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AUSTRALIAN CENTRE FOR CONTEMPORARY ART

EXHIBITION ON MORAL CENSORSHIP AND THE VISUAL ARTS

MELBOURNE, SEPTEMBER 1989

"TREAD SOFTLY, BECAUSE YOU TREAD ON MY DREAMS"

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The Hon Justice Michael Kirby CMG Hon D Litt

Given the very great place which sexuality plays in the lives of most people, what is surprising is not that the visual arts have portrayed it so much but that they have portrayed it so little. The clothes, the figleaf, the deftly turned figure, the branch of vine growing at a convenient angle and other expedients have been adopted over the centuries by artists to disguise or hide the sexual organs and images of sexuality. In part, these expedients reflected the mores of the societies in which the artists lived and the patrons who purchased or appreciated their works. But, in part too, artists were forced into cultural modesty by laws which reflected a morality which was largely anti-sexual. It is interesting to reflect upon the fact that the Gospels of the New Testament contain little or no reflection of the repressive morality of the desert people. But then, along came St Paul. Together with the early organisation of the Church, the stamp of sexual repression was thereupon fixed upon two millennia of people in most of the world. The

agents of such repression are still about today. Some of them give voice to their ideas in "fundamentalism" - whether Christian, Islamic, Jewish or even Communist! Some of them have found a new ally in the terrible advent of AIDS. For some, AIDS is the ultimate answer of an angry God, calling His people back to the safety and virtues of sexual modesty. Will art follow?

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

To those who say we should ban this material and return to the "good old days" of artistic modesty supported by legal

censorship, I would give several answers.

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

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

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

person pornography will seem to others a piece of art, a thing of interest and beauty or a legitimate source of human fantasy and excitement.

Why should we be ashamed of sexual fantasy and excitement? I suspect that St Paul and those early Church Fathers have a lot to answer for in terms of accumulated human misery. And to their number one could add not a few local lawmakers, judges and the hapless police and customs officers who, with varying enthusiasm, tried in the past to carry out the work of moral censorship.

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

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

"Tread softly, because you tread on my dreams".

That should be the moral for the law derived from this

exhibition. In the portrayal of the beauties of the human body and the wonders of sex, the law should tread softly. Because it treads on the dreams of ordinary people.

M D Kirby  
Sydney 18 May 1989