

Exposing Indecency:  
Censorship and Sydney's Alternative Press 1963-1973



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2012

“A thesis submitted in partial fulfilment  
of the requirements for the degree of BA (Hons) in History, University of  
Sydney.”

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### **Acknowledgments:**

This thesis was a huge personal investment that was only made possible by the generous assistance of a number of people.

First, Nina, whose patience, encouragement and support made this work a possibility, and ensured my coursework was submitted. Also to my housemates Jed and Jack for keeping me sane.

Thanks must go to my sister Julia, who, even at a distance, was a wonderful proof-reader who allowed me to clarify my thoughts.

I would like to thank Wendy Bacon, a subject of this work, for allowing me access to her personal collection of the magazines in question, some of which are not archived elsewhere.

My thanks go particularly to my supervisor Ann Curthoys who not only sparked by interest in the history of 'Sixties' activism, but provided invaluable guidance, support and access to her personal archive.

And finally to my parents, Catherine and Andrew, for their support of my studies over the course of my degree.

**Abstract:**

The 'alternative press' arose in the Sixties as a medium of protest that gave voice to the concerns of the emergent youth revolt. This thesis uses these magazines as a lens through which to analyse how censorship was challenged.

The thesis begins by examining how the act of producing the alternative press reflected a form of direct action. An anti-authoritarian gesture borne particularly out of the politics of Sydney Libertarianism they challenged the style and focus of the mainstream media. Their most dramatic realignment focussed on the politics of sexuality. I demonstrate for the first time how the sexual revolution was theorised by its self-assigned agents.

By publishing otherwise taboo material the editors predictably became entangled with the state's censorship apparatus. The final portion of this thesis analyses these often-neglected clashes over 'obscenity.' It demonstrates the centrality of these contests to the demise of censorship regimes at both the state and federal level.

### **A Note On Sources:**

- This thesis, in part, tells the story about the decline of the legal concept of ‘obscenity’ and rise of a classification system in Australia. Some of the ‘obscene’ matters in question seem laughably inoffensive to a 21<sup>st</sup> century eye. About others, though, there remains taboo. I have not censored the language involved except where the actors involved did so as well. Accordingly, this thesis comes with a warning: this work contains language that may offend some readers.
- Some of the material in question was printed as ‘underground’ publications and often carry no date, where there are dates and page numbers I use them, where they are absent I refer to the edition as a whole.
- Some of the magazines in question are inaccessible at any library in Australia, I’m grateful to Wendy Bacon for allowing me to use her archive to access editions of *Thorunka* and *Thor* not archived elsewhere.

## Introduction:

Defining the 'obscene' and protecting public morality were central concerns of conservative governments in 1960s Australia. Until 1958 the list of banned literature was itself the subject of censorship.<sup>1</sup> The list was released only after the embarrassment caused when the American Ambassador, unaware the book was illegal, donated copies of Salinger's *The Catcher in the Rye* to Australian libraries as an exemplar of contemporary American literature.<sup>2</sup> This was far from an isolated instance. A film entering Australia that year was more likely to be banned or edited than arrive in its original form.<sup>3</sup> In addition to upholding the ban on *Lady Chatterley's Lover*, the government banned the transcript of the trial that had legalised the book in Britain.<sup>4</sup> The central unifying feature of the censorship regime was a desire to preclude prurient material from entering the country. After 1955 publications could be banned for 'unduly emphasising' sexual material.<sup>5</sup> Donald Horne surmised in 1966 'where other democracies have censored badly, Australia has censored worse.'<sup>6</sup>

In the space of a decade, from 1963 to 1973, most regulation on censorship was challenged and eventually 'undone.'<sup>7</sup> Then writer Peter Coleman was the first to ring the death knell of the censorship apparatus when he wrote in 1962 'it is too soon to write an autopsy of Australian censorship, but nevertheless the censorship of morals, blasphemy

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<sup>1</sup> Customs created and published a list of works banned *in spite* of their claim to artistic merit. A list of works deemed to have no literary value or which were 'obviously pornographic' was not published. 'Banned Books', *Commonwealth Parliamentary Debates*, Vol. 12 (Canberra, 1958), pp.578-580. Nicole Moore, *The Censor's Library* (Brisbane: University of Queensland Press, 2012), p.221.

<sup>2</sup> Anne Coombs, *Sex and Anarchy: The Life and Death of the Sydney Push* (Melbourne: Penguin Books, 1996 ), p.238.

<sup>3</sup> Coombs, *Sex and Anarchy*, p.239.

<sup>4</sup> C.H. Rolph, *The Trial of Lady Chatterley* (London: Penguin Books , 1990), p.xi.

<sup>5</sup> *Obscene and Indecent Publications (Amendment) Act (No 10) 1955* (NSW)

<sup>6</sup> Donald Horne, *The Lucky Country* (Melbourne: Penguin Books, 1964), p.192.

<sup>7</sup> Nicole Moore, *The Censor's Library*, p.251.

and sedition has almost entirely disappeared.<sup>8</sup> He was right on the first count, and very wrong on the second. Even as Coleman's 'history' of censorship hit the shelves, Senator Henty, the Customs Minister, banned James Baldwin's *Another Country*, an explicit novel that explored interracial and homosexual sex. The Literature Censorship Board declared it 'smeared with indecent, offensive and dirty epithets' and objected to Baldwin's use of 'vulgar names for various functions of the body.'<sup>9</sup> In 1968, Coleman was elected as a member of the NSW State Legislature and within a decade he completed a personal about-turn on censorship. Speaking in favour of harsher punishments for criminal obscenity in 1972, Coleman argued, the state needed more measures to deal with those practicing 'porno-politics' who he alleged were 'seeking to destroy all forms of our treasured society, including family, church and school.'<sup>10</sup>

This thesis is the story of the so-called porno-politicians.

In February of 1964 a young artist named Martin Sharp published two controversial cartoons. One appearing in the University of New South Wales student magazine *Tharunka*, the other in a new satirical magazine named *Oz*. 'The Gas Lash' told the story of a young couple entwined with another at and after a university ball until their attempts at consummating their relationship are ruined by vomit.<sup>11</sup> 'The Word Flashed Round The Arms' described the rape of a young woman at a fictitious party that had been gatecrashed on Sydney's northern beaches.<sup>12</sup> While the decisions were eventually overturned, the publications attracted criminal obscenity charges, an initial conviction and a recommended sentence of six months imprisonment with hard labour.

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<sup>8</sup> Peter Coleman, *Obscenity, Blasphemy, Sedition: Censorship in Australia* (Brisbane: Jacaranda Press, 1962), p.1.

<sup>9</sup> Literature Censorship Board Report, quoted in Nicole Moore, *The Censor's Library*, p.238.

<sup>10</sup> Peter Coleman quoted in, Robin Gerster & Jan Bassett, *Seizures of Youth: 'The Sixties' and Australia* (Melbourne: Hyland House, 1991), p.57.

<sup>11</sup> Martin Sharp, "The Gas Lash," *Tharunka*, 26 February 1964, p.14.

<sup>12</sup> Martin Sharp, "'The Word Flashed Around the Arms'," *Oz*, February 1964, p.7.

While Sharp was embroiled in legal battles, a compatriot at the University of Sydney by the name of Michael McDermott joined his cause. In his first edition as editor of the University of Sydney's *Honi Soit* McDermott threw his support behind Sharp's legal battle against 'outmoded laws' and asserted a philosophy of complete editorial independence: 'Editors should be free to treat any subject in any way they desire.'<sup>13</sup> The next week, true to his word, McDermott chose to flaunt the boundaries of free speech by exploring Nazism. He published a swastika, an extract from a British Neo-Nazi entitled 'The Myth of the Six Million' and an interview with the head of the Australian National Socialists concerning their operations.<sup>14</sup> The University of Sydney's Student Representative Council swiftly sacked McDermott at their next meeting.<sup>15</sup>

This was not the first time that concerns over censorship had been a matter of social debate.<sup>16</sup> The 'Sixties' clashes, however, were different: more urgent and more confrontational in form. Booksellers initiated covert smuggling operations.<sup>17</sup> They imported banned books in pieces to escape customs' gaze, then reconstructed them to produce a domestic print run.<sup>18</sup> Theatres staged productions like *Hair* and *Motel* in spite

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<sup>13</sup> Michael McDermott, "National News," *Honi Soit*, 23 June 1964, p.3. Michael McDermott (ed.), "The Jewish Line," *Honi Soit*, 7 July 1964, p.3.

<sup>14</sup> Michael McDermott, "Editorial," *Honi Soit*, 30 June 1964, p.2, Colin Jordan, "The Great Lie of the Six Million," *Honi Soit*, 30 June 1964, p.3. Michael McDermott, "The National Socialist Party of Australia," *Honi Soit*, 30 June 1964, p.3.

<sup>15</sup> *Honi Soit*, "Honi Soit Editor Suspended After Legthy Debate Results in 14-2 Vote," 21 July 1964, p.1, p.8. Amongst the two votes in the minority was writer and former *Honi Soit* editor, Bob Ellis.

<sup>16</sup> For instance, in the mid 1930s the Book Censorship Abolition League emerged, but their agenda was relatively limited. They sought to 'admit into Australia those books on economic and political subjects which freely circulate in Britain' and willingly conceded the need to limit publications that incited violence or works of an 'immoral nature.' Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia* (Cambridge: Cambridge University Press, 2010).

<sup>17</sup> As is common in the literature I use '1960s' to refer to the decade, and 'the Sixties' to refer to the political and cultural phenomenon attached to the era. See for instance, Doug Rossinow, "The New Left in the Counterculture: Hypotheses and Evidence," *Radical History Review* 67 (1997): 79-120.

<sup>18</sup> Dorothy Campbell and Scott Campbell, *The Liberating of Lady Chatterley's Lover and Other True Stories: A History of the NSW Council for Civil Liberties 1963-2005* (Sydney: Southwood Press Limited, 2007), pp.30-31.

of potential prosecution.<sup>19</sup> Students picketed cinemas displaying edited films and festivals celebrating banned works and pornography were staged.<sup>20</sup> Among the loudest and most consistent voices against censorship were those of the 'alternative press.'<sup>21</sup> What Sharp and McDermott's publications signified was a willingness not merely to bemoan or criticise the absence of free press, but to actively challenge it. Those who worked in the alternative press were concerned not just with what they could not see or read, but what they could not write.

As a media form alternative rags challenged both 'regulatory' and 'structural censorship.'<sup>22</sup> Publishing in the alternative press was a form of direct action. Frank Moorhouse, a writer involved with *Tharunka*, distinguished the politics of 'advocating free communication' from the act of 'freely communicating.'<sup>23</sup> For Wendy Bacon, who edited the same paper, producing a newspaper was part of a broader philosophy: 'being free by acting free.'<sup>24</sup> Logically, there was a degree of political potency to the publication of the otherwise forbidden fruit.<sup>25</sup> Accordingly, as a product of both the law and the period the alternative press devoted disproportionate column space to discussions of sex. On other issues, however, the magazines functioned as a "fifth estate" by critiquing the conservatism of perspectives of the mainstream press.

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<sup>19</sup> Robert Cettl, *Offensive to Reasonable Adult: Film Censorship in 'Secular' Australia* (Adelaide: Transgressor, 2011), p.35. This thesis focuses on print censorship as the central concern of the alternative press, who were also opposed to limitations on film, theatre and art in other areas. For more on film and other forms of censorship in Australia see also, Ina Bertrand, *Film Censorship in Australia* (Brisbane: University of Queensland Press, 1978). John Tasker, "Censorship in the Theatre," in *Australia's Censorship Crisis* (Melbourne: Sun Books, 1970), Helen Vnuk, *Snatched: Sex and Censorship in Australia* (Sydney: Vintage Books, 2003).

<sup>20</sup> *Tharunka*, "Fuck Censorship," 18 March 1970: 31. *Tharunka*, "Stop Press: Huge Crowd at Festival of Banned Works," 14 May 1970, p.5.

<sup>21</sup> Different writers prefer the term 'underground' others utilise 'alternative' and still others 'radical.' The magazines in question had no preferred designation and the state never referred to them consistently. I use 'alternative' because it has the least potential to be a misnomer. At all stages were they alternative; at some others they were 'underground' although never in the same sense as the underground press of Fascist Italy, or behind the Iron Curtain.

<sup>22</sup> Beate Mueller, "Censorship and Cultural Regulation: Mapping the Territory," in *Censorship and Cultural Regulation in the Modern Age*, (Amsterdam: Rodopi, 2004), pp.6-9.

<sup>23</sup> Frank Moorhouse, "Porno-Politics," in *Uni-Sex*, (Sydney: Eclipse Paperbacks, 1972), p.36.

<sup>24</sup> Wendy Bacon, "Being Free by Acting Free," *Overland* 202 (2011).

<sup>25</sup> Moorhouse, 'Porno-Politics', p.37.

The distinction between these two styles of opposition derives from the study of censorship through the lens of discursive limits. The subjects of this history sought to make public discussions of sexuality amidst a ‘sexual revolution’ that would culminate in Michel Foucault’s *History of Sexuality*, first published in 1976.<sup>26</sup> The alternative press understood the act of censoring in psychoanalytic terms, as an effort by both the state and religion to both repress and sublimate sexual knowledge. Foucault’s rejection of the ‘repressive hypothesis’ recast the analysis of taboo by decentralising the state as its agent, and instead emphasising the discursive production of sexuality and its subjects.<sup>27</sup> This thesis, in part, charts what Foucault labelled the ‘discourse of infraction’ that contested the expurgated ‘authorised vocabulary’ and challenged the ‘rhetoric of allusion’ by developing an explicitly sexual rhetoric.<sup>28</sup> Subsequently, censorship has been understood as a ‘productive’ form of power in addition to its traditional ‘privative’ role as tool to ‘curb communication’.<sup>29</sup> From this basis Bourdieu offers a useful insight to locate the emergence of alternative media. Censorship is best understood as ‘the structure of the field itself which governs expression’ by designating ‘both access to expression and the form of expression.’<sup>30</sup>

The contest for both access and form in this thesis begins with the launch of *Oz* magazine on April Fool’s Day of 1963.<sup>31</sup> Richard Neville and Richard Walsh, formally editors of their respective student papers started their own magazine with Martin Sharp as their artistic director. The satirical magazine was designed to be monthly, but a combination of the indirect censorship of printers and distributors, occasional

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<sup>26</sup> Michel Foucault, *The History of Sexuality* (New York: Pantheon Books, 1978).

<sup>27</sup> *ibid.*, pp.17-49.

<sup>28</sup> *ibid.* p.17.

<sup>29</sup> Judith Butler, “Ruled Out: Vocabularies of the Censors,” in *Censorship and Silencing: Practices of Cultural Regulation*, (Los Angeles : Getty Research Institute, 1998), p.255, Mueller, *Censorship and Cultural Regulation*, p.7.

<sup>30</sup> Pierre Bourdieu, *Language and Symbolic Power* (Cambridge: Polity Press, 1991), p.138.

<sup>31</sup> Richard Neville and Richard Walsh, “All About Oz,” *Oz*, 1 April 1963, p.3.

prosecutions and university exams got in the way of these aims. Between 1963-1969 the team produced 44 editions, despite Walsh and Sharp, like so many other Australian artists taking up exile in Britain in 1967.<sup>32</sup> There, they started a London-based *Oz* magazine that was designated as a prohibited import into Australia.<sup>33</sup> By the end of 1965 the *Sydney Morning Herald* noted the ‘anti-Establishment market’ was getting quite competitive.<sup>34</sup> The success of *Oz*, which quickly reached a circulation of 30 000 proved path breaking. On New Year’s Eve that year the *King’s Cross Whisper*, a ‘gags, tits and bums rag sold on street corners’ opened for business.<sup>35</sup> Within a year, using professional distribution networks, the magazine had a circulation in excess of 100 000.<sup>36</sup>

Profitability and longevity were far from universal. A sample of publications reveals the mixed fates of the motley of “porno-political” editors. Single-issue magazines like *Obscenity* and *Censor* appeared and disappeared between 1965 and 1967; their operations hindered by a prosecution that reached all the way to the High Court.<sup>37</sup> These publications alongside the student papers *Honi Soit* and *Tharunka* provide the source base for this thesis. Most of the writers involved emerged from the same social milieu. In addition to being on campus in the early 1960s they tended to exist at the fringe of the declining Sydney Push, a longstanding group of anarchists and libertarians, steeped in the

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<sup>32</sup> Stephen Alomes, *When London Calls: The Expatriation of Australian Creative Artists to Britain* (Cambridge: Cambridge University Press, 1999), p.176.

<sup>33</sup> *Oz* persisted in the form of a newsletter into the early 1970s by which stage all the original editors had left and circulation returned to just a few thousand.

<sup>34</sup> *The Sydney Morning Herald*, “New Voices Swell the Clamour,” 23 Decemer 1965, p.3.

<sup>35</sup> Max Cullen, quoted in, Vanessa Wilson, “Hack Job,” *The Sydney Morning Herald*, 17 October 2003, <http://www.smh.com.au/articles/2003/10/16/1065917552393.html> (Accessed September 21, 2012).

<sup>36</sup> *The Sydney Morning Herald*, “New Voices”, p.3.

<sup>37</sup> *Obscenity* produced two editions in 1965, while *Censor* magazine produced nine editions in total during 1966/1967. They were convicted for indecency in the local court in 1966, a decision overturned in the NSW Court of Appeal in 1967, which was subsequently overturned again in the High Court in March of 1968. *Crowe v Graham* [http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/1968/6.html?stem=0&synonyms=0&query=title\(crowe%20and%20%20graham\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/1968/6.html?stem=0&synonyms=0&query=title(crowe%20and%20%20graham)) (Accessed 21/09/2012).

tradition of drinking, debating and fornicating.<sup>38</sup> Within the student press, censorship continued to be a priority, but due to the nature of yearly editorial shifts interested fluctuated annually. Most notably, three young libertarians Wendy Bacon, Val Hodgson and Alan Rees were elected editors of *Tharunka* in 1970. Despite being disendorsed and subsequently prosecuted for obscenity they continued their operations off-campus under the name *Thorunka* and then *Thor*.<sup>39</sup>

The 'alternative press' was a transnational phenomenon. As *Oz* was being launched domestically in 1963, a spate of like publications also cropped up in the United States and Britain. From the east to west coast of America, provocative works like the *Los Angeles Free Press*, the *Berkeley Barb* and *The East Village Other* hit the shelves in 1964 and 1965. Unlike in Australia, these magazines soon came to represent the products of an organized movement. The Underground Press Syndicate and the Liberation News Service were two organisations that emerged to generate and syndicate material across papers and to regulated standards within the alternative press.<sup>40</sup> Throughout the late 1960s and early 1970s over a hundred publications in different cities had an estimated readership in the millions.<sup>41</sup> Perhaps as a consequence of the formal organisation of the 'underground press' in the US its history has received a higher level of scholarly inquiry than the alternative press of Australia.<sup>42</sup>

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<sup>38</sup> James Franklin, *Corrupting the Youth: A History of Philosophy in Australia* (Sydney: Macleay Press, 2003), Ch.5 available online at, <http://web.maths.unsw.edu.au/~jim/push.html> (Accessed 21/09/2012).

<sup>39</sup> These sources form the basis of this thesis. Many other magazines and student papers emerged in the period, such as *National U* and New Left publications like *Australian Left Review*, I have elected to focus on magazines for whom censorship was a priority, or in the words of *Oz* 'among their top ten bandwagons.'

<sup>40</sup> James Lewes, "The Underground Press in America (1964-1968): Outlining an Alternative, the Envisioning of an Underground," *Journal of Communication Inquiry* 24, no. 4 (2000), p.395. Robert J. Glessing, *The Underground Press in America* (Bloomington: Indiana University Press, 1970), p.69.

<sup>41</sup> Lewes, 'The Underground Press in America', pp.379-380.

<sup>42</sup> Geoffery Rips, *The Campaign Against the Underground Press* (San Francisco: City Light Books , 1981), Lewes, 'The Underground Press in America', Leamer, 'The Paper Revolutionaries', John

Within US histories, scholars have demonstrated the rich value of these publications as a window into the politics of ‘Sixties’ activism. For instance, McMillian uses the alternative press to offer a revisionist lens through which to study the youth culture in the Sixties without treading over worn ground pertaining to the history of Students for a Democratic Society.<sup>43</sup> In attempting to prove the centrality of the papers to the period, he argues that in addition to merely reflecting alternative communities they ‘accelerated the[ir] growth and development.’<sup>44</sup> As a result he contends ‘much of what we associate with the late 1960s youth rebellion—its size, intensity, and contrapuntal expressions of furious anger and joyful bliss—might not have been possible’ without the papers in question.<sup>45</sup> Viewing the Sydney alternative press through the same lens yields similar insights into the activist priorities of Sydney’s radical libertarians.

Despite this, only two writers have used the history of the alternative press in Australia as their primary focus. Susan Forde situates the 1960s publications in a tradition borne out of the labour publications of the early 20<sup>th</sup> century and as a forerunner to more contemporary alternative media such as the Green Left Weekly.<sup>46</sup> This longer view of the movement, however, glosses over the particularities of the ‘Sixties’ papers, and overstates the similarities in the political outlook between the Old and the New Left. Elsewhere, Nichols utilised Melbourne based alternative magazines for an analysis of youth attitudes to urban development in the late sixties and early

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McMillian, *Smoking Typewriters: The Underground Press and the Rise of Alternative Media in America* (Oxford: Oxford University Press, 2011).

<sup>43</sup> McMillian, ‘*Smoking Typewriters*’, pp.1-3.

<sup>44</sup> *Ibid.*, p.32

<sup>45</sup> *ibid.*, pp.4-5.

<sup>46</sup> Susan Forde, “Monitoring the Establishment: The Development of the Alternative Press in Australia,” *Media International Australia incorporating Culture and Policy* 87 (May 1998): 114-133.

Susan Forde, “A descriptive look at the public role of Australian independent alternative press,” *Asia Pacific Media Educator* 3 (1997): 118-130.

seventies.<sup>47</sup> Neither provides a convincing account for how and why the ‘Sixties’ press emerged in the ways that it did in Australia, nor consider its broader cultural impact.

This limited coverage has been supplemented by the biographical recollections of the participants themselves.<sup>48</sup> These reflections provide useful insights, but are a problematic source for the historian as they blur the distinction between primary and secondary material. Moreover, the autobiographical nature of these sources necessarily renders them incomplete, as the authors tend to focus on the role of their own publication or their role within their own publication.

Finally, the activities of the alternative press have been charted incidentally in a number of histories accounting for the decline of censorship in ‘Sixties’ Australia. In general ‘Sixties’ histories, set in the context of the ‘age of disobedience’, the alternative press are viewed more as a product than a cause of the ‘age of permissiveness.’<sup>49</sup> Cast in the role of ‘enacting important dramas’ through their sheer extremity the alternative press are seen to put the final nails in the coffin of Australia’s ‘desperate’ censorship regime.<sup>50</sup> There is an alluring simplicity to these accounts that minimises the push and pull of censorship regulation up until 1973. Other historians have generally only assessed the role of the alternative press via the formal legal sources produced by court battles and parliamentary debates. Sullivan’s ‘The Politics of Sex’ for instance ‘problematises’ sexuality as discussed by ‘politicians and authoritative figures.’<sup>51</sup> Nicole Moore, similarly, focuses on the

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<sup>47</sup> David Nichols, “A fresco that can be lived! the alternative press in Melbourne in the 1960s,” in *Go! Melbourne: Melbourne in the sixties*, 231-244 (Melbourne: Circa, 2005).

<sup>48</sup> See for instance, Richard Neville, *Hippie Hippie Shake* (London: Bloomsbury, 1996), Bacon, “Being Free by Acting Free,” Frank Moorhouse, *Days of Wine and Rage* (Melbourne: Penguin Books, 1980). Dorothy Campbell and Scott Campbell, *The Liberating of Lady Chatterley's Lover and Other True Stories: A History of the NSW Council for Civil Liberties 1963-2005* (Sydney: Southwood Press Limited, 2007).

<sup>49</sup> Horne, *Time of Hope*, p.3.6, Gerster and Bassett, *Seizures of Youth*, pp.57-62.

<sup>50</sup> Horne, *Time of Hope*, pp.33-37. Gerster and Bassett, *Seizures of Youth*, pp.58

<sup>51</sup> Sullivan, ‘*The Politics of Sex*’, p.2.

regulation of imported literature at the level of Customs.<sup>52</sup> Finally, legal histories offer useful insights into the development of the common law of obscenity across the western world, but both minimise the theatre of the courtroom, and fail to account for the patterns of prosecutions and enforcement of the law more generally.<sup>53</sup>

Part One of this thesis analyses the emergence and form of the alternative press in Sydney. It situates the act of publishing a counter-cultural anti-censorship rag in the broader socio-political context of the 1960s, and the specific libertarian environment of the writers involved. Chapter One accounts for the technological and demographic factors that explain both the timing and form of the press as they emerged. The alternative press functioned as a Fifth Estate, frustrated with the inability of the mainstream media to give voice to the concerns of the New Left or from the perspective of the youth. Next, the urgency of publically and explicitly discussing sexuality within the papers is explored. By positioning themselves as agents of the sexual revolution the alternative press processed a number of international approaches to sexual politics that increasingly challenged the Marxist and Freudian premises of much of their thought.

Part Two focuses on the relationship between these magazines and the state. Regularly forced into obscenity trials, the courts proved both a blessing and a curse. On the one hand they offered the opportunity to contest the definition of obscenity imposed upon them. Trials gave the press a platform from which to contest the law. An analysis of their defences and use of witnesses reveals the gradual efforts to unpick obscenity as a legal concept. On the other hand, trials risked high personal penalties and were at the

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<sup>52</sup> Moore, *The Censor's Library*.

<sup>53</sup> Geoffery Robertson, *Obscenity: An Account of Censorship Laws and their Enforcement in England and Wales* (London: Weidenfield and Nicolson, 1979). Richard G. Fox, *The Concept of Obscenity* (Melbourne: The Law Book Company, 1967). Richard G. Fox, "Depravity, Corruption and Community Standard," *Adelaide Law Review*, 1980: 66-78. Richard G. Fox, "Obscenity and Indecency: Interpretation of the Obscene and Indecent Publications Act 1901-1955 (N.S.W.)," *The Adelaide Law Review*, 1967, pp.392-402. Harry M. Clor, *Obscenity and Public Morality* (Chicago: University of Chicago Press, 1971).

mercy of restrictive common law. In this dialectical between anarchist libertarianism and the conservative courts and legislature, two distinct phases emerged, one governed by the legal test of a 'tendency to corrupt and deprave' until 1968 and another by a test of 'community standards' thereafter. This redefinition of obscenity took the power away from judges and eventually the state gave up on prosecuting, allowing adults to determine what was 'obscene' for themselves. These flashpoints of the debate over censorship provide an important context to the liberalisation of banned literature federally, to which this thesis finally turns.

Considered together my inquiries into the alternative press reveal the evolution of attitudes and laws pertaining to the public discussion of sexuality. I chart the intellectual turbulence of the sexual revolutions from 1963 to 1975 as it was filtered through activism and subsequently through the law. On one level it charts the decline of repressive state censorship and the eventual adoption of a system of censure via classifications. On another, the alternative press offers an exemplary window into development and modification of radical thought within the confines of laws couched firmly in the conservative establishment.

## Part 1: The Emergence

### Chapter 1: The Fifth Estate: An 'Alternative' Press

When Frank Packer's Consolidated Press purchased *The Bulletin* in 1961 Gwen Harwood lamented the likely loss of editorial independence in a way that would escape her sub-editor's gaze. Her poem 'Alebard to Eloise', written under the pseudonym Walter Lehman, was a concealed acrostic: 'Fuck All Editors, So Long Bulletin',<sup>54</sup> Donald Horne, then the editor, would reply in an editorial, 'the use of a dirty word seems a sad jest indeed.' A 'genuine literary hoax', he wrote, 'would have some point to it.'<sup>55</sup> Harwood of course, had a point, and it was one that would be taken up by the alternative press after 1963.

This chapter answers two simple, but important questions. Why did the alternative press come about when it did? And in the form it did? The invention of photo-offset printing was the technological impetus that allowed editors to produce their own papers beyond the supervision of the traditional owners of the printing presses. The act of publishing an alternative magazine was, like so many acts of youth culture in the 1960s, a gesture of anti-authoritarianism. Viewing the alternative media as a response to 'structural' censorship, I demonstrate that whilst expressing a transnational frustration with the mainstream media, the aims and style of the Sydney's alternative press were borne out of the local libertarian left. This chapter concludes by analysing the coverage of drugs within the alternative press as an exemplar of an issue they considered to be sidelined and moralised in mainstream media.

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<sup>54</sup> Walter Lehmann, "Alebard to Eloise," *The Bulletin*, 19 August 1961, p.3.

<sup>55</sup> Donald Horne, quoted in, Peter Duncan, "The Four-Letter Word," *Obscenity* 2 (May 1965), p.9, see also, Cassandra Atherton, "Fuck All Editors': The Ern Malley Affair and Gwen Harwood's Bulletin Scandal," *Journal of Australian Studies* 72 (2002): 151-7.

Photo-offset printing disentangled the act of publishing a magazine from the necessity of dealing with the traditional owners of the printing press. Offset technology lowered the two most substantial barriers to the production of independent media: cost and expertise.<sup>56</sup> Prior to the 1960s newspaper copy needed to be set, whilst hot, using a linotype machine. Increasingly printing a professional quality publication could be done with just a competent typist, scissors and cement.<sup>57</sup> Now, copy could be pasted onto a backing sheet, held in place with cement and reproduced exactly as set<sup>58</sup>.

In Sydney the availability of photo-offset proved a significant fallback for publications that tested the limits of the law. *Oz* was initially produced using the printers of the local *Daily Mirror*, but just five editions in the editors were forced to seek out the services of Francis James of the Anglican Press.<sup>59</sup> James, a free speech advocate, and editor of *The Anglican* agreed to take on the magazine as a client. Similarly, after *Tharunka's* editors and their printers were charged with obscenity in 1970, they were subsequently able to produce *Thorunka* and then *Thor* using smaller offset printers.<sup>60</sup>

The lower cost of offset and its independence had two other ramifications for the alternative media. The first was that they could aspire for far wider circulation at lower financial risk. *Oz*, which launched in 1963, had a circulation of upward of 30 000 by midway through the decade.<sup>61</sup> The *King's Cross Whisper*, a commercial operation, circulated in the hundreds of thousands, while *Tharunka*, even in its underground form

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<sup>56</sup> Moorhouse, *Days of Wine and Rage*, p.5, Bacon, 'Being Free By Acting Free.'

<sup>57</sup> MacMillian, 'Smoking Typewriters', p.6.

<sup>58</sup> Ibid. p.6,

<sup>59</sup> Neville, 'Hippie, Hippie, Shake', pp.29-30. "OZ Satirical / underground magazine Published 1963-66 (Sydney); 1967-72 (London)," *MILESAGO - Media - Press*, <http://www.milesago.com/press/oz.htm> (accessed 09 21, 2012).

<sup>60</sup> Although not without difficulty, fear of prosecution meant printers would only print in exchange for cash and on condition of non-identification, Bacon 'Being Free By Acting Free.' By the time *Thor* produced a copy of *The Little Red Schoolbook* in 1972 they had established their own printers *Thor Publications*. Berit Thornberry (translator) Soren Hansen & Jesper Jensen, *The Little Red Schoolbook* (Sydney: Thor Publications, 1972).

<sup>61</sup> The Sydney Morning Herald, 'New Voices', p.3.

had a print run of above 15 000.<sup>62</sup> The low cost meant subscriptions rather than advertising could cover most of the costs of production involved, allowing the papers to be largely independent of the whims of advertisers. Finally, offset printing enabled for greater experimentation with the design of publications. At Oz, for instance, Martin Sharp, the artistic director and cartoonist, increasingly spliced their text around cartoons and hand written material as a visual contrast to mainstream magazines or newspapers.<sup>63</sup> Offset printing goes some way to explaining the simultaneous transnational emergence of the alternative press in the western world. When Sydney's *Oz* launched in 1963 it was modelled roughly on stylings of London's *Private Eye* and the comedy of Lenny Bruce.<sup>64</sup> By the time they relocated to London in 1967, there were hundreds of alternative publications in the United States, a competitive market in Sydney and also in London.<sup>65</sup> Explaining the uptake of the technology is the subject of considerably more debate.

One view situates the alternative press as a re-emergence of a longer tradition of counter-hegemonic media. For Forde, an 'alternative publication' must be independent from both political parties and the major media, expressly political and offer a substantive alternative to the mainstream.<sup>66</sup> In this view the similarities between the counter-cultural press and the working class press of the 1910s, are comparable entities in spite of their acknowledged contextual differences. Both reject the façade of objective journalism to assume a position of advocacy, and both opposed the introduction of military conscription.<sup>67</sup> Leamer, in the United States context, reflects a similar approach,

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<sup>62</sup> The Sydney Morning Herald, *New Voices*, p.3, Moore, *The Censor's Library*, p.280.

<sup>63</sup> See for instance, *Oz* no.6 pp.1-16.

<sup>64</sup> Neville, *Hippie, Hippie Shake*, p.21.

<sup>65</sup> Lewes, *The Underground Press in America*, p.379, Nigel Fountain, *The London Alternative Press: 1966-1974* (London: Taylor & Francis, 1988), p.15.

<sup>66</sup> Forde, *Monitoring the Establishment*, p.116.

<sup>67</sup> *Ibid.* pp.117-119.

but argues the most analogous antecedent were those publications in the 1910s that covered both politics and culture.<sup>68</sup>

Beyond ‘advocacy’, however, the similarities between the publications representing the interests of the Old and New Left are overstated. It is certainly true, that the *Tharunka* group, for instance, took inspiration from the politics of the International Workers of the World.<sup>69</sup> The desire to create a ‘new society from within the womb of the old’ resonated with the anarchist thinking of the *Tharunka* editors. They wrote ‘the most important lesson that we can learn from the IWW is that we must never play the game of our oppressors.’<sup>70</sup> Nonetheless the central concerns of the alternative press are almost consciously antithetical to the working class papers Forde cites as precursors. Richard Neville, of *Oz* magazine’s *Playpower* for instance is grounded in a post-industrial mindset, where work was superfluous and the pursuit of fun rather than the proletariat would bring about the revolution.<sup>71</sup> To borrow Forde’s phrase, the alternative press set out to monitor a particular establishment from a particular perspective.

The editors themselves had a variety of stated purposes, united by an opposition to censorship. For the 1970 editorial team of the University of New South Wales’ student paper *Tharunka*, having control of the student press meant they possessed ‘a vehicle for direct action against censorship.’<sup>72</sup> *Oz* were less acerbic in their stated aim, they set out to ‘ridicule the pompous things in life and take the monkey out of everything.’<sup>73</sup> Their first edition, however, in dealing with abortion, censorship and

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<sup>68</sup> Leamer, *The Paper Revolutionaries*, pp.16-17.

<sup>69</sup> Unless otherwise noted the *Tharunka* editors refers to Wendy Bacon, Alan Rees and Val Hodgson who edited the paper in 1970, continuing to produce under the names *Thorunka* and then *Thor*.

<sup>70</sup> C.H., “Why Bump ‘Em Into Parliament,” *Thorunka*, November 1970, p.15.

<sup>71</sup> C.H., ‘*Why Bump Em*’, Richard Neville, *Play Power* (London: Jonathan Cape, 1970), p.293.

<sup>72</sup> Val Hodgson, Allan Rees Wendy Bacon, “Eskimo Nell,” *Tharunka*, 18 March 1970, p.3.

<sup>73</sup> Richard Neville and Richard Walsh, “All About Oz,” *Oz*, 1 April 1963, p.3.

chastity, consciously sought out material that would otherwise be taboo.<sup>74</sup> The short-lived *Obscenity* was even less ambitious, purporting to offer ‘a survey of obscenity censorship’ whilst they ‘hoped that this...in future provide a vehicle for the consideration of other issues.’<sup>75</sup> The *King’s Cross Whisper* wanted ‘simply to make people laugh and make some money.’<sup>76</sup>

The editors of *Oz* and *Tharunka* both emerged, at different times, from the fringes of the social circles of the Sydney Libertarians known as the Push.<sup>77</sup> Both their approach to censorship and their politics of protest were influenced by these interactions. The Push were resolutely opposed to reformism, or as they labelled it ‘meliorism’, preferring instead to debate critical theory, to drink at the Royal George in Sussex St and to enjoy life outside the dominant morality without seeking to change it. They adopted a stance of ‘permanent protest’, which Coombs points out, could variously mean a state of ‘constant opposition’ or a refusal to adopt a ‘positive position.’<sup>78</sup> Referred to as simply ‘anti-authoritarian’ or as ‘pessimistic anarchism’ the position of the Push was confusing to outsiders. It was grounded in the writings of former University of Sydney philosopher, John Anderson, who wrote ‘the well-intentioned reformer *always* produces results which he did not anticipate, helps on tendencies to which he is avowedly opposed.’<sup>79</sup>

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<sup>74</sup> *Oz*, “Abortion,” 1 April 1963: 4-5, *Oz*, “Public Documents that Should Have Remained Private,” 1 April 1963: 6-7. *Oz*, “The Maiden’s Key to Chastity,” 1 April 1963, pp.8-9.

<sup>75</sup> Peter Conyngham, David Duncan & Bob Walker, “Obscenity,” *Obscenity*, 1965, p.3.

<sup>76</sup> *The Sydney Morning Herald*, “New Voices Swell the Clamour,” 23 Decemer 1965: 3. *The King’s Cross Whisper* was a borderline inclusion in this thesis. It was ‘alternative’ in its satire of censorship law, and it risked prosecution through the publication of explicit sexual material. On both fronts it sits comfortably with the other magazines. On the other hand, it was explicitly for profit, and for the most part what we would now designate a Men’s magazine, intersplicing humour with soft-core pornography. *The Sydney Morning Herald*, ‘*New Voices*’, p.3.

<sup>77</sup> Neville, *Hippie, Hippie Shake*, pp.17-18, Bacon ‘*Being Free By Acting Free.*’

<sup>78</sup> Coombs, *Sex and Anarchy*, p.57.

<sup>79</sup> John Anderson, quoted in Coombs, *Sex and Anarchy*, p.152.

This faith in a law of unintended consequences validated a philosophy that prioritised social critique over activism. It encouraged libertarians to ‘live free by acting free’ in the language of Bacon. The editors of *Tharunka*, influenced by Anderson’s thought, insisted they not be judged on the pragmatic grounds of their success. The act of putting out a newspaper, just like drinking or fornicating was an expression of freedom, not a desire to improve society. As Moorhouse notes, they were not ‘advocating free communication’, but rather ‘communicating freely.’<sup>80</sup>

Anderson’s influence over the alternative press continued even as the Push’s influence dwindled in the mid 1960s, maintaining their influence via the alternative media itself. In March of 1970 both *Honi Soit* and *Tharunka* reprinted Anderson’s 1928 essay on ‘Censorship’, and 1941 essay on ‘Art and Morality’ respectively.<sup>81</sup> Bacon notes they were particularly persuaded by Anderson’s argument that ‘censors spread illusions to disguise their own powerful interests.’<sup>82</sup> The alternative press, then, occurred at the intersection of a general anti-authoritarianism, a particular scepticism about the motivation of censors and with the availability of offset printing.

The stylings of the magazines were distinctly a product of the ‘Sixties.’ Cmiel perceptively distinguishes between the politics of politeness as a characteristic of the Cold War era and the politics of incivility as a signifier of the onset of the Sixties.<sup>83</sup> Where Rosa Parks protest had garnered its poignancy from its explicit politeness by the early 1960s, incivility was taking over as ‘a growing mass movement that was more

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<sup>80</sup> Moorhouse, *Porno-Politics*, p.36. Wendy Bacon, “Sex and Censorship,” *Lot’s Wife*, 18 March 1971.

<sup>81</sup> John Anderson, “Art and Morality,” *Tharunka*, 26 March 1970. John Anderson ‘Censorship’, *Honi Soit*, 18 March 1970.

<sup>82</sup> Bacon, ‘*Being Free by Acting Free.*’

<sup>83</sup> Kenneth Cmiel, “The Politics of Civility,” in *The Sixties: From Memory to History*, (Chapel Hill: University of North Carolina Press, 1994), p.263-284.

assertive, less polite, and more willing to defend itself.<sup>84</sup> The Free Speech Movement at Berkeley was one such example where decorum took a backseat. A protester holding a sign that read 'Fuck', when asked to clarify the meaning of his protest, merely added an exclamation mark before he was arrested.<sup>85</sup>

A similar shift in style is traceable even among Sydney Libertarians attitudes to censorship. The *Libertarian Broadsheet*, the publication of the University of Sydney Freethought Society, was the Push's primary publication. In 1961 they ran a column entitled 'Censored Lately' which politely catalogued the latest additions to the list of banned publications as published by the Department of Customs.<sup>86</sup> By 1964, a publication like *Oz* had changed tack, and in one page of edition number eight, the editors published an open letter to the Vice Squad of the NSW Police, an extract from the banned book *The Kama Sutra*, and two cartoons, one lampooning Customs Minister Henty and one the notion of obscenity.<sup>87</sup>

A quick survey of the coverage of the alternative press locates it firmly in the history of 'sixties' radicalism, not just in style, but also in substance. A typical edition covered issues from student politics, to Vietnam, to the politics of drugs and most notably the publication of explicitly sexual material. This breadth confused some of the earliest historians of the papers. Glessing wrote the alternative press 'defies categorisation. As soon as one labels it 'cultural' it moves toward politics and as soon as one records the shift to politics, it swings back to cultural.'<sup>88</sup> It is never 'purely' one or the other. As Dennis Altman later pointed out, one of the defining intellectual features of the New Left was the abandonment of the distinction between the cultural, the personal

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<sup>84</sup> Cmiel, *The Politics of Civility*, p.267.

<sup>85</sup> Cmiel, *The Politics of Civility*, p.270.

<sup>86</sup> *Libertarian Broadsheet*, "Censored Lately," November 1961, p.9.

<sup>87</sup> *Oz*, no. 8 p. 8.

<sup>88</sup> Glessing, *The Underground Press in America*, p.65

and the political.<sup>89</sup> Glessing, in attempting to historicise the relative importance of different concerns to the alternative media at different times, had missed the point entirely. He does, however, speak to the most common explanation for why it would be in the early 1960s that an alternative press would emerge. ‘Youthful unrest in America has been created largely in reaction to institutions which fail to cope adequately with the problems perceived by the young.’<sup>90</sup>

The notion of the Sixties as a generational conflict was a popular catchcry of both its contemporary critics and supporters. Lewis Feuer saw Sixties activism in the frame of a ‘Generational-psychological theory’, which posited that rebellion, was an oedipal reaction on the part of the young to the hatred of their father.<sup>91</sup> The student press were dismissive of both Feuer’s initial theory and its modified defence in Australia by Dr Knopfmacher, arguing ‘the discrediting of motives is just one aspect of a liberal conservative attempt to block the development of a student left in this country.’<sup>92</sup>

An enduring counter to generational theories saw the emergence of youth and student radicalism in the context of shifts in the nature of capitalism. In a post-industrial capitalist economy control over knowledge and technology were central to control over society. The conflict over economic resources shifted to a conflict over values. As Dennis Altman wrote in ‘Students in the Electric Age’ ‘the student revolt appears to be the assertion of a new set of values against the prevailing ones and can only appear where there has emerged the precondition for these values – of which affluence must be the

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<sup>89</sup> Dennis Altman, “The Personal is the Political: Social Movements and Cultural Change,” in *Intellectual Movements and Australian Society*, (Melbourne: Oxford University Press, 1988), pp.308-321.

<sup>90</sup> Glessing, *The Underground Press in America*, p.69.

<sup>91</sup> Lewis Feuer, *The Conflict of Generations: The Character and Significance of Student Movements* (New York: Basic Books, 1969), p.8.

<sup>92</sup> Greame Dunstan, “Dr K. and the Counter-Culture,” *Tharunka*, 23 June 1970, p.6.

key.<sup>93</sup> By 1970, seven years after starting *Oz*, Richard Neville, viewed the underground as the first full expression of life in the post-industrial world. In 'The Politics of Play' Neville espoused the ideology of a revolution for fun, not workers, achieved by dropping out and 'fucking the system.'<sup>94</sup>

The alternative press critiqued the mainstream media for both their sensationalism and conservatism. For instance, on March 12 1964, Sydney's *The Daily Mirror* ran an expose on the rise of promiscuity in co-educational schools across Sydney. In an article, based on the diary of a 13 year old girl which had been anonymously submitted to the paper, they named her boyfriend Digby Bamford as a part of the scandal. In the resulting scandal, both children were suspended from school and the Department of Child Services conducted a medical examination to determine whether Digby could be liable for 'carnal knowledge.' She was a virgin. Yet, on March 13 *Daily Mirror* reported on the suicide of a fourteen year old boy in Redfern. They omitted to mention his name and his relationship to the original story. The other media organisations continued to hush up the story, until *Oz* ran their coverage in a small box in April 1964.<sup>95</sup>

It was the conservatism of the mainstream media that frustrated the alternative press most. As a result of their relatively egalitarian editorial structures and precisely because of the entrenched position of the mainstream media on the concerns of the New Left, alternative papers published diverse articles from within the Left on the issues most relevant to them. Illicit drugs are an illustrative example. After December 1966 the papers devoted considerable column inches to the politics of LSD. *Oz*, printing an extract from the prohibited import *Playboy*, included an eight-page interview with Dr.

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<sup>93</sup> Dennis Altman, "Students in the Electric Age," in *The Australian New Left* (Melbourne: Heinemann, 1970), p.131.

<sup>94</sup> Neville, *Playpower*, pp.272-292.

<sup>95</sup> 'On Thursday, March 12', *Oz* March, April 1964, p.5.

Tim Leary.<sup>96</sup> Leary was a high-profile American psychologist, who advocated experimentation with the drug as both psychological therapy, as a means of expanding consciousness, and as an sexual enhancer. In 1967 amidst debates about banning the drug, *Honi Soit* editor Keith Windschuttle published a diverse array of material on the subject culminating in his inclusion of a recipe and instructions for the manufacture of the drug.<sup>97</sup> *Tharunka* included articles both for and against the consumption of LSD. ‘A Celebration of Acid’ categorised different hallucinogens whilst advocating consumption. LSD consumption was a form of direct action too; ‘it is when people do what they want to with no regard for what is considered to be legal’ that those above us become terrified’.<sup>98</sup> As contrast, *Tharunka* also included Push philosopher George Molner’s essay on the potential harms of addiction.<sup>99</sup> This demonstrates that whilst opinioned, and constrained within the paramaters of the left-wing, designating the alternative press as simply ‘advocates’ is potentially misleading.

The alternative press, a quasi- Fifth Estate, emerged in part because of the technological capacity generated by off-set printing. They sought to directly, and impolitely challenge censorship and assert a new system of values against a mainstream media that were, in their eyes, incapable of reflecting the opinion of youth culture. Further, the Sydney alternative press was a ‘local expression of a transnational phenomenon.’<sup>100</sup> The press ran articles from the alternative press of the United States and UK and shared common political concerns. In framing their ambitions and ideology, however, both *Oz* and *Tharunka* were a product of Andersonian libertarianism. Above all

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<sup>96</sup> *Oz*, “The LSD of Love,” November 1966, pp.9-16.

<sup>97</sup> Chris Muhle, “A Case for Legalised Fun,” *Honi Soit*, 13 July 1967, p.2, *Honi Soit*, “Anti Drug Laws 'Protect the Ignorant' ,” 13 July 1967, p.4.Keith Windschuttle, “Turn on With Honi and Float Downstream,” *Honi Soit*, 7 September 1966, pp.8-9.

<sup>98</sup> Groover Marcuser, “A Celebration of Acid,” *Tharunka*, 9 June 1970: 11.

<sup>99</sup> George Molnar, “Drugs and Freedom ,” *Thaurnka*, 18 March 1970: 11.

<sup>100</sup> Jennifer Clarke, *Aborigines and Activism: Race, Aborigines and the Coming of the Sixties to Australia* (Adelaide: UWA Press, 2009), p. 12.

else though, the alternative press were concerned with the repression of sexual discourse from the public domain, and it is to the question of the 'sexual revolution' that this thesis now turns.

## Chapter 2: Proclaiming a ‘Sexual Revolution’ in Print

*It seems strange that in such a relatively sophisticated society it is not permissible to print in full a word that is...after all merely a combination of four inoffensive letters. Certainly it is only a matter of time.*<sup>101</sup>

Obscenity Magazine, May 1965

*‘She lay for a while with a subtle smile while the grip of her cunt grew keener,*

*Then giving a sigh, she sucked him dry with the ease of a vacuum cleaner*<sup>102</sup>

Tharunka, March 18<sup>th</sup>, 1970

The story of the publishing of Eskimo Nell is the story of this chapter writ small. At the suggestion of a professor of the university it was printed in defiance amidst parliamentary debates about the ‘filth’ of the student press.<sup>103</sup> Tharunka’s printers were hesitant to print the edition, but its publication was endorsed by a meeting attended by upward of two thousand students.<sup>104</sup> In its aftermath, circulation increased by almost a third.<sup>105</sup> The poem was set beneath a smiling bride in full veil and contained all the four-letter words Peter Duncan could have imagined.<sup>106</sup> Frank Moorhouse, reflecting on the incident, wrote ‘it is difficult to convey the sense of excited surprise’ at seeing something only heard recited or scribbled ‘appear in print in a newspaper’.<sup>107</sup> Eskimo Nell was an attack against the perceived monopoly held by ‘Christian, Capitalist’ ideology over sexual

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<sup>101</sup> Peter Duncan, “The Four-Letter Word,” *Obscenity* 2 (May 1965), p.9.

<sup>102</sup> “Eskimo Nell,” *Tharunka*, March 1970, p.32.

<sup>103</sup> Jack Rozycki & Allan Rees, “Comment,” *Tharunka*, 18 March 1970, p.3.

<sup>104</sup> *Tharunka*, “Eskimo Nell Meetings,” 26 March 1970, p.3.

<sup>105</sup> Moore, *The Censor’s Library*, p.279, Coombs, *Sex and Anarchy* p.240.

<sup>106</sup> “Eskimo Nell,” *Tharunka*, March 1970, p.32.

<sup>107</sup> Moorhouse, *Days of Wine and Rage*, pp.6-7.

morality in the public domain. As an attack, it was explicit and bawdy, and from some perspectives quite sexist.<sup>108</sup>

This chapter analyses the alternative press as agents in a sexual revolution in Sydney. The revolution in question takes place in the realm of ideas, more so than in the bedroom. It charts the ‘intellectual upheavals’ regarding sexuality in the 1960s and 1970s as they were filtered through the pages of magazines intent on discussing sexuality.<sup>109</sup> Their urgency in printing both sexual theory and explicit sexual content was one of the first sustained attempts to reshape dominant perspectives on (hetero) sexuality in Australia.

The ideas of Wilhelm Reich, long debated among Sydney’s left, understood repression in Freudian and Marxist terms. Taboo around sexuality reproduced sexual repression that in turn facilitated the ongoing dominance of monogamous marriage as an efficient form of social organisation to sustain the market.<sup>110</sup> In debates within the Sydney Push many in the alternative press came to conclude that to self-censor was to internalise repression. Accordingly as part of ‘being free by acting free’ they explicitly attacked taboo, in search of a more ‘natural’ sexuality detached from the baggage of monogamy and marriage as constraining constructs that had built around it.

Between 1963 and 1973 the sexual revolution and the path to liberation were re-theorised from various perspectives. Ongoing optimism about the possibility of a ‘genuine’ revolution depended, for instance, on whether one was persuaded more by the post-industrial elements of the thought of the Youth International Party or the neo-

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<sup>108</sup> Gerster and Basset, ‘*Seizures of Youth*’, p.62.

<sup>109</sup> Joseph Lapsley, *Rethinking Sex and Gender: The Intellectual Upheavals of the Sexual Revolution* (Chicago: University of Chicago Press, 2009), p.1.

<sup>110</sup> Wilhelm Reich, *The Sexual Revolution: Toward a Self-Regulating Character Structure* (New York : Farrar, Straus and Giroux, 1986).

Marxism of Herbert Marcuse.<sup>111</sup> This chapter finally turns to an analysis of the effect of those perspectives as aired particularly after 1970 affected the ideologies within alternative media.

As a sexual revolution the changes within Australia's counter-culture have often been dismissed as 'masculinist.'<sup>112</sup> This oversimplifies the reality of the diverse responses available even within the alternative press. As participants processing sometimes-contradictory impulses in real time the results were both diverse and haphazard. Gender sexual politics is the case in point. Challenging the notion that women were chaste was a necessary precondition for ultimately challenging constrictive gender ideas that women are passive, weak and should be dependent on men, as feminism increasingly did after 1970. The path from the sexual revolution to feminism wasn't so clear and direct, the first was necessary, but some adopting the view that women needed to break free of those roles in some ways reinscribed those assumptions. For some the purpose of breaking free of those roles was largely to service male sexual needs. This was in part a product of critiques initially manifested as a challenge to religious sexual repression rather than as an interrogation of the power relations in sex and gender. In some publications, particularly *Tharunka*, which was largely edited by women, much space was given to the developing thought of second wave feminism complicating the assumption that the sexual revolution can be easily generalised.

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<sup>112</sup> Stephen Garton, *Histories of Sexuality: Antiquity to Sexual Revolution* (London: Equinox Publishing Ltd., 2004), p.221. Gerster and Bassett 'Seizures of Youth', p.62. Frank Bongiorno, *The Sex Lives of Australians* (Melbourne: Black Inc., 2011), pp.267-268. Segal is one exception, charting her adolescence in the counter-culture in Australia, she argues 'what it actually did, all the while throwing up new obstacles, hidden traps and lurking monsters, was to encourage women to believe they could...flaunt their sexuality.' Lynne Segal, *Straight Sex: Rethinking the Politics of Pleasure* (Berkeley: University of California Press, 1994), p.8, and in general, pp.1-21.

## **Reich and the Sexual Revolution(s)**

The term 'sexual revolution' can be traced back to the work of Wilhelm Reich. Reich was an Austrian psychoanalyst whose book directly translated as '*The Sexual Struggle of Youth*' was reprinted in the United States in 1945 under the title '*The Sexual Revolution*'.<sup>113</sup> The phrase was used across the 1960s and 1970s as a catchall referent to a number of distinct cultural shifts pertaining to sexuality and sexual behaviour. With reference to America, Beth Bailey has argued the population used a 'metaphor of revolution to make sense of changes in the nations' sexual landscape.'<sup>114</sup> For instance, the 'sexual revolution' has referred to phenomena as distinct as the changes to sex within marriage facilitated by the pill and the emergence of the concept of 'free-love' in counter-cultural communes. Equally, it has referred to the increasingly prevalence of sexual material in advertising and the media throughout the 1960s and the onset of feminist and gay revolutionary movements in the late 1960s.<sup>115</sup>

The problem lies in the term itself. As Allyn notes, the 'confusion' arises in part because the phrase 'revolution' can equally 'denote a calculated contest against the status quo' as in the French Revolution 'or a sudden, unexpected period of social transformation' as in the Industrial Revolution.<sup>116</sup> Whilst the pill was certainly a prerequisite for an emergent theory of more 'free' sexuality, this chapter is principally concerned with the former.

To date no history of the 'calculated contest against the status quo' exists in Australia. Whilst historians, such as Bongiorno, separate their discussions of Gay and Women's Liberation movements from the 'Sixties' Revolution, discussions regarding the

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<sup>113</sup> David Allyn, *Make Love, Not War: The Sexual Revolution: An Unfettered History* (New York : Taylor & Francis, 2001), p.4.

<sup>114</sup> Beth Bailey, *Sex in the Heartland* (Cambridge: Harvard University Press, 1999), p.2.

<sup>115</sup> Bailey, '*Sex in the Heartland*', p.8.

<sup>116</sup> Allyn, '*Make Love, Not War*', p.7.

effects of the pill, ideologies of free love and changes to marital patterns often remain lumped together.<sup>117</sup> He concludes by moving on from the ‘preoccupation of historians with the more spectacular’ it is easier to clarify the limits of the revolution. For Bongiorno, then, white middle class women most dramatically felt the ‘sexual revolution’ with access to the pill, but limited elsewhere in society.<sup>118</sup> Smaal focuses purely on changes in behaviour. Using oral histories of university students during the 1960s Smaal seeks to uncover the diversity of experiences, some revolutionary some unchanged that occurred.<sup>119</sup>

Coombs *‘Sex and Anarchy’* focuses specifically on sexuality within Sydney’s Left. She contributes to a growing field of literature that suggest the periodicisation of the Sixties is inadequate to accurately catch the timing of the shifts.<sup>120</sup> She notes the prevalence of sex outside marriage and with multiple partners was a feature of the Push throughout the 1950s.<sup>121</sup> Coombs bemoans the naivety of the women involved (‘What made them think that fucking was the key to Freedom?’), but argues in spite of sexist overtones ‘women coming into the Push welcomed the recognition that they could desire sex as much as a man.’<sup>122</sup> Coombs hints at the complexity of the gender relations within counter-cultural movements (the Push was on the decline as a more recognisably sixties

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<sup>117</sup> Bongiorno, *‘Sex Lives of Australians’*, p. Beth Bailey, “Sexual Revolution(s),” in *The Sixties: From Memory to History*, (Chapel Hill: University of North Carolina Press, 1994), pp.235-238. Estelle B. Freedman John D’Emilio, *Intimate Matters: A History of Sexuality in America* (Chicago: University of Chicago Press, 1988), ‘Sexual Revolutions’ pp.301-326.

<sup>118</sup> Bongiorno, *‘Sex Lives of Australians’*, pp.260-262.

<sup>119</sup> Yorick Smaal, “Sex in the Sixties,” in *The 1960s in Australia: People, Power and Politics*, (Newcastle: Cambridge Scholars Publishing, 2012), pp.69-97.

<sup>120</sup> Coombs, *‘Sex and Anarchy’*, pp.66-83. Alan Petigny, “Illegitimacy, Postwar Psychology, and the Reperiodization of the Sexual Revolution,” *Journal of Social History* 38, no. 1 (2004): 63-79. Petigny uses post-war births and marriages data to suggest that the spike in ‘illegitimate’ births predated the onset of the 1960s. Pamela Haag, *Consent: Sexual Rights and the Transformation of American Liberalism* (Ithaca: Cornell University Press, 1999). Haag argues that a burgeoning conception of sexual rights in the 1960s and 1970s can only be understood with reference to the ‘first’ sexual revolution of the 1920s and 1930s, pp. vii-viii.

<sup>121</sup> Coombs, *Sex and Anarchy*, p.75.

<sup>122</sup> Coombs, *Sex and Anarchy*, p.77.

‘counter-culture’ emerged) in a way that other authors are more dismissive of.<sup>123</sup> Garton uses O’Connell’s Richard Neville as evidence of a ‘radical politics that manifestly failed to theorize sexual relationships.’<sup>124</sup> Gerster and Bassett argue that the male counter-culturalists despite their ‘professed belief in freedom, constructed a rigidly defined set of gender role expectations in which women were...encouraged to shed their ‘inhibitions’ by assiduously unleashing their sexual energies.’<sup>125</sup> The alternative press, as a voice of the counter-culture, demonstrates that although not necessarily emancipatory, the changes regarding women expressing sexual desire and becoming (relatively more) disinhibited were significant. In some, but far from all instances, women’s sexuality was still constructed to serve men’s needs.

Coombs also provides the context from which to analyse the shift from the discussion, enjoyment and theorisation of sexuality within the Sydney Push to the desire thrust into the public domain via the alternative press. Sitting on the fringe of the libertarians those who would become the editors of the alternative press developed the view it was insufficient to merely partake in these activities, to not talk about them in the language relevant to you was to internalise repression.

Wilhelm Reich, wrote, ‘the core of happiness in life is sexual happiness. Nobody of any political importance has ever dared to point this out.’<sup>126</sup> Reich was a widely discussed and influential figure among Sydney’s Left. His popularity was partly borne out of his analysis of the relationship between political and sexual repression. He was both a Freudian and Marxist. In *The Function of the Orgasm* he argued that neuroses were a direct product of a lack of sexual satisfaction: ‘there is only one thing wrong with

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<sup>123</sup> Coombs, *Sex and Anarchy*, pp.176-201.

<sup>124</sup> Garton, *Histories of Sexuality*, pp.221-223.

<sup>125</sup> Gerster and Bassett, *Seizures of Youth*, p.62.

<sup>126</sup> Wilhelm Reich, *The Sexual Revolution: Toward a Self-Regulating Character Structure* (New York : Farrar, Straus and Giroux, 1986), p.xxvi.

neurotic patients. The lack of full and repeated sexual satisfaction'.<sup>127</sup> Reich's most influential work, *The Sexual Revolution*, argued the failure of the Bolshevik revolution had stemmed from their inability to follow through and overthrow the family unit.<sup>128</sup> Sexual revolution was a prerequisite to economic revolution. In addition to a history of the failings of the Russian Revolution, Reich tentatively suggested that a utopia could emerge 'only when children were raised free.'<sup>129</sup> Radical re-education, that broke the power of the father, was one way to achieve sexual liberation.

Reich's currency among the Sydney Push was largely a product of his emphasis on sexual repression. In tentatively suggesting a revolution, Reich also borrowed from Marx a quote that endorsed the state of permanent protest which the Push embraced: 'since it is not for us to create a plan for the future that will hold for all time, all the more surely what we contemporaries have to do is the uncompromising critical evaluation of all that exists.'<sup>130</sup> Accordingly the older members of the Push praised and endorsed Reich's insights whilst rejecting his program for revolution. George Molnar, a philosophy Professor at the University of Sydney, would write as much in the *Libertarian Broadsheet*. A program for re-education would be inevitably authoritarian. Molnar argued 'Marx's objections to the utopian enlighteners of society was that the educators would have to be educated.'<sup>131</sup> A program for re-education would require by necessity 'a power struggle to determine what is taught.'<sup>132</sup> As a result the transitional phase between

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<sup>127</sup> Wilhelm Reich, quoted in, Christopher Turner, *Adventures in the Orgasmatron: Wilhelm Reich and the Invention of Sex* (London: Fourth Estate, 2011), p.5.

<sup>128</sup> Reich, 'The Sexual Revolution.'

<sup>129</sup> Turner, 'Reich and the Invention of Sex', p.9.

<sup>130</sup> Reich, quoted in Coombs, *Sex and Anarchy*, p.75.

<sup>131</sup> George Molnar, "The Sexual Revolution," *Libertarian Broadsheet*, September 1964, p.4.

<sup>132</sup> Molnar, *The Sexual Revolution*, p.4.

authoritarian repression and Reich's 'self-regulating' character would be permanent as the 'society of self-regulation is forever beckoning, but never in sight.'<sup>133</sup>

The editors of the alternative press similarly noted Reich as informing their understandings of sexual repression. Richard Neville, of *Oz Magazine*, wrote in his manifesto for the 'Movement' *Playpower*, that 'Reich believed happiness and goodness are directly related to sexual well being'.<sup>134</sup> Neville endorses the centrality of sexuality to society's ills without also explicitly endorsing the Marxist implications of Reich's work. Without 'sexual health' all efforts to improve society were doomed to fail.<sup>135</sup> Wendy Bacon, of *Tharunka*, was also a subscriber to Reich's philosophy, acknowledging that 'economic repressions of society were anchored in the individual by the family through sexual repression.'<sup>136</sup> Bacon emphasised that while she endorsed this view she saw sexual liberation as an end in itself.<sup>137</sup>

Frank Moorhouse's debates with the Sydney Push about their stance of permanent protest reveal how the alternative press came to view publishing explicitly sexual material as an obligation. If you accepted Reich's view that repression was reproduced by the state and the regulation of sexual expression, it followed that privacy about sexuality was an element one should reject equally alongside monogamy, marriage and occasionally, heterosexuality. The winds of change were signalled with Moorhouse's publication of 'The Gutless Society' in March of 1963. The essay attacked the passivity and insularity of the Push and encouraged them to venture into suburbia to proselytise

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<sup>133</sup> Molnar, *The Sexual Revolution*, p.5.

<sup>134</sup> Richard Neville, *Play Power* (London: Jonathan Cape, 1970), p. 75.

<sup>135</sup> Neville, *Play Power*, pp.75-76.

<sup>136</sup> Wendy Bacon, "Sex and Censorship," *Lot's Wife*, 18 March 1971. Reprinted in 'Anarchism in Australia' n.d. <http://www.takver.com/history/aia/aia00033.htm> (accessed 21/9/2012).

<sup>137</sup> Ibid.

their ideology: ‘traditionally dissenting implied an attempt to disseminate the ideas of dissent.’<sup>138</sup>

The Push opposed reform on the grounds that it required compromise, risked unintended consequences and required organisation that was likely to be authoritarian. Moorhouse’s article prompted a number of replies and then a symposium in October, which stated as much.<sup>139</sup> Charlie Brown ridiculed Moorhouse for the imprecision of his call to arms, noting, ‘I only have a very vague idea of what Mr Moorhouse wants me to fight for.’<sup>140</sup> Brown would argue ‘drinking, fornication and talking are enjoyable ends in themselves, and that they are more enjoyable than being punched.’<sup>141</sup> Ha Hiatt argued that the ills of the Push lay not in the lack of ‘widespread proselytisation’, but in a declining quality of critical enquiry.<sup>142</sup>

By mid 1964, Moorhouse presented a reiterated version of the Gutless Society to the Humanist Society that focussed specifically on sexual repression. He still lambasted the stale, insularity of debate in the Push as ‘engagement lock in its conventions and cushioned in its camaraderie.’<sup>143</sup> His frustration again directed at the ‘intellectual short circuit’ that prevented people from translating their ‘indignation and anger’ into action.<sup>144</sup> He focussed on sexuality. Given a ‘large minority’ engaged in sexual practices outside society’s conventions, they should speak about it. Where ‘society is in desperate need of openness about sex’ individuals needed to overcome the personal sensitivity attached to its explicit discussion, which was itself a product of repression.<sup>145</sup> ‘Otherwise freedom-

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<sup>138</sup> Frank Moorhouse, “The Gutless Society,” *Libertarian Broadsheet*, 1963.

<sup>139</sup> Charlie Brown, “The Societiless Gut,” *Libertarian Broadsheet*, 1963, Les Hiatt, “A Reply to Charlie Brown,” *Libertarian Broadsheet*, 1963. The Symposium was reported on in *Libertarian Broadsheet*, “Activism vs. Oblovism Symposium,” 1963. See also Coombs, *Sex and Anarchy*, p.145.

<sup>140</sup> Brown, The Societiless Gut, p.3

<sup>141</sup> Brown, The Societiless Gut, p.3

<sup>142</sup> Hyatt ‘A Reply to Brown.’, p.4.

<sup>143</sup> Frank Moorhouse, “The Gutless Society,” *Oz*, June 1964: 13-14.

<sup>144</sup> *Ibid*, p.13.

<sup>145</sup> *ibid*, p.14.

loving people and courageous people' conceal their sexuality, when what was needed was 'sexual radicalism' to fix a 'sexually-sick' society.<sup>146</sup> Oz magazine reprinted the article in full.<sup>147</sup> If one was printing a magazine as a form of direct action, 'being free by acting free', it was irrational not to discuss sexuality in ways and terms that were relevant to you. In practice this amounted to an explicit challenge to the 'authorized vocabulary' of sexuality.<sup>148</sup>

### **Proclaiming the Sexual Revolution in Print**

The alternative press took from Reich the notion that monogamous heterosexuality as organised through marriage was far from natural. As a result they took aim at the reproduction of dominant morality that they understood as grounded in euphemism and taboo. The alternative press had three major purposes in printing their attitudes to sexuality. First, they challenged the primacy of chastity and celibacy as repressive elements of a Christian morality. Second, they flaunted the language of euphemism and taboo in which sexual discourse occurred. Third they sought to correct for the absence of information about sexuality, by uneasily assuming the mantle of the educator in Reich's framework.

A key feature of the alternative press was to focus on chastity as a product of Christianity that repressed natural sexuality. When *Oz* launched in 1963 they included a two-page spread on the history of the chastity belt.<sup>149</sup> 'Modesty was introduced with Christianity', the article proclaimed, 'the result was enforced chastity... and wives painfully conscious of their sense of propriety.'<sup>150</sup> A letter in reply distinguished chastity from modesty and the author replied modesty, 'that attitude of mind which results in the

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<sup>146</sup> Moorhouse, "The Gutless Society, *Oz*, p.14.

<sup>147</sup> Ibid, pp.13-14.

<sup>148</sup> Foucault, *History of Sexuality*, p.17.

<sup>149</sup> *Oz*, "The Maiden's Key to Chastity," 1 April 1963, pp.8-9.

<sup>150</sup> Ibid. p.9.

bodily condition of chastity' is difficult to observe in culture so immersed as a consequence of centuries of 'Christian Ideals.'<sup>151</sup> Neville later explained the inclusion of the article was in part to discuss the unspoken, but also a metaphor of Sydney at the onset of a potential revolution 'locked in the past, bound by convention, but ready to shatter its chains.'<sup>152</sup> The accompanying image depicts a post-coitus couple, a woman in the man's shirt, with the man naked bar a chastity belt, suggestive of the potential for a sexuality that subverts the historical expectations of the object itself.<sup>153</sup>

*Tharunka* too made a priority of challenging the repressive effects of the Christian faiths on female sexuality. The poem 'Cunt is a Christian Word' took issue with the status of celibacy, especially within the convent.<sup>154</sup>

Think of all the careless girls  
who let men touch them  
there.

Who were foolish and silly  
and forget about their immortal souls  
Thinking instead of fleshly pleasures  
and who have been brought to ecstasy  
five thousand times.

But you have been saved from that.

Saved.

But soon you will realise,  
That you have been getting fucked all along.  
For there is no cock as big and rough

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<sup>151</sup> Oꝝ, "Oz May With Love and Squalor," May 1963: 3.

<sup>152</sup> Neville, '*Hippie, Hippie Shake*', p.26.

<sup>153</sup> Oꝝ, "The Maiden's Key to Chastity," p.8.

<sup>154</sup> *Tharunka*, "Cunt is a Christian Word," 23 June 1970: 11.

As the one your church has thrust into you.

God's great steel penis ...

The poem landed *Tharunka* in hot water with the law as will be explored in Chapter Three and encouraged them to continue to explore the sexuality of nuns. A cover of the underground *Thor* quoted St Teresa on the potential sexual connotations of a relationship with God. 'He appeared to me to be thrusting it at times into my ear, and to pierce my very entrails; when he drew it out, he seemed to draw them out also and to leave me all on fire....the pain was so great that it made me moan and yet so surpassing was the sweetness of this excessive pain that I could not wish to be rid of it'<sup>155</sup>

'Eskimo Nell', was similarly an attack on chastity. Gerster and Bassett viewed the publication of 'Eskimo Nell' as evidence that Bacon and Hodgson were operating within the confines of a radical discourse that served the interests of men.<sup>156</sup> Yet they failed to acknowledge the context of the poem within the publication, which juxtaposed the escapades of 'Nell' and with that of bride on her wedding day. The poem is explicit, and arguably, but not unambiguously sexist the middle third reads, where the eponymous Nell enters the fray reads:

'Our dead-eye Dick who fucks 'em quick was in No.2  
When Eskimo Nell lets out a yell and says to him, "Hey- you"  
The hefty lout he turned about, both nob and face were red  
With a single flick of his mighty prick the tart flew o'er his head.  
But Eskimo Nell she stood it well and looked him in the eyes,  
With the utmost scorn she glimpsed the horn that rose from his hairy thighs.  
She blew a puff from her cigarette onto his steaming nob,  
So utterly beat was Mexico Peat he forgot to do his job.  
It was Eskimo Nell who broke the spell in accents calm and cool

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<sup>155</sup> St Teresa of Avila, quote in *Thor*, "Thurunka Presents Thor," March 1971, p.1.

<sup>156</sup> Gerster and Bassett, '*Seizures of Youth*', p.62.

“You cunt-struck shrimp of a Yankee pimp, do you call that thing a tool?”  
“If this here town can’t take that down,” she sneered to the cowering whores –  
“There’s one little cunt that can do the stunt – it’s Eskimo Nell’s, not yours.”  
She laid right down on the table top where someone had left a glass,  
With a twitch of her tits she crushed it to bits between the cheeks of her arse”<sup>157</sup>

The function of the lay out is to ask the reader to compare the sexuality of, presumed celibate, bride, with the frank, explicit sexuality of Nell, Dick and Pete in the poem.<sup>158</sup> A sexual education article in Melbourne University’s *Farrago*, surmised one attitude to virginity, ‘if you value your virginity too much you may never use it.’<sup>159</sup>

The hypocrisy of Christian sexual morality as an aspiration was also satirised. When Sydney Archbishop Hugh Gough departed in suspicious circumstances mid way through 1966, the city was rife with rumours it was due to his alleged adultery. Oz assembled the highlights of Gough’s own sermons on the subject of sexual morality to suggest that the teachings of the church were not only hypocritical, but unattainable. Gough had said, ‘The Church must give a lead to the life of the Community’, ‘the present generation is wallowing in a mire of sexual immorality’ he had argued.<sup>160</sup> Oz joked they found it impossible to believe him to be an adulterer ‘Let Oz state quite categorically that it cannot believe such stories in view of Hugh’s well known and forthright public statements’.<sup>161</sup>

The alternative press believed that taboo could not be sustained in the face of exposure to otherwise repressed material. Language like ‘fuck’ and ‘cunt’ gained their shock value, and therefore their ‘obscenity’, from the scarcity of their use. Part of the

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<sup>157</sup> “Eskimo Nell,” *Tharunka*, March 1970: 32.

<sup>158</sup> *Ibid.* p.32.

<sup>159</sup> *Farrago*, quoted in, Bongiorno, ‘Sex Lives of Australians’, p.254.

<sup>160</sup> Richard Neville Richard Walsh, “Whatever Happened to Hugh?,” *Oz*, June 1966, p.2.

<sup>161</sup> Neville & Walsh, ‘Whatever Happened to Hugh?’ p.3.

role of the alternative press, then, was to ‘demystify’ the discourse of sexuality, by changing the language in which it was conducted.<sup>162</sup> Bacon analogises her own personal confrontations with pornography as a demonstration of the break down of taboo, where at first it ‘horrified’, less than twelve months later it was ‘just another thing I’m looking at.’<sup>163</sup> In addition to the aforementioned poetry they published short stories, cartoons, photos, that depicted genitalia or used ‘four-letter’ words to discuss sexuality in a language relevant to them.<sup>164</sup> The material was, on the whole, designed to be confrontational rather than arousing.<sup>165</sup> A similar attempt to attack euphemism in the mainstream press was largely ineffective because of the self-censorship of *The Bulletin’s* editors. When Gordon Hawkins sought to draw a comparison between the original novel, *The Carpetbaggers*, and the expunged version available for sale in Australia, *The Bulletin* excised the explicit references that demonstrated the differences between the texts. The article didn’t appear in full until 1970, with the publication of Dutton and Harris’ *Australian Censorship Crisis*.<sup>166</sup> Hawkins, for instance, tracked the replacement of words in the expunged text. The censors changed ‘fucking all night’ to ‘flicking all night’, for instance, A character who says ‘I don’t care what they look like *as long as they have big tits*’ is reduced to ‘absolute indiscrimination’ with the omission of the italicised text.<sup>167</sup>

Third, the alternative press sought to correct for the absence of basic information around sexuality in the public domain. As Frank Bongiorno notes, until the early 1970s school based sexual education was non-existent or abstinence based.<sup>168</sup> The student elements of the alternative press assumed the responsibility of providing sex education in

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<sup>162</sup> Frank Moorhouse, “Porno-Politics,” in *Uni-Sex*, 30-43 (Sydney: Eclipse Paperbacks, 1972).

<sup>163</sup> Bacon, ‘Sex and Censorship.’

<sup>164</sup> See for instance, Tharunka, June 23 1970.

<sup>165</sup> Bacon, *Being Free By Acting Free*’.

<sup>166</sup> Gordon Hawkins, “Two Case Histories ,” in *Australia’s Censorship Crisis*, (Melbourne, 1970), p.31

<sup>167</sup> *ibid*, p.30.

<sup>168</sup> Bongiorno, ‘Sex Lives of Australians’, p.252.

the student media. In Melbourne, in 1966, *Farrago* published ‘Sex and the Single Student: How not to be a Mummy.’<sup>169</sup> In 1968 the orientation week *Honi Soit*, contained a four page spread entitled ‘The Intelligent Woman’s Guide to Sex.’<sup>170</sup> Bacon, Hodgson and Rees’ *Tharunka*, borrowing similar language published ‘Which Pill, The Intelligent Woman’s Guide.’<sup>171</sup> They followed this up with the one off magazine *Sex*, in 1971 that provided information on virginity, masturbation, contraception, and venereal disease.<sup>172</sup> The preface surmised the attitudes of the *Tharunka* team to sexuality and morality as a problem requiring public discussion, ‘sex is an area which lacks openness and frankness and where it is difficult to sort our reality from morality. Facts are hard to come by because the subject matter frequently arouses anxiety, guilt, fear and shame.’<sup>173</sup> Both the nature of the sex education within the alternative press, and the views they espoused on chastity highlight the complexities of the ways in which the sexual revolution challenged the existing sexual order. The pill article, understandably targeted women, but in each other instance presumption of the alternative press is that naivety regarding sexuality existed disproportionately among women, or that women should be chiefly responsible for contraception.

*Tharunka* and *Oz*, in part because of the influence of Reich, wanted their publications to target a young audience. Whereas *The King’s Cross Whisper* suggested their publication was designed for over twenty-ones before they were legally required to, *Oz* and *Tharunka* wanted to influence adolescents as well as the rest of their market.<sup>174</sup> The most dramatic instance of ‘sex education’ was via the publication of the *Little Red*

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<sup>169</sup> *Farrago*, quoted in, Bongiorno, ‘Sex Lives of Australians’, p.254

<sup>170</sup> Keith Windschuttle & Liz Elliott, “The Intelligent Woman's Guide to Sex,” *Honi Soit*, 26 February 1968, pp.9-13.

<sup>171</sup> Professor Carey, “Which Pill? The Intelligent Woman's Guide ,” *Tharunka*, 23 June 1970, pp.8-9.

<sup>172</sup> Wendy Bacon, *Sex* (Sydney: Thor Publishing, 1971).

<sup>173</sup> Bacon, *Sex*, p.2.

<sup>174</sup> See for instance, *King's Cross Whisper*, “About the Whisper,” June 1965, p.2,

*Schoolbook* by Thor publications in 1972.<sup>175</sup> Originally a Danish publication the *Schoolbook* was a general booklet of anti-authoritarian information for school children. It contained information on drugs, sex, and authority within the school. The *Little Red Schoolbook* was legal in Australia, but priced at \$1.75. *Tharunka* first distributed the book in tabloid form for free. In response the state designated the book a 'restricted publication' only to be sold through bookstores. In defiance of the law *Tharunka* produced a further 15 000 copies and distributed them around schools.<sup>176</sup> The *Little Red Schoolbook*, was notable for its sympathetic treatment of homosexuality as something totally natural.<sup>177</sup>

It is certainly possible to overstate the 'revolutionary' element of distributing information on contraception and sexuality. It was a gesture against repression couched in the hope that sexuality without revolution was a possibility. It was on this basis that they refused to self-censor their use of expletive language in the discussion of sexuality, attacked the Christian monopoly on the vocabulary and discussions of sex, and sought to improve the knowledge of young people about sexual matters. Moorhouse notes that the *Thor* team did not delude themselves about the possibility of revolution, noting, however, that for some the dream 'still glimmers.'<sup>178</sup> Wendy Bacon agreed that perhaps the best they could hope for was to 'throw off some repressions.'<sup>179</sup> Richard Neville was more optimistic, declaring by 1970 'for some there has been a genuine sexual revolution...a change in the sexual style. A shift in the structure of human relationships.'<sup>180</sup>

### **Complicating the Revolution**

In order to clarify the diversity of beliefs about the trajectory of the sexual held amongst its propagators, it is necessary to analyse two major attitudes concerning the

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<sup>175</sup> Berit Thornberry (translator) Soren Hansen & Jesper Jensen, *The Little Red Schoolbook* (Sydney: Thor Publications, 1972).

<sup>176</sup> Hansen & Jensen, '*Little Red Schoolbook*', p.15.

<sup>177</sup> Hansen & Jensen, '*Little Red Schoolbook*', p.9.

<sup>178</sup> Moorhouse, '*Porno-Politics*', p.38.

<sup>179</sup> Bacon, '*Sex and Censorship*'

<sup>180</sup> Neville, *Playpower*, p.72.

relationship between capitalism of and sexual liberation that emerged in the 1960s and built upon or queried Reich's attitudes. On the one hand, post-industrial thought argued that capitalism had created the affluence that was a prerequisite for free sexuality. Jerry Rubin, a high profile leader of the Youth International Party, and the United States' most famous Yippie, published '*Do It! Scenarios from the Revolution*' in 1970. The text was a short-lived counter-cultural bible. Banned in Australia, but printed illegally in Melbourne and published in serial form in *Tharunka* the text advocated LSD, rock 'n' roll and sex as primary instruments of the youth rebellion. Most notably here, however, Jerry Rubin argued that affluence had created the precondition for sexual revolution. 'The back seat produced the sexual revolution... the first battleground in the war between the generations'<sup>181</sup> 'Conditioned in self-denial' and 'taught that fucking was bad' in the 'pre-pill days a knocked up chick stood in the way of Respectability and Success.' By breaking loose with the instruments capitalism had granted them: the back seat of a car and the car radio, the revolution could be borne out of the wealth and affluence of middle class 'Amerika.'<sup>182</sup>

Neville's *Playpower* was a text of the same ilk. In 'the Politics of Play' Neville envisioned a future where work was redundant. Drop-outs, he argued are anticipating future economic policy.'<sup>183</sup> Accordingly 'like a child taking its first steps, members of the Underground are learning how to live in that future where work is rendered obsolete.'<sup>184</sup> The 'worker-displacement' thesis was driven by a belief in automation and cybernation. In the lifestyle of play the underground were turning sex back to its 'pure, playful form.'<sup>185</sup> Neville's vision of the sexually free was the removal of 'the flashy paraphernalia of courtship.' In the underground, argued Neville, 'if a couple like each other they make

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<sup>181</sup> Rubin, *Do It*, p.19.

<sup>182</sup> *ibid.*, p.18.

<sup>183</sup> Neville, *Play Power*, p.270.

<sup>184</sup> *ibid.* p.273.

<sup>185</sup> *ibid.* p.272.

love.<sup>186</sup> Now that 'seduction' was 'obsolete', the barriers that had existed in getting a woman to bed 'Table for two, boxes of chocolates, saying it with flowers, cementing it with diamonds' were redundant.<sup>187</sup> What had come of the sexual revolution was 'compulsively uninhibited sexuality.'<sup>188</sup>

For Wendy Bacon, the writings of Herbert Marcuse, informed her pessimism about the ability to find a sexually free identity, 'most of you probably realise yourselves that you've absolutely no hope of becoming non-neurotic people.'<sup>189</sup> Bacon argued in *Sex and Censorship*, 'if you get around to thinking how you can free the individual you begin to realise that much of the repression is very deeply rooted.'<sup>190</sup> Bacon very much doubted the possibility that Neville asserted, that there was a genuine sexual revolution arguing instead, 'I don't know what a free sexual being would be like, because it's something none of us have experienced.'<sup>191</sup>

Bacon's thought was shaped by the neo-Marxist Herbert Marcuse. As Kellner has noted 'counterculture advocates of play and free love...could find powerful articulations of their values in Marcuse's writings.'<sup>192</sup> In both *One Dimensional Man* (1963) and his 'Essay on Liberation' (1969) Marcuse argued mere openness about sexuality was insufficient as a gesture in pursuit of sexual liberation. For Marcuse, 'repressive desublimation' represented the notion that rather than challenge the social order sexual liberation could contribute to its sustenance.<sup>193</sup> Liberalised sex allows for a satisfaction of frustrations that reduces the revolutionary impulse, but precisely because sex sells, 'is

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<sup>186</sup> Neville, *Playpower*, p.72.

<sup>187</sup> *ibid.* p.72.

<sup>188</sup> *ibid.* , p.87.

<sup>189</sup> Bacon, 'Sex and Censorship'

<sup>190</sup> *ibid.*

<sup>191</sup> *ibid.*

<sup>192</sup> Douglas Kellner, *Herbert Marcuse and the Crisis of Marxism* (Los Angeles: University of California Press, 1984), pp.2-3.

<sup>193</sup> Herbert Marcuse, *One-Dimensional Man, Studies in the Ideology of Advanced Industrial Society*. (Boston: Beacon Press, 1964), pp.74-75. Kellner, 'Marcuse and the Crisis of Marxism', pp.256-257.

integrated into work and public relations and is thus made more susceptible to controlled satisfaction.<sup>194</sup> The idea was developed in *On Liberation* where Marcuse expands the ‘so-called consumer economy and the politics of corporate capitalism have created a second nature of man which ties him libidinally and aggressively to the commodity form.’<sup>195</sup> That is to say, ostensibly liberalising material, like consumer pornography, in fact perpetuates the entrenchment of the market system, which in turn controls the pattern of liberalisation.

As Bacon argues, simplifying Marcuse in *Lot's Wife*, ‘people have internalised their needs and before you'd ever get in them any feeling of the need for liberation there'd have to be a tremendous change in those people.’ As a result she bemoaned ‘the impossibility of these dramatic and fundamental changes.’<sup>196</sup> Nonetheless, argued Bacon, it was worth the ‘attempt’ to reject repression through openness about sexual matters. Bacon’s attitude was far from universal, even within *Tharunka*’s pages. Gavin Sinclair, for instance largely argued the post-industrial terms of Rubin. The shift of capitalism to a society of consumption had torn the ongoing relationship between ‘capitalism and Puritanism’ that had emerged in the Industrial Revolution.<sup>197</sup> The market, in this view, resumes the status as a revolutionary vehicle, which would, in time, mean ‘the institution of marriage will slowly become reserved for those who really need legal and spiritual contracts in order to feel secure.’<sup>198</sup> As a result ‘the puritans are going to have it very, very bad,’ Sinclair anticipated backlash, but ultimately assigned Puritanism to the dustbin of history.<sup>199</sup>

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<sup>194</sup> Marcuse, ‘*One-Dimensional Man*’, p. 74.

<sup>195</sup> Herbert Marcuse, *An Essay On Liberation* (Boston: Beacon Press , 1969), p.11.

<sup>196</sup> Wendy Bacon, *Sex and Censorship*

<sup>197</sup> Gavin Sinclair, “Sex and Society,” *Tharunka*, 23 June 1970, pp.16-17.

<sup>198</sup> Ibid. p.17.

<sup>199</sup> *ibid.* p.17.

This brief survey of the view from the inside the revolution as it progressed indicated the diversity of attitudes presented by underground press writers about the project of sexual liberation, and in particular the influence of sexual theory on those attitudes. One thing that united the writings of Reich, Marcuse and even Rubin was that they were grounded in Freudian presumptions about the nature of repression. Implicit in these analyses, then, was the notion that frigidity naturally occurred more in women, who therefore needed liberation to a greater extent. Richard Neville expressed this assumption most explicitly. For Neville, ‘Cunnilingus, fellatio, vaginal farting and bestiality sat on a spectrum: a ‘mental staircase of virginities’.<sup>200</sup> Openness about sexuality would in time mean that ‘as a girl progresses from soixante-neuf to human sandwiches she mentally ticks off another lost hymen.’<sup>201</sup> It was attitudes like Neville’s argues Garton that explained why ‘part of the impetus for second wave feminism was the failure of the New Left to give space to the idea, experiences and perspectives of women.’<sup>202</sup>

Two separate, but parallel charges of sexism surfaced in the global underground press by 1970. The first related to the discourse surrounding female sexuality. In 1966 the investigations of Masters and Johnson concluded that the physical manifestation of orgasmic responses in women was identical whether the stimulation was clitoral or vaginal.<sup>203</sup> In 1968 Anna Koedt published a pamphlet, ‘The Myth of the Vaginal Orgasm’ that used the findings of the Masters and Johnson studies to lay out the politics of the historical focus on the vaginal orgasm.<sup>204</sup> The significance of the text argues Gerhard, stems in part from the way it undermined Freudian diagnoses of frigidity,

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<sup>200</sup> Neville, *Play Power*, p.84.

<sup>201</sup> *ibid.* p.84.

<sup>202</sup> Garton, *Histories of Sexuality*, p223.

<sup>203</sup> Jane Gerhard, “The Myth of the Vaginal Orgasm”: The Female Orgasm in American Sexual Thought and Second Wave Feminism,” *Feminist Studies* 26, no. 2 (2000), p.460.

<sup>204</sup> Anna Koedt, “The Myth of the Vaginal Orgasm,” *CWLU Herstory Archive*, 1970, <http://www.uic.edu/orgs/cwluherstory/CWLUArchive/vaginalmyth.html> (accessed 09 21, 2012).

‘defined as the absence of an orgasm during intercourse’ as a definition of parameters of ‘normal female heterosexuality’.<sup>205</sup> The pamphlet was widely read across the western world. By 1970, three further key texts had emerged in relation to the politics of female sexuality. Germaine Greer’s *The Female Eunuch*, Shulamith Firestone’s *The Dialectic of Sex* and Kate Millett’s *Sexual Politics*.<sup>206</sup>

Second, a challenge emerged relating to the sexism in the production and editing of alternative papers. In February of 1970, Robin Morgan wrote an essay exposing the misogyny of the New Left, and in particular the editors of the underground rag *Rat*.<sup>207</sup> She, and the other women who had worked at the paper assumed responsibility for its editorship and broke down the gendered division of labour that had characterised the production of paper until 1970.<sup>208</sup> In ‘Goodbye to all that’ Morgan argued ‘two evils predate capitalism: sexism and racism’, that the revolution needed to be ushered in by the truly oppressed, not middle-class white men, and argued that the time given to women’s issues in the alternative press, was, at best, tokenistic.<sup>209</sup>

A year prior, the Underground Press Syndicate, an organisation of underground papers in the United States had proposed a number of formal regulations pertaining to the representation of women within the medium. They passed three resolutions ‘that male supremacy and chauvinism be eliminated from the contents of the underground papers’, ‘that papers make a particular effort to publish material on women’s oppression and liberation’ and ‘that women have a full role in all the functions of the papers.’<sup>210</sup> By

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<sup>205</sup> Gerhard, ‘The Female Orgasm and American Sexual Thought’, p.450.

<sup>206</sup> Kate Millett, *Sexual Politics* (Chicago: First Illinois Paperback, 2000), Germaine Greer, *The Female Eunuch* (New York: Harper Collins, 2008). Shulamith Firestone, *The Dialectic of Sex: The Case for Feminist Revolution* (London: Farrar, Strauss, Girouz, 2003).

<sup>207</sup> Rodger Streitmatter, *Voices of Revolution: The Dissident Press in America* (New York: Columbia University Press, 2001), p.259

<sup>208</sup> Ibid. p.259.

<sup>209</sup> Morgan, Goodbye to All That, available online at, <http://faculty.atu.edu/cbrucker/Amst2003/Texts/Goodbye.pdf>, (accessed 21/09/2012), p.419.

<sup>210</sup> Glessing, *The Underground Press in America*, p.65.

1970 in Sydney *Tharunka* remained the only persistently ‘alternative publication’, and it was edited by two women. Coombs located *Tharunka* as a forum in which libertarian women could write, quite separate from the misogynistic administration of the *Libertarian Broadsheet*.<sup>211</sup> Liz Fell, having become friends with Wendy Bacon at UNSW, used *Tharunka* as a writing platform, she recalled to Coombs her frustration at an incident where a young male libertarian was asked to contribute to the *Broadsheet*: ‘I had *never* been asked to a Broadsheet Meeting.... it had never once been suggested that I might make a contribution.’<sup>212</sup> While over in the UK the history of second wave feminist publication *Spare Rib* has been linked by historians to the sexist division of labour and the sexist editorial policies of Neville at the *London Oz*.<sup>213</sup>

In response to the first charge, the notion that ‘natural’ sexuality would be heterosexual and penetrative was increasingly called into question in the pages of *Tharunka*. In *Tharunka*’s first edition, in September 1970, for instance, Greer’s essay ‘The Politics of Female Sexuality’ was reprinted from the *London Oz* ‘Cuntpower’ edition.<sup>214</sup> Greer argued, as she also did in the *Female Eunuch* that women ought to become far more familiar with their own genitals: ‘to know cunt, it is also necessary to know how it works and what it can do.’<sup>215</sup> Greer rejected the suggestion that because the patriarchy rendered women as the figurative eunuch that there was a ‘revolutionary solution’ in eschewing all relationships. Although linked, argues Greer, ‘it does not therefore follow that female sexuality and only be reconstructed when capitalism is defeated.’ Instead, she advised women to reject the missionary position and reclaim

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<sup>211</sup> Coombs, *Sex and Anarchy*, p.242.

<sup>212</sup> Liz Fell, quoted in *Sex and Anarchy*, p.242, emphasis in original.

<sup>213</sup> Nigel Fountain, *The London Alternative Press: 1966-1974* (London: Taylor & Francis, 1988). p.174.

<sup>214</sup> Germaine Greer, “The Politics of Female Sexuality,” *Tharunka*, September 1970 pp. 8-9.

<sup>215</sup> Greer, “*Politics of Female Sexuality*”, p.9.

power within the bedroom.<sup>216</sup> The next month *Thorunka* published Liz Fell's 'A Capitalist Conspiracy of Cocks and Cunts' that argued that Reich's basic flaw was to substitute 'capitalist, Christian morality' with a vague notion of 'natural' sexuality. Where 'natural' functioned as a euphemism for heterosexual, genital sex, argued Fell, women were no closer to liberation.<sup>217</sup>

To some extent then, the 'arrival' of second wave feminism gave cause for *Thorunka* to rethink the Freudian assumptions that underpinned Reich's revolution. For others, including Frank Moorhouse, it merely reinforced them. Moorhouse published a review of Koedt's pamphlet, entitled the 'Myth of the Male Orgasm.'<sup>218</sup> Moorhouse attempted to revive a distinction that Reich drew between the male act of ejaculation and the experience of the male orgasm.<sup>219</sup> That his response to the political challenge of second wave feminism was to return to Reich and Freud in order to offer an exploration of the finer distinctions between men's 'good fucks', 'bad fucks', 'ejaculation' and 'orgasm', reveals that not all writers engaged directly with the emergent sexual political discourse.

The thesis that suggests that the counter-culture embodied masculine ideals usually refers to Neville as their case in point. Neville far from ignorant of second wave feminism believed the critique of the power dynamics of sexual relationships was anatomical within the movement and political outside of it. Neville noted the abhorrence of pageantry, a site of recent protests, where women 'were enslaved by ludicrous beauty standards.' In such protests, he argued, 'women are seeking an extension of the equality they have already achieved in the movement.' The belief they had achieved equality was in part informed by Neville's assertion that the Movement had 'rejected' the 'Freudian

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<sup>216</sup> Ibid. p.9.

<sup>217</sup> Liz Fell, "A Capitalist Conspiracy of Cocks and Cunts," *Thorunka*, October 1970 pp.20-21.

<sup>218</sup> Moorhouse, 'The Myth of the Male Orgasm' in, *Sex* (Sydney: Thor Publications, 1971), p.8-10.

<sup>219</sup> Moorhouse, 'The Myth of the Male Orgasm', p.8.

vaginal ethic.’ He could at once quote Susan Lydon, ‘the definition of feminine sexuality as normally vaginal.... was part of keeping them down’ and yet still conclude ‘the way to a woman’s mind is through her cunt.’<sup>220</sup>

As amateur sexual theorists the alternative press provide a lens through which to comprehend the intellectual upheavals of the revolutions in sexuality. Historians have established the wide variety of the effects the sexual revolution had on the sexual behaviours of individuals, but done comparatively little to demonstrate how theories of sexuality developed prior to work on Gay and Women’s Liberation.<sup>221</sup> The alternative press were searching for a revolutionary free sexuality. They viewed the social opprobrium attached to an explicit sexual discourse as emblematic of the dominance of the ‘Christian, Capitalist’ morality, enforced by the state through marriage. By attacking the prominence of chastity, the absence of sexual education and the prevalence of euphemism they sought to undermine this perceived discursive monopoly propagated by the relative silence on sexual matters. Implicit in their attack was a belief that an ideal ‘natural’ sexuality was potentially recoverable.

As revolutionary actors caught within the tides of change they were poorly placed to assess which elements of the dominant culture they had failed to escape from. The Freudian assumptions of their worldview were relatively unquestioned until the explosion of the literature of second wave feminism in 1970. Even thereafter the men of the underground press viewed the responsibility to remove one’s inhibitions as falling primarily to frigid women, or returned to the theories of Reich equally laden with

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<sup>220</sup> Neville, *Play Power*, p.292.

<sup>221</sup> The alternative press did include some discussions of homosexuality, but they were relatively scarce. A relatively thorough amateur history of the early gay press in Sydney is available online. Bill Calder, “Gaymediahistory: A History of Gay & Lesbian Media in Australia,” *gaymediahistory.wordpress*, <http://gaymediahistory.wordpress.com/> (accessed 09 21, 2012), See also, Dennis Altman, *Homosexual: Oppression and Liberation* (Brisbane: University of Queensland Press, 2012). Robert Reynolds, *From Camp to Queer: Remaking the Australian Homosexual* (Melbourne: Melbourne University Press, 2002).

Freudian theory. To an extent, then, the counter-culture was 'masculinist' in their envisioning of the sexual revolution. Yet such a suggestion inaccurately de-emphasises the significance of the attacks made by the press on chastity and the diversity of opinion within the medium.

Part one of this thesis demonstrated the technological and demographic reasons for the emergence of Sydney's alternative press after 1963. As a gesture of anti-authoritarianism, then, the emergence, form and tactics of the alternative media in Sydney provide some clues about the arrival and birth of the 'sixties' in Australia. Above all else writing about drugs, and sex were critiques of both 'constitutive' and 'structural' operations of censorship in Australia. Anti-authoritarian gestures, do, however, almost by necessity run into problems with the authorities. Part two of this thesis takes up the question of how the alternative press directly challenged regulatory censorship in Australia, starting with first charges of criminal Obscenity that were levelled against the first edition of *Oz*, in April of 1963.

## Part 2: The Clash

### Chapter 3: I Know It When I See It – Defining ‘Obscenity’

*I think the test of obscenity is this, “whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.” Despite the obvious unsuitability of this sentence as a legal definition of obscenity, it, taken from its context, has had a great vogue. It has fostered much misunderstanding, but it has been too often repeated to now be discarded.*<sup>222</sup>

Justice Windeyer, High Court of Australia, March 1968

In 1964, Justice Potter Stewart, of the United States Supreme Court, rather than attempting to ‘define what may be indefinable’ opted instead to define pornography by stating simply ‘I know it when I see it.’<sup>223</sup> Throughout the 1960s judges in Australia called upon to define obscene, indecent or pornographic material found themselves in similarly troublesome positions. Charged with the responsibility of defining the limit between acceptable and criminal speech, their definitions varied wildly. In the judgment pertaining to *Obscenity* and *Censor* quoted above, Justice Windeyer would conclude the legal definition of obscenity ‘has only survived, really, because although constantly mentioned it and its implications have been ignored.’<sup>224</sup>

The history of the alternative press is bookended by obscenity trials. Charges were laid against the editors of *Oz* in relation to their first edition in 1963.<sup>225</sup> A foolish guilty plea meant no challenges to the law were contested in court until a year later. By 1971 the editors of *Tharunka* faced forty-one separate obscenity charges, only a handful

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<sup>222</sup> *Crowe v Graham*, (1968) 121 CLR 375

<sup>223</sup> *Jacobellis v Ohio* (1964) 378 U.S. 184

<sup>224</sup> *Crowe v Graham* (1968) 121 CLR 375

<sup>225</sup> Richard Neville & Richard Walsh, “Letter From Editors,” *Oz*, December 1964, p.5.

of which ever reached trial.<sup>226</sup> When a guilty conviction that had been reached in 1972 was overturned on appeal in early 1973, the state dropped all remaining charges.<sup>227</sup> The decision heralded the functional end of criminal obscenity in NSW.

This chapter charts the contest of defining obscenity as it played out between the alternative press and the state. The trajectory of this tale is the transfer of the power to define obscenity from judges to the people via juries. The alternative press contested the Victorian era definition of obscenity until it was abandoned in 1968. Thereafter, the adoption of a community standards test as favoured by both the legislature and the judiciary sought to recalibrate the law in an effort to impose the same order. By the early 1970s however, the alternative press, using courts as one of their major platforms, contested the community standards test until it too was abandoned in favour of a system of classification.

These courtroom also dramas provide important context to our understanding of the liberalisation of banned books. The libertarian position assumed by the alternative press provides a useful foil for the liberal consensus that prevailed between 1969 and 1972 amongst members of the literary community and both sides of politics. Focussing on the alternative press highlights the limits of Don Chipp's liberalisation and clarifies the significance of Whitlam's decision to all but end the regulation of imported books.

### **Depravity and Corruption**

Between 1963 and 1968 the alternative press tested the limits of obscenity law in a series of trials that led to the abandonment of the notion that obscene material had harmful effects on the public. The law as it stood in 1963, both statutorily and in the

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<sup>226</sup> Margaret Thornton, *Sex Discrimination in Uncertain Times* (Canberra: ANU E Press, 2010), p.59.

<sup>227</sup> Bacon, *Being Free by Acting Free*

common law, was based on a Victorian era test referred to as the Hicklin Test. *R v Hicklin* sought to determine whether a work entitled *The Confessional Unmasked* which purported to reveal techniques used by priests to extract erotic confessions from female penitents' was obscene.<sup>228</sup> In his judgment, Justice Cockburn found that regardless of the intent of the writer, the definition of obscenity should be:

Whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds were open to such immoral influences and into whose hands a publication of this sort might fall.<sup>229</sup>

In New South Wales, the relevant legislation, the *Obscene and Indecent Publications Act* 1901, defined obscenity accordingly. After 1955 the determination of whether material would 'deprave' or 'corrupt' sat alongside an additional test that defined obscene material as that which 'unduly emphasised matters of sex, crimes of violence, gross cruelty or horror.'<sup>230</sup> The legislation left it up to the courts to determine the relative weight and the relationship between the two definitions. By way of defence, those charged with printing or distributing material could testify as to the work in questions literary or artistic merit.<sup>231</sup>

The power to determine each of these elements of law fell to judges. In Victoria in 1956, in Victoria, Justice Martin decried that magistrates were 'just as likely to be capable of deciding if it is likely to have that effect [the tendency to corrupt] as a psychiatrists or or psychologists.'<sup>232</sup> Judges also defined the relevant class of readers 'into whose hands the publication might fall' to measure the tendency to corrupt. The High Court, for instance, quashed an appeal brought by the publisher of 1950s comic strips by

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<sup>228</sup> Robertson, *Obscenity*, p.29.

<sup>229</sup> Justice Cockburn quoted in Robertson, *Obscenity*, p.30.

<sup>230</sup> Fox, *Concept of Obscenity*, p.60.

<sup>231</sup> *Ibid.* p.59.

<sup>232</sup> *Wavish v Associated Newspapers Ltd.* VR 57 (1959) (Supreme Court of Victoria) Martin also concluded it was possible that juries would be equally well placed, but dismissed the need for expert evidence in order to establish 'the tendency.'

finding that ‘unstable, adolescent girls’ were the relevant class.<sup>233</sup> Prosecutorial discretion fell to the Chief Secretary of the NSW government, in consultation with and enforced by the Vice Squad of the NSW police. The law was designed such that the newsagent, printer and editors of ‘obscene’ content were all criminally liable.<sup>234</sup>

The alternative press persistently mocked the notion that material could deprave its reader. *Oz*, the self-designated ‘epigram of depravity’ believed the test to be an empirical fiction.<sup>235</sup> In one instance they noted ‘it would be illuminating for some research worker to turn up something which he can conclusively show has corrupted’, so that they as editors, ‘knew what to avoid.’<sup>236</sup> As it stood, they argued the law merely substituted ‘offensiveness’ for ‘obscenity.’<sup>237</sup> Satirically they attacked the subjectivity and inconsistency of the law. Such attacks noted the naturalness of sexual material; cartoons depicted a man looking at a flower in full bloom thinking to himself ‘what an obscene thing.’<sup>238</sup> In the same issue *Oz* also joked that a consumer of obscene material had been depraving and corrupting only himself for five years, but in the process of his conviction a magistrate, several police officers and the post officer who had intercepted his mail may have been ‘affected’ by the corrupting material as well.<sup>239</sup> The *King’s Cross Whisper* ran a similar line in a joke regarding the fictitious ban of a gardening book on how to grow oranges in Queensland. The desire to prevent ‘the introduction of sensuality into suburban gardens’ was banned on the basis of that the work contained ‘no less than

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<sup>233</sup> *Transport Publishing Co Pty Ltd v Literature Board of Review* 99 CLR 111 (1956) (High Court of Australia)

<sup>234</sup> See for instance, *Crowe v Graham* 121 CLR 375 (1968) (High Court of Australia), where the four charges were laid against the editors of two magazines, one street vendor and one newsagent.

<sup>235</sup> Walsh and Neville, ‘*All About Oz*’, p.3.

<sup>236</sup> Walsh, ‘*Twilight of Sanity*’, p.5.

<sup>237</sup> *Ibid.* p.5

<sup>238</sup> Garry Shead, “What an Obscene Thing,” *Oz*, April 1964, p.8.

<sup>239</sup> *Oz*, “Banned Any Good Books Lately?,” April 1964, p.8.

three hundred references to navels.<sup>240</sup> The *King's Cross Whisper* riffed on the same joke throughout 1965, suggesting that according to the law at some stage they would need to ban the bible, nipples, summer, sex, and at one stage everything in Australia.<sup>241</sup> Such attacks though, were preaching to the choir, and the contest over the *Hicklin Test* was more significantly played out in the courts.

The Australian courts, in general, rejected the notion that determining whether material was obscene required expert testimony. In 1969 findings from the United States President's Commission on Obscenity and Pornography were published which held that there was 'no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behaviour among youths or adults.'<sup>242</sup> By the time such material had gone to print, however, the High Court had abandoned the notion that depravity and corruption could be empirically proved, and abandoned the *Hicklin* test altogether.

The erosion of the tendency to corrupt or deprave came on the back of a series of inconsistent judgments that underscored the subjectivity of 'obscenity' as both a lay term and a legal one. *Oz's* first charges never went to trial after they pleaded guilty after receiving poor legal advice. The prior conviction would count against them in future sentencing. The Chief Secretary was pursuing the paper as a whole, but in particular the inclusion of an interview with an underground abortionist.<sup>243</sup> By Christmas of 1963 *Oz*, wary of threatening their subscription numbers with interrupted service, noted they

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<sup>240</sup> *King's Cross Whisper*, "Gardening Book 'Obscene'," October 1965, p.2.

<sup>241</sup> *King's Cross Whisper*, "Bible Banned," February 1965, p.1. *King's Cross Whisper*, "Everything in Australia Banned," April 1965, p.1. *King's Cross Whisper*, "Victoria Bans Nipples," June 1965, p.3, *King's Cross Whisper*, "Moves to Ban Summer," November 1965, p.4, *King's Cross Whisper*, "Victoria Lifts Ban On Sex," July 1965, p.7.

<sup>242</sup> Clor, 'Obscenity and Public Morality', pp.40-43.

<sup>243</sup> Neville, *Hippie Hippie Shake*, p.26.

would be wary of ‘sail[ing] so close to the wind again.’<sup>244</sup> In early 1964, however, both *Oz* and *Tharunka* faced charges in relation to two Martin Sharp cartoons.

In both instances the publications used their power to call witnesses to challenge the court’s authority over expertise. Despite their initial convictions, the judgments on appeal delivered by the liberal Justice Levine revealed a willingness to give weight to some testimony regarding depravity and corruption. The law permitted the use of witnesses to testify to the value of a work as having literary or artistic merit. In both trials the academic community was mobilised to testify to the satirical value of Sharp’s cartoons. Despite the protestations of the prosecution, testimony as to the value of satire necessarily implied a likely alternate response of a reader *other* than being depraved or corrupted.<sup>245</sup> The defences brought professors of English, philosophy, and law on the stand. They testified as to the literary tradition of satire noting that the cartoon’s most likely response was to induce horror or shock more so than depravity. In the lower courts, neither publication had much success. In the *Tharunka* trial, Justice Gibson rejected that the satire would be understood. Rejecting the argument that those ‘into whose hands the publication was likely to fall’ were limited to those on campus, Gibson found that it was likely others would read the magazine. He questioned ‘Would they consider it a serious cartoon or illustrated satire or would they look at it on its face value as a sordid and dirty cartoon?’, before finding the defendants guilty.<sup>246</sup>

Despite conceding the literary merit of the work, Gerald Locke, the Stipendiary Magistrate who presided over *Oz*’s trial nonetheless decided the expert evidence concerning its literary merit was ‘an affront to the intelligence of the court.’<sup>247</sup> ‘Tangible or empirically acceptable evidence’ of the tendency to corrupt was an impossibility for

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<sup>244</sup> Nevile & Walsh, ‘Letter from the Editors’, p.4.

<sup>245</sup> The abridged transcript of the *Tharunka* trials as reprinted in *Obscenity* no.1, demonstrates the prosecution persistently attempting to police this evidentiary border.

<sup>246</sup> Gibson, quoted in *Obscenity*, no.1, p.27.

<sup>247</sup> *Oz*, “The Judgment of Mr Locke,” October 1964, p.9.

Locke. Applying the Hicklin Test, he found that the cover, owing to its ‘indecenty’, would attract ‘certain types of adolescents’ and ‘immature and unhealthy minded adults.’ He further cited a letter containing the word ‘shit’, ‘smutty puns’, and a ‘disgusting piece of blasphemy’ as further evidence of obscenity in the publication. The cartoon itself, ‘The word flashed round the arms’ was described as a ‘filthy and disgusting record of events, whether real or imagined’. He therefore concluded ‘in my opinion the publication would deprave young people or unhealthy minded adults so injudicious as to fancy it as literature.’<sup>248</sup> Whilst released on bail, Neville and Walsh were sentenced to six months gaol, and Sharp to four.<sup>249</sup>

The cases were re-run on a larger scale before Justice Levine in the Quarter Sessions court of appeal in the second half of 1964. Levine reflected the arguments of the defence in his judgment. He found, on the basis of the testimony of James Macauley, of the University of Tasmania, that it was as a ‘successful satire’; ‘The Word Flashed Around The Arms’ did not condone the behaviour, but instead created feelings of ‘abhorrence or repulsion’ at the subject matter.<sup>250</sup> Beyond the literary value, Levine also accepted the testimony of both psychiatrists and educationalists as to the likely response of youthful readers to the cartoon. With reference to the Hicklin Test, Levine held the prosecution:

“does carry the burden of establishing not some mere theoretical, nebulous or fanciful tendency to deprave, but a real and practical tendency to deprave not a theoretical group of unidentified persons, but persons or groups for whom the court in judgment can refer to as those likely to be affected.”<sup>251</sup>

By interpreting the Hicklin Test as requiring demonstrable evidence of a ‘practical’ tendency to deprave, Levine affected the state’s willingness to prosecute. In

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<sup>248</sup> Ibid, p.9.

<sup>249</sup> Ibid, p.9.

<sup>250</sup> *Nation*, “The Judgment,” 6 March 1965, p.6.

<sup>251</sup> Ibid. p.6.

Parliamentary debates the government decided against laying charges against the recently launched *King's Cross Whisper*, concluding that the prosecution was unlikely to succeed.<sup>252</sup>

The inconsistent judgments of the case of *Crowe vs Graham* led to the common law abandonment of the test of 'the tendency to deprave or corrupt'. The prosecution revealed the extent of disagreement within the legal fraternity about the spirit of the Hicklin Test. But ultimately, the case also revealed the power of the law to 'evolve' while still affecting a similar standard for guilty verdicts. A short summation of the decisions highlights the disparities between the courts' views. At first *Censor* and *Obscenity* were found guilty of indecency, but not obscenity. On appeal they were found innocent on all counts, and a liberal dissenting judgment found that they could not meaningfully be said to have criminally published an obscene magazine unless they forced another citizen to read or view it.<sup>253</sup> The High Court found that indecency and obscenity were inseparable within the spirit of the law, and that the magazines in question were criminally indecent.<sup>254</sup> Overturned judgments are, in and of themselves, unremarkable. The extent of the margin between the more liberal and conservative judgments is more worthy of note. The orders the NSW Supreme Court had given effect to were overturned by the highest court in the land, when Justice Windeyer found, no onus on the prosecution to prove the Hicklin test because 'it is assumed incontrovertibly by the common law that obscene writings do deprave and corrupt morals, by causing dirty-mindedness, by creating or pandering to a taste for the obscene.'<sup>255</sup> Instead, the High Court surmised, guilt should be determined with reference to that which 'would offend the modesty of the average man or woman in sexual matters.'<sup>256</sup>

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<sup>252</sup> Sullivan, *The Politics of Sex*, p. 89. Cetti, 'Offensive to A Reasonable Adult', p.31.

<sup>253</sup> Ex Parte McKay; Re Crowe, [1967] 2 NSW 207 (NSW Supreme Court)

<sup>254</sup> Crowe v Graham (1968) 121 CLR 375, Fox, 'Obscenity and Indecency', pp.393-398.

<sup>255</sup> Crowe v Graham (1968) 121 CLR 375

<sup>256</sup> Ibid.

Three months prior to the *Crowe v Graham* judgment, amendments to the *Obscene and Indecent Publications Act* had already given effect to the ascendancy of community standards as the relevant test for obscenity. The legislation had three key elements. First, in a widely popular move, the state introduced trial by jury for obscenity cases.<sup>257</sup> Correcting for what the *Oz* and *Tharunka* trials had revealed as the ‘lottery of the magistrate’ the shift gave effect to the notion that obscenity should be governed by community consensus, for which the jury could function as a proxy.<sup>258</sup> Premier Askin argued ‘matters relating to what is acceptable or otherwise in the community should be decided by a representative of the community.’<sup>259</sup>

Elsewhere, the legislation sought to deter the publication of alternative media. The second key amendment pertained to the regulation of what the Chief Secretary Eric Willis described as ‘trash.’ The legislation created a new class of restricted publications, which although not banned, could only be sold from behind the counter, and not on street corners or visibly within shops.<sup>260</sup> In Willis’ mind there was no distinction between the pornographic, as material intended to arouse, and the obscene.<sup>261</sup> He intended primarily to curb the operations of ‘smutty publications containing jokes with double meanings and nudes in suggestive and vulgar poses.’<sup>262</sup> Finally, just a year after the shift to the decimal currency had re-monetized the penalties for publishing obscenity, Willis

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<sup>257</sup> Sullivan, ‘*The Politics of Sex*’ p.89. *The Sydney Morning Herald*, “Trial By Jury in Obscenity Cases,” 23 June 1967, p.4.

<sup>258</sup> *The Sydney Morning Herald*, “Trial By Jury in Obscenity Cases,” 23 June 1967, p.4.

<sup>259</sup> *Ibid.* p.4.

<sup>260</sup> Sullivan, ‘*The Politics of Sex*’, p.89. In order to designate such publications the legislation created a State Advisory Committee on Publications. The committee would contain three to seven individuals, none of whom would be over 65, one should be a lawyer, one a woman and one a ‘recognised expert in literature, art or science.’ *Obscene and Indecent Publications Act* (1901), as amended (1967), p.649. It was this element of the legislation that would be used in 1972 to designate the Little Red Schoolbook as a restricted publication to prevent Bacon and others from distributing it for free at schools.

<sup>261</sup> Cyril Pearl, “Gentlemen, That's Naughty,” *The Sydney Morning Herald*, 3 August 1968, p.21.

<sup>262</sup> *The Sydney Morning Herald*, “Under the Counter,” 27 September 1967, p.1.

doubled both the financial and custodial penalties attached to the publication of obscene material.<sup>263</sup>

### **Community Standards:**

The community standards test more accurately represented the start of a shift away from ‘obscenity’ and toward ‘indecent’ as the prime regulator of publications. The concept of obscenity had been hollowed out such that it closely resembled indecency, tautologically defined as material that violated common standards of decency. The test was logically in tension with the test of depravity and corruption. Where the Hicklin test judged the likely effect of a publication on a likely potential readership, the community standards test referred in the abstract to the community as a whole, regardless of whether they read the publications.

Few prosecutions occurred between 1967 and 1970. Instead, the 1967 Amendments most significant immediate effect was to heighten police powers to regulate the distribution of the alternative press. The restricted publication category enabled police to crack down on street vendors and investigate the location of items within the properties of both newsagents and booksellers. Bob Gould, who ran the Third World Bookshop in the city’s Goulburn St, was one such target for intimidation. The bookstore sold alternative publications, risqué prints and shared its premises with the Vietnam Action Committee.<sup>264</sup> The Red and Black Anarchist society held their meetings in the upstairs segment of the store.<sup>265</sup> In 1969 Gould’s store was raided and police seized copies of two prints by Aubrey Beardsley and photos of the Michelangelo’s

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<sup>263</sup> *Obscene and Indecent Publications Act* (1901), as amended (1967), p.646. A fourth amendment gave effect to the decision agreed to by the states and the federal government to have a consistent ruling on whether a book was legal across state lines.

<sup>264</sup> Robert Shelley, “Book Arcade A Special Destination,” n.d. *Gould's Book Arcade*, <http://www.gouldsbooks.com.au/booknews.html> (Accessed 09 21, 2012).

<sup>265</sup> *Ibid.*

statue of David.<sup>266</sup> The onus fell on Gould to contest the publications definition as ‘obscene’ in court in order to have them returned.<sup>267</sup> The case, which was not referred to a jury, found in early 1971 that the prints had artistic merit and ordered the three hundred and sixty copies seized be returned to Gould.<sup>268</sup> The prosecution elected not to pursue the matter of the photos of ‘David’, but did incorporate into their case copies of ‘Thorunka’ seized in late 1970. Judge Muir ordered for their destruction, as they were ‘clearly obscene’ in light of present community standards.<sup>269</sup>

The role of justices in interpreting community standards was also highlighted in the case of *Altman v Forbes*. In 1970, Dennis Altman became the first Australian to sue customs for wrongful seizure of his books. The works in question, Sanford Freidan’s *Totempole* and Gore Vidal’s *Myra Breckenridge* had been seized by customs after Altman had posted them to himself from the United States in 1968. The case was presided over by Justice Levine, who now had to apply the test of community standards.<sup>270</sup> Both works, in different ways, explored homosexuality. Levine found the fact that *Totempole* was ‘sensitively told’ meant ‘the ordinary reader would not alter his sexual behaviour as a result of reading the book, nor did the book offend present day community standards.’<sup>271</sup> For his copy Altman was paid \$1 compensation.<sup>272</sup> *Myra Breckenridge*, on the other hand, which was legally available in expurgated form, was deemed obscene. Levine found that although the book wouldn’t alter adolescent sexuality it would ‘by reason of the manner of treatment of its subject matter’ it violated community standards.<sup>273</sup> Testimony as to

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<sup>266</sup> *The Sydney Morning Herald*, “A New Chapter in the Trials of Beardsley,” 02 December 1969, p.6.

<sup>267</sup> *Ibid.*

<sup>268</sup> *The Sydney Morning Herald*, “Obscene’ Prints Saved: Artistic Merit Says Judge,” 20 August 1971, p.8.

<sup>269</sup> *Ibid.*

<sup>270</sup> Altman, ‘How I Fought the Censors’, p.237.

<sup>271</sup> *Altman v Forbes* 91 WN (NSW) 84 (1970) (District Court of NSW)

<sup>272</sup> Altman, ‘How I Fought the Censors’, p.237.

<sup>273</sup> *Altman v Forbes* 91 WN (NSW) 84 (1970) (District Court of NSW)

the relative literary value of the works was a secondary consideration, and Levine was the sole arbiter of what ‘present community standards’ were.

For the most part though community standards trials were presided over by juries. The alternative press were back on the prosecutorial radar of parliamentarians in early 1970. Liberal backbenchers repeatedly raised concerns about the ‘filth’ of the student press.<sup>274</sup> Until the publication of ‘Cunt is a Christian Word’ in June, however, this primarily took the form of posturing. After the poem went to print the summonses began to gather, and by the end of 1971 Hodgson, Rees and Bacon faced in excess of forty charges of criminal obscenity.<sup>275</sup>

The editors used the first trials to offer a performative contest against the authority of the court to determine obscenity. On the eve of the trial, the court had been vandalised with graffiti that read ‘Justice is Just Arse.’ On the morning of the trial a man in a Gorilla suit was brought with his ‘trainer.’ Bacon, and three other women, arrived in Nun’s habits that were branded with a series of slogans: ‘Cunt is a Christian Word’, ‘A Dry Cunt is a Safe Cunt’, ‘I am a motherfucking Christian cunt’, and Bacon’s habit read ‘I have been fucked by God’s Steel Prick’, an allusion to the poem’s final line.<sup>276</sup> In her habit Bacon distributed copies of the poem on trial to passers by and policeman. She was arrested and charged with distributing an obscene publication, the pamphlet, and displaying an obscene publication, the slogan on the nun’s habit.<sup>277</sup> As a ‘gesture against the Christian church’ the habits were intended to highlight that the trial was for ‘blasphemy in addition to obscenity’.<sup>278</sup> Bacon was eventually found guilty of the display, but innocent on the count of distribution. It appears that the jury found the phrase ‘I’ve Been Fucked By God’s Steel Prick’ as it appeared on the habit criminally obscene, yet

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<sup>274</sup> *The Sydney Morning Herald*, “Fourth Student Paper Under Scrutiny,” 13 March 1970, p.4.

<sup>275</sup> Coombs, ‘*Sex and Anarchy*’, p.244.

<sup>276</sup> C.P., “Tharunka in Court,” *Thorunka*, September 1970, p.3.

<sup>277</sup> Bacon, ‘*Being Free By Acting Free*’.

<sup>278</sup> Wendy Bacon, “Queen v Wendy,” *Thor*, March 1971, p.8.

declined to make a similar finding for final lines of the poem. Alternatively, the decision was the result of a compromise in order to reach a conviction.<sup>279</sup> The conviction landed Bacon eight days imprisonment for non-compliance with the court as she awaited sentencing.

As a result of the verdict the *Tharunka* team produced another pamphlet, 'Obscenity and the Law.' This was stapled to a copy of the poem, 'A Cunt is a Christian Word' and sent to the major papers, to every judge they could get the address of and every solicitor whose name appeared in the N.S.W Law Almanac.<sup>280</sup> The publication spelled out the nature of Wendy's defence, that she called no witnesses, was unrepresented and that at no stage did she argued for the literary merit of the pamphlet. It concluded that according to the test of whether it 'offended against the modesty of the average man in community' the poem was not obscene.<sup>281</sup>

Bacon had refused to argue for the work's literary merit believing that such caveats played into the hands of the censor. She also believed lawyers embodied the authoritarian nature of the court system so refused a lawyer as well. In representing herself, Bacon rejected the expected 'servility' of defendants, and, she decided instead to challenge the existence of the 'average man' in the community.<sup>282</sup> Judge Levine limited Bacon's self defence, particularly in instances where she tried to refer to the past decisions in obscenity cases. Subsequently, Bacon attempted to use the dialogue of

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<sup>279</sup> The conclusion of the poem reads:

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

God's great steel penis. 'Cunt is A Christian Word', *Tharunka* June 1970. Bacon argued that Levine had directed the jury to reach a conviction by 7-30 pm after adjourning the case when no conviction occurred immediately. Bacon, 'Queen v Wendy', p.7.

<sup>280</sup> Wendy Bacon, "The Facts About the Pamphlet," *Thor*, March 1971, p.4.

<sup>281</sup> *Ibid.* p.4.

<sup>282</sup> Wendy Bacon, "A Personal Statement," *Thor*, March 1971: 8.

Euthypro and Socrates as demonstration of the subjectivity of the legal concept of obscenity. Socrates had asked Euthypro to clarify whether the Gods loved objects because they were pious, or whether the objects were pious because God loved them. Bacon questioned 'is a publication obscene because the average man objects to it, or does the average man object to it because it is obscene'<sup>283</sup> Levine held that philosophy had no place in the court.

The charge of 'displaying an obscene publication' was the final successful charge of obscenity against the alternative press. Juries were increasingly divided as to whether there was a 'community standard', and if there was, as to whether that standard disapproved of sexual material. The processing of the remaining charges against *Tharunka*, *Thorunka* and *Thor* dragged on. Bacon appeared in court thirty-one times throughout 1971, but the next major trial was not set until February of 1972.

This time, over nine days, she and John Cox ran a full defence including witnesses. Germaine Greer testified that the work was an exemplar of the literature of protest.<sup>284</sup> Greer's testimony was a part of a strategy that argued 'literary merit' was not the property of any 'class or group' and that counter culture had its own characteristic expression that should be considered literary, a term they argued had no 'absolute quality.'<sup>285</sup> The defence pressed the line that there was no community standard. A pamphlet, published by *Thor* and entitled 'Hix Fux Verdix' stated as much. Addressed to jurors in the abstract, it emphasised 'You do not have to come to a verdict' and that if after six hours deliberation there was no consensus, that it was 'standard practice' to return no verdict.<sup>286</sup> From refusing to play the games of the court in the habit trial, to actively seeking a mistrial, Bacon had shifted her priorities, hypocrisy she

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<sup>283</sup> Bacon, 'From P.L.C. to *Thor*', p.52.

<sup>284</sup> Ibid. p.53.

<sup>285</sup> Ibid. p.53.

<sup>286</sup> *Thorunka*, "Hix Fux Verdix," February 1972, p.4.

acknowledged.<sup>287</sup> Bacon and Cox were initially found guilty on all eight counts of obscenity. In June of 1972 they published the last edition of *Thor*, their efforts having been exhausted. On appeal, in February 1973, the decision was overturned in the NSW Criminal Court of Appeal that found that the judge had misdirected the jury on several occasions.<sup>288</sup>

The failure to successfully prosecute the *Tharunka* editors compounded the state's defeats in attempting to ban Phillip Roth's novel *Portnoy's Complaint*. In June 1969 the National Literature Board of Review banned the work. After it was printed and tried domestically, argues Moore 'literary obscenity made little, if any, sense in Australia.'<sup>289</sup> The ban sparked outrage that culminated in Penguin Books decision to print 70 000 copies of the work in August 1970 to defy the law. Chief Secretary Eric Willis declared the book 'the greatest lot of filth and garbage...without even the redeeming feature of being good literature.'<sup>290</sup> By December, a total of nine bookshop owners and publishers were on trial for publishing and distributing an obscene publication. The jury returned a hung verdict. A retrial was ordered, yet was again unable to reach unanimity. In 1971 the Customs Minister, Don Chipp, removed *Portnoy's Complaint* from the list of banned works, citing the absurdity of attempting to uphold a ban on a work that circulated freely in a number of states.<sup>291</sup>

In 1972 the New South Wales Liberal government proposed unsuccessful amendments to the *Obscene and Indecent Publications Act*, attempting to abolish the use of

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<sup>287</sup> Bacon, 'From P.L.C. To *Thor*' p.52.

<sup>288</sup> *R v Bacon* 1 NSWLR 87 (1973) (Court of Criminal Appeal for New South Wales) In 1971 the largest Obscenity case in British history, prosecuted against Richard Neville for the *London Oxi* fell on the same basis, when on appeal the justice was found to have misdirected the jurors. *Anderson. Neville, Dennis, Oxi Publications Ink Ltd.* 3 W.L.R. 939. (UK) (1971) (UK Court of Appeal), see also: Tony Palmer, *Trials of Oxi* (London: CFZ, 2011).

<sup>289</sup> Moore, 'The Censor's Library', p.274.

<sup>290</sup> *Ibid.* p.276.

<sup>291</sup> *Ibid.* p.278.

juries in obscenity trials.<sup>292</sup> Embarrassed by the mistrials of *Portnoy's* and frustrated by the slow progress on prosecuting *Tharunka*, the Chief Minister sought a return to trial by magistrate. Despite only possessing the right for five years the community was outraged at the suggestion that the power for determining obscenity would be removed from their ambassadors once more. The NSW Bar Council, *The Sydney Morning Herald*, the community via letters to the newspaper and most significantly the NSW Labor Party opposed the legislation.<sup>293</sup>

An element of the logic of *Tharunka's* publications was to exhaust the law: 'if the government prosecutes in all cases it slows up the courts, if it picks and chooses, their ridiculous inconsistency will be even more apparent.' By tempting the government to go after the more 'extreme' publications the non-prosecutions of other material would create 'at least ... temporary and minor victory against censorship.'<sup>294</sup> It is this logic that is reflected in Horne and Gerster and Basset's assessment of *Tharunka's* significance. Horne argues 'the sheer boldness of the *Thor* group pushed the area of combat to the edge of the board that, in effect, the authorities yielded most of the game.'<sup>295</sup> The 'despair' of the authorities came in part from the extremities of *Thor*, but was also borne out failed prosecutions. The inability of juries to return a verdict indicated there was no one-community standard. The state's decision to drop all charges indicated they believed as much too.

### **The Freedom to Read**

Both the *Portnoy's Complaint* and Altman trials reveal the ways in which the campaign against import restrictions and domestic regulation bled into one another. The alternative press offers a useful revisionist lens through which to analyse the liberalisation

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<sup>292</sup> John O'Hara, "Juries Not to Rule on Obscenity," *The Sydney Morning Herald*, 14 June 1972: 3.

<sup>293</sup> *The Sydney Morning Herald*, "Obscenity and the Courts: Bar Council hits no Jury Decision," 17 June 1972, p.2. *The Sydney Morning Herald*, "Juries and Censorship," 1973 March 1973, p.6.

<sup>294</sup> Bacon, Hodgson, Rees, *Eskimo Nell*, p.3.

<sup>295</sup> Horne, *Time of Hope*, p.20. See also, Gerster and Bassett 'Seizures of Youth' pp.57-62.

of the former that occurred under Customs Minister Don Chipp between 1970 and 1972. By 1970 the courts had shifted to the test of community standards and a campaign waged by publishers increasingly revealed important restrictions to be a relatively ineffective form of censorship. Chipp took a progressive approach to liberalising "literary" work, but a surprisingly aggressive approach to policing "obscene" material that had been stopped at the gates by Customs. Based on the determinations of bureaucrats at the border, these works were deemed to have "obviously no literary value" and therefore fell off the official list of banned works, and subsequently the radar of historians.<sup>296</sup> Thus, while Chipp rode the liberalising wave in withering down the official list of banned literary works, he piled a number of works on to the unofficial list. Most notably, Chipp designated any material pertaining to the transnational counter-culture a violation of community standards.

A decade long campaign to print banned works locally with the intent of inviting prosecution under domestic law ultimately demonstrated the impotence of import regulation. Between 1965 and 1972, eight texts were professionally published to flaunt the law.<sup>297</sup> The campaign began in 1965 when A.W. Sheppard arranged for the publication of C.H. Rolph's *Trial of Lady Chatterley's Lover*.<sup>298</sup> The book was imported in ten individual sections then recombined, printed and sold. Its first print run of 1000

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<sup>296</sup> The Customs Legislation and law enforcement by its very structure drew a dichotomy between works that had claim to 'artistic or literary merit' and those that did not. Under Regulation 4A Customs could ban works that were classified as obscene in spite of their literary merit. Material classified under regulation 4A appeared on a publically available list of banned works. A second designation, which incorporated the majority of that which was banned, applied to 'worse' literature, as defined by customs and not subject to appeal. It applied to material that was 'obviously pornographic' and 'work which had "obviously" no literary merit.' For this material, no list of prohibited material was available to the public. Blackshield, '*Censorship and the Law*', pp.15-17. Moore, *The Censor's Library*, p.221.

<sup>297</sup> *The Sydney Morning Herald*, "Latest Challenge to Censor Has No Mass Appeal," 29 November 1972, Moore, '*The Censor's Library*', p.275.

<sup>298</sup> Moore, '*The Censor's Library*', p.274.

sold out in 48 hours and a second run ordered. The Victorian government threatened prosecution, but never followed through.<sup>299</sup>

The decision of the Menzies Cabinet to uphold the ban on both *Lady Chatterley's Lover* and C.H. Rolph's *The Trial of Lady Chatterley's Lover* fuelled the campaign against Customs' power. Between 1963 and 1964, the Council for Civil Liberties emerged in NSW, the Freedom to Read Association emerged in Victoria, and the Australian Association of Authors began, all of who made opposition to literary censorship a priority.<sup>300</sup> Richard Walsh explained the general feeling of bemusement and frustration. 'Why are Australians so soft that material which is freely available in other countries is presumed to corrupt our citizens?'<sup>301</sup> For Walsh, censorship was a national embarrassment, contributing to both cultural backwardness and the absence of an intellectual culture.<sup>302</sup>

*Obscenity* and *Censor* magazine did not have the capacity to print works in full, but did publish extracts from the works that were banned in Australia. *Obscenity* contained extracts from the *Kama Sutra* and the *Decameron*, while *Censor* contained extracts from *Fanny Hill*.<sup>303</sup> Whilst all explicitly sexual the fact that *Fanny Hill*, an eighteenth century text was the most contemporary among them, betrayed that *Obscenity* and *Censor* were operating within the parameters of a literary merit, rather than absolutist liberalisation. A similar strategy underpinned Dutton and Harris' collected volume of essays on censorship in 1970, the latter half of which published variety of extracts curated so as to reveal the diversity range of material censored by customs. On the one hand it included

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<sup>299</sup> Campbell & Campbell, *The Liberating of Lady Chatterley's Lover*, p.36.

<sup>300</sup> *ibid.* p.29, A.W. Sheppard, "A Bookseller's Viewpoint," *Obscenity*, 1965, p.23.

<sup>301</sup> Walsh, *Twilight of Sanity*, p.4

<sup>302</sup> Walsh, *Twilight of Sanity*, p.4

<sup>303</sup> *Obscenity* No. 2, "Kama Sutra," 1965, p.27, *Obscenity* no. 2, "Decameron," 1965, pp.29-31. *Censor* no.2, "Fanny Hill," 1966, pp.11-14.

academic historical works such as Marcus' *The Other Victorians*, whilst also spotlighting the Gore Vidal novel, *Myra Breckenridge*.<sup>304</sup>

The remainder of the alternative press published illicit material too, but operated outside the limitations of the framework of 'literary merit.' They intended to make available the material of the international counter-culture that was otherwise banned. *Oz* printed Timothy Leary's interview in *Playboy* on LSD in December 1966.<sup>305</sup> The interview would later be included in Leary's book 'The Politics of Ecstasy', over which the customs department deliberated for six months in 1969 before releasing.<sup>306</sup> Both *Oz* and *Tharunka* also published articles from the London *Oz*, which customs categorised as unliterary and obscene. Martin Sharp's 'The Great Society Blows Another Mind' cover from the 'Pornography of Oz' edition was one such example.<sup>307</sup> Similarly, *Tharunka* published Greer's essay on the 'Politics of Female Sexuality', originally printed in the 'Cuntpower' edition of the *London Oz* and included the Shead Cartoon that had appeared on the page prior.<sup>308</sup>

It was in this context of a demonstrably weakened Customs that Don Chipp was appointed as Customs Minister in 1970. Chipp, who would later start the Australian Democrats, a small 'l' liberal, has been remembered as the darling of literary liberalisation in Australia.<sup>309</sup> Campbell and Campbell argue 'things looked up' in the struggle against paternalism and secrecy after his appointment.<sup>310</sup> Gerster and Bassett note he was a 'cautious progressive' who tactfully balanced the conservative impulses of his party with

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<sup>304</sup> Dutton and Harris, '*Australia's Censorship Crisis*', pp.137-217.

<sup>305</sup> *Oz*, "The LSD of Love," November 1966, pp.9-16.

<sup>306</sup> Keith Windschuttle, "The Banning of Performance," *Lot's Wife*, 29 April 1971, p.7.

<sup>307</sup> Martin Sharp, "The Great Society Blows Another Mind," *London Oz*, March 1968, p.1, Martin Sharp, "The Great Society Blows Another Mind," *Oz*, April-May 1968, p.1.

<sup>308</sup> Greer, "The Politics of Female Sexuality", pp.8-9.

<sup>309</sup> Moore, *The Censor's Library*, p.266.

<sup>310</sup> Campbell and Campbell, *The Liberating of Lady Chatterley's Lover*, p.34.

the desire for liberalisation expressed elsewhere in society. For Moore, Chipp represented ‘not merely a difference in policy, but a major shift in philosophy.’<sup>311</sup>

Liberalisation under Chipp was certainly significant, but it was far more cautious than progressive. The shift in philosophy to which Moore refers, was the adoption of a view that censorship should be minimised within the framework of ‘community standards.’<sup>312</sup> By the time Chipp assumed responsibility for censorship in 1970, however, the tide in the waters had already changed. ‘Community standards’ had been the law of the land for two years, and Australian Labor Party had adopted the abolition of customs regulation as part of its platform a year prior.<sup>313</sup> Chipp was certainly the first minister to prioritise the reduction in the list of banned works. He was the first Customs minister to speak in parliament on the issue since 1938.<sup>314</sup> He increased the transparency of Customs’ operations by allowing parliamentarians to access the library of banned works and by airing ‘blue-movie’ nights of edited and banned films.<sup>315</sup> Yet in applauding Chipp’s progress, historians have failed to analyse the contours of liberalisation on his watch, and the limits of the progress made.

In part this is merely a problem of accounting. Moore notes in one instance that the non-gazetted list, those deemed ‘uncontroversially pornographic’ or ‘merely not literary’ was a much longer list, than the gazetted literary one.<sup>316</sup> Moore, however, measures liberalisation, with reference to the authorized list. By March 1971, she argues sixty titles had been removed, leaving only sixty-two on the list.<sup>317</sup> This internalises the

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<sup>311</sup> Moore, *The Censor’s Library*, p.266.

<sup>312</sup> *ibid.* p.266.

<sup>313</sup> Sullivan, *The Politics of Sex*, p.79

<sup>314</sup> Moore, *The Censor’s Library*, p.265.

<sup>315</sup> *Ibid.* p.267.

<sup>316</sup> *Ibid.* p.225.

<sup>317</sup> *Ibid.* p.267.

logic of the state that deemed the *London Oz* pornographic, even as local courts found it difficult to prosecute the case that similar magazines were obscene in Australia.

More significantly, by excluding the non-gazetted lists from analysis, such works fail to account for what Chipp *added* to the list. In some instances historians have accepted at face value Chipp's claim that he would preside over 'no political censorship.'<sup>318</sup> First, such an account accepts the distinction drawn here, by Chipp, between the censorship of 'political' material from 'sexual' material that had been challenged since the early 1960s.<sup>319</sup> Second, between 1968 and 1973, including under Chipp, the texts of the American and British counter-cultures were systematically denied entry into Australia. Texts relating specifically to the cultivation and consummation of marijuana were banned under the test of 'undue emphasis on sex or crime.'<sup>320</sup> On this basis the '*The Anarchist Cookbook*' was also banned in 1970.<sup>321</sup> This is attributable, perhaps, to Chipp's chief other responsibility as Customs Minister, namely limiting the importation of illicit substances. On one occasion, long-term free speech advocate Max

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<sup>318</sup> Moore places this quote in the context of Chipp's decision to permit the entry of the Little Red School Book into Australia. She notes the decision was not without its pragmatic basis, with the threat of Thor selling it, with a prosecution unlikely to succeed on the grounds of book's relatively conservative stance on drugs p.284. Elsewhere the statement is printed uncritically; see for instance Campbell & Campbell, '*The Liberating of Lady Chatterley's Lover*', p.34. Sullivan acknowledges the limitations of the 'community standards' as a philosophical shift, but doesn't analyse these implications in relation to the list of banned works. '*The Politics of Sex*' p.130. None, however, analyse the what Chipp added to the list.

<sup>319</sup> See Chapter Two, and particularly, Dennis Altman, "The Personal is the Political: Social Movements and Cultural Change," in *Intellectual Movements and Australian Society*, p.308-321 (Melbourne: Oxford University Press, 1988), Greg Denning, "Thoughts on a Randy Censor," *Meanjin Quarterly*, no. 3 (1969), pp.503-507.

<sup>320</sup> For instance, William Drake, *The Connoisseur's Handbook of Marijuana* (banned 1972) Dave Fleming, *The Complete Guide to Growing Marijuana* (banned 1970) 'Mary Jane Superweed', *Drug Manufacturing For Fun and Profit* (banned 1971) 'Mary Jane Superweed', *The Super Grass Grower's Guide* (banned 1972). This analysis is based on the archive of Nicole Moore made selectively available in the collection: Nicole Moore, "Banned Books in Australia: A Selection," *The University of Melbourne Library*, <http://www.lib.unimelb.edu.au/collections/special/exhibitions/bannedbooks/exhibition/australia.html> (accessed September 21, 2012).

<sup>321</sup> *The Anarchist Cookbook* (banned 1970)

Harris challenged the ban on *The Marijuana Papers*, and the text was released.<sup>322</sup> The effect, more generally of banning counter-cultural texts was an attempt to disrupt the dissemination of 'revolutionary' ideas. After his appointment, two works by Abbie Hoffman, the leading Yippie alongside Jerry Rubin joined the list of banned works.<sup>323</sup> So too was Neville's *Playpower*. They joined Charles Bukowski's *Notes of a Dirty Old Man*, a book of excerpts from the British Underground Press and Rubin's *Do It!*<sup>324</sup> Windschuttle notes the professed reason for the bans; regular use of the word 'fuck' was inconsistent with the legalisation of 'hundreds' of works that contained the same expletives.<sup>325</sup> This pattern of bans would confirm Altman's contemporaneous observation that 'as political and cultural radicalism increasingly coalesce, and radicalism is expressed in attacks on traditional moral virtues, censorship acts not only to preserve 'good taste', but also to exclude radical critiques'<sup>326</sup>

If the Customs crack down happened with the cover of ostensible liberalisation, Peter Coleman gave voice to the ideology that lay beneath it in the NSW parliament. Speaking in favour of an increase in the penalties for the use of 'unseemly language' in the Summary Offenses Bill, Coleman argued the punishments would not be used in regular instances, only in those where obscenities were used for 'deliberate revolutionary purposes.'<sup>327</sup> The aesthetic judgments that lay beneath individual censorship decisions were all the more obvious in instances of film. *Catch 22*, for instance, was permitted in spite of two 'quite horrific scenes', because the films intent was to demonstrate the

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<sup>322</sup> Tim Hewart & David Wilson, *Don Chipp* (Melbourne: Widescope, 1978), p.30.

<sup>323</sup> Abbie Hoffman, *Steal this book* (banned 1971), Abbie Hoffman, *Woodstock Nation* (banned 1970).

<sup>324</sup> Charles Bukowski, *Notes of a dirty old man* (banned 1969), Richard Neville, *Playpower* (banned, 1970) Jerry Rubin, *Do It!* (banned 1970).

<sup>325</sup> Windschuttle, *The Banning of Performance*, p.7

<sup>326</sup> Altman, 'How I Fought the Censors', p.239.

<sup>327</sup> Peter Coleman, quoted in Windschuttle, *The Banning of Performance*, p.7.

senselessness of war.<sup>328</sup> The decisions, thus, assessed the political value of ideas within a text and measured the extent of their ‘obscenity’ against whether a particular book or film’s take home message was a politically acceptable one.

The pattern of Chipp’s decision making partially explains the intensity of the opposition within *Tharunka* to liberal approaches to censorship between 1970 and 1972. As the *Portnoy’s Complaint* trials began, *Tharunka* re-iterated their objection to the defence of literary merit and to the caveat of ‘community standards’, noting that the ‘literary do-gooders’ tacitly accepted categories of acceptable speech by arguing within the state’s parameters.<sup>329</sup> As Moorhouse argued in his introduction to *Tharunka’s* literary supplement, the politicians ‘correctly sense that under the breaking of taboos lies a tangle of attitudes and life styles which want to break from institutions...and culture sets.’<sup>330</sup> The censorship of two books in particular, which analysed the use of obscenity as a political weapon, were both illegal and aesthetic inspirations for the *Tharunka* editors. First, Rubin’s ‘*Do It*’, which was reprinted in full over a six-part supplement within the paper in both its overground and underground forms.<sup>331</sup> In addition to proclaiming that the backseat was the host of the revolution, Rubin claimed ‘Fuck’ was the only word in the English language uncorrupted by capitalism. How can you say ‘I love you’ after advertisements had claimed the term in situations like petroleum advertisements that used the phrase ‘Cars Love Shell.’<sup>332</sup>

Second, Norman Mailer’s *Why are we in Vietnam?* was a seminal text for the alternative press. For Mailer the expression of violent foreign policy in Vietnam and the

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<sup>328</sup> Chipp, quoted in Windschuttle, *The Banning of Performance*, p.7

<sup>329</sup> Wendy Bacon, “News Reel,” *Thorunka*, October 1970, p.22.

<sup>330</sup> Moorhouse, ‘*Across the Badlands*’, available at, <http://www.wendybacon.com/2011/tharunka-thorunka-extracts/> (Accessed 21/09/2012).

<sup>331</sup> See for Instance, ‘Supplement’, *Thorunka* no. 1-3 September – November 1970.

<sup>332</sup> Rubin, quoted in, Windschuttle, *The Banning of Performance*, p.7.

systematic repression of sexuality were inextricable elements of the American condition. The novel tracks two adolescent Texans on holidays with their fathers in Alaska, it makes no explicit reference to Vietnam until its final page, upon which one of the boys announces his impending tour of duty.<sup>333</sup> For *Tharunka* the novel represented the culmination of the development of an aesthetic that met irrationality with irrationality, met violent obscenity with sexual obscenity and attacked the core of the flaws with the United States.<sup>334</sup> Mailer's influence informed a concern throughout 1970 with the comparison of 'obscene' violence and 'obscene sexuality' typified by Sieler's poem. 'Is it obscene to fuck, or is it obscene to kill? Is it more obscene to describe fucking, an act of love, or is it more obscene to describe killing an act of hate.'<sup>335</sup>

With regard to Customs regulations, the subtle bifurcation in the historical paths of "literary" and "unliterary" works had a number of effects on the history of declining censorship in Australia. Above all else it distorted the historical record, and the legacy of Chipp who was too readily lauded for his progressive achievements, while his contradictory conservative impulses went unremarked. In part this owed to the fact that opposition to the law and liberalisation were understood in the terms of the law itself. In addition to literary merit, the shifting yardstick of obscenity, by 1970 defined by community standards, allowed liberalisation to occur at pace defined by Customs' perceptions of community readiness. A focus on the alternative press reveals this because *Tharunka* in particular were still campaigning for the abolition of censorship in all its forms to be overthrown, and did so by continuing to import and publish material that allegedly had no "literary" merit.

The mistrials of *Portnoy's Complaint* had opened the floodgate. Richard Walsh, then an employee of Angus & Robertson, was involved in the printing of *The Beautiful*

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<sup>333</sup> Norman Mailer, *Why are we in Vietnam?* (New York: Picador, 2000).

<sup>334</sup> Don Anderson, "Norman Mailer," *Tharunka*, 23 June 1970, pp. 20-23.

<sup>335</sup> John Sieler, "Is it Obscene to Fuck?," *Tharunka*, October 1970, p.3.

*Losers*, a novel by Leonard Cohen, which had lost its appeal for legalisation National Literature Board of Review in 1972.<sup>336</sup> When asked by the *Sydney Morning Herald* whether he expected to be sued as a result, Walsh declared, ‘not after Portnoy.’ He was right.<sup>337</sup> The showdown between *Tharunka* and the authorities over *The Little Red School Book* in 1972 confirmed, once and for all, the ineffectiveness of Customs regulations. The threat of their decision to print the work altered the initial decision about whether the work should be banned. Amidst considerable heat from conservatives, Chipp allowed the import of the work, knowing full well that *Tharunka* would print the book regardless of his decision. Critically, the Little Red Schoolbook had no claim to literary merit, demonstrating the law could be unwound in total, rather than within the framework the law had already defined.

When Whitlam took office in late 1972, he briefly appointed himself as the Attorney General in order to preside over the liberalisation of banned literature. In 1973 the list of literary banned works was reduced to zero.<sup>338</sup> At the state level debates regarding the specifics of the abandonment of the *Obscene and Indecent Publications Act* continued to rage, but the commitment had already been made. This chapter demonstrated the role of the alternative press in the decline of ‘obscenity’ as a regulatory concept within the Australian censorship apparatus. The history of the end of Australian censorship was not merely a product of ‘exhaustion’ on the part of the state, nor was it a debate that was prompted largely within the parliamentary system. Instead, in a series of court cases ‘obscenity’ was redefined to a point where it could no longer be prosecuted with any reliability. Even if jurors did not agree ‘Cunt is a Christian Word’ was within the community standard, there was an increasing consensus that there was no one community view. Throughout the process of liberalisation, Liberal backbenchers,

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<sup>336</sup> Moore, *The Censor's Library*, p. 278.

<sup>337</sup> Ibid. p.278

<sup>338</sup> ibid. 287.

Premier Askin and Chief Secretary Willis staged a rearguard action that was ultimately defeated by their failure to gather the votes to re-institute juries in NSW obscenity trials.

## Conclusions: From Censor to Censure

By 1973 Whitlam had removed Customs responsibility for regulating imported literature. In 1975 NSW Legislation abandoned obscenity as a legal category. The *Indecent Articles and Classified Publications Act* gave effect to a system of classification that upheld the principle the NSW Supreme Court had found in relation to *Crowe v Graham* before being overturned.<sup>339</sup> Namely, one could not be criminally liable for publishing material without also forcing others to read it without their consent. The Indecent Articles Act gave effect to the now familiar system of classification that items deemed restricted or indecent could be sold from behind the counter, but not on public display, to adults.

In those same two years, the NSW government dropped all charges against Wendy Bacon, but she and Peter Coleman came to spar once more. As part of their series on vexing social issues, Heinemann Publications invited the foes to discuss censorship for an upcoming textbook on the subject.<sup>340</sup> The document is revealing about the changing discourse surrounding censorship in a number of ways. By 1975, the censorship debates that dominated for the decade prior had been exhausted. The alternative media won in the war in overturning the standard, but perhaps not in the radical fashion they had imagined. But the battle was not over, and this document captures the shifting concerns of the protagonists involved.

Coleman increasingly phrased his attacks on the pornography industry and the porno-politicians in explicitly feminist terms. Pornography, he argued, 'may be regarded as the racism or anti-Semitism of the male chauvinist.'<sup>341</sup> The 'life-style' of pornography consumers was inclined to exploit, objectify and in a variety of ways, harm women.

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<sup>339</sup> Indecent Articles and Classified Publications Act (NSW) 1975, Ex Parte McKay; Re Crowe, [1967] 2 NSW 207 (NSW Supreme Court)

<sup>340</sup> Ann Turner (ed.), *Censorship* (Melbourne: Heinemann Education Australia, 1975).

<sup>341</sup> Coleman, 'Opening Statement', in *Censorship*, (Melbourne: Heinemann Education Australia, 1975), p.45.

Coleman persisted in his refusal to distinguish the alternative press from the vendors of 'hard-core' pornography – a point Bacon took up in response.<sup>342</sup> In so doing Bacon also indicated the potential harms of such material, but rejected censorship as the answer. Pornography didn't create misogyny, it reflected it. Further, 'if Coleman really cares about women being treated as objects perhaps he should look a little more critically at those institutions of family, marriage etc. he cherishes so much' Bacon argued.<sup>343</sup> By 1975, then, the debate had shifted in substance: gone were the days of 'community standards' or 'depravity and corruption', and its place a discussion about the effects of pornography on its consumers and their relations with women. The arguments foreshadowed the debates over pornography that raged both within the left, and amongst conservatives and liberals for much of the 1980s. On another level it was itself the staking out of two divergent positions in what would become known as the culture wars. Strikingly, Bacon too called for a shift in focus, this time *away* from sexual material. In an era after Nixon's bombings of Cambodia, argued Bacon, state secrecy must be atop the censorship agenda.<sup>344</sup>

Most significantly, however, was Coleman's shift in defining censorship. The emerging bipartisan consensus on regulation and classification had reshaped his understanding of the term itself. Coleman argued 'censorship is not a matter of literal protection or suppression at all. It is a technique for publicly labelling and stigmatising propaganda.... is not meant to protect, but to alert.'<sup>345</sup> Coleman articulated the logic of the state in shifting from a body that censored to a body that censored.

The alternative press in Sydney had emerged from quite a different context. The key players – Moorhouse, Bacon, Neville and Walsh – were immersed, most notably

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<sup>343</sup> Bacon, 'Rebuttal', in *Censorship*, (Melbourne: Heinemann Education Australia, 1975), p.60.

<sup>344</sup> *ibid*, p.58.

<sup>345</sup> Coleman, 'Rebuttal' in *Censorship*, (Melbourne: Heinemann Education Australia, 1975), p.62.

intellectually, in the libertarian drinking holes of Sydney from the early to mid 1960s. Persuaded that taboo was a repressive force, the alternative press differentiated themselves from their fellow libertarians by thrusting their ideas into the public domain. Publishing material that challenged sexual norms, in particular, was a form of direct action that had hoped to create a more free sexual discourse. This thesis demonstrated the complex and at times contradictory ways that this discourse challenged some constraining elements of repressed sexuality, whilst reflecting and entrenching others. The inability of the alternative press to totally reconcile a sexual revolution with a gender revolution produced the very tensions that gave rise to the pornography debates -- leading to previously unthinkable and unholy alliances between far left feminists and Christian conservatives.

The direct action of the alternative press occurred whilst conservatives governed at both the state and federal level. The declining of the alternative press after 1972 indicates to an extent the way their movement was defined against the state, and therefore by the state. Their challenges to authority were met with the imposition of authority. The alternative press were the key protagonists in the cases that defined and ultimately overturned the concept of criminal obscenity. They used witnesses to challenge the presumption that the silent majority were pro-censorship. The academic and literary elite they called upon gave both a platform and a voice to the segment of the community that resolutely opposed censorship. By the early 1970s, as a result of both the alternative press, and a number of other forces of 'permissiveness', prosecutors could no longer convince twelve members of the community that there was such a thing as a community standard on censorship. All told the history of the alternative press reveals the fate of a series of radicals who in seeking to publish sexual material as an end in itself, ushered in a new era of regulation and attitudes to the discourse surrounding sex in print.

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