

# The price of freedom...

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While censorship is not a black cloud that looms large over the book publishing industry, it can have quite an insidious effect.

To the average person, the prospect of one person or a committee of six deciding what you and I can and cannot read, because they think they know what's better for us than we do, is an anathema.

There are not too many examples of straight censorship in Australia. But one publisher who has had considerable experience is Penguin Books Australia. *Lady Chatterley's lover* was banned in the United Kingdom, then unbanned in the United Kingdom and, consequently unbanned in Australia.

*Portnoy's complaint* was banned by the Australian authorities. Penguin Australia decided to publish the book here so that Australian readers could make up their own minds. Sufficient copies of the book were distributed before an injunction was slapped on the publisher. By then it was impossible for every copy to be returned. Enterprising barristers read great chunks of the work into the court record for the benefit of those who had not bought the book and, ultimately, the injunction was lifted.

*Final exit* was a book that dealt with euthanasia. All states except Western Australia and Queensland agreed to release it. Queensland gave it a 'Category R' rating which meant that it had to be shrink-wrapped, labelled with a warning and not put on public display.

Publishers are well able to draw a distinction between moral questions and publishing works that can be of danger to our fellow citizens. Most publishers would think twice before publishing a work describing how to make a home-made bomb. But those same publishers would probably publish works containing sex and profanity.

What is obscenity? Overt sexuality or violence? Publishers are more likely to self-censor violence than sex.

Polyester Books is a fairly confronting bookshop in Victoria. In a pre-Christmas raid, police seized thousands of dollars worth of titles — many of which were said to be of a pornographic or a drug-related nature. The bookshop's owner, Paul Elliot, wrote to Larry Flynt, American publisher and free-speech activist, asking for Flynt's help in campaigning against censorship in Australia. The bookshop's owner is nervous at the prospect of being charged and if found guilty

of selling unclassified materials he faces a maximum penalty of ten years jail or a substantial fine. Mr Elliot noted that all it takes is one person to complain to cause a restriction of freedom.

But another form of censorship is being discussed in publishing offices these days and it is self-censorship. The effect of Random House Australia's loss in the Abbott and Costello case is having widespread ramifications. This case has made prospective plaintiffs aware of the existence and strength of the defamation laws and of the possibility that their actions may succeed. Publishers are becoming risk-averse and they are more likely to have manuscripts read for libel than they were previously. There is a reasonable worry that internal censorship will be too severe and publishers may over-err on the side of caution.

Publishers are not evangelists. Fighting a defamation case is never worth-while commercially. Print runs and profits never support a defamation loss or even the cost of waging a winning action. Being scrupulous and having a manuscript checked for libel costs a minimum of \$4500, and insurers insist on scrupulousness!

An even stronger deterrent than the law is the cost of the law. Deborah Lipstadt's (Penguin UK and author) victory over David Irving cost the publisher in excess of £2 million but, fortunately, the publisher of *The satanic verses* believed that it was far more important to fight the case than worry about the money as issues of principle were at stake.

Another dilemma faced by publishers is the possible reaction by some members of the public when they publish a work that may offend. Publishers are less likely to exercise self-censorship if the writer has integrity and the content stimulates debate within the community. Readers may not necessarily agree with the content of everything that we publish, but publishers do see themselves as having a responsibility to bring different views to the attention of the public. They can ill afford to publish only the views with which they agree. As Jean-Jacques Rousseau said (or was it Voltaire?): 'I might disagree with what you are saying but I will defend to the death your right to say it'.

If publishers rejected all materials of which they disapproved they would be rejecting many thousands of titles. One of the prices we pay for our freedom is the right to allow authors such as David Irving to be published. ■

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