taken place.

In the past, one of the complexities of censorship - or controversy over erotic works of art - is the socio-economic differences between would-be censors and liberals. It would have taken a lot for a less educated person especially in a gallery of authoritarian grandeur to protest about these works but when a debate opened and became public - as over *Chloe* for example - the hostility and feeling in the community against such works was palpable.. There aren't demographic profiles of who 'protests' or complains, but judgements in interpreting the law can still often be based on the 'knowing' person not

needing protection while the 'unknowing' does.

This of course relates to another complexity: the tradition of censorship in Australia founded on men protecting women from seeing naked images. 'Respectable' women were expected to be shocked by these often erotic images. Most of the images were of naked women, made for men's pleasure. The change now is that as these 'respectable' women gained more political power their protests at erotic images of naked women were based on recognition of the hegemony inherent in them, rather than at basic nudity or eroticism per se. An example is the protest by feminists at Allen Jones' images of *Girl Table* and *Girl Hat Stand* at Hogarth Gallery in Sydney in 1973, or, even more politicised, the protest of the Postal Clerks and Telegraphists Union in 1985 at a poster devised for Australia Post by Moynahan, Dayman and Adams deemed as sexist and therefore removed.

The war between censor and liberal continues to be fought and somewhere society makes its own broadly accepting line. The interesting part about art is that the line doesn't seem to have changed much over the last 150 years, and the battle is as tough as ever. Some people will look back and see the tumult over *Chloe* as laughable, and certainly today she seems a charming academic nude to most (though apparently clients of Young & Jacksons are still seen to blush going by her), but this year, 1989, is the first year an artist in Australia has actually gone to jail over a moral censorship issue.

There are changes. One notable one is that the nineteenth century worried about female nudity and the twentieth (especially the later twentieth) century has worried about male nudity: anything with a relatively life-like penis is almost without exception the cause of current censorship.

Another change is the ebb and flow of censorship itself. Times of great social change and energy are in turn times of greater censorship. The 1880s boom time in Melbourne is one case and even more obvious is the 1960s around Australia. The great explosion of activity and challenge from (young) artists as well as most young people kept the powers of conservatism on their toes.

The history of censorship has its hilarious side, especially with police unaware of works of art like Michelangelo's *David*. There are great stories about Adelaide's prosecuting Detective Vogelsang, speaking at the Ern Malley trial, saying he didn't know what 'incestuous' was except that 'it had a suggestion of the indecent about it'... And there are very seriously hurtful human sides: the recent censorship of Catherine Phillips in Mildura for example or Mike Brown in Sydney in the 1960s or even Clifton Pugh in the 1950s, so annoyed about the censorship of a nude in one of his paintings (*Woman and Cat*) that he painted out the offending figure.

This story of moral censorship and art in Australia is only a beginning of research on the subject. Because so little has been previously quantified easy references are almost non-existent. Therefore the *relatively* random method has been used of asking as many people who may have come across examples as possible as well as consulting the various newspaper and magazine indexes in State Libraries. In most cases examples have had two or more cross-references, however there will be many more cases which continue to come to light not included here. Also, frequently, newspaper accounts have been the only source, and they tend to report the sensational - often only giving one side of the story.<sup>3</sup> If there are gross exaggerations or mistakes in this history due to this, perhaps the next publication on the subject will correct them...

#### NOTES:

1. See for example Geoffrey Dutton in *Australia's Censorship Crisis; the Uncensored Examination of Australian Censorship*, Melbourne, 1970, p.99: 'Art is basically subversive, as all political and moral censors know.'

2. See *The Herald*, 20 December 1930. Interestingly this painting is one of the illustrations in Bram Dijkstra's *Idols of Perversity; Fantasies of Feminine Evil in Fin-de-siècle Culture*, OUP, 1986 (V.30)

3. An example is the recent case of an image by Robert Besanko not included in the tour of an exhibition organised by the Ararat Art Gallery. The local paper reported it as censorship; the curator involved excluded it for very different reasons, including balance of the exhibition overall, difficulty of transportation etc.

## 2. The Nineteenth Century

Official censorship of printed matter started in Australia in 1803, when Governor King insisted on seeing proofs of the *Sydney Gazette* before publishing.<sup>1</sup> This is political censorship and of newspapers. It seems to have taken another fifty years for the visual arts to be censored for moral reasons. The 1850s marks the beginning of recorded censorship of art works - perhaps not surprisingly as it was the decade when much art activity was formalised (though in more positive ways), notably with the establishment of various art societies in a number of colonies.

The first example, in Melbourne, is recorded in *The Argus*, of 2 March 1855 with all the hallmarks of the complicated issue censorship was and remains:

Saul Among the Prophets. - Mr. A. Stronbuck, of Lonsdale-street, a sculptor, whose productions entitle him to a high place in his profession, having recently completed some beautiful models of the celebrated "Greek Slave" imagined that he might do himself good, in a commercial point of view, by exhibiting them in the shop windows of Mr Joseph Wilkie and Messrs. Cox and Co., of Collins-street. His Worship the Mayor, however, at the solicitation of some ministers of religion, has forbidden the exhibition of the figure in the windows; the ground of the interdict being, we believe, the danger to which the public morals were exposed. This careful conservatism on the part of the Mayor is refreshing; and decidedly an improvement upon the conduct of the Commissioners of the Great Exhibition, who did not consider that the exposition of one of the finest modern efforts of art would have tendency to demoralise the millions who visited the Crystal Palace.<sup>2</sup>

The original *Greek Slave*, by American sculptor Hiram Powers, was a great success when originally shown at London's Great Exhibition of 1851, as was reported in *The Melbourne Herald* on 2 October in a piece taken from *The Bristol Times*: the writer acts as guide:

'My stars!' cried I, again. 'Don't stop there, practising interjections, but go and look at the Greek Slave' was the seasonable admonition.

Opposite the Greek Slave - which is a beautiful female figure in white marble, with a chain for her only covering - sat a row of ladies, while a male friend turned round the nude sculpture (which works upon a pivot), for their particular inspection.

I looked at the slave, then looked at the ladies, then blushed, and walked away.'

As the importer of 'the originals', Joseph Sullivan, wrote to *The Argus* on 7 March, protesting at the removal of Stronbuck's work, saying the 'Queen, Prince Albert, and the Commissioners and Committee of Management of the Great Exhibition were not shocked by contact with the Greek Slave'. He says, not unreasonably, 'who is to determine how many garments shall be worn by the inhabitants' of Victoria? 'Who will show images of Christ on the Cross in case they are interdicted?' Why was his fountain 'with its specimens of humanity (naked and unadorned)' which was at the Exhibition

in Melbourne allowed to be seen? He adds:

After taking the trouble to bring the original model here for the gratification of the colonists, I really feel strongly on the subject, and that if the arts and sciences are to be cramped, and business transactions are to be fettered by such senseless fastidiousness as that alluded to, the sooner Victoria is abandoned to its aborigines the better.

So the ground rules were laid down. The controversy has continued in this vein - though often without such vigour - since.

The second example from the 1850s, the removal of the female figure from the top of the new fountain in Prince's Square in Launceston and its replacement by a pineapple, is still the subject of conjecture. Local lore is divided on the veracity of the story.<sup>3</sup> Certainly descriptions of the Launceston fountain never relate the existence of a female nude on top, but do suggest changes for each site of the various casts, for example *The Illustrated Melbourne Post* of 18 May 1864 saying 'fountains modelled after this one (with some slight variations in the upper jets) have been supplied to the cities of Lyons, Bordeaux...'

The problem with sculpture dominated the next years in Melbourne, specifically works in public gardens, in the Gallery, and even as mantel decorations. A letter by a person signing himself 'Tempt Not' to *The Daily Telegraph* of 14 October 1870, asks if in Britain there are 'so many nude and shameless statues in public places, and statuettes in private, as about Melbourne?.' He asks if 'our case is a symptom of advancing morality or otherwise? You [the Editor] sometimes tell us of Custom-house seizures of "indecent pictures" etc., and I have wondered if they could be more objectionable than many of our statues which confront the passenger in Fitzroy or Hotham gardens...I have noticed some police arrests of youths of both sexes as having been indecently occupied in Fitzroy Gardens. Is it a marvel?' There was a counter opinion put, as by the Editorial replying to Tempt Not, that 'The individual, male or female, whose "ideas" are turned topsy-turvy at the sudden view of the Lycian Apollo, the Hebe, or the Pandora, must be, we apprehend, the victim of well-defined "emotional insanity".' (*The Australasian* of the next day repeats this sentiment, saying the writer (and his ilk) 'see indecency where all the world besides himself sees nothing but passionless beauty in supreme repose'.)

Two months later *The Age* editorial (of 26 December 1870) takes a different line, referring to the debate about the statuary in the gardens, and specifically noting the new display at the Gallery, rearranged by Sir Redmond Barry 'or some other gentleman in authority at the Public Library of the "to the pure all things are pure" school'. While the facade of the building is being finished the entrance from Latrobe Street has been transformed into:

a sculpture gallery, in which the utmost skill has been exercised in arranging Venuses.. so as to compel every visitor to come bolt in front of them, one after the other. In fact, all the nudities of the collection appear to have been purposely gathered to this spot. There is the Venus de Medici, Venus of Canova, Venus of Thorwaldsen, the Greek Slave, and the whole genus. Now it is a fact that a great many people do not like to take their families through this display. It may be very ridiculous and very prudish, but - there the people are; and why should they be excluded from the library?

There are references through the 1870s to other works of art coming into public view, like the very fashionable French academician Bouguereau's painting *Repose*, which *The Argus*

editorial of 3 January 1872 professes as 'one of those naked subjects in which we confess not to delight', or another new picture for the National Gallery of Victoria, Eugene Hillemecher's *Psyche in Hell* of which the paper 'doubts its propriety'.

This is not censorship, but indicative of the debate that continued into the 1880s over works of art in public places. An irony in view of the trouble he had later with censorship is conveyed by Norman Lindsay describing going as a boy to the Ballarat Picture Gallery with his grandfather the Rev. Thomas Williams 'where there was, for me, one picture: the "Ajax and Cassandra" by Solomon J. Solomon. I still say it is an excellent piece of academic painting, but the special glory of it was the naked body of Cassandra, apexed by a pair of very lovely breasts. I seem to have spent hours in front of that painting, while the Rev. Thomas discoursed with ardour its perfection'.<sup>4</sup>

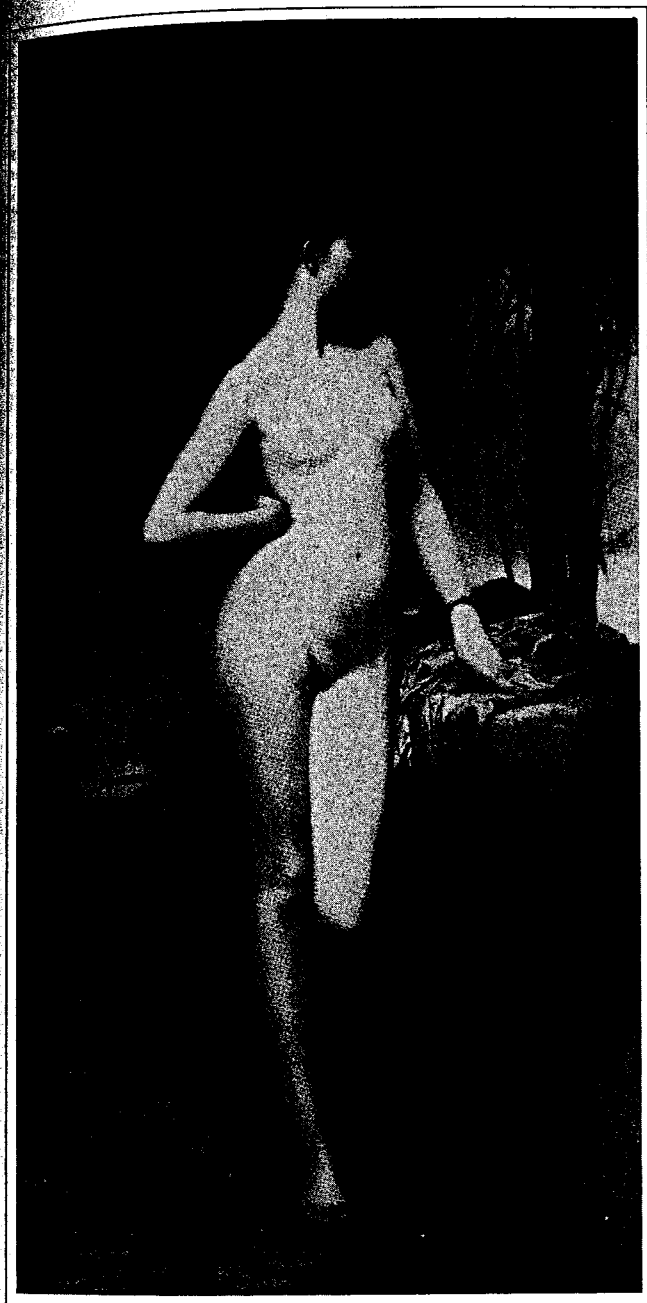
First, though, a detour into another realm, fleetingly referred to by Tempt Not, in his note of the Customs' seizing of 'indecent pictures'. These were photographs and it seems a sizable trade was had importing large numbers of 'erotic/pornographic' images, mostly from France, as stereoscopes, or prints, or lantern slides.

They were for private delectation and very few have come into public collections since.<sup>5</sup> There is one case, however, of an *employee* of the Australian Museum in Sydney, Henry Barnes, among his other sidelines, selling 'obscene' photographs on the museum premises, as announced at 'a sensational trustees' meeting on 5 March 1874 when business was interrupted by Captain Arthur Onslow - a trustee - and two detectives. A parcel of Henry's photographs was impounded by Detective-Constable Patrick Lyons and used as evidence in the Select Committee of the Legislative Assembly inquiry into the Museum'.<sup>6</sup>

One more ordinary case is that of Messrs Oppenheimer and Co. who in Melbourne in 1875 were called to show why 'certain goods - to wit, some indecent photographs - should not be forfeited to the Crown, and also to answer a charge of importing prohibited goods' under the direction of the Commissioner of Customs. The firm had also imported 'indecent pictures' in 1871 which had been destroyed. These were 'reduced copies of photographs... fixed so as to have a microscopic power. In the quiet subjects the lens could be taken off and another picture of a more obscene nature substituted.' In the 1875 case '72 indecent prints and photographs' had been imported. The company successfully appealed against the charge, convincing the Melbourne General Sessions that they didn't know such images were included with their ordered goods.

The most notorious case of censorship in the nineteenth century - and perhaps since - is that of Jules Lefebvre's oil painting *Chloe*, a very fine academic painting seen for the last eighty years in Young & Jackson's Hotel in Swanston Street, Melbourne. *Chloe* was first shown in Paris at the 1875 *Salon* where it won the Grand Medal of Honour. Then it was a major piece at the International Exhibition held in Melbourne in 1881-82 from where it was bought by surgeon Thomas Fitzgerald and offered on loan to the National Gallery of Victoria. The National Gallery Committee reported it was inadvisable to accept the offer, but the full Board of Trustees, on the advice of the recently appointed Director G.F. Folingsby, decided to accept the offer and later in the year it was hung in the Gallery where it remained until the issue of Sunday opening arose in May 1883, and the combination of the naked *Chloe* and Sunday viewing erupted into a continuing controversy.<sup>8</sup>

Even the French critic Anatole de Montaiglon, writing in the *Gazette des Beaux-Arts* in 1875,<sup>9</sup> noted the issue of nudity, and makes a point that *Chloe* was viewed by 'more than one' woman stopping 'for a long time' in front of it, demonstrating



Jules Lefebvre, *Chloe*. 1875, oil on canvas, 300 x 157.5 cms. Photograph courtesy AVS Group Ltd. (Ch.2, cat.4.)

the sensitivity of handling of the nude in this case.

De Montaignon's words about the susceptibility of women viewers of the picture to shock are the basis of the arguments of the Melbourne Gallery for removing the painting from view: there are repeated letters saying 'no decent woman with her daughters' could see it 'without feeling her cheeks tingling with shame' as 'A Mother' writes in *The Argus* of 18 May 1883. Equally fervent are defending letters seen to have more force when signed by 'A Woman', 'A Lover of Art, who is also a Woman' or 'A Father' (although this father of five daughters, writing to *The Argus* on 24 May, does concur that 'nudity of the living human body is an outrage upon decency'). Some of the suggestions included clothing not only this painting but all the nudes in the Gallery, even adding 'fur tippets to the numerous busts'; others were that men and women view the picture separately, on alternating hours...

One result of the correspondence, as *The Illustrated Australian News* of 13 June noted, was 'of course an increased attendance, and thousands who had never heard of the picture

before visited the gallery while it was on view'.

In the end Dr Fitzgerald asked for the return of the painting, which as Keith Dunstan in his coverage of the controversy in *Wowers*<sup>10</sup> states, no doubt immensely relieved the Gallery Trustees.

*The Bulletin* of 7 September 1932 notes the last episode in *Chloe's* controversial life until she was bought from Dr Fitzgerald's estate in 1909: that when Fitzgerald hung her in his drawing room, she was 'visible from the street when the room was lighted. Protests from shocked citizens were so numerous that he was obliged to shift her elsewhere'.

And so it went on. A last case of moral reaction to the practice of art in the nineteenth century in Australia can perhaps be noted, for while it wasn't active 'censorship' as such, the pressure of respectability made it practically impossible for young women artists/art students to study the nude. 'Cration' in *The Argus* of 25 May 1895, describes the situation at the National Gallery art school, with Frederick McCubbin, with 'a girl working there by herself under the gas-jets...copying the torso of a Hercules' while in the next room a group of 'students', presumably all male, drew from the live model. *The Age* editorial of 11 August 1896 goes further (though after repeating the story of Pauline Borghese posing naked for the sculptor Canova, saying after 'a friend took the liberty of remonstrating with her on the terrible risk through which she had passed: "Not at all...You know I had a fire in the room"')

Artists will paint the nude probably as long as men are men, and women are to be found to sit as models to them. But, after all, this sort of art is often very much akin to the salacities of the brothel, and the Artist who cannot make a name for himself without resorting to it goes perilously near to bringing his profession into disrepute with that large and influential class of people who still cultivate the decencies of life and have not wholly forsworn the virtues of drapery.

#### NOTES

1. *The Australian Encyclopaedia*, 2, 316.
2. *The Argus* five days later says the Mayor did not in fact interdict the work, only 'brought the remonstrance of the ministers under the notice of the offending shopkeepers'.
3. From correspondence with Therese Mulford and Rhonda Hamilton of the Queen Victoria Museum and Art Gallery, Launceston, November 1988 and January 1989.
4. See Godfrey Blunden 'The Ninety Years of Norman Lindsay - His Life and Work' in *Norman Lindsay, Watercolours*, (1939) 1973, Sydney, p.11.
5. Rare images in a public collection (the State Library of New South Wales), by E. Lecadre & Cie, of Paris made in the 1870s, come from a parcel of works each bearing the inscription, in French, 'the sale of this photograph is authorised on the condition that it is not put up for display'.
6. See Jane Lennon's entry on Henry Barnes in the forthcoming *Dictionary of Australian Artists*, edited by Joan Kerr. I am indebted to Jane Lennon and Joan Kerr for this information.
7. *The Age*, 5 February 1875. A vignette is conveyed in one paragraph of the lengthy report of the case: 'Sydney Smith Hough stated: The lognettes had been ordered for him. Had given a strict order not to have any indecent photographs, as he had his wife and two young ladies in the shop. In a former lot there were a few pictures which he had found and destroyed.'
8. See *Chloe* file, Art Library, State Library of Victoria; see also Keith Dunstan in *Wowers* Cassell, 1968, and numerous contemporary newspaper references in *The Argus*, *The Telegraph*, *The Illustrated Australian News*, etc, and more recently articles in *The Age* and *The Herald*.
9. 2 periode, tome II, Paris, 1875, p.511.
10. Op.cit., p.27.

## Catalogue

### 1. Hiram Powers

#### *The Greek Slave*

Copy of sculpture exhibited in Melbourne shop 1855  
Complaint; removed

### 2. Lienard & Moreau

#### *Fountain*

Installed in Prince's Square, Launceston 1859

Perhaps apocryphal: naked figure removed from top and replaced by pineapple.

### 3. Erotic photographs

i) Photographs sold by Henry Barnes at the Australian Museum, Sydney, 1874  
Impounded by police

ii) Photographs imported from France by Messrs Oppenheimer and Co, Melbourne 1871 and 1875  
Seized by customs; images declared obscene, merchants charged; appeal upheld

#### 4. Jules Lefebvre

##### *Chloe*

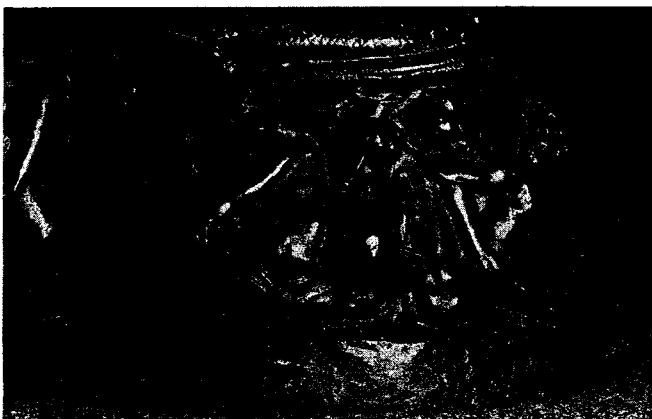
Exhibition at National Gallery of Victoria 1883

Advisory committee recommended against exhibition; full Board of Trustees accepted offer of loan; controversy; removed from display

### 3. Fin de Siècle to World War II

The censorship issues of this period, in line with the changing social standards, are less concerned with examples coming from a general debate on indecency, but rather with instances of important personalities and individual art works provoking especial attention.

The first instance pertains to one of the icons of Australian art, and it happened not here but in London: Sir Bertram



Bertram Mackennal, *Circe*, (detail of base), 1893, bronze, height 207cms x width 92cms. Collection National Gallery of Victoria, Felton Bequest 1910; photo courtesy National Gallery of Victoria. (Ch.3, cat.1)

Mackennal's major bronze sculpture, *Circe*, was first shown at the Paris 'Salon' of 1893, then as *The Evening Sun* of 5 October 1923 recalls:

shipped across to London. When the Royal Academy exhibition opened *Circe* was again the queen of all she surveyed.

But something happened! Round the pedestal of the statue are swathes of green baize partly covering the goddess' perfectly moulded feet. Even Mackennal himself was surprised.

On a bronze tablet round this pedestal below *Circe* the sculptor had portrayed with his characteristic vigor a Bacchanalian orgy or a Saturnalia. Nude figures, both male and female, were inextricably mixed up in a wild jumble of arms and legs. One bearded old satyr gripped a woman by the leg while she was locked in a passionate embrace of a satyr that was not bearded.

In the centre a female figure was despondent and detached from the revelry. The wild pursuit and fierce embraces of these nudes were carried to the back of the pedestal. Every figure stood out in bold relief.

So far as can be learned, London had a fit of morality at that moment, and on went the green baize.<sup>1</sup>

As the article pointed out no objection had been raised to the work in the twenty years since it had been on display in Melbourne: 'Artists point to this as an example of how the public mind on art shifts and changes.' The most that was said on the work's first showing in Melbourne is typified by *The Argus's* reference of 19 February 1901 to the frieze as 'daring to

the point of audacity'.

The next individual case of the censorship of the work of a highly successful artist switches the nationalities of person and event: a painting by an English artist censored in Australia, and it is an extraordinary story. The painting is Sir William Orpen's *Sowing New Seed* as it was generally known, or to give it its full title: *Sowing New Seed for the Board of Agriculture and Technical Instruction for Ireland*. (This change is reminiscent of the story of censoring the book *Fun in Bed* in Australia in past years, only to find out it was a book for sick children.<sup>2</sup>)

The painting was first shown at the New English Art Club's 1913 exhibition, and purchased for the National Gallery of South Australia. As Orpen explained in a letter dated 15 August 1914 to the Adelaide Public Library Board, it was an allegory about art in Ireland:

The scene is Dublin Bay, painted from Howth, with Kingstown, Bray and the Sugar Loaf Mountain in the background. The figure in black represents the several heads of the Board of Agriculture and Technical Instruction for Ireland, which board, beside their agricultural and technical duties, have control of the money for, and the management of, art in Ireland. The lady 'sowing the seed' represents myself, or any other unfortunate, trying to introduce more modern movements or fresher life and thought to the schools under the board. But anything outside the conventional red tape method is not tolerated by the board. Yet 'young Ireland', the children, receive it gladly. The lady leaning on the department's arm is the very ordinary departmental wife, who understands nothing, but wishes to be on the safe side, and is afraid perhaps that her husband has not noticed the 'sowing lady' at all. The decayed tree is the department and the single magpie is 'bad luck to it'.<sup>3</sup>

Another explanation given by Orpen is that it symbolised 'the new Sinn Fein movement: the girl represents the spirit of Sinn Fein in 1913, sowing the seed. You see the crop springing from it while the older ones look on.'<sup>4</sup>

Whatever the explanation it didn't wash when the picture was first shown in Australia. It caused enormous controversy, huge crowds, and ended with the nude being physically attacked and the Trustees removing it.

The tenor of comment is felt from extracts from Melbourne papers when it was suggested by the National Gallery of South Australia Trustees to their peers in Victoria that it be shown in Melbourne in 1917. As *Punch* of 10 August 1917 puts it:

Are we or are we not to be allowed the privilege of seeing Orpen's picture "Sowing the New Seed"? The baldheads in charge of our Picture Gallery are now sitting in solemn conclave to decide this palpitating question. The picture belongs to dear, good little Adelaide, and was hung in their Art Gallery for just a gasp or two. All the old ladies in lustrous gowns and elastic-side boots who saw the picture pronounced it too terribly "Oh, my!" and made an immense commotion until it was removed from the walls. It is evidently imagined that Melbourne's morals can stand any kind of shock and so the picture has been offered to us.

Inevitably the new controversy in Melbourne, with one of the Trustees, Rev. E.H. Sugden, calling it a 'bestial picture...reeking with sexuality', meant it wasn't seen outside Adelaide before it was returned to Orpen, to be exchanged for a portrait painting.

A poignant, and important, part of the story is that the person who recommended the work on behalf of the South Australian Gallery Trustees was Margaret Preston, still then Miss Macpherson, an Adelaide artist living in London. She

in 1915 to Hans Heysen:

I'm sick of S.A.....I give it up...they say he [Orpen] has no reverence - bosh, bosh. The trouble is that the one fine original British painter is an - Irishman... I feel so ashamed & miserable at my Adelaide's behaviour - however it will do one thing, prevent my ever coming back.<sup>5</sup>

By extraordinary circumstances the painting returned to Australia, purchased from Orpen in 1928 by Australian Senator,



William Orpen, *Sowing New Seed*. 1913, oil and tempera on canvas, 137 x 137cms. Collection Mildura Arts Centre, Sir R.D. Elliott Bequest 1955. (Ch.3, cat.2)

Trustee of the National Gallery of Victoria, and proprietor of the Mildura newspaper *The Sunraysia Daily*, R.D. Elliott. He purchased it for himself and on his death bequeathed it to the Mildura Arts Centre. It has been shown outside Mildura since the controversy, for example, at the N.S.W. Society of Artists' in 1928, in Melbourne in 1948, and again in Adelaide in 1957, at the request of the Director of the National Gallery of South Australia, Robert Campbell, and all the press focussed on the 1914/1917 debate.

We come now to the Australian artist whose work was singled out in the Australian Exhibition at the London Royal Academy in 1923 as the 'black spot' by William Orpen, Norman Lindsay. Lindsay's experience of moral censorship spans almost all his long life from the first public instance in 1904 through years of minor censoring until the major issue of his part in exhibitions in 1923 and 1924 and publishing of the Special Issue of *Art in Australia* on his work in 1930. Thereafter lesser examples continued to bother him.

Lindsay is a good example of an artist whose work incites moral reaction, who kept producing such work, and who also was continually upset by the reaction. He certainly didn't like or invite it (but neither did it change his work). He wrote in his autobiography that he felt he had to learn how to write after the 'first attacks on my work, which were over that pen drawing, *Pollice Verso*. They aroused in me a conviction that if I was to expect attacks on those terms, I must learn how to defend myself against them.<sup>6</sup>

As Lindsay says the drawing *Pollice Verso* started it off. He exhibited the work at the 1904 Royal Art Society of New South Wales, and as John Hetherington notes in *Norman Lindsay; the Embattled Olympian* it 'scandalized the righteous, pained many normally broad-minded laymen, and split the artists into two

angry factions'.<sup>7</sup> Hetherington quotes Lindsay on its subject matter:

'It was the first affirmation of my credo, which is that the Greeks and Romans established all that the word civilization can mean, while Christianity, that communist uprising of the underworld, sought to destroy it and very nearly succeeded in doing so. All through my work I have maintained that theme, and that is the reason why it was attacked, although the attack took the crude device of denouncing it as indecent and immoral, because I took the nude human body as my symbol of the freed spirit of man.

The newspapers published letters and critical response to the work; most against, but some in favour, like one from fellow artist Julian Ashton. It resulted, as usual, in great crowds visiting the exhibition. The drawing was subsequently shown in Melbourne, and as Lindsay himself said, very surprisingly bought by the Trustees of the National Gallery of Victoria:

I still can't divine under what urge those trustees were impelled to acquire that picture, but having got it, they so far recovered their wits as to consign it to the Gallery cellars, where I assume it still is. They would never have dared to exhibit it once the row broke out about the immoral, indecent, and blasphemous nature of my works.<sup>8</sup>

In 1908 Lindsay had trouble publishing his drawings for a proposed book on *Casanova*. Harry F. Chaplin notes that Lindsay 'tried unsuccessfully to have them published in London, but only one offer was made, and that by Heinemann, who was willing to find a backer. A lawyer's advice was that it would be difficult to draw a valid contract, as the publication might be considered indecent.'<sup>9</sup> Nothing eventuated.

The next event is with another drawing. Lindsay says in his autobiography:

I think the *Jehad* ... by the local Bedouin who conducted the newsmags of that era broke out first over another pen-and-ink of mine included in our exhibition in Sydney, and also shown in Melbourne. That was 'The Crucified Venus', and such were the howls from church and press at its immorality and profanity that the poor noodles running the exhibition withdrew it from the walls. That roused Julian Ashton's notable pugnacity, and he commanded that the picture be restored or the exhibition be withdrawn. In a desperate attempt at appeasing both Julian and the popular frenzy against the work, the poor noodles restored it to the exhibition, but with its face turned to the wall. Again Julian was at them with an ultimatum. The picture must be turned face out, or else -. It was, and of course all the publicity crowded the exhibition while it remained open.<sup>10</sup>

Again book illustration was the centre of another occurrence: the refusal of the Tasmanian Public Library Trustees in 1918 to acquire a recommended book: his *Pen Drawings*. When questioned as to why, the *Hobart Daily Post* in an article entitled 'Australia's Greatest Artist' of 26 June 1918, reports the chairman as saying 'the committee regarded it as indecent, and not fit to be placed on the shelves of any library.'

One Trustee, Mr E. Morris Miller, objected, the newspaper continued:

As to Norman Lindsay's work, the reasons put forward were flimsy in the extreme, and showed a want of competence on the part of the committee for the task of selecting works for

the library. He [Miller] had not thought that any such body as a Public Library Board would have the audacity to reject the pen and ink works of such a great artist as Norman Lindsay. It was pretty well certain that if it became known that the board rejected that particular work, they would become the laughing stock of Australia. The institution was not a Sunday school library; it was a Public Library, and he hoped would become a National Library...The Mayor ...object[ed] to Mr Miller lecturing us as if we were a crowd of ignoramuses...

*The Bulletin* weighed in saying the incident has 'spurred Slowbart from its slumbers..' The Mayor took the book to his office, from where, 'after it had been well ogled and thumb-marked and the tissue paper covering the drawings crumpled', it was returned to the bookseller. About ten years later a copy of the book was accepted by the Library as part of a gift.<sup>11</sup>

The next big furore occurred over Lindsay's work sent to the major exhibition of Australian art organised by the NSW Society of Artists at the Royal Academy in London in 1923. Lindsay included five watercolours, four pen drawings and six etchings, among them the major watercolour *Unknown Seas*. The exhibition was first shown in Sydney in June 1923 and controversy began about the work: 'it would appear in London as though Australia had a large percentage of degenerates who were afflicted with sex mania...'. Finally a deputation was sent to the NSW Minister of Public Instruction to say Australia's reputation would be damaged by sending Lindsay's work to London. The Minister said it was for the police to take action if the pictures were indecent. The works were sent and in October 1923 inspected by British Customs who asked the Royal Academy to adjudicate 'and after some days the pictures were released'.<sup>12</sup> This caused great press and public interest and Lindsay's work was the centre of crowded attention.

In the same month in Melbourne Lindsay nudes were withdrawn from view in the windows of Decoration Co. of Collins Street. As *The Evening Sun* said, on 4 October 1923, the shop owners found 'young people congregated about the window, taking a greater interest in the nudes than in the pictures as examples of artistry'.

This was minor of course. The sensation of the 1923 London show, though, continued there when Lindsay had a one-person exhibition of etchings and watercolours at the Leicester Galleries in March 1925. The press tried to 'revive the moral discussions': as *The Age* of 16 March reported, but with little repeated success.

More success in censoring Lindsay's work occurred in Adelaide in 1924. Lindsay sent eleven etchings, pen drawings and watercolours to an exhibition organised by South Australian artists as part of Artists Week in July 1924, to be held at the Royal South Australian Society of the Arts. Three etchings, *The Funeral March of Don Juan*, *The Apex of Life* and *The Festival* were banned by the selection committee ruling that 'the subjects dealt with were such that it would not be in the public interest to let the pictures be shown'. *The Advertiser* endorsed the stand and newspapers around Australia and in London carried the story. Members of the Society of Artists, led by Sydney Ure Smith, threatened to withdraw all their works and Dame Nellie Melba and Percy Grainger entered the fray, expressing their admiration for Lindsay.<sup>13</sup> However he did withdraw all his pictures and arranged a one-person show at Preece's Gallery which opened on 29 July, which was viewed favourably by the Governor and became a popular success.<sup>14</sup>

The last major censoring of Lindsay's work occurred with the Special Edition of *Art in Australia*, Sydney Ure Smith's noted art journal, of December 1930 devoted to Lindsay's work. By July 1931 5000 copies had been sold when a Sydney bookseller, seeing more potential sales, advertised the edition as 'Pictures for Men Only. Wonderful Art Book' and had a police

officer send in the ten shillings for it.<sup>15</sup> This availability led to a police raid of two bookshops and of the *Art in Australia* office and seizure of blocks, stereotypes and unsold copies. The bookshop owners and the publishers were charged with selling obscene material.

Ure Smith saw the Commissioner of Police who referred the case to the Chief Secretary, who in turn ordered the case against the booksellers dropped but the charge against the publishers continued. The two editors of the magazine, Ure Smith and Leon Gellert, appeared in Sydney Central Summons court on 10 June. The new Attorney General Joseph Lamoro intervened, saying:

I do not feel proceedings should be instituted against the publishers of *Art in Australia*. The publication has been in existence for several years. It is artistic, aimed at encouraging Australian Art. It has devoted a special number to each of the great Australian artists. In all its issues, or at least probably all except this one, no question of obscenity arises. I take it that on the score of ability Norman Lindsay is entitled to a 'number', but *Art in Australia* cannot be branded as obscene.<sup>16</sup>

This was the first police case against a serious Australian publication and it failed.

On 23 July Lindsay left for America, saying 'to hell with this bloody country!' Minor skirmishes with the authorities continued for the rest of his life but not on the scale of these last twelve or so years.

A little-known story of self-censorship also happened to Norman's more conventional artist brother Lionel Lindsay, no doubt extremely sensitive to the issue having witnessed the affects of the various outcries on Norman. In 1927, on the advice of the London print dealer Harold Wright, Lionel changed some details in two of his etchings, *The Shadow of the Vine, Taormina*, 'where a breastfeeding woman has her activity changed to sewing, and *The Little Market at Gaetano, Naples* where a naked child is clothed'. On 8 July 1945 Lionel wrote to Wright 'perhaps the more conventional thing is more comfortable, but the truth is more interesting'.<sup>17</sup>

The last major artist to be affected by censorship in the period up to World War II was Rayner Hoff and his sculpture for the Anzac Memorial in Hyde Park in Sydney made in the early 1930s. Two figures caused comment: *The Crucifixion of Civilization, 1914*, 'wherein the figure of Peace is shown with the body armour, shield and helmet of Mars, the War God. At her feet lies the human and material wreckage of war', and *Victory after Sacrifice, 1918*, which 'is composed of a young woman with arms upraised, symbolical of Australia, in front of a figure of Britannia, representing the Empire bearing a sheathed sword emblematical of the cessation of hostilities. Below are the dead, who, in dying, made victory possible'.<sup>18</sup>

The Roman Catholic Coadjutor-Bishop of Sydney refused to attend the official laying of the foundation stone because of his feelings about these two nude female figures on a cross and a public outcry followed. The Private Secretary to the Archbishop said the 'figure of the woman on the cross - a perfectly nude woman... is immoral and revolting in a memorial like that'. The Archbishop himself furthered the issue saying 'Christianity has to fight against animal passion. There are signs that the devil is in the streets working on the minds and hearts of the people...' to which Hoff replied 'Many attempts in the past to censor art have been discredited at the bar of public opinion. My object in exhibiting models of the sculpture in the Society of Arts exhibition during the past month has been to give the public an opportunity to exercise its judgment. I have no fear of the verdict'.<sup>19</sup>

The two figures, each eighteen feet high, only got as far as being of plaster and shortly after the controversy these too

ed. The official reason they were never completed in was that of cost. The lesser case of censorship, recently literally coming to light in the restoration, is the ceiling murals of the Princess Theatre in Melbourne. Painted in the 1880s, the figures were 'clothed' in the 1920s to accommodate the 'then-prudish viewing

the 1930s in Australia also saw a number of lesser examples of censorship - and the first ones that, today, seem quite striking in view of the relatively recent period (after all Victoria was no longer Queen) and the actual pieces. One example is the removal of marble replicas, made in Italy, of the Medici Venus in the Belvedere Apollo from the Sydney Botanic Gardens in 1930. As a letter to *The Sydney Morning Herald*, of 9 June 1930, states 'Some time ago the censor saw them and they were banned as a "menace to public morals"!'.

Another example, a little more serious as it is a work by an artist of this century, is the Customs Department seizure in Melbourne in 1937 of reproductions of an image by Amedeo Modigliani on the grounds that the subject matter was prurient. Fifty reproductions of Modigliani's painting *Lying Nude* were confiscated from 'Signor Gino Nibbi, bookseller and printdealer of Little Collins Street, Melbourne'.<sup>21</sup>

One last act of censorship concerns more printed images but this time in book form. In 1931 the Sydney Customs seized a copy of La Fontaine's *Fables*, illustrated by the English artist Charles Martin, ordered from a Bristol bookseller by Frank Molony. As Molony described the incident 'a Customs official called at my home [and] pronounced the .. volume condemned as obscene...'.<sup>22</sup> This event and the recent case of Norman Lindsay's edition of *Art in Australia* led Julian Ashton to question the situation of Customs and the police having such power in Australia. In a letter to *The Sydney Morning Herald* of 9 July 1931, he says:

Surely, Sir, it is time to make an end of this farce? With such influential bodies as the Senate of the University, the trustees of the National Gallery, the Institute of Architects, the Society of Artists, the Institute of Journalists, and the Fellowship of Australian Writers it should be easy to form a committee whose opinions would carry more weight than those of the Minister for Customs or the Commissioner of Police.

#### NOTES

1. For a less frivolous report see R. Jope-Slade 'An Australian Quartette' *The Magazine of Art*, London, August 1895, which notes the Hanging Committee of Burlington House 'were conscious of the merits of the work and anxious to secure its exhibition, but the base of it appeared to them, to use their own words, "as not being in accordance with the exigencies of the exhibition", and courteous negotiations resulted in the diplomatic compromise of the retention of the statue in a place of honour, and the covering of the base from the public view with a swathing of red baize'; quoted in Ken Scarlett *Australian Sculptors* Melbourne, 1980, p.40; note the different coloured baize.
2. See Len Fox 'Censorship - A long Struggle' *The Australian Author*, vol.20, p.2; referred by Graeme Sturgeon.
3. Quoted in Bruce Arnold *Orpen, Mirror to an Age*, London 1981, p.290.
4. *Ibid.* p.291.
5. See Roger Butler *Margaret Preston* OUP 1987, p.9.
6. *My Mask; an Autobiography*, Angus & Robertson 1970, p.230.
7. John Hetherington *Norman Lindsay; the Embattled Olympian* OUP 1972, p. 57.
8. See *My Mask*, op.cit., p.181.
9. Harry F. Chaplin 'Norman Lindsay, his books, manuscripts and autograph letters in the library of, and annotated by, H.F.C.' in *Studies in Australian & Pacific Bibliographies*, The Wentworth Press, Sydney 1969, p. 34.
10. *My Mask*, op.cit.
11. See J Reynolds & M. Giordano 'The "Pen Drawings" Affair' *Bibliobooks*, June 1979, p.30.
12. See Hetherington op.cit. for this information, esp. pp. 155-56.
13. See Lin Bloomfield *The World of Norman Lindsay*, (1979) Sun Books 1983, p.25. Bloomfield also tells another story of Lindsay etchings being removed from view in his agent, Rubery Bennett's, window in George Street, Sydney, when the American fleet was in town, and a number of sailors came up to the window: 'a brawl ensued', and Bennett was asked by the Commissioner of Police to remove the work.
14. See Hetherington op.cit., pp.168-69.
15. See Peter Coleman *Obscenity, Blasphemy, Sedition; Censorship in Australia*, Brisbane (1963), p.40.
16. *Ibid.* p.41.
17. I am indebted to Joanna Mendelssohn for this information; material quoted from her letter of 23 January 1989.
18. See Lionel Wigmore 'A Description of the Anzac Memorial Building, New South Wales'

*The Technical Gazette of New South Wales*, Sydney, Vol.20, Part 3, 1932, p.101.

19. See Ken Scarlett op.cit. p.267 and 269.

20. See *The Melbourne Times*, 12 July 1989.

21. See *The Sydney Morning Herald*, 11 November 1937.

22. Letter to *The Sydney Morning Herald*, 10 July 1931.

## Catalogue

### 1. Bertram Mackennal

#### *Circe*

Exhibition Royal Academy, London 1895

Base covered with baize

### 2. William Orpen

#### *Sowing New Seed for the Board of Agriculture and Technical Instruction for Ireland*

Exhibited at National Gallery of South Australia 1914

Great controversy and painting physically attacked; removed

Offered to National Gallery of Victoria 1917

Discussion; offer refused by Trustees, painting returned to artist

### 3. Norman Lindsay

#### i) *Pollice Verso*

Exhibited in Sydney in 1904 and Melbourne 1907

Controversy in Sydney, but not censored; acquired in Melbourne by National Gallery and subsequently not displayed

#### ii) *The Memoirs of Casanova* illustrated book

Attempt to have book published in London 1908

Heinemann interested but on lawyer's advice desisted; not published

#### iii) *The Crucified Venus*

Exhibition NSW Society of Artists 1912

Complaints; withdrawn by organisers; counter complaint; returned but with face to wall; further complaint and returned to full display

#### iv) *Pen Drawings* book

Recommended for acquisition by Tasmanian Public Library committee 1918

Rejected by Trustees; returned to bookseller

#### v) Group of watercolours, pen drawings and etchings including *Unknown Seas*

Exhibition of Australian Art first shown in Sydney then sent to Royal Academy, London, 1923

Attempt in Sydney to exclude Lindsay's work from exhibition; his works impounded by British Customs on arrival; verdict of RA that suitable to be shown

#### vi) Watercolours

Exhibited in shop window Melbourne 1923

Complaint; withdrawn

#### vii) *The Funeral March of Don Juan*

##### *The Apex of Life*

##### *The Festival*

Sent to Royal South Australian Society of Arts, Artists' Week exhibition 1924

Selection committee banned these three etchings; artist withdrew all his works and arranged exhibition at Prece's Gallery, Adelaide

#### viii) *Norman Lindsay Special Issue, Art in Australia*

Offered through the post, 1931

Police raid on two bookshops and publishers; seizure of blocks, stereotypes and unsold copies; booksellers and publisher charged with selling obscene material; case against booksellers dropped; case against publishers dismissed

### 4. Lionel Lindsay

#### *In the Shadow of the Vine, Taormina*

#### *The Little Market at Gaetano, Naples*

Etchings made for display in London, 1927

Artist changed details on suggestion of his dealer

### 5. Ceiling murals

Ceiling of Princess Theatre, Melbourne 1920s

Figures 'clothed'

### 6. Medici Venus

#### *Apollo Belvedere*

Reproductions in Botanic Gardens, Sydney c.1930

Removed as a 'menace to public morals'

### 7. Charles Martin

#### *Illustrations to 'Les Contes de La Fontaine'*

Copy of book imported privately into Australia 1931

Seized by Customs Department, 'condemned as obscene'



#### 8. Rayner Hoff

##### *The Crucifixion of Civilization, 1914* *Victory after Sacrifice, 1918*

Plaster models for two sections of commission for Anzac Memorial, Hyde Park, Sydney, exhibited at Society of Arts Gallery, 1932  
General outcry; never completed (official reason was lack of funds)

#### 9. Amedeo Modigliani

##### *Lying Nude*

Reproductions in Melbourne bookshop, 1937  
Seized by Customs Department on grounds that subject matter prurient; bookshop owner appealed

*Fruitful Vine*, which caused the 'biggest controversy for many years' when hung at the Victorian Artists' Society exhibition of 1949.<sup>1</sup>

The case of Rosaleen Norton was a different story, with in 1949 the artist charged with showing obscene drawings. The drawings *The Witch's Sabbath*, *Lucifer*, *Triumph* and *Individuation* were part of an exhibition of Norton's work shown at the University of Melbourne. As was reported:

The Crown alleged that some of Miss Norton's drawings and paintings would deprave and corrupt the morals of those who saw them.

Miss Norton claimed that the pictures were symbolic of ancient mythology, were not sexually immoral and were shown to a limited intellectual circle of persons at the university who were striving for an adult outlook in culture.

Mr A.L. Abrahams, for the defence, offered to submit a German book "The History of Sexual Morals" to the Court to prove that Miss Norton's pictures did not break Australian law. He said the book had been officially approved by Mr. Justice Reed on behalf of the Commonwealth... "We have to cater for people with normal reactions to sex - not morons, the subnormal and neurotics" he said.<sup>2</sup>

The magistrate dismissed this case (with costs against the police), but in 1952 the publication of a book *The Art of Rosaleen Norton* was banned by the Post Office for transmission by post, as Peter Coleman in *Obscenity, Blasphemy, Sedition* says, as 'too obscene or blasphemous without further qualification'.<sup>3</sup> Coleman continues:

After the Post Office's ban, the New South Wales Police Department referred the book to a number of stipendiary magistrates and the Crown Solicitor for advice, and in due course served a summons on the printer and two summonses on the publisher-salesman. The case against the printer was dropped, but in the case against the publisher-salesman the magistrate found two drawings 'obscene and offensive to chastity and delicacy' - one of a nude male (representing creative force and fertility) with a goat's head clutching an egg in one hand and balancing a swastika in the other; the second a nude male with a serpent on his head and a small figure moving toward him with a sword in his hand.

The book was then banned by Customs.... A reprint was published in 1982 to no ill effect.

Rosaleen Norton as a result of the publicity of this and other events in her life became a celebrity around Sydney and particularly in Kings Cross. The actual effect on her is to be surmised. The pressures other artists have felt as a result of such prosecution are quite strong, so one wonders about such continuing public reaction, in the 1940s and 1950s, to a woman making such works...

The next example is a good case in point: Clifton Pugh's *A Woman and a Cat*, shown at the Contemporary Art Society in Sydney in 1957. A complaint was received, the work inspected by the vice squad and removed. The artist, in annoyance at this, painted out the woman and the work is now known just as *The Feral Cat*. (In the same exhibition Robert Dickerson's *Man in the Sun* was also inspected by the vice squad who talked about the possibility of withdrawal, but it remained on view.)<sup>4</sup>

A last amusing case of reaction, if not censorship in the 1950s concerns Picasso's major early painting *La Belle Hollandaise*, acquired by the Queensland Art Gallery in 1959. *The Sydney Morning Herald* referred to it (described as 'a young Dutchwoman wearing only a bonnet') as 'Queensland's biggest



Rosaleen Norton. *The Witch's Sabbath*. 1949 (now lost). Photo courtesy Walter Glover, Sydney. (Ch.4, cat.2, i)

## 4. World War II to 1970

The 1940s and 1950s in Australia witnessed a number of examples of censorship, the most famous being Rosaleen Norton's cases in 1949 and 1952. The 1960s however were years of great upheaval, of challenge and of general lifting of the tempo of questioning moral and social mores, reflected in the various censorship battles which occurred.

A number of the early examples are amusing and minor, though indicative of the tenor of the times. In 1941 the NSW Education Department 'clothed' a nude in a reproduction of Herbert Draper's *Lament for Icarus* on the cover of their *School Magazine*. In 1944 in Perth Elise Blumann's drawings were criticised (though not censored) in the press for being 'too nude'. In Melbourne, the portraitist Mary McLeish painted a half study of a pregnant woman, entitled *The*

... would surely have laughed.  
 the 1960s saw a rare case of attempted  
 a mural by George Davis for the ABC  
 in Hobart commissioned in 1960 and  
 One of the ABC Commissioners saw the  
 was 'horrified by the lewd depiction of the  
 endeavoured to have it stopped... The  
 work was unsuccessful. It is a good example  
 (then) power of commissioning and acquisition  
 the issue.

... quickly changed in February 1964 in Sydney with  
 of artist Martin Sharp and his colleagues  
 pushing the magazines *Oz* and *Tharunka* (the  
 NSW student publication).

... was criticised on radio on 20 February and on  
 Monday the vice squad interviewed the printer  
 the creator of the cartoon *The Gas Lash*, Sharp,  
 Michael Robertson and Alexander Popov. The  
 before a Stipendary Magistrate, with Neville Wran  
 for the defendants and various artists and  
 (including John Olsen, Elwyn Lynn and Les  
 on their behalf. Despite this they were found  
 appealed, with Wran joined by Lionel Murphy. The  
 upheld and conviction quashed on 12 August 1964.<sup>6</sup>  
 case got wider interest, as James and Sandra Hall  
*Australian Censorship; the XYZ of Love* of 1970:

...ors... have 1964 and 1965 to remember and the now  
*Oz* No.6, wrangled over in court for several reasons,  
 most of all for its Martin Sharp cartoon and article  
 climactically, "The word flashed round the Arms..."  
 ively, it was an account of a North Shore party being  
 matically dismantled by a crowd of gatecrashers who  
 forceful impression on the host and hostess and raped  
 inken guest. But it was to become many things to  
 ple in the next year, when artists, academics, writers,  
 y, police and judiciary were to turn the whole thing  
 a kind of wide-screen Rashomon. Mr Gerry Locke  
 opened proceedings with his verdict ("filthy and  
 gusting") and sentenced the editors, Richard Walsh and  
 hard Neville to "salutary penalties" of six months in  
 ol, with four months for Martin Sharp.<sup>7</sup>

... they appealed, a defense fund was launched and there were  
 ches and protests. Various luminaries spoke in *Oz's* defense.  
 January 1966 Judge Levine upheld the appeal, judging the  
 azine to have literary merit.

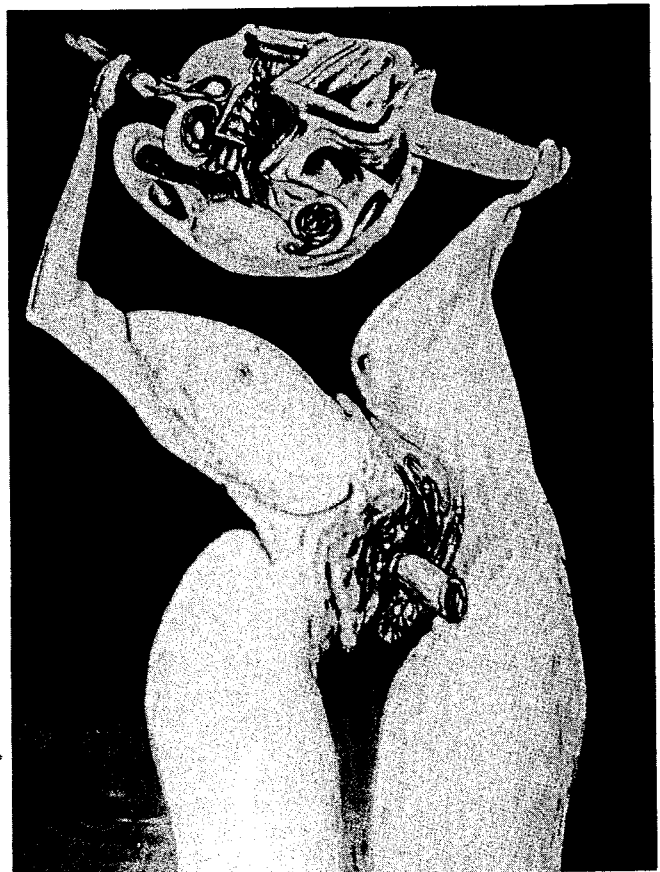
... The next legal case was more serious as the conviction of  
 owing obscene work was for the first time upheld. This  
 ppened to Mike Brown during his exhibition at Gallery A in  
 dington when 'three paintings and a photograph' from a  
 oup of works were removed and the artist charged with  
 elivering indecent paintings to an art gallery'.<sup>8</sup> Though expert  
 opinion was offered for the defense from John Reed, Elwyn  
 ynn and a psychiatrist, the magistrate, Gerry Locke again,  
 aid, in his opinion 'as an inexpert, unpractised, ordinary man',  
 the work was 'an orgy of obscenity' and Brown was actually  
 sentenced to three months imprisonment.<sup>9</sup> Brown appealed but  
 the conviction was upheld though the punishment reduced  
 from imprisonment to a fine of \$20. (It is supposed that the  
 works - now lost - were destroyed at this time.)

... This case was the major example of censorship in Sydney in  
 the 1960s and led to a great reaction among artists and people  
 associated. After the initial charge Watters Gallery organised an  
 Defense Fund for Brown and held an exhibition to which  
 various artists, including Charles Blackman, Elwyn Lynn,  
 Geoffrey Proud and John Peart donated work to be sold. (As a  
 result, says Frank Watters, the gallery was placed on the vice

squad's proscribed list for a period.<sup>10</sup>)

This was Brown's second encounter with censorship at this  
 time. The first was less dramatic though important. It happened  
 in 1963 when he submitted a painting *Mary Lou as Miss  
 Universe (II)* for a touring exhibition of *Australian Painting  
 Today* organised by the Art Gallery of New South Wales. One of  
 the trustees objected and the organiser said that while the work  
 could remain on view in Sydney it would not travel with the  
 show. As a result Brown withdrew the work.

A month after the Brown Gallery A case in Sydney, a great  
 furore occurred in Melbourne. In December 1966 Ron Upton's  
 drawing *Oops!* was removed from exhibition at Strines Art  
 Gallery and both gallery director (Sweeney Reid) and artist



Ron Upton, *Oops!* 1966, ink on paper, 100 x 75cms. Collection Scott Carter, Brisbane. (Ch.4, cat.7, i)

charged with exhibiting an obscene work. At the Carlton Court  
 of Petty Sessions Professor Joseph Bourke and Dr Ursula Hoff  
 spoke of the work's merit and the Anglican Bishop F. Arnott  
 spoke of the image's 'clean, formal quality'.<sup>11</sup> The magistrate said  
 that while the work was obscene according to the Act its  
 circumstances of display in an art gallery, with its restricted  
 patronage (where 'the only uninvited guests at the opening  
 were three members of the vice squad'!) who would not be  
 'depraved or corrupted' by the work, meant that it was 'not  
 obscene in its context'.<sup>12</sup>

As with such cases, when another work which may have  
 similar connotations is shown, the press immediately sees the  
 opportunity of a story, and such was the issue of Upton's  
 sculpture *Push-Pull* acquired by the Mildura City Council in  
 May 1967. The press reported news of 'that sculpture' quoting  
 two councillors objecting to having it in their collection.

Concurrent with these events for Brown, Sharp and Upton,  
 was the long association of Albie Thoms with the censors.  
 Thoms produced some of the major experimental films of the  
 period and four of them *It droppeth as the gentle rain, Rita &  
 Dundi, The Film* and *Marinetti*, made from 1963 to 1969, all

caused the wrath of the authorities. The laboratory printing the film *It droppeth as the gentle rain* reported it to the police. There was an injunction stopping its showing in NSW in 1963 and 1964 and it was banned for obscenity (depicting excreta) in Victoria. *Rita & Dundi* was banned in Victoria as was *The Film* (for showing Garry Shead painting pubic hair on a female nude portrait) and *Marinetti* was banned in Victoria until 'two scenes were cut'. In fact Thoms screened *Marinetti* intact in Victoria without complaint.

David Perry, an associate of Thoms, also had two of his films *The Tribulations of Mr Dupont Nomore* and *A Sketch of Abigail's Belly* subject to censorship in 1967 and 1968.

One artist involved in the issue of censorship whose paintings and drawings were never actually censored - surprisingly in the climate of the day - was Richard Larter. He was outraged by the Mike Brown case and in protest held 'A Non-Exhibition' at Watters Gallery in August 1967 'dedicated to the non-existent 13 years old female child so beloved of censors, judges, prosecutors, bureaucrats and other members of the tribe of the living dead' as his Introduction begins. The works were blank.

In the February 1970 edition *Studio International* Larter, Garry Shead and Gary Catalano, on 'behalf of the Artists Action Committee' wrote about the state of censorship in Australia, warning the readers of this international magazine of the perils of coming here. They noted the Brown and Oz cases and number of others saying 'they regard this intrusion by the police department in the visual arts as an impertinence and a further arbitrary abrogation of our civil liberties'.

Larter's own work was banned in New Zealand but the closest he came to official sanction in Australia was his foiled attempt to have a film *Solid state - daily girl* printed by a Sydney laboratory in 1972. *Googol-Box Galaxy*, a drawing in the Art Gallery of Western Australia's Drawing Prize of 1967 caused consternation as did a painting purchased by the Queensland Art Gallery *Sweet Sherry Chocolate Dip*, but nothing came of these stirrings.

The 1960s censorship debates mostly concerned Sydney and Melbourne. The major event outside these two cities, on the other side of the continent - and a rare case there - was in Perth, in 1965, when Jon Molvig's *A Short Order Portrait of our Little World No.2*, was removed from show at Skinner Galleries after discussion between gallery owner and police. Betty Churcher, in *Molvig; the Lost Antipodean*, writes:

The painting is divided into three horizontal zones: the sky above, a band of blackened and barren earth, and below, the pale blue of water. The bird, the snake and the fish occupy their separate regions but, sharing the middle stratum with the snake ('considered by man to be the lowliest of creatures'), is a human being, aggressively presenting a backside, from whose anus sprouts a pale blue flower. By painting an eye on one pink cheek, Molvig confounds the pubic area of the body with a mouth lined with sharp, barbed teeth, whose absurdity only partially disguises the reference to a 'vagina dentate'. This confusion of facial feature with sexual organ had been used often by Picasso, particularly in the heads dating from the late 1920s, where the artist reverses the axis of the mouth to expose two rows of sharp teeth as symbol of sexual menace, but Molvig's reference has been made perplexingly ambiguous by its whimsy.<sup>13</sup>

Churcher says the painting quickly became a *cause célèbre*, with attendance at the Gallery leaping before the work was removed, and much press attention. She continues: 'The issue quickly became centred on censorship, and the press questioned the authority of the police commissioner and two detectives to

decide that this painting was offensive and should be removed from the public... although it was not a significant painting, not once was its quality mentioned in the controversy. It can be seen as an unruly gesture made in exasperation, a thumbing of the nose at an art establishment that had repeatedly rejected him."<sup>14</sup>

Molvig had two other, lesser brushes with censorship, both in Brisbane: first, *Underarm Still Life No.2* was locked in a cupboard at the Queensland Rugby League Club from 1964-69, with the manager saying it was 'obscene and unsuitable' and that if hung it would turn patrons away, and, second, in 1966 at the Grand Central Gallery when the police visited after a complaint but didn't proceed with any action.<sup>15</sup>

The last two cases to be mentioned here seem amusing again. The first was the banning in 1966 by the Minister of Customs of the book *The Artist and the Nude*, edited by Michael Levy, published in Toronto by Baxter Publishing in 1965. It is an anthology of images by Picasso et al. In similar vein was the banning in Brisbane and Sydney in 1969-71 of reproductions of Aubrey Beardsley's drawings seized by the police from the Red and Black Bookshop in Brisbane and then from the Third World Bookshop in Sydney. The Beardsley works were seized when police visited the Sydney shop with the purpose of viewing *Thorunka* and *Tharunka*.<sup>16</sup> 360 posters of two drawings *Lysistrata* and *Cinesias pursuing Myrrhina* were ordered, in 1971, to be destroyed as they were obscene. An appeal, based on the works' artistic quality, was upheld.

It was in the spirit of the times that one of Melbourne's major sculptures, a rare and fine cast of the classical *Zeus of Artemisium*, presented by the Greek community in 1956, as Dennis Pryor notes in a 1987 *University Gazette*<sup>17</sup>, had 'performed on him an orchidectomy and amputation of the penis with the aid of a hacksaw' by persons unknown... The sculpture started its life here dominating the playing field at the University of Melbourne, was subsequently moved to the near protection of the front door of the gym, and finally to total protection inside.

#### NOTES

1. *The Sydney Morning Herald*, 8 May 1949. The painting is now lost and the artist never kept any of these newspaper clippings
2. *The Sydney Morning Herald*, 20 August 1949.
3. Coleman, op.cit., p.58.
4. *The Sydney Morning Herald*, 24 October 1957; *The Australian* 22-23 October 1988.
5. Letter from the artist, 19 January 1988.
6. See 'The Tharunka Trial' *Obscenity: An Australian Survey*, no.1-2, Sydney 1965, p.24.
7. James and Sandra Hall *Australian Censorship; the XYZ of Love*, Sydney 1970, p.78.
8. *The Sydney Morning Herald*, 1 December 1966.
9. See Hall op.cit., p.12; Scarlett op.cit., pp.93-94.
10. Conversation with author 25 September 1988.
11. *The Australian* 10 February 1967, p.3.
12. *The Age* 3 March 1967, p.3.
13. Betty Churcher *Molvig; the Lost Antipodean* Penguin 1984, p.110.
14. *Ibid.*, pp.110-112.
15. *Ibid.*, pp.109 and 117.
16. *The Sydney Morning Herald* 18 March 1971.
17. Dennis Pryor 'The naked truth about the Beaurepaire' *The University Gazette*, Spring, 1987, p.5.

#### Catalogue

##### 1. Herbert Draper

###### *Lament for Icarus*

Cover, *School Magazine*, Education Department of NSW, 1941  
Nudes 'draped' by magazine

##### 2. Rosaleen Norton

###### i) *Individuation*

###### *The Witch's Sabbath*

###### *Lucifer*

###### *Triumph*

Exhibition at Rowden White Library, University of Melbourne 1949

Complaint; works removed by police; artist charged with showing obscene drawings; case dismissed

## 5. 1970 to today

Censorship has continued in the last two decades, increasing in numbers of cases (or certainly in numbers of cases reported), and diversifying. There have been more major *causes célèbres* - most notably the various cases against Juan Davila and very recently the jailing of Catherine Phillips - but the pattern (if one is to be seen) is in the number of smaller cases around Australia and certainly in regional areas.

This last issue is very much related to the increasing number of exhibitions of contemporary art from urban centres touring in the regions and the growth of the regional art gallery/museum networks. By bringing new, provocative art to country Australia of course new barriers of social acceptability are being challenged. Indeed, in making his judgment in the Phillips case, the magistrate made a point of saying what was acceptable in Melbourne was not acceptable in (country) Mildura. This is not to say that country people are more sensitive than those in the city, but the debate is relatively newer in their midst. Certainly, in the press coverage of the Brett Whiteley censorship in 1979-80, much local opinion was expressed against this action, an example being Grafton's *Daily Examiner*, of 10 June 1980, saying 'surely one of the most basic freedoms is the freedom to decide for oneself'.

However, this last chapter should perhaps be started where the previous finished - with some ridiculous examples around Michelangelo's statue of David. Mention censorship in Australia and there are two reactions: concern at the cases surrounding local, living artists like Davila, and hilarity over cases like Michelangelo's *David*.

First, in Melbourne, posters of *David* were seized by the vice squad again from the Third World Bookshop after a warrant from a magistrate. The Victorian Chief Secretary was brought in as was the Deputy Opposition leader, the press had a field day, and eventually the posters were returned. *The Sun*, of 22 March 1973 says 'some samples of the materials to which objection has been taken' were placed in the Parliamentary Library by the Chief Secretary 'for the information of members'. Then a year or so later two controversies erupted over large plaster models of *David* in Myer Department Store in Melbourne and David Jones in Sydney. 'Old ladies' apparently were shocked to come down the escalator eye level with David's private parts, and in both stores they were duly covered. Again the press had a lot of fun. Even in 1980, as Beatrice Faust explains in her *Women, Sex and Pornography* of 1981, a reproduction of the statue in newspaper and TV advertisements could still cause offence and need censoring....

The other work from overseas, if it can be put that way, which caused offense, was a very different case in a number of ways: the contemporary English artist Allen Jones' sculptures *Girl Table* and *Girl Hat Stand*. These were shown at Hogarth Gallery in Sydney in 1973 and unlike other recent examples of the heavy-handed vice squad or conservative magistrates being the instigators of censorship, the pressure here came from women's groups. The works weren't removed, but there was a general outcry.

A local sculptor, Lutz Presser, had reactions to two sexually explicit exhibitions, one in Launceston in 1973 and the other in Ballarat in 1974, but in neither case did censorship actually take place.

A better known case of censorship of a two-dimensional piece in the 1970s was of Lynn Collins' *Sketch for the Nirvana Trick* removed by the vice squad from exhibition at the Royal South Australian Society of Arts in 1976. *The Advertiser* of 19 May 1976 describes the process: 'Police went to the exhibition, which has been on display for two weeks, after receiving a complaint from a member of the public. After a uniformed police officer had examined the art work the vice squad

### Maureen Norton book

case for transmission by post, 1952; police served summons on printer; case against printer dropped but publisher found guilty; banned by Customs

### John (a Cat) The Feral Cat

Temporary Art Society, Sydney, 1957  
seized by vice squad (artist, in annoyance, painted out woman)

### ABC 1960

printer tried to stop work after seeing initial plans

### Sharp

#### Cash

*Warunka* magazine, February 1964  
magazine and artist charged with producing obscene work; found guilty;

### and flashed round the Arms...

*Os* magazine, February 1964  
magazine being an obscene work; editors and artist found guilty; appeal

### Brown

#### Low as Miss Universe II

*Painting Today*, Art Gallery of NSW 1963  
painting work being in show; decision not to include it in coming tour; artist

#### untitled works

works at Gallery A, Sydney, 1965  
artist charged with delivering and assisting to exhibit obscene work; convicted and sentenced to three months' imprisonment; appealed; conviction upheld, though punishment reduced to a fine of \$20 (works

### Upton

works at Strines Gallery, Melbourne 1966  
painting; police visited Gallery; Gallery director and artist charged with exhibiting an obscene work: case dismissed

#### Ch-Pull

sculpture in Mildura Prize for Sculpture 1967  
Council members endeavoured to stop purchase

### Bobbie Thoms

#### droppeth as the gentle rain

printing Laboratory complained; injunction to stop showing in NSW; Commonwealth Film Censorship Board banned it for obscenity; 1964 another injunction from showing in NSW

#### Rita & Dundi

film banned by Commonwealth Film Censorship Board for obscenity

#### The Film

film banned by Commonwealth Film Censorship Board for obscenity

#### Marinetti

film banned by Censorship Board unless two cuts made...

### David Perry

#### The Tribulations of Mr Dupont Nomore

film banned by Censorship Board for obscenity

#### A Sketch of Abigail's Belly

film banned by Film Censorship Board for obscenity

### Jon Molvig

#### A Short Order Portrait of our Little World, No.2

film, T.E. Wardle Art Prize Exhibition, Skinner Galleries, Perth 1965  
film viewed by police, gallery owner agreed to withdraw work

### 10. The Artist and the Nude book

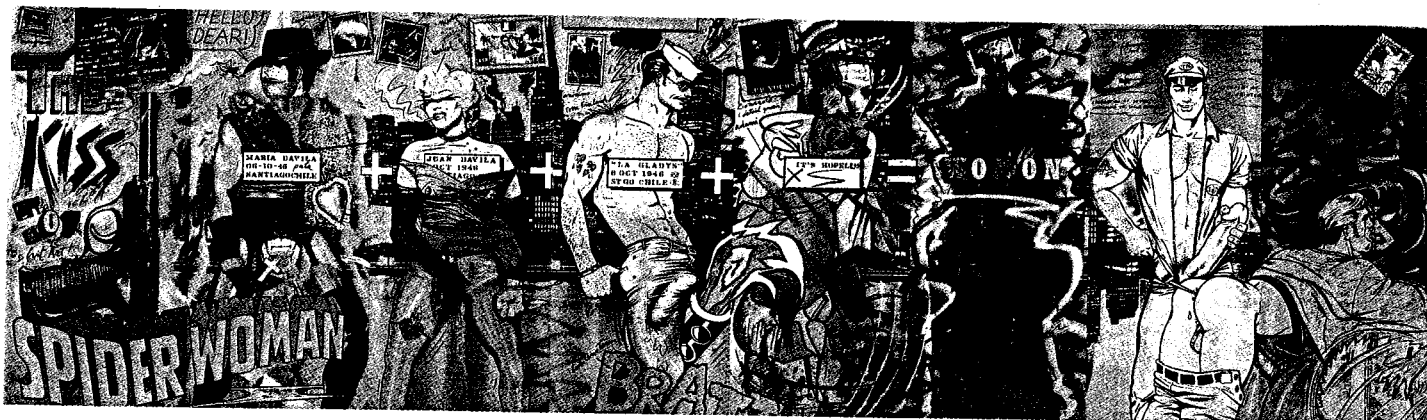
book banned by Minister of Customs

### 11. Aubrey Beardsley

#### Lysistrata

#### Cinesias pursuing Myrrhina

360 reproductions seized (under the Obscene and Indecent Publications Act) from Red and Black Bookshop, Brisbane and Third World Bookshop, Sydney, 1969-70; ordered to be destroyed because they were obscene; appeal upheld



Juan Davila, *Stupid as a Painter*. 1981, acrylic and collage on photographic mural, 213 x 772cms, base 90 x 772cms. Photo courtesy the artist and James Baker, Brisbane. (Ch.5, cat.11, 1)

attended. They took photographs of the work and are preparing a report for the officer in charge of the vice squad....[who] said yesterday a decision on what action, if any, would be taken, would be made once he had seen the report'. He subsequently asked for its removal from public view.

The artist wrote to the paper complaining of the 'sensationalist, stark and trite' reporting of the affair. 'It is probably just this kind of unpreparedness to go beyond the banal and superficial which prompted a member of the public to make a complaint over my sketch, which dealt with profiteering, manipulation of people, abuse of nature and contained imagery the like of which are often contained in the entertainment pages of your paper'.<sup>1</sup>

In Melbourne in 1976 and later in 1983 Murray Walker showed erotic drawings which caused controversy but not actual censorship. However the reaction to these works which Walker saw as important personal statements so surprised him that he hasn't exhibited them publicly again.

A less well known case, but one which went before the court and in which the gallery owner was convicted of showing 'indecent representations in a public place' by the magistrate, was when four drawings 'of nude couples making love' by the New Zealand artist Tane were seized by the police from the Nth Degree Gallery in Sydney in 1972 'hours before they were due to go on show'. An appeal by the owner was upheld by Judge Goran, saying 'I have tried to decide the issue before me by looking as objectively as I am able at the standards of acceptable conduct current in the community today'.<sup>2</sup>

Another case involving a commercial gallery in Sydney also brought forward a liberal response from the powers that be: Holdsworth Galleries in Paddington held an exhibition about erotica in 1976. The police reacted, acting on a complaint and Neville Wran intervened saying 'I don't think that it is the place for the police or anyone else to be setting themselves up as judges of community standards. The day is long past when some display of genitalia or copulation is regarded by the mature person as offensive'.<sup>3</sup>

In South Australia in 1978 a touring exhibition of American photographs *Bent Photography; West Coast USA*, which contained images by Ellen Brooks of pubescent teenagers, so upset staff at the Adelaide Festival Centre when it was on show in the foyer that it was totally removed and later displayed at the Experimental Art Foundation.

Two notable occurrences of censorship in the 1970s involve performance art which became one of the major forms of expression in these years. Naturally when real people become the objects even more interest from the police is inevitable - especially when the performances were in either an accessible place - like the Art Gallery of New South Wales - or a teaching institution - like the Brisbane College of Art. The first instance, at the Art Gallery of New South Wales in 1973, happened when

two participants in a performance piece by Tim Burns were prosecuted for indecent exposure in a public space. The piece, called *A Change of Plans*, was included in an exhibition *Recent Australian Art*. One paper 'described' the piece: 'Full frontal art is packing 'em in in Sydney these days. Melbourne's National Gallery sent a couple of people to have a look at it, while Adelaide may have it next. One of the full frontals is a young lady with long blonde hair. And nothing else. With her is a black-bearded man with long, black hair. Also starkers. In a little white room they loll languidly about, occasionally engaging in conversation with visitors to the NSW Art Gallery by means of closed-circuit TV'...<sup>4</sup> The man was 'arrested' as he went to the toilet, which led to the police prosecution. Daniel Thomas testified on the man's behalf, and he was eventually acquitted, the judge noting the signs the Gallery had in place (that the art work 'might offend'), that it was in the basement of the Gallery and that 'Mr Average would not have been there'.<sup>5</sup>

The other case of performance art causing a stir was Dragan Ilic's piece performed at Brisbane College of Art in 1979. Parents of pupils invited to join the piece, and thereby requested to undress, complained to the police who began investigations. This in turn led to investigations by the Technical Education Branch, and in turn to resignations by the 'two members of staff and the Principal' as an article by Annie Jaks in *Art Network* states, adding 'members of staff are left looking over their shoulders every time they plan something innovative. There has been a noticeable conservative backlash in fine art and general tightening up throughout the college'.<sup>6</sup>

A related general tightening of control, as a last instance of reaction in the 1970s, occurred in Mildura before the 1978 Triennial: the Council had issued instructions that no art work would be allowed which had anything pertaining to 'nudity, pornography, obscenity or bloodletting. It is up to the artists not to cross an indefinable line of public acceptance in Mildura, otherwise they could earn the wrath of the community and bring an end to the Triennials'.<sup>7</sup>

The early 1980s saw an upsurge in the number of art works in the country areas encountering censorship. These range from the minor but extraordinary case of two paintings of nudes removed from a small exhibition in Mallacoota in eastern Victoria after the complaint of an eleven year old girl<sup>8</sup> to censorship of works by Brett Whiteley, Juan Davila and Tony Coleing in country New South Wales.

The Whiteley piece was a drawing, part of an exhibition about artists' processes called *Art in the Making*, put together by the Education Section of the Art Gallery of New South Wales which toured in NSW in 1979-80. The drawing, a preliminary study for Whiteley's various interpretations of *The Olgas* of 1978, was censored in Moree, Inverell, Cootamundra and Griffith, where controversy from the previous venue helped

inflare feelings in the next. Censorship was discussed in Tamworth and Grafton, but didn't eventuate. *The More e Champion* lamented on the censorship in its town, encouraged debate on the issue, reproduced the offending drawing, and ended saying 'It is to be hoped that this unfortunate episode has not labelled Moree as the blue-stocking [sic] capital of NSW'.<sup>9</sup> The work was removed from most venues; in Griffith the novel method was devised of covering the piece with a specially made cardboard box.

In September 1983:

the Mayor of Wagga... ordered the removal of paintings... in the council-run city art gallery. One resident referring to censorship in Nazi Germany, wrote to the *Herald* saying "book burning is alive and well in Wagga". The gallery director, Mrs Judy Lelievre, said the removed art works depicted Pope John Paul II admiring sculptures of Indian nudes. They were collages by the Sydney artist Tony Coleing. "A Catholic priest complained to the Mayor... who ordered the removal..."<sup>10</sup>

The works were part of a major nationally travelling exhibition on the art of collage organised by the Visual Arts Board and this censorship was part, again, of 'a lot of problems' made about showing them 'beginning in Queensland and continuing throughout the run of the show to the point where there had to be a warning put up about the works as to the possible offence'.<sup>11</sup>

Juan Davila's encounters with censorship in Australia began in 1982, with his painting *Stupid as a Painter* withdrawn from two Sydney venues, and in this period ended with the confiscation of three works from the council run gallery at Lake Macquarie near Newcastle in 1985. The Lake Macquarie affair was, like Coleing's and Whiteley's cases, started by complaint from the community (from the Hunter Region secretary of the Call for Australia Party), with the event reported in the local papers (and the vice squad detectives shown removing the works in a photograph in *The Sydney Morning Herald* of 3 August 1985) and the magistrate ruling that they 'were indecent and... forfeited to the Crown'. The order to destroy the three works, *Australian Landscape*, *Photo-romance* and *Photographic Cubism*, caused a furore and eventually the NSW Governor 'granted the work mercy... and Davila donated it to the Power Gallery (now the Museum of Contemporary Art)' in Sydney, as Natasha Serventy writes. Serventy adds: 'The work has been declared indecent, and any further showing of it could mean a further prosecution. (In any second and subsequent prosecution there would be no need for the Crown to prove indecency.) This could make things difficult for the Museum of Contemporary Art'.<sup>12</sup>

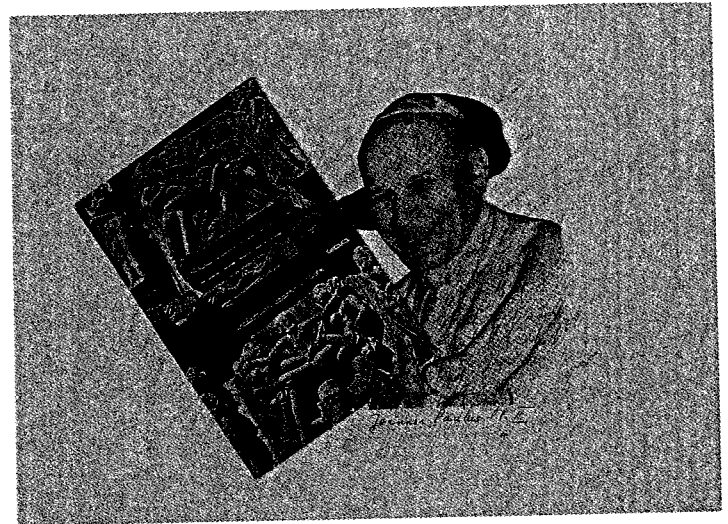
This action is the most serious to have happened to Davila - and ranks with the Gallery A events of Mike Brown and the jailing of Catherine Phillips in terms of artist's rights perhaps - but the most notorious event was the censoring in 1982 in the centre of Sydney of his large *Stupid as a Painter* work. *Art Network* reported:

*Stupid as a Painter* was chosen by the Biennale of Sydney Ltd to represent the work of Chilean-born artist, Juan Davila (now resident in Melbourne) in its 4th Biennale. Placement of the work, as first proposed, at the Art Gallery of NSW was deemed unsuitable by both the Biennale hanging committee and the gallery's director on the basis that accessibility to the painting by minors within a public institution was unacceptable, and was certain to create scandal detrimental to this and future Biennales, particularly with respect to corporate and state funding. In an unsuccessful attempt to divert attention from it,

Davila's painting was subsequently shown at the Roslyn Oxley Gallery where it was exhibited until the Vice Squad removed it one week later, following complaints from Festival of Light director Fred Nile and the ensuing media storm.

NSW Premier Wran reacted by going over the head of the Commissioner of Police, ordering (apparently illegally) that it be returned to the gallery, which it was.

The unwanted publicity the painting had attracted put its future "exposure" in jeopardy, and it was withdrawn from viewing for another week for "repairs", although Clive Evatt of Hogarth Galleries wanted to exhibit the work as a provocative act. This clearly conflicted with the Biennale committee's intentions.



Tony Coleing, *Pope Card*. 1980, postcard, coloured crayon, ballpoint pen, 18.5 x 24.2cms. Collection of the artist. (Ch.5, cat.10)

Meanwhile the directors of Watters Gallery, feeling there were important principles at stake, offered to exhibit the work in lieu of an official Biennale venue. However it was finally placed at the Power Gallery of Contemporary Art at the request of that gallery's curator (and member of the Biennale Committee) Elwyn Lynn, where it remained behind 'R' rated screens until the end of the Biennale.<sup>13</sup>

Pam Hansford, in an interview with Davila, reported in *The Sydney Morning Herald* of 25 September 1985, wrote:

Since the fiasco over the alleged obscenity of *Stupid as a Painter*, Davila has developed his work into a reasoned critique which questions the way in which certain images are accepted as normal models for fine art, while others doggedly resist being incorporated into art at all. Initially, Davila experimented with the effect of introducing pictures from pornographic magazines into his paintings, "I was interested in the effects created when pornography was switched from its original place, the porn shop, to a context that would never accept it", he said. The shock value that Davila gets from juxtaposing pornography, comic strips, photographs and copies of the works of other master artists...proves that we resist the idea that fine art should be dethroned and aligned with the mass of common images which circulate in our society.

In the early 80s, too, Davila's film *Kiss of the Spider Woman* was refused registration by the Film Board on the ground of indecency, and more recently his book *The Mutilated Pieta* was seized from a Melbourne bookshop by members of the Victorian Police; it was sent to the Literature Classification Board which found it 'a work of serious literary and artistic merit and therefore not suitable for classification' and therefore

could be sold freely.<sup>14</sup>

In 1984 Nigel Thompson's painting *Children's Rites* was excluded from exhibition from the Art Gallery of NSW, on the vote from the gallery's trustees, as 'unsuitable'.<sup>15</sup> It showed a naked man tied to a post with a circle of naked children dancing around him. According to the press another painting, by Phillip Hammial, was also deemed 'unsuitable'.

In the 1985 *Perspecta*, again at the Art Gallery of NSW, Anne MacDonald's work was the subject of complaint, and eleven panels covered rather than the whole removed. This became a well-known event, with the Free Speech Committee providing copies of the work outside the gallery.

It should be noted that the Art Gallery of NSW frequently comes into this story where other State Galleries do not. It could be convincingly argued that this happens not because of the particular attitude of that Gallery to moral censorship, but because it shows, and has shown, much more contemporary (challenging, provocative, etc. etc.) art than the others. It has set itself up to display contemporary art and naturally has become involved in its particular controversies.

Having said that, one case in the mid 1980s in Melbourne which ended before a magistrate, and was there defended by the Director of the National Gallery of Victoria, was Ray Richards performance of *Long Poles*. Richards performed it at dusk at the World Trade Centre in 1985, naked, painted blue with orange fluorescent poles strapped to his body. There was a complaint, he was arrested, and eventually the case was dismissed.

In Brisbane, indeed at the Queensland Art Gallery, again in 1985, Wayne Tindall's 'prints' were consigned to the library during the showing of the touring exhibition *Print as Object*, organised by the Print Council of Australia. The work, *He is Not a Wise Son*, was only available to be seen on request.

In Adelaide, again in 1985, at the Festival Centre, Fimo's *A Concise History of Australia* was first turned to the wall, then removed from an exhibition in the large foyer space. As *The Advertiser* wryly stated at the time, 'It now hangs in the office of arts supremo, Len Amadio'. A picture of Amadio with the work was included. (Fimo next came into controversy with the media with his 1988 Festival poster design, with its 'phallic pencil' jutting from the neck of one of the figures. It caused comment, mostly semi-frivolous, and wasn't withdrawn.)

One different example from 1985 was the decision by the Union of Postal Clerks and Telegraphists leading to Australia Post's withdrawal of a poster designed to encourage people to send St Valentine's Day cards. 'The union said the poster, depicting a scantily-clad female lying on a bed, one leg in the air, a black gloved hand raised to salute a portrait of the pop singer Billy Idol, was sexist'.<sup>16</sup> The argument used was that it could cause sexual harassment in the workplace.

Also of a different type was the censorship of Japanese netsuke figures in Melbourne in October 1985. Seven of these little belt toggles, showing various stages of sexual intercourse, were on display in the window of the Jade Gallery Shop at the Southern Cross Hotel when seized by the vice squad and the gallery owner charged with displaying indecent figures. As the owner said, the pieces are part of a tradition going back to the fourteenth century and while erotic they were not obscene. The magistrate agreed and the case was dismissed.

Very recently the stories of overt or covert censorship have continued: in 1986 Randelli had their installation *Adam and*

*Eve* moved after objections from the public from a prominent to a less obvious position at the Art Gallery of New South Wales; Arthur Boyd's print illustrations to Peter Porter's poems were taken down, then put up again at the Queensland Art Gallery - reminiscent of the ban in 1984 of one of Boyd's nudes at the Tokyo Central Museum. In 1988 Don Stewart's sculptures *Cameraman* and *Old Man with Young Woman* were removed from display at the City of Hamilton Art Gallery in Victoria after complaints and police intervention; there was controversy over Gunter Christmann's work in Benalla and Robert Besanko in Ararat; in October in Adelaide Lodi Kramer's image on the Duncan murder in an exhibition of AIDS-related work, at Artzone gallery, was not put up; and in May this year Bernie O'Regan's image of artist Bashir Baraki and two models was removed from an exhibition organised by the Victorian Centre for Photography at the Blaxland Gallery at Myer Store.

Most disturbing of all, as it involved a major library, copies of newly acquired books on Robert Mapplethorpe, *Robert Mapplethorpe - Retrospective*, published by the Whitney Museum in New York, and *Mapplethorpe 10 x 10*, published in Munich, were shredded by the Queensland State Library. Mapplethorpe's image *Man in a Grey Flannel Suit* had previously had various troubles getting to the public in reproduction, with magazine proprietors and printers shying away and then bookshops refusing to get involved.<sup>17</sup> In the

climate of the time this is understandable - if not acceptable - but the Library case is in a different league.

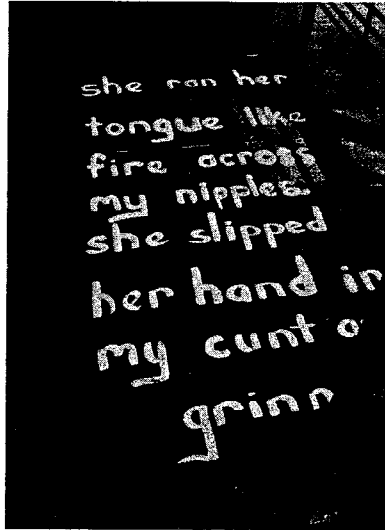
The important case however is Catherine Phillips', and it seems an appropriate place to end. Phillips showed *Butch Maison: the Palace at Femme* at the 1988 Mildura Sculpture Triennial. It was a small 'building', in a bush setting, with the script: 'she ran her tongue like fire across my nipples. she slipped her hand in my cunt and grinned' on the floor under a bed-like structure. There were no images. For this the police were called in and the work covered. Phillips uncovered the piece, and she was charged with showing an obscene work. She was interviewed in *The Age Good Weekend*, on 15 July 1988, and asked if she was surprised by the reaction:

I'm surprised it's gone this far. I thought there would be problems, which is why I was as honest as possible with the administrators of the show, but I was very surprised when the police were brought in and by the fact that I got no support from the community that had invited me there.

Asked if it was important to fight the case, she replied:

Yes, because I want a right of reply and to object to the censorship and the tagging of me as an obscene artist. I think artists have a role in society to question and talk about things that aren't normally spoken about. To turn around and punish an artist who is doing that seems unethical.

The work is about lesbianism, which as *The Age* notes, is for 'a minority that suffers persecution mostly in silence'. Phillips chose to be public, and as has been noted,<sup>18</sup> it is for this she was censored. The work was seen as enhancing the lesbian life-style. Richard Perram, a witness for the defense, in the court proceedings in August 1988, reported the magistrate as saying that in the 'context of the community that is here' [i.e.



Catherine Phillips.  
*Butch Maison: the Palace at Femme*  
1988, installation, Mildura. Photo courtesy the artist. (Ch.5,cat.21)

Mildura] the work was obscene according to the Act.<sup>19</sup>  
 Phillips was duly sentenced on two counts and ordered to pay \$400 in fines. She refused to pay and in late November spent two days in the Mildura lock-up. *The Age* of 1 December 1988 quoted her as saying she was ready to go to jail, after which 'this part of my life will be over and I can get on with my work... I am not prepared to compromise my principles over a law which I think is wrong.'

#### NOTES

1. *The Advertiser* 21 May 1976.
2. *The Sydney Morning Herald*, 14 April 1972 and 6 June, 1973.
3. See Cedric Flower *Erotica: aspects of the erotic in Australian art*, Melbourne 1977, p.4.
4. *The Melbourne Sunday Press*, 28 October 1973.
5. Conversation with Daniel Thomas, 11 October 1988.
6. *Art Network*, vol.1, no.1, November 1979.
7. See Graeme Sturgeon *Sculpture at Mildura 1961-1982*, Mildura 1985, p.90.
8. The artist was Gay Hutton, the exhibition organised by the local Uniting Church women's guild, the whole reported in *The Age* 4 September 1979.
9. *The Moree Champion* 17 July 1979.
10. *The Sydney Morning Herald* 5 September 1983.
11. Letter from the artist, September 1988.
12. Information from Natasha Serventy, 30 June 1989.
13. *Art Network*, vol.7, Spring 1982, p.44.
14. Serventy, op.cit.
15. See *The National Times*, 21-27 December 1984.
16. *The Sydney Morning Herald* 9 February 1985.
17. Conversation with Denise Robinson, April 1989.
18. For example Pat Hillcoat's 'Censorship is a Feminist Issue' in *Women's Art Register Bulletin*, vol.1, no.2, July-Sept. 1988, p.12.
19. Conversation with the author 18 August, 1988.

## Catalogue

### 1. Tane

Four drawings of 'couples making love'

Nth Degree Gallery, Sydney, April 1972

Police seized work and charged gallery owner with displaying indecent pictures; convicted; appealed successfully.

### 2. Tim Burns

*A Change of Plans*, performance

*Recent Australian Art*, Art Gallery of NSW, 1973

One of two performers arrested for indecent exposure; charged; case dismissed

### 3. Michelangelo

*David* sculpture

i) Poster reproductions, Third World Bookshop, Melbourne, 1973

Seized by vice squad after warrant from magistrate; returned

ii) Plaster reproductions, Myer Department Store, Melbourne 1974 and David Jones Department Store, Sydney, Genitals covered after complaints

iii) Reproduction in newspaper and television advertisements, 1980  
 Cut

### 4. Lynn Collins

*Sketch for the Nirvana Trick*

Exhibition Royal South Australian Society of Arts, Adelaide 1976

Complaint, vice squad attended and asked for work to be removed, which it was

### 5. *Erotica Exhibition*

Holdsworth Galleries, Sydney 1976

Complaint, police attended; intervention by Premier

### 6. Ellen Brooks

*Untitled*

*Bent Photography, West Coast USA*, Adelaide Festival Centre 1978

Complaint; whole exhibition removed

### 7. Gay Hutton

Two paintings of female nudes

Uniting Church Women's Guild, Mallacoota, Victoria, 1979

Complaint; organizers withdrew works

### 8. Dragan Ilic

Performance (with audience drawing on performer's body and walls)

Brisbane College of Art 1979

Complaints; police investigations, followed by internal College investigations;

leading to resignations of 'two members of staff and the Principal' (see text)

### 9. Brett Whiteley

*Preparatory study for the Olgas*

Art in the Making, travelling exhibition of Art Gallery of NSW 1979-80

Complaints and removal from display in Moree, Inverell, Cootamundra, Griffith; discussion on censorship in Tamworth and Grafton

### 10. Tony Coleing

*Pope Cards*

*The Collage Show*, travelling exhibition of Visual Arts Board of the Australia Council 1982-83

Controversy and censorship in Queensland and country NSW

### 11. Juan Davila

i) *Stupid as a Painter*

Chosen to be shown at Sydney Biennale 1982

Hanging committee and Art Gallery of NSW deemed work unsuitable for show at Art Gallery; shown at Roslyn Oxley9 Gallery; complaints; removed by vice squad; Premier intervened and work returned, removed again for 'repairs'; displayed at Power Gallery of Contemporary Art behind screen.

ii) *The Kiss of the Spider Woman* film

Refused registration from Film Board on grounds of indecency, 1982

iii) *Australian Landscape*

*Photo-romance*

*Photographic Cubism*

*The Romance Show*, Lake Macquarie City Gallery, 1985

Complaint; vice squad removed works; magistrate ruled they were indecent and that they be destroyed; Governor granted works mercy

iv) *The Mutilated Pieta* book

Seized from Melbourne bookshop by police; Literature Classification Board ruled it not suitable for classification, and therefore freely available

### 12. Nigel Thompson

*Children's Rites*

Excluded from exhibition at Art Gallery of NSW, 1984, as 'unsuitable'

### 13. *St Valentine's Day Poster*

Australia Post, 1985

Union said sexist and removed from display in post offices

### 14. Ray Richards

*Long Poles* performance

*Sculpture '85*, Melbourne

Complaint; artist charged with indecency; case dismissed

### 15. Anne MacDonald

*Love I and Love II*

*Australian Perspectives*, Art Gallery of NSW 1985

Complaint, artist decided to cover parts rather than have whole removed

### 16. Wayne Tindall

*He is Not a Wise Son*

*Print as Object*, Queensland Art Gallery 1985

Removed from display to Gallery library, where available on request

### 17. Fimo

*A Concise History of Australia*

Adelaide Festival Centre, 1985

Turned to wall, then removed

### 18. Japanese netsuke

Jade Gallery shop, Melbourne, 1985

Seized by vice squad; gallery owner charged with displaying indecent figures; case dismissed

### 19. Randelli

*Adam and Eve* installation with video and photograph

*First Video Festival*, Art Gallery of NSW 1986

Complaint; removed from entrance to less prominent position

### 20. Arthur Boyd

*Illustrations to Narcissus* 1986

Queensland Art Gallery 1986

Removed from display, then returned



21. Catherine Phillips

*Butch Maison: the Palace at Femme*

Mildura Sculpture Triennial, 1988

Police called in and work covered; artist removed covering and charged with displaying obscene work; convicted and fined; artist refused to pay fine and jailed

22. Don Stewart

*Cameraman*

*Old Man with Young Woman*

City of Hamilton Art Gallery 1988

Complaints; police called in and works removed

23. Lodi Kramer

*Image on AIDS*

*Art for AIDS - Explorations of Erotica* Artzone gallery, Adelaide 1988

Not hung by curatorial committee

24. Bernie O'Regan

*Portrait of Bashir Baraki*

*Up Front* Blaxland Gallery, Myer Store, 1989

Removed to store and shown on request there

25. Robert Mapplethorpe

i) Richard Marshall

*Robert Mapplethorpe-Retrospective* book

ii) Els Barents

*Robert Mapplethorpe 10 x 10* book

Queensland State Library, 1989

Complaint; shredded

## SELECTED BIBLIOGRAPHY

Harry F. Chaplin *Norman Lindsay, his books, manuscripts and autograph letters in the library of, and annotated by H.F.C.* Studies in Australian & Pacific Bibliographies, The Wentworth Press, Sydney 1969.

Betty Churcher *Molvig; the lost Antipodean*, Penguin, Melbourne 1984.

Peter Coleman *Obscenity, Blasphemy, Sedition; Censorship in Australia*, Jacaranda Press, Brisbane (1963).

Neville Drury *Pan's Daughter; the strange world of Rosaleen Norton*, Collins Australia 1988.

Keith Dunstan *Wowsers*, Cassell, Australia 1968.

Geoffrey Dutton & Max Harris (eds.) *Australia's censorship crisis: the uncensored examination of Australian censorship*, Sun Books, Melbourne 1970.

Beatrice Faust *Women, Sex and Pornography* Penguin, Ringwood 1981.

Cedric Flower *Erotica; aspects of the erotic in Australian art*, Sun Books, Melbourne 1977.

Richard G. Fox *The Concept of Obscenity*, The Law Book Co. Ltd., Melbourne 1967.

James & Sandra Hall *Australian Censorship: the XYZ of Love*, Jack de Lissa, Sydney 1970.

John Hetherington *Norman Lindsay: the Embattled Olympian*, Oxford University Press 1972.

Norman Lindsay *My Mask: an autobiography*, Angus & Robertson 1970.

Elwyn Lynn 'Erotic art around the world' *Forum: The International Journal of Human Relations* vol.1, no.5, 1973, pp.12-16.

Lesley Power 'The Vice Squad, the artist and the community - whose morality? whose moral rights?' *Art Monthly*, issue no.11, June 1988, pp.26-28.

Ken Scarlett *Australian Sculptors* Nelson, Melbourne 1980.

Shane Simpson and Norman Reaburn 'Obscenity - work of art or indecent matter?' *Legal Service Bulletin*, vol.7, 1982, pp.148-50.

Sue Solly & Terry Cutler *To Deprave and Corrupt; Censorship in Australia*, in *Discussions*, series no.10, Lloyd O'Neill, Victoria 1975.

Graeme Sturgeon *Sculpture at Mildura: the story of the Mildura Sculpture Triennial, 1961-1982*, Mildura (1985).

## ACKNOWLEDGEMENTS

This project was initiated by Richard Perram, who had long thought on the issues of censorship and art. Many of the areas of the publication and accompanying exhibition stem from his ideas. I am indebted to him for enthusiastically sharing them.

I also wish to thank especially the various public institutions, private collectors and artists who have lent work to the exhibition. Among the public institutions are the National Gallery of Victoria, the State Library of Victoria, the Mitchell Library, State Library of New South Wales, the Geelong Art Gallery, the Mildura Arts Centre, and the Norman Lindsay Gallery & Museum, National Trust of Australia (NSW).

The project has only occurred with the ideas, knowledge and aid of the following individuals: Susan Abasa, James Baker, Rupert Beaumont, Lin Bloomfield, Stephanie Britton, Mike Brown, Margy Burn, Fiona Caro, Margot Carroll, Scott Carter, Tony Coleing, John Courier, Lynn Collins, Ashley Crawford, Peter Cripps, Sue Crisp, Albert Cymonds, Louise Dauth, Alan Davies, George Davis, Lauraine Diggins, Ed Douglas, Christine Downer, Nicholas Draffin, Neville Drury, Dinah

Dysart, Deborah Edwards, Geoffrey Edwards, Fimo, Jane Glad, Walter Glover, Julian Goddard, Janda Gooding, Brett Goodman, Richard Haese, Rhonda Hamilton, Pam Harris, June Helmer, Sandra Henstock, Pat HOFFIE, Terence Hogan, Ray Hughes, Jane Hylton, Elizabeth Imashev, Svetlana Karovich, Joan Kerr, The Hon Justice Michael Kirby, Anne Kirker, Hendrik Kolenberg, Richard Larter, Jane Lennon, Frances Lindsay, Geoff Lowe, Bettina MacAulay, Frank McBride, Alan McCulloch, Joyce McGrath, Paul McIntyre, John McPhee, Joanna Mendelssohn, Bill Meyer, Valdo Michelangeli, Therese Mulford, Katy Munson, Michael Murray, Rhyll Nance, Gael Newton, Howard Oorloff, Barry Pearce, Catherine Phillips, Jennifer Phipps, Lutz Presser, Clifton Pugh, Ursula Prunster, Ron Radford, Randelli, Barrett Reid, Ray Richards, Denise Robinson, David Salter, Natasha Serventy, Linda Slutzkin, Susie Shears, Susan Shehadie, Ted Snell, Michael Snelling, Diane Soumilas, John Stringer, Graeme Sturgeon, John Sweetman (Young & Jacksons), Daniel Thomas, Albie Thoms, Helen Topliss, Sally Trevaskis, Kay Truelove, Nancy Underhill, Ron Upton, Kay Vernon, Murray Walker, Frank Watters, Ian Were, Keith Wingrove, Henry and Andrew Wootton, Vernon Yip, Irena Zdanowicz. A.C. July, 1989