

Censorship Is

Nicole Moore

To be for or against censorship as such is to assume a freedom no-one has. Censorship is. One can only discriminate among its more or less repressive effects.

SO DECLARED MICHAEL HOLQUIST IN 1994, ARTICULATING WHAT WAS THEN FRAMED AS a new take on censorship, positing it as not only inescapable but constitutive; in fact, foundational to speech itself (Holquist 16). Drawing on Foucault's repressive hypothesis, suggesting that censorship, especially of sexuality, had functioned historically to effectively produce rather than absent meaning, this 'new censorship' scholarship sought to push the term to its limits. Censorship was expanded, by poststructuralist and sociological accounts of language in particular, to encompass all mechanisms of exclusion by which 'the speakable is differentiated from the unspeakable'; for Judith Butler, as the 'constituting norm' (137-38).

This essay moves through some of that scholarship as an excursion into the polyvalent reach or ends of censorship as a term. Censorship can be a practice, a process, an aim, an effect; as a word holding much of the two qualities—'significance and difficulty'—that Raymond Williams identified in his choices for the seminal *Keywords* volume of 1976. The old binary model for understanding censorship in a libertarian versus protectionist divide has long been undone (though such positions are of course still held) and ten years ago, in 2001, Sofia Rosenfeld could declare that, at least for social and cultural theory, 'there seems no longer to be any consensus about what censorship is' (217). It seems

productive, therefore, to identify its ‘polyvalence’—the multiple ways in which we can see that it enacts and effects power, or thus ‘valence’—as a key feature to investigate in exploring its work as a term. It is this capacity that is at stake in this ‘new censorship’ scholarship and this, too, that prompts current critiques of the scholarship.

Censorship is generally understood to be the official suppression or prohibition of forms of expression. Its legal definition is narrower—expressly the official inspection of books, journals, theatre, film, music and popular media of many forms before release (prepublication) to ensure that they do not offend against legal proscriptions instituted by governments. That definition has never effectively described it. The chairman of the Australian Book Censorship Board in the 1930s was able to maintain that Australia had no censorship, for example, because books were prohibited only after publication, despite the fact that on the Board’s advice a Customs ban on a title would prohibit a book’s entry to the country completely (NAA). To pursue the word etymologically: the Roman *censors* were the magistrates responsible for the census, then eventually for public morals, from the Latin *censeo* or *censere*: ‘to judge, determine, assess’. And taxonomy, or the classification of offence, as seen in the nominal function of the contemporary Australian Classification Board or the British Board of Film Classification, remains at the heart of censorship’s operations. As old as the reproduction of meaning in civil societies, censorship has always entailed the supervision by the powerful of public communication. Its modern English meaning dates from the 1590s. As more and more books were written and copied, more and more ideas came into conflict with the aims and teachings of those with power. The introduction of the *Index Librorum Prohibitorum* by the Roman Catholic Church in 1559 heralded the beginning of the modern idea of a banned list, and the Inquisition spread the integrated system of state and church censorship to the colonised Americas. There, the burning of the Maya codices testifies to the ways in which it has been a decisive instrument of conquest around the world.

European printing began to be required to be licensed by the kings, as power sought ways to keep pace with the generation of new forms of information. Modern, European-style governmental or regulatory censorship is coeval with the development of printing presses and can be argued, in this sense, following the field-defining work of Benedict Anderson, William St Clair, and Robert Darnton, to be a foundational structure of the nation state.¹ This is not to begin

¹ St Clair’s summary history, beginning from the arrival of printing into England, counts ‘censorship’ within a broader account of ‘textual controls’, including the control of intellectual property, state licensing of printers and changes in copyright legislation, in a dynamic that worked to define the private rights of authors and producers as much as the public power of ecclesiastical authorities and the state (54, 480-89).

an account suggesting that regulatory governmental censorship is inevitable, necessary or even always successful, however, in answer to Holquist's assertion. Darnton's work on the relationship between the underground presses and the progress of the French revolution, emphasising the importance of seditious and obscene libels in both communicating dissent and popularising the new politics, has been one part of a contemporary emphasis on the social and political efficacy of literature produced in opposition to official censorship. Lynn Hunt's collaborative work on the early modern origins of pornography has emphasised the dynamic and porous relationship between licit and illicit publications, evidencing, with much work on that period, a Foucauldian interest in the productive or even necessarily enabling, as well as silencing, effects of censorship. And this has become a critical norm for literary historical accounts of book and publications censorship, from St Clair's description of the way in which 'the nature of cultural production and reception' was 'decisively influenced by the regulatory regimes of intellectual property and textual controls' in the Romantic period (367), to thriving contemporary interest in modernism's 'censorship dialectic', as Celia Marshik terms it, conceived as an 'ongoing negotiation between writers and the general public culture of repression' with multiple productive effects (4).²

What has been termed the 'new censorship scholarship' was most clearly articulated in a collection titled *Censorship and Silencing: Practices of Cultural Regulation*, edited by Robert C. Post in 1998, which included, as well as work on the early modern origins of print culture, arguments from postmodern thinkers such as Judith Butler and Wendy Brown who have since gone on to interrogate contemporary forms of social regulation more broadly. In his introduction, Post described a

remarkably innovative new scholarship that has taken a more rigorous and uncompromising view. ... If censorship is a technique by which discursive practices are maintained, and if social life largely consists of such practices, it follows that censorship is the norm rather than the exception. Censorship materializes everywhere. (2)

The roots of this 'new scholarship' were identified in France, in the work of the national sociologist Pierre Bourdieu as well as Michel Foucault, while Post declared that it 'follows Foucaultian premises to their fundamental and radical implications' (2).

In declaratory mode, Post insisted: 'Censorship establishes the practices that define us as social subjects. Hence censorship transmutes from an external repressive force to a "positive exercise of power" that constitutes practices as it

² Cf. Parkes, Pease and Glass.

defines their boundaries' (2). The collection includes a piece from early modern theatre scholar Richard Burt, whose own introduction to an earlier collection (*The Administration of Aesthetics*, 1994) Post cites, with Holquist's article from the same year, as key prior articulations of the new position. Burt's 1994 introduction described a collapse of distinctions between pro and anti-censorship positions, within a reconfiguring of left and right, backgrounded by the US Reagan/Bush administration's attacks on arts funding and museum exhibitions in the early to mid 1990s. Expanding the gamut, he identified FBI seizures of art works, the commodification of public art spaces, the refusal to legalize gay and lesbian rights, and the beginnings of the 1990s Culture Wars, among other US cultural phenomena that many argued to be censorship but weren't recognisable as the 'traditional' kind. Burt's 'new' understanding then wished to complicate the notion that censorship is only or simply a negative form of power. 'Censorship operates negatively in more than one way, not unidirectionally along a binary axis of the repressed and the free, but, more crucially, by delimiting what can legitimately be debated' (Burt xvi).

Few can argue that censorship does not define us as social subjects. It remains the predominant countering force to the democratic principle of 'free speech', constitutive of most forms of modern community and sociability through delimiting the means by which these can be known. What was questioned in this 'new' position was the conventional emphasis on the sovereign agency of censorship as a form of instrumental power, exercised uni-directionally by one subject or agency over another. Butler summarised the two generalizable explanations of censorship that underpin this questioning. On the one hand, 'uncensoring a text is necessarily incomplete'. Citing Richard Burt, Butler extrapolated: 'for a text to become readable, it must be produced through a process of selection that rules out certain possibilities and realises others ... The speaking subject makes his or her decision only in the context of an already circumscribed field of linguistic possibilities' (129). On the other hand, 'censoring a text is necessarily incomplete'. Citing Ellen Burt in Post's edited collection in this case, Butler explained: 'something about the text under censorship exceeds the reach of the censor', whether through the polysemy of language or through the dynamic by which language 'necessarily posits a realm of obscenity that it seeks, with always partial success, to keep rigorously excluded from its own operation' (129).

Butler distinguished between 'implicit' and 'explicit' forms of censorship, and rather than socio-political institutions, looked to psychoanalysis to describe how implicit censorship operates 'on a level prior to speech', as a primary form of repression 'that is not performed by a subject but, rather, whose operation makes possible the formation of the subject' (137-38). Freud's explanations of the dream mechanisms of *condensation* and *displacement* of course posited a

necessary, psychical censor, acting to repress disruptive elements in the unconscious; an active but insentient censorship upon which the conscious mind depends. Via Lacanian models, Butler nominated the psychoanalytic concept of 'foreclosure' as a means to describe censorship that is 'not merely privative, but formative as well'. It is not that the constitution of the subject is narrowly linked to the regulation of an individual subject's speech, but rather that it is 'tied to the circumscribed production of the domain of the speakable' (139).

It is in work such as this that we see the implications of Post's wish to pursue Foucault's ideas about productive censorship to an end point. In *The History of Sexuality*, Foucault declared:

There is no binary division to be made between what one says and what one does not say; we must try to determine the different ways of not saying such things, how those who can and those who cannot speak of them are distributed, which type of discourse is authorized, or which form of discretion is required in either case. There is not one but many silences, and they are an integral part of the strategies that underlie and permeate discourses. (27)

Critiquing particularly the stereotyped view of the nineteenth century as the great Victorian age of puritanism, in which little about sexuality was either spoken or known, Foucault famously contended: 'Rather than a massive censorship, beginning with the verbal proprieties imposed by the Age of Reason, what was involved was a regulated and polymorphous incitement to discourse' (34).

Post himself describes Foucault's work as 'exhibiting a vertiginous oscillation between extreme abstraction and minute detail: the space between, where most people live most of their lives was persistently and scrupulously effaced' (4). And it is easy to employ more empirical historical work as a counter weight to this conception, especially histories of cultural consumption in the European nineteenth century, such as Lesley Hall and Roy Porter's history of the 'creation of sexual knowledge in Britain', which takes issue with Foucault's wholesale dismissal of the 'repressive hypothesis' from the outset (9). Newly capacious and diverse histories of reading such as theirs suggest that the suppression of publications about sex in the nineteenth century, particularly away from the British working classes, was highly effective in general. 'It may be simplistic to write off the Victorian era as one of sexual repression', writes book historian Jonathan Rose, 'but the circulation of sexual information in print was certainly restricted' (207). Histories of publications censorship in former settler colonies like Australia and South Africa, and in Eastern European former socialist states, with differently designed regimes of centralized control, offer similar if not more

substantial evidence of what we might nominate as ‘real’ or enacted restriction (McDonald, Barck, Langerman and Lokatis, Moore). Drawing from a more contemporary empirical turn in literary studies, which, like histories of print culture, takes seriously St Clair’s injunction to account for impact and reception in the history of ideas (1-4), new studies of the regulation of access to publications perhaps have since provided the kind of counter history that Post was looking for in the mid-1990s, to modulate Foucault’s too expansive or perhaps too optimistic view.

Bourdieu’s work on discursive fields underpins this ‘new censorship’ too; particularly his attempt in *Language and Symbolic Power* to understand language as a product of the relation between what he termed the ‘linguistic habitus’ and the ‘linguistic market’. The first implies ‘a certain propensity to speak and to say determinate things (the expressive interest) and a certain capacity to speak’, referring to both language ability and social competence. The second category covers the ‘structures of the linguistic market, which impose themselves as a system of specific sanctions and censorships’ (37). For Bourdieu, any discursive field has a logic of its own, which distinguishes those engaged in it from those outside it. Those within (‘professionals’) are those speakers whom, through ‘competence’, gain initiation into a field—the literary field, politics, art—and this process of initiation requires a ‘*de facto submission* to the values, hierarchies and censorship mechanisms inherent in the field’ (176, Bourdieu’s emphasis). To elaborate, this is an effect of a field’s structures of specialisation, which alter the common language otherwise available, especially through ‘*strategies of euphemization* that consist in imposing form as well as observing formalities’ (137, Bourdieu’s emphasis). These structures work to exclude as well as include: to determine speakers and to determine what can be spoken. For Bourdieu, a tension between expression (‘the expressive interest’) and censorship thus characterises all discourses, as such.

Language and Symbolic Power is mounted as a critique of linguistic and semiotic approaches that inherit from Saussure an interest in what Bourdieu described as ‘language as an object’. If language is a closed system, communicative meaning is produced negatively, through internal difference only, and therefore its hierarchies of power cannot be mapped against origins in the social world. Bourdieu is highly critical of the way in which this model ‘treats language as an object for contemplation rather than as an instrument of action and power’ (37). His interest as a sociologist in how ‘power relations between speakers or their respective groups are actualized’ in and through language as symbolic power (37), is evident, too, in critiques he mounts of Chomsky’s linguistics and in a different way of Austin’s idea of speech acts, the theory at play most tellingly for Butler.

Ian Buchanan explains Bourdieu's alternative model:

In describing society as a market-place [or nominating 'the linguistic market-place'] Bourdieu imposes a sense of competition—he puts something at stake. Not only must a speaker be a mayor to give a mayor's speech, for example, but also the people listening to him/her giving that speech must see him/her as the mayor, must recognize the civic authority of the mayor's office. Thus the mayor could not open a new building as a mayor were it not for the entire social order that makes him/her the mayor and gives meaning to that station. (343)

Here Buchanan extrapolates via a line from Bourdieu: 'A symbolic power is a power which presupposes recognition, that is, misrecognition of the violence that is exercised through it' (Bourdieu 209). As well as being a typically antithetical chiasmus, this is a useful reduction of Bourdieu's key point about constitutive discursive censorship and the power that must underpin it.

Bourdieu's position steps away from Butler's concentration on the linguistic formation of the subject in its emphasis on the social or even material conditions of speech, or the dependence of speech on forms of recognition that are themselves formed through structural exclusion. But it too pushes, as do Butler's and Foucault's accounts, towards a logical in-distinction between the conditions of speech, the conditions of censorship and speech itself: 'The *dialectical* relation which is established between the expressive interest and censorship prevents us from distinguishing in the *opus operatum* between form and content, that is, between what is said and the manner of saying it or even the manner of hearing it' (139). In this way, the Bourdieuan model of the field, formulating the structuring platforms and conditions for speech recognition, talking and listening, sense making, also becomes at once too expansive in its definition of censorship, encompassing the preconditions for sense making itself, and too limited. How does it account for interstitial expression, between fields? What of nonsense? How does liminal, plosive and unauthorised expression garner an audience? How would one formulate degrees of control or relativities of restriction? How could one pose relational questions about the quality and quantity of access?

Too expansive an envisioning of the mechanisms of censorship, logically pursued to Foucault's end point, can render the term ineffective as a descriptor. This may be particularly the case (and this could be the difficulty for Bourdieu) in discussions of censorship as a form of direct and regulatory power, or in distinguishing 'regulatory' censorship from what can be described rather as 'constitutive' or 'structural' censorship, whose effect is productive, formative, foundational, as these theorists have suggested, and whose operations can be

multiform, not merely institutional, and even prior to speech. How is it that oppositional speech is oppositional, if all censorship is constitutive?

Post acknowledges the problems of distinction when discussing Foucault's use of 'agonism' in describing the 'permanent provocation' to power occasioned by what Foucault casts as a contest between 'the recalcitrance of the will and the intransigence of freedom' (Post cites Foucault's 'The Subject and Power', 212). 'Agonism', says Post, 'does not distinguish Joyce struggling to publish *Ulysses* from, say, the "struggle" of a client of a poverty lawyer to overcome "the violence of silencing" imposed by the order of discourse of the "usual lawyer client relation"' (2). Further than this, he suggests that a problematic result of the new censorship scholarship is that it can 'seem to flatten distinctions among kinds of power, implicitly equating suppression of speech caused by state legal action with that caused by the market, or by the dominance of a particular discourse, or by the institution of criticism itself' (4).

In 2004, literary scholar Beate Müller outlined what she saw as the problems of the new censorship scholarship with particular regard to the expansion of European interest provoked by the opening of state archives after the fall of the Eastern Bloc. In the wake of the opening of the USSR's *spekstrahn*, the enormous collections of literature forbidden under the Soviets, containing more than one million items, the mostly North American push to redefine censorship more expansively has encountered cogent criticism.³ The same decade in which this argument gained ground saw a flood of official records released from Russia and Eastern European states testifying to the systematic implementation of pre-publication and post-publication censorship through the twentieth century, epic in both scope and force, which brings perspective to Holquist's observation about differentiated repression. Scholars describing the centralised control of East German print publication and film circulation, like Müller, for example, have wanted to insist on the substantive difference of pre-publication state censorship from the fundamentally mundane, even enabling forms of speech regulation in democracies that Butler and Bourdieu point to as foundational (9-11). This difference is worth exploring in further detail.

The German Democratic Republic, from its beginnings postwar, established a 'pervasive system of information control that encompassed archives, films, newspapers, ministries, and ZK [*Zentralkomitee*] offices as well as cabaret and literature' (Klötzer and Lokatis 241). The publications industry, for instance, was controlled by the Ministry of Culture, in later decades through the Chief

³ For English language scholarship see in particular Ushakova on Soviet censorship of European modernism, in O'Leary and Lázaro, and other essays in the same volume, as well as Müller's edited collection, especially Freshwater. For broad discussion of literary censorship in the Eastern Bloc, see Cornis-Pope and Neubauer.

Administration for Publishing and the Book Trade (the *Hauptverwaltung* for short), which 'with a staff of a few dozen ... planned and controlled the production, distribution and reception of books [effectively from 1952] until the fall of the German state' (Barck, Classen and Heimann 217). All titles were required to be submitted to a 'printing approval process', which Simone Barck, Christoph Classen and Thomas Heimann (book and media historians from the influential *Potsdam Zentrum für Zeithistorische Studien*—Centre for the Study of Contemporary History) name directly as 'covert censorship', under which books from all areas of publishing were 'reviewed' or assessed for their correspondence to Party positions on political aesthetics, socialist realism and the role of culture. The 'aesthetics of the choice of subject matter and heroes' were closely assessed, while literature with militaristic, pornographic, 'decadent' or 'modernist' form or content was forbidden (218).

It is not that GDR censorship and media control were simply unidirectional or instrumentalist, operating only from above, however. With her co-authors, East German scholar Simone Barck describes the small nation's media politics as 'complex and ambiguous, composed of different, and at times, contradictory elements such as planning, control and party evaluation' (213-14). By establishing models of behaviour in relation to explicitly promulgated ideological national goals, 'the state and the party could delegate censorship downwards to journalists, artists, and politicians' (214)—we could add, to publishers, editors, translators, film distributors, and radio announcers. Material and economic conditions were determining, in a closed economy, so that the allocation of paper stock, merely, was 'the single most important practical means of literary political control' (Barck, Langerman and Lokatis 99). The result of this was effective 'censorship without censors', its euphemised name as important as its euphemising effect, since such censorship had been directly banned by the constitution (Barck, Classen and Heimann 218). More than this, as Leipzig Professor of Book History Siegfried Lokatis establishes, what made the GDR's extraordinarily comprehensive book censorship regime 'unique' was not that its goal was 'to re-educate an entire population in antifascist thought through literature'; it was that, unlike Poland, Czechoslovakia or Hungary, the GDR's 'class enemy' shared a common language. 'It was impossible to draw the curtains' (Lokatis 254).

In her 2004 essay, Müller sets out to offer a redacted definition of censorship, limiting its claims and ambit so as to make the word functional again. She uses instances from the history of the GDR in order to identify what 'we stand to lose if we push the meaning to the limits by suspecting it at work wherever and whenever any kind of social and discursive exclusion occurs' (11). Her solution to the problem of distinction, however, is only to suggest that 'regulatory' and 'constitutive' censorship, as she elucidates them, should not be considered

definitively separate but, after Wittgenstein, as forms of family resemblance. This resemblance does not solve the categorical problem, however, since perhaps it is exactly evidence such as that presented by the GDR's regime of centralised publication control, described by Klötzer and Lokatis as 'omnipresent and everyday, and deeply anchored in social structures ... tied firmly to the logic of an entire system of control' (260), through which we can see how regulation aspires to be 'constitutive', to make subjects. The problem as posed is a question of degrees and effects: perhaps the difference between regulation by and constitution by censorship is only identifiable through ascertaining what lies on the continuum between them. Or perhaps this is not a binary at all?

If, historically, censorship is coeval with the nation state, as suggested, then differences between nation-bound forms of regulation represent one of the central ways in which censorship is polyvalent. Soviet-style socialist cultural regimes not only differed from each other, but were qualitatively different from Western-style regulatory censorship, in their aims, effects and application. Those forms of cultural dictatorship continue to be seen in the West as always already retrograde, construed as socially conservative because most Western censorship is. The complex paradigms through which the aims of the regimes were understood and propagated rather as progressive are hard to perceive retrospectively; it was these under which Western modernism, for example, was censored for its lack of 'modernity', since modernity resulted from the social and economic achievements of socialism, in which view Kafka, Proust and even Sartre were not only decadent but 'backward' (Klötzer and Lokatis 251). For an 'educational dictatorship', as Barck, Classen and Heimann and others have described the GDR (20), publication control was a positivist proposition, energising preferred production rather than merely excluding unsanctioned work. As Klötzer and Lokatis argue, the censor 'no longer trailed behind the author but ran ahead of them' (256). Centralised pre and post-publication control was an arm of 'democratisation' in what is also described as a 'welfare dictatorship' (Jaraus), first directing, it must be emphasised, *more* reading and then, importantly, the right reading, for the *Leseland* or the *Literaturgesellschaft*.

In Australia, the aims and effects of national censorship are best described in negative terms—the system foremostly sought to proscribe and absent material from the public eye; to restrict, suppress and curtail. I have called the reference library kept by federal Customs officials, charged under the *Customs Act* to prohibit obscene, blasphemous and seditious publications, a negative library—a library kept to negate the function of libraries (Moore x). Both the GDR and Australian systems were proscriptive but the Australian system was much less prescriptive; like most Western regimes, it was only engaged in engendering proper reading insofar as it disallowed improper reading. Publishers cannot be completely controlled under capitalism, so it is the access of readers to their

products that has to be regulated. Since the mid-nineteenth century, control over consumption has manifested in legal control over the mechanisms of distribution (in Customs controls, point of sale controls, taxonomies of classification) rather than over the agents and methods of production. Reductively, thus, censorship's relationship to power or ability to enact power can manifest differently. The power for cultural and communicative regulation and control can be exercised negatively and positively in differing degrees at a national level and often, as Burt suggests, 'not unidirectionally' (xvi). But within the Customs-policed boundaries of twentieth-century Australia, for example, as one of the most severe censors in the English-speaking world, or the closed economy of the GDR's *Leseland*, enabling only the right reading, censorship was primarily, in effect and in aim, and often in method, instrumentally hegemonic.

If and in as much as Australian publication censorship worked positively to actively produce rather than negatively repress meaning, it was in order to make national culture. Legislated for at the same moment as the federal conjoining of the colonial states into a nation in 1901, Customs censorship was a central administrative instrument for nation-making, the ability to draw a cordon around the country/continent a distinguishing, unifying feature of the newly (post)colonial nation. In this regard, it shared its aims with the GDR. And, indeed, the nation state remains the administrative and ideological horizon for censorship, it seems, even when it is not seemingly exercised as a technology of the state. For example, religious censorship is still subject to the powers of state government, while observant communities wishing to restrict access further than the state must establish what Ann Laura Stoler, in her work on the colonial administration in the Dutch East Indies (7-8), described as 'interior frontiers' mimicking the shape and form of national boundaries for communication, as a Jewish Eruv might. It can be argued that other forms of restriction on speech, such as a lack of economic access to the means of cultural production, or self-censorship imposed in response to social norms, or linguistic exclusion as Bourdieu outlined it, cannot be defined as censorship when not buttressed by sovereign power. In those cases, other avenues to expression remain open, even though the relation of state power to economic access, for example, or even to cultural norms, is always at issue, and itself mediated and somewhat determined by censorship, even in democratic states. What strikes one first, moreover, about Robert Post's introduction to the 1998 volume of 'new censorship scholarship' is its unwavering focus on the United States alone, as the geopolitical norm or even the condition upon which free speech and censorship debates proceed.

If we delimit the term in this way, it is more directly possible to assert that censorship's aim is not to define the discursive boundaries of the subject at all, thought of in a Foucauldian sense or via the models of Butler (although this is an effect—arguably a secondary one). Rather, censorship's object is to draw the

communicative boundaries of the nation; to delimit, institute and form the nation's knowledge. Censorship is about state making, not subject making. It is primarily a geopolitical technology—an instrument of place making, even—with little regard ultimately for how closely individual readers, viewers or consumers conform to regulation, or at least this is not the end game. National uniformity, social constitution, boundary making—these are the primary effects sought by censorship, even as they usually manifest as (falsely) prior conditions of a regime of regulation. Cultural regulation enforces nationhood, whether or not subjects within that nation conform. This is a somewhat straightforward point to make perhaps, but worth stressing. For much of this 'new censorship' scholarship, the nation is absented, ignored or dissolved, as it is by Post, and arguably this is so that the subject can be understood as censorship's prime target. In as much as censorship is polyvalent in its relation to power, that polyvalency is determined at a geopolitical level, bound to sovereign government and enacted in the physical space of the boundary zone: at checkpoints, at ports of entry, on docks, in post offices, at airports.

One of the key ways in which the new censorship scholarship has proceeded is to identify or argue for fundamentally new conditions of expression that in their turn have produced or required new forms of censorship. In the wake, then, of the *Wende*, economic and technological globalisation, and communicative deterritorialisation, has censorship as either practice or concept changed? If censorship is a form of nation making, does deterritorialisation present destabilising challenges to the operations and aims of censorship regimes? Going to expansive debates about the role of the nation state in a world politics determined by what numbers of commentators argue is a new age of dispersed, re-mediated conflict and disaggregated belonging, this question has different answers again depending on the location from which you view it, from behind or through which national firewall or 'internet feed' one hears of it, as Australians term such technological cordons. It is certainly not the case, though, that new forms of notionally utopic, unregulated electronic communication transcend nation states or sovereign power, and indeed they can be seen to provoke such into action. Legal commentator Scott Beattie argues that censorship itself is a 'spatial practice', bringing media spaces into order and regulation, that through this process defines and thus constitutes 'the public sphere itself' as a 'space' (138-39). Censorship imposes its own 'jurispace' on a 'mediascape' (139), and the juridical reach of censorship regimes are usually, historically and when most powerful, isomorphic with the reach of the nation state. Through regulation, censorship moulds mediascapes into the shape of nation states.

Some contemporary commentators are interested in the way in which US and also Australian attempts to regulate speech in the context and wake of the so-called 'war on terror' enact a version of Italian theorist Giorgio Agamben's 'state

of exception'. Described as the effective suspension of the normal function of law in order to preserve the normal function of law, this state of paradoxically permanent emergency is seen to have defused into the modern notion of 'national security'. In such a state, suggests Agamben, 'security' is the criterion for political or governmental legitimacy, so threats to security if not present or identifiable must be contrived. Thus, in his key phrase, 'politics secretly works towards emergency'. In 1997, Butler related Agamben's thesis to the US military's prohibition on the self-declaration of homosexuality, noting that the ban suspended the rights of citizenship under the US constitution (First Amendment). In what is 'already a zone of partial-citizenship' (Butler 103), the suspension of the rights of military personnel 'offers an opportunity to interrogate what is perhaps most uneasily anchored in, and most easily jettisoned from, the zone of citizenship' (105). Here, Butler transmutes a state's act of censorship to a 'zone' of individuation, in a rights-based model that distinguishes the right to freedom of speech as the most vulnerable of those which constitute citizenship, as a delimited and regulated state of being. I think what is at stake here, however, is not the regulation of individual speech acts, nor even the constitution of military subjecthood and the accession of personnel to political control, but the communication of transgression within and beyond a nation's armed forces. The censorship in this instance is not about being homosexual, acting in a homosexual way, nor even about telling of homosexuality, but about the possibility of homosexuality being *heard*, as well as, as Bourdieu might note, 'the manner of hearing it' (139): that is, being heard not just by the nation but *as* the nation.

Post 9/11, Melbourne writer Emmett Stinson has identified the 'state of exception' at work in the Australian Office of Film and Literature Classification's 2006 ban on two Jihadist books (Stinson; Pennel, Pryde and Stinson). Summarising the case: in late 2005, the Federal Police seized from Islamic bookshops in Sydney and Melbourne eight books and one video suspected of breaching the sedition laws, as so-called 'books of hate'.⁴ They had been located by Sydney's *Daily Telegraph* in bookshops in suburban Lakemba and Auburn and referred to the NSW Police, who sought the opinions of the Commonwealth Director of Public Prosecutions and Federal Police.⁵ Both of these gave legal opinion that the titles did not constitute a threat and there was no offence. Philip Ruddock as Attorney General in the Howard government, however, then referred the books and video to the Office of Film and Literature Classification Board, which agreed with this verdict. This did not stop the *Daily Telegraph's* campaign, which joined with Sydney talk-back radio and the Melbourne *Sun* in working to

⁴ See Moore (322-29) for a more extended discussion of this case. See also Pennel, Pryde and Stinson for broader contextualisation, and Moorhouse.

⁵ Josh Massoud and Kelvin Bissett, 'Secret Books of Hate,' *Daily Telegraph*, 18 July 2005; 'Books with the Power to Kill,' Editorial, *Daily Telegraph*, 18 July 2005.

force the hand of government. Ruddock next chose to refer the titles to the OFLC Review Board. In July 2006 the Review Board decided that two of them did incite crime, breaching the federal classification guidelines, and so refused classification to *Defence of the Muslim Lands* (1984) and *Join the Caravan* (1987), both by Palestinian-born Islamic radical Sheikh Abdullah Azzam.

Soon after this, in 2006, Ruddock acted precipitately to disestablish the Office of Film and Literature Classification, and drew its administrative functions directly into the ambit of the Attorney General's Department. The former independence of the office was the status the federal Australian film and literature censorship boards had assumed but not legally possessed since the early decades of the twentieth century (cf. Moore). The two Classification Boards, however, remain independent statutory bodies, serviced by the Department but not overseen by it. Stinson argues that this act, in its use of executive power to suspend the standing function of the Office in response to the treatment of the Jihadist books, demonstrates Agamben's state of exception.

These 'hate books' had in fact circulated freely since their publication in the 1980s. The Review Board, the DPP, Federal Police and the Classification Board all acknowledged this. It is also worth noting that both were then and are now easily downloadable from the internet, particularly from anti-Jihadist sites. Yet their 2006 ban made no mention of this notionally laggard implementation and, though the violence which they are seen to incite might be perceived to have changed in its object or aim (no longer anti-Soviet, now anti-American), the texts remain substantially the same. The exceptionalism of the ban is evident in that instance.

It is important to note, though, that the books were actually banned by the Classification Review Board, as a long-standing statutory authority, and not by either Ruddock or the Attorney-General's office—so not precisely by executive power—and Ruddock's action in referring the books to it was neither technically directive nor unusual. In fact, in the history of Australian federal censorship, conducted by the Department of Customs under its Act until Senator Lionel Murphy removed its responsibility soon after the 1972 election of the Whitlam Labor government, the Customs Minister had much more direct power than this. Under Section 269 of the Act, the Minister had the power to settle 'in his opinion' any dispute arising under the Act, and so any challenge to a Customs ban could be countered by such. The film and literature censorship boards were advisory only, moreover, and any decision could be overridden by the Minister. Decisions from the Literature Censorship Board were overturned in notable instances, including the rebanning of Joyce's *Ulysses* in 1941 after complaints from a Sydney bishop. So such executive power has always been available and was more strongly exercised in the past than is generally the case now.

It is also important to note that the books were seen to breach the OFLC's long-established guidelines on incitement to crime, rather than, as they could have been, the sedition provisions in the raft of anti-terror legislation then newly introduced by John Howard's Coalition government. Of course the 'matters of violence or crime' were terrorism, including suicide bombing and violence directed at the overthrow of governments, and the Board could rely on the anti-terror laws to define such. Their wide definition of terrorism covers any act that causes 'serious damage to property' in pursuit of a 'political, religious or ideological cause' with the intention of intimidating any government or 'a section of the public'. What I want to emphasise however is that the Review Board did not need to employ that new legislation, even though it could have. The power it needed was at hand. Indeed, the same violence or crime provisions were used to ban an article on how to shoplift published in the La Trobe University newspaper *Rabelais* in 1995 (cf. Moore 326). While the point of Agamben's state of exception is its paradoxical permanence, the rhetoric of exceptionalism is not consistently at work in these instances. The model is not wholly useful in accounting for the sustained historical continuities of Australia's regulatory censorship regimes, which have been promulgated not as exceptional but foundational, enacting sovereignty repeatedly without needing to introduce new laws.

The more recent case of Belal Khazaal, the former Qantas baggage handler convicted of creating and uploading a 'DIY' terrorism handbook onto the internet, can present a more direct example of Agamben's permanent exception. Under the anti-terrorism laws, Khazaal was convicted by the NSW Supreme Court in 2008 of 'knowingly making a document connected with assistance in a terrorist act'—his 110-page internet book in Arabic, entitled *Essential Provisions in the Rules of Jihad*. This was the first case of the author of an electronic book being subject to direct prosecution under the anti-terror laws, hailed as a major victory for Australian federal police (Kohlmann), and I introduced it as a new direction in the history of Australian publications censorship in my 2012 study (329). Given an eleven-year sentence with a nine year non-parole period—by far the largest penalty handed down in any instance of political censorship in Australian history—Khazaal had already spent three years in Goulburn's 'notorious' Supermax prison when his appeal was heard by the NSW Court of Criminal Appeal. In July 2011 that court quashed his conviction on the grounds that the judge had failed to properly direct the jury, requiring a retrial. In the *Sydney Morning Herald*, Khazaal's barrister compared his actions to 'graffiti' and described the alleged crime as merely 'putting onto a website what was already on the internet. ... If anything, it's plagiarism' (Bibby).

This was where his case stood when I included it as an instance of forms of censorship enabled by the new legal avenues in the national security provisions

and anti-terror legislation. It was reported by the *Herald* and through his barrister as a case in which the reach of these instruments had perhaps stretched too far, catching an ingenuous offender whose incidental action had had effect only in so far as the internet amplified its impact beyond his intentions. In 2012, however, Khazaal's prosecutors were granted leave to appeal to Australia's High Court, on the grounds of the judge's directions to the jury, which went exactly to the questions of intent and effect of his internet 'book'. The High Court reinstated Khazaal's conviction in August 2012, sending him back to prison, after differing from the Court of Criminal Appeal in assessing the original trial judge's directions to the jury:

With respect to their Honours, the question for the trial judge was not whether the evidence relied upon was incapable of suggesting the reasonable possibility necessary to satisfy the evidential burden on the respondent. The question was whether the evidence was capable of supporting that possibility. The fact that the matters relied upon by the respondent were not inconsistent with the absence of an intention to facilitate assistance in a terrorist act did not mean that it was logically open to infer, from those matters, the absence of that intention. The evidence relied upon by the respondent did not suggest a reasonable possibility that the making of the document was not intended to facilitate assistance in a terrorist act. (*The Queen vs Khazaal*)

In other words, there was not enough evidence to suggest that the book was intended for any purpose other than assisting in terrorist acts. The *Herald* reported this decision very differently to its report of the successful appeal: Khazaal was a 'notorious extremist' 'known to ASIO for several years', 'a member of the radical Islamic Youth Movement ... linked to ... al-Qaeda leaders' and convicted in absentia by a Beirut court of funding a bombing campaign in Lebanon (Harrison and Hall). The book itself 'described killing methods including shooting down planes, striking motorcades and booby trapping rooms, and identified for assassination people including then US president George Bush, former defence secretary Donald Rumsfeld and former secretary of state Colin Powell', as well as some Australian holders of public office, as the High Court ruling noted. Compiled almost entirely from material available elsewhere, the book only included a foreword, dedication and other brief commentary by Khazaal, but the court held that he had 'made' it and that it was indisputably 'connected' with 'assistance in a terrorist act'.

In ruling on the provisions of the anti-terror legislation, including new provisions in the *Criminal Code*, the High Court added significantly to a growing body of case law interpreting key aspects of that legislation, particularly in cementing the definitions of 'connection' and intention in regulating, policing and censoring expression. In doing so, the court strengthened the permanence of those initially

exceptional laws. At the same time, in curtailing and punishing the expression of violent threats to government, sovereignty and public safety, the Court has not departed, in form, from the history of sedition censorship in Australia, in which voiced threats to what was termed 'civilised government' from communist or anarchist revolutionary violence also met censorship and were punished with jail terms. If not different in form, it is different in letter, or in the definition of offence. Khazaal's advocacy of violence against government was not prosecuted as sedition but as terrorism; it is seen not as a form of domestic political action but as part of a directed international campaign of targeted violence, with no single national target, although neither is it dignified as an act of war. The act is internationalist, supranational but, having been affirmed now by the Australian High Court, the charge, offence, verdict, sentence and punishment, and the exceptional laws themselves, are all national.

Censorship is still about the contested power of words and images to make actions and the sovereign power over such words, used to enforce governmental consensus. The key questions at stake in this case all went not to the definition of terrorism, but to the modes and mechanisms of communication: What constitutes evidence of intention? What is 'connection'? What is a book? What is it to 'make' such? Argued over in court rooms, these definitional questions are where we witness the regulative technology of censorship being enforced; where 'real' regulation punches out a meaning for its unreal objects—ideas and their effects. And from here, we can see that there are other questions underlying these, going to the broad effect of censorship as a constitutive as well as regulatory technology: What is rendered other to culture? What is it that can't be said and heard? What sustains itself as such? Where is the edge of legibility in a constituency, of social acceptability and communicable desire? In insisting on the 'connection' between thought and deed, word and action, book and terror, the courts, like a bomber, literalise censorship's precepts and take speech, meaning and writing out of their polyvalent possibilities of interactive exchange, 'connection', suggestion, provocation, incitement even, and into bloody punishment.

To answer the question—what is censorship? —is to undertake much more than a definition. Identifying what constitutes censorship in our societies turns out also to be an attempt to identify the limits and effects of regulatory power as such. And more than that: about the productive means by which regulatory power makes and shapes communicative social formations, or culture. The word censorship is, as regimes are, still stuck to time and place, even as censorship is able to shape media space itself. Censorship's complex polyvalence—its multiform nature as an instrument of power—can be a measure of the constitutive control exercised over communicative meaning in different societies and in different forms of culture. In that complexity, it is worth finessing,

nevertheless, censorship's relation to power, especially sovereign power, to establish just how it means and enacts control, and perhaps this is where the definitional category problem, of censorship within/without, in regulation and/or in productive or delimiting constitution, can find some clarity.

What is worth emphasising is the important role of knowledge in conscientious relation to such power, as a Foucauldian point: that is, the importance of knowing what it is that we don't know, or to have only known unknowns. Transparency in censorship systems is necessary, even foundational for representational democracy, even though such transparency is always counter to censorship's aim, and that is because censorship only properly 'incites discourse', as Foucault proposes, when we know we're being censored. This may be a naïve point, as John Frow suggests, arguing via the work of Slavoj Žižek that it is the very transparency of government controls and deceptions 'that places them beyond critique', but in many respects it is this transparency that marks a substantive difference between regulatory and constitutive censorship in practice, in differentiated political regimes. If censorship is to mould our social and cultural experience, we need to be able to recognise the ability of such experience to determine us as subjects and citizens, as members and inhabitants of nations. Without a grasp on the limits of legibility and legitimacy produced by censorship, without a view through to the other of culture, we are profoundly poorer as subjects and citizens, and, moreover, vulnerable to censorship's violence.

NICOLE MOORE is convener of the English Program at UNSW Canberra. Her recent publications include *The Censor's Library: Uncovering the Lost History of Australia's Banned Books* (UQP, 2012), *Banned in Australia*, a bibliography of books banned by Australian federal censorship (AustLit, 2008) and a forthcoming, co-edited collection *South by East: Australian Literature in the German Democratic Republic* (Anthem).

Works cited

- Anderson, Benedict. *Imagined Communities. Reflections on the origin and spread of nationalism*. London: Verso, 1991.
- Barck, Simone, Christoph Classon and Thomas Heimann. 'The Fettered Media: Controlling Public Debate.' *Dictatorship as Experience: Towards a Socio-Cultural History of the GDR*. Ed. Konrad H. Jarausch. New York: Berghan Books, 1999. 213-39.

- Barck, Simone, Martina Langerman and Siegfried Lokatis. 'The German Democratic Republic as a "Reading Nation": Utopia, Planning, Reality and Ideology.' Trans. Michael Latham and Devin Pendas. *The Power of Intellectuals in Contemporary Germany*. Ed. M. Geyer. Chicago: University of Chicago Press, 2001. 88-112.
- Beattie, Scott. *Community, Space and Online Censorship: Regulating Pornotopia*. Farnham, UK: Ashgate, 2008.
- Bibby, Paul. 'Retrial for terrorism handbook accused.' *Sydney Morning Herald*, 7 July 2011: 9.
- Bourdieu, Pierre. *Language and Symbolic Power*. Ed. John B Thompson. Trans. Gino Raymond and Matthew Adamson. Oxford: Polity, 1992.
- Buchanan, Ian. Rev. of *Language and Symbolic Power*, by Pierre Bourdieu. *SubStance* 22.2/3 (1993): 342-44.
- Burt, Richard. 'Introduction: The "New" Censorship.' *The Administration of Aesthetics: Censorship, Political Criticism and the Public Sphere*. Ed. Richard Burt. Minneapolis: U of Minnesota P, 1994.
- Butler, Judith. *Excitable Speech: A Politics of the Performative*. Routledge: New York and London, 1997.
- Darnton, Robert. *The Literary Underground of the Old Regime*. Cambridge, MA: Harvard UP, 1982.
- . *The Forbidden Bestsellers of Pre-revolutionary France*. New York: W.W. Norton, 1995.
- Cornis-Pope, Marcel and John Neubauer, eds. *History of the Literary Cultures of East Central Europe: Junctures and Disjunctures in the 19th and 20th Centuries*. Vol. 3. Amsterdam: Johns Benjamin, 2004.
- Foucault, Michel. *The History of Sexuality*. Vol. 1. Trans. Robert Hurley. London: Random House, 1978.
- . 'The Subject and Power.' *Michel Foucault: Beyond Structuralism and Hermeneutics*. Ed. Hubert L. Dreyfus and Paul Rabinow. U of Chicago P, 1983.
- Freshwater, Helen. 'Towards a Redefinition of Censorship.' *Censorship and Cultural Regulation in the Modern Age*. Ed. Beate Müller. Amsterdam: Rodopi, 2004. 225-45.
- Frow, John. 'UnAustralia: Strangeness and Value.' *Australian Humanities Review* 41 (2007). <<http://www.australianhumanitiesreview.org/archive/Issue-February-2007/Frow.html>>
- Glass, Loren. 'Redeeming Value: Obscenity and Anglo-American Modernism.' *Critical Inquiry* 32.2 (2006): 341-61.
- Hall, Lesley and Roy Porter. *The Facts of Life: The Creation of Sexual Knowledge in England, 1650-1950*. New Haven: Yale UP, 1995.
- Harrison, Dan and Louise Hall. 'Appeal puts Terrorism Author Back Behind Bars.' *Sydney Morning Herald*, 11-12 August 2012: 3.

- Holquist, Michael. 'Corrupt Originals: The Paradox of Censorship.' *PMLA* 109:1 (1994): 14-25.
- Hunt, Lynn, ed. *The Invention of Pornography: Obscenity and the Origins of Modernity*. New York: Zone Books, 1993.
- Jarausch, Konrad H. 'Care and Coercion: The GDR as Welfare Dictatorship.' *Dictatorship as Experience: Towards a Socio-Cultural History of the GDR*. Ed. Konrad H. Jarausch. Trans. Eve Duffy. New York: Berghahn Books, 1999. 47-69.
- Klötzer, Sylvia and Siegfried Lokatis. 'Criticism and Censorship: Negotiating Cabaret and Book Production.' *Dictatorship as Experience: Towards a Socio-Cultural History of the GDR*. Ed. Konrad H. Jarausch. New York and Oxford: Berghahn Books, 1999. 241-63.
- Kohlmann, Evan. 'The Case of Belal Khazaal and "Essential Provisions in the Rules of Jihad".' *Counterterrorism Blog*. September 2008. <http://counterterrorismblog.org/2008/09/the_case_of_belal_khazaal_and.php>
- Marshik, Celia. *British Modernism and Censorship*. Cambridge: Cambridge University Press, 2006.
- McDonald, Peter. *The Literature Police: Apartheid Censorship and Its Cultural Consequences*. London: Oxford UP, 2009.
- Moore, Nicole. *The Censor's Library: Uncovering the Lost History of Australia's Banned Books*. St Lucia, Qld: Queensland UP, 2012.
- Moorhouse, Frank. 'The Writer in a Time of Terror.' *Griffith Review* 14 (2006-2007): 13-60.
- Müller, Beate, ed. *Censorship and Cultural Regulation in the Modern Age*. Critical Studies Vol. 22. Amsterdam: Rodopi, 2004.
- . 'Censorship and Cultural Regulation: Mapping the Territory.' *Censorship and Cultural Regulation in the Modern Age*. Amsterdam: Rodopi, 2004. 1-32.
- NAA (National Archives of Australia), Department of Trade and Customs, Series C4480, National Literature Board of Review; correspondence on censorship and legislation.
- O'Leary, Catherine and Alberto Lázaro, eds. *Censorship Across Borders: The reception of English Literature in Twentieth-Century Europe*. Newcastle upon Tyne: Cambridge Scholars Publishing, 2011.
- Parkes, Adam. *Modernism and the Theatre of Censorship*. Oxford: Oxford UP, 1996.
- Pease, Allison. *Modernism, Mass Culture and the Aesthetics of Obscenity*. Cambridge UP, 2000.
- Pennell, Richard, Pam Pryde and Emmett Stinson. *Banning Islamic Books in Australia*. Melbourne: Melbourne UP, 2011.
- Post, Robert C. ed. *Censorship and Silencing: Practices of Cultural Regulation*. Los Angeles: Getty Research Institute, 1998.
- The Queen vs. Khazaal, *High Court of Australia* 26, 10 August 2012, S344/2011.

- Rose, Jonathon. *The Intellectual Life of the British Working Classes*. New Haven, Conn.: Yale UP, 2001.
- Rosenfeld, Sophia. 'Writing the History of Censorship in the Age of Enlightenment.' *Postmodernism and the Enlightenment: New Perspectives in Eighteenth-Century French Intellectual History*. Ed. Daniel Gordon. London: Routledge, 2001. 217-45.
- St Clair, William. *The Reading Nation in the Romantic Period*. Cambridge: Cambridge UP, 2004.
- Stinson, Emmett. 'Books in the State of Exception: Censorship and the Sovereign Ban.' Conference paper presented at *To Deprave and Corrupt: Forbidden, Hidden and Censored Books*. The Bibliographic Society of Australia and New Zealand (BSANZ) Conference. 14-16 July 2010. Podcast available: <<http://arts.monash.edu.au/ecps/conferences/deprave-and-corrupt/#podcasts>>
- Stoler, Ann Laura. *Race and the Education of Desire: Foucault's The History of Sexuality and the Colonial Order of Things*. Durham: Duke UP, 1995.
- Ushakova, Olga M. 'Who's Afraid of T.S. Eliot? Modernism and Censorship in the Soviet Union.' *Censorship Across Borders: The reception of English Literature in Twentieth-Century Europe*. Ed. Catherine O'Leary and Alberto Lázaro. Newcastle upon Tyne: Cambridge Scholars Publishing, 2011. 83-91.