



*ping and Fucking* (referred to in the more polite press and publicity as *Shopping and F\*\*\*ing*) reportedly had their bags searched by security guards at the door.

While the Catholic Church did not condone the attacks on the Serrano work, it did not strongly condemn them either. It is hard not to conclude that the lack of strong, open condemnation of art/culture vandal-

ism by the Church and by the Victorian government following closure of the Serrano exhibition is implicitly legitimising vigilante censorship.

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### Postscript

A group of 30 artists involved in the Melbourne Fringe Festival plan to stage a joint show called 'Christ, I'm pissed

off' in response to Serrano, aiming to 'impress, shock and remind us of the dangers of censorship'.

This may provide another opportunity for the boundaries of blasphemy to be stretched. But somewhere, no doubt, the art thugs are sharpening their knives and polishing their hammers.

**Julie Eisenberg**

## Ridicule and contempt

Andres Serrano is not the only prominent figure to enter the free speech fray in recent months. A snapshot view of some other high profile cases:

**Pauline Hanson** successfully obtained an injunction in Queensland to stop the ABC from broadcasting a song called 'Backdoor Man'.

The song, the work of Sydney drag queen 'Pauline Pantsdown' is a collage of statements spoken by Hanson which have been cut and pasted into sentences like 'I'm a backdoor man for the Ku Klux Klan', 'I am a transvestite' and 'I am a potato'. The court was told that before each broadcast, the announcer would say the song was satirical and not to be taken seriously.

Justice Ambrose of the Queensland Supreme Court found that an injunction was warranted because the song was *capable* of being defamatory and the damage to Hanson 'and indeed *members of her family*' by continued publication could not be adequately compensated by damages.

Given that injunctions for defamation are very rarely granted, the decision was surprising. Injunctions are generally refused if there is 'real room for debate' about whether or not defamatory imputations arise or if there is prospect of potential defences, such as comment, succeeding. Damages are usually regarded as a sufficient remedy for defamation, when weighed against the consequences of restricting free speech by injunction. Also curious is the reference to damage to Hanson's family: none of them was a party to the proceedings and it was not suggested that the song

says anything defamatory about any of them or that they had any other right of action against the ABC.

The ABC has appealed the decision. The appeal will be likely to be heard early next year.

Perhaps less surprising was a finding of 'serious contempt' against Sydney radio broadcaster **John Laws** and radio station **2UE**.

The contempt charge arose from comments made by Laws on the second day of a trial of a man charged with murder of a child, who had pleaded guilty to manslaughter. Describing the man as 'scum, absolute scum, pig' he said, among other things 'Anyway don't ask me how he thinks he didn't murder the little fella. The child was found severely bashed: cuts, bite marks on his face... beaten so badly that he died. How is that not murder?'

The Court of Appeal found that the broadcast had a real and practical tendency to interfere with the administration of justice. If the remarks had come to a juror's attention, they might have impaired the impartial consideration of the evidence at trial. The Court took into account the reach of the broadcasts, the size of the listening audience, Laws' standing as an 'influential commentator on public affairs and community attitudes', the timing of the broadcast and the fact that the jury was not sequestered. The fact that there was no evidence that the jury was aware of the comments or of an intention to commit contempt was not relevant.

The Court of Appeal is still to hear submissions on what penalties should be imposed.