

Censorship of Books

THE Advisory Committee on the Importation of Books, which was appointed by the Minister of Customs last February, has so far received about ten books, including one magazine, for consideration. It has recommended the prohibition of only one book, of which there was no doubt in the committee's opinion that it came within the meaning of the Indecent Publications Act of 1910. All decisions of the committee so far have been unanimous.

This information was given to *The Listener* last week by Professor Ian A. Gordon, Chairman of the Committee, when he gave a brief outline of the work that had been done since its appointment, and discussed some of the problems involved. The other members of the committee are Miss Irene Wilson, formerly headmistress of Queen Margaret College in Wellington, and Randal Burdon, author of *New Zealand Notables*, *The Life and Times of Sir Julius Vogel*, and other books.

Book censorship in New Zealand operates under two Acts of Parliament, Professor Gordon said, the Indecent Publications Act of 1910, and the Customs Act of 1913. The most authoritative interpretation of the law is contained, in his opinion, in a Supreme Court judgment given by Mr. Justice Blair in 1939. An Auckland lending library had been prosecuted and convicted in the Magistrate's Court for lending for hire a copy of the *Decameron* of Boccaccio. The decision was reversed on appeal to the Supreme Court. Mr. Justice Blair, after reviewing leading cases from English and American law, ruled as follows:—

The offence—as I translate the New Zealand law—is that not only must the matter



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be indecent but that the circumstances of its publication must be such as to, so to speak, bring the indecent element somewhat to the forefront. To put what I am endeavouring to convey in another form, that means that if the publication is such as to give prominence to the indecent portions of the work, an offence is committed, but unless this is shown then no offence is committed under our statute. Further to illustrate what I am endeavouring to convey, let us take the case of a medical work upon the subject of obstetrics, with appropriate illustrations. The exposure of such a work in a shop window open at a page showing certain illustrations might well be within the statute, whereas the carrying of stock of such books inside the shop for the benefit of persons interested in obstetrics would not be. Again taking the case of many classical works, and modern works, and even the Bible itself. An exposure of any such works designed to attract attention to particular passages might well be within the mischief aimed at by the statute.

Proof that there are certain portions of classical works which offend against modern ideas of decency is not enough to support a conviction under our statute. Section 5 also requires that the nature and circumstances of the selling or hiring or exposing of such works, and their literary value, and the purpose for which the act was done must be considered. . . . Our statute makes the intention of the doer of the act an essential factor. It is not the purpose of the purchaser of the book that has to be considered, it is the purpose of the person selling or exposing the book.

He had circulated this ruling among the other members of the committee for use as a guide in forming their judgment



PROF. IAN A. GORDON

of books submitted to them. Professor Gordon said. In his opinion the literary value and the intention of a book were important, and doubtful passages should be considered in their context. A book should be read as a whole and should not be censored because of half a page or a few lines.

"As a layman, I would say that the Indecent Publications Act of 1910 is in some aspects out of date," Professor Gordon said. "The definition of things which are indecent in Section 6 is not in line with contemporary opinion. But by and large it is a good Act, because if a bookseller is prosecuted he can get a lawyer to prepare his defence and submit evidence from expert witnesses. This occurred in the 1939 prosecution, when the defence obtained an opinion from Professor Arthur Sewell, then Professor of English at Auckland University College, on the literary value of Boccaccio's *Decameron*."

The second Act under which censorship operated in New Zealand, the Customs Act of 1913, was probably of more interest to his committee. Professor Gordon said. Section 46 of the First Schedule of the Customs Act (prohibiting the importation of indecent documents within the meaning of the Indecent Publications Act) made it not merely a right but a duty of Customs officers to prohibit the importation of books coming within the meaning of the Act.

"In my opinion the Customs Department has been very reasonable and liberal in the exercise of its powers," he said. For a number of years the Department acted under its own responsibility, but there had been a previous advisory committee, appointed by the Minister of Customs, headed by Dr. Guy H. Scholesfield. It had ceased to function in 1935.

The present committee was set up largely because of representations made by the Libraries Association, and was announced by the Minister of Customs, the Hon. C. M. Bowden, on February 4. Professor Gordon said that the committee was not intended to deal, and had not in fact dealt, with books which could be classed as seditious or subversive or which contained defamatory matter. Nor did the committee deal with undesirable comics, which were in the hands of a different committee set up by the Education and Customs Departments.

There were a number of misconceptions about the function of his committee, Professor Gordon said. He had several times had telephone calls from



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individuals suggesting that a certain book be banned, usually one borrowed from the public library. When this happened he told the caller to ring the police or the Customs Department. All the books which the committee received came from the office of the Minister of Customs.

According to its order of reference the committee was set up "to consider any proposal put forward by a Minister of the Crown or by the senior officer of any department of state to prohibit the importation or sale of any work of art or literature coming within the provisions of the Indecent Publications Act, 1910, and to communicate to the responsible Minister the views and recommendations of the committee with reference to such a proposal."

The Customs Department had made a list of books based on previous court decisions, he said, and had worked out a system of classification over the years of those books which should be totally prohibited, and others which should be restricted to a certain kind of importer. This list was quite rightly not available to the public, but copies were held by the Booksellers Association and the Libraries Association. The main categories in the list were first those books on which there was a total prohibition, secondly those which might be brought into the country on special order for a medical or legal practitioner or student, and thirdly those books which might be imported on special order by a psychologist or other specialist engaged in certain kinds of scientific research.

Several books formerly listed as totally prohibited in the Customs Department list had come to the committee for an opinion, he said, and on the committee's recommendation had been placed in the category of being available on special order. Some which were previously allowed to be imported only on special order were now completely freed.

The Customs Department is under no necessity to accept the committee's recommendations. Professor Gordon said, but the understanding was that the Department would not prohibit any import without first seeking an opinion from the committee. The committee acted only in an advisory capacity, and as the Minister of Customs had said when the committee's appointment was announced: "The final decision, if the importer exercises his right to dispute the Department's action in seizing any document on importation, rests with the Court."

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always spends at least a day going over the negative of the chart—"one of our big headaches, for after all, an islet is only a dot." Once the negative is satisfactory and the print has been approved the job is more "plain sailing," though a watch is still kept on the chart till it reaches the person who is to use it. Every copy of the printed chart is inspected before it is sold.

New Zealand charts are printed in three colours. Mr. Thorn said the use of blue for shallow water and the natural white of the chart paper for deep water is accepted international practice, but no standard land tint is laid down, and the pale green used here is a distinctive feature of New Zealand charts.

All the detail is on the black plate to ensure accuracy even if the colour plates are misplaced and to make possible emergency printings in one colour.

"You might think that when a chart is published its story is ended," said Mr. Thorn, "but in fact it has only begun." He produced a well-bound volume, the "Histories Book" and, as he opened it at the entry for Wellington Harbour, explained that from this volume the complete history of a chart could be seen

at a glance at any time in the future. "The entries summarise everything that has happened to each chart since the survey was completed," Mr. Thorn said. "Fuller details are kept in files, and the amendments are also marked on the 'standard' or file, copy of the chart." The chart of Wellington Harbour, published in August, 1951, already has eight entries by way of "Notice to Mariners" or "square date"—the two methods by which charts are corrected. A Notice to Mariners, published in the New Zealand Gazette, contains information which navigating officers are required to insert "in purple ink" on their copy of the chart. A square date is a correction of no importance to navigation—such as the addition of the Petone overbridge or the limits of proposed reclamations. To keep the printed charts reasonably up-to-date a fairly small number is published at each printing.

Besides its main work on charts, the Hydrographic Branch keeps in touch with harbour authorities and Government departments on hydrographic matters. It also maintains corrected charts and publications covering the whole world and prepares special charts and diagrams for the Navy.