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Censorship and Censoring

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Abstract: Censoring encompasses both the institutionalized acts of the powerful and those of ordinary individuals: everyone censors their own or another's behaviour from time to time, and for such an occasion they can be justly described as a censor; but the title is temporary and contingent upon the occasional act of censoring. All kinds of tabooed behaviour are subject to censoring, but only certain kinds are subject to censorship – for instance, child pornography is subject to both censorship and to censoring; but picking your nose in public is subject only to censoring. Language is constantly subject to censoring: an individual who does not censor their language, and so normally says whatever first enters their head without considering the circumstances of utterance, is deemed mentally unstable. Censorship is the suppression or prohibition of speech, writing and other behaviour condemned as subversive of the common good. It flourishes in a climate of fear. Censorship puts untoward power into the hands of people who are by inclination illiberal and unlikely to be artistically creative or broadly schooled, and whose judgment is open to error, fashion, whim, and corruption. As Tacitus said, banned writings are eagerly sought and read; censorship fails to prevent people intent on flouting it. There is no evidence that reading works such as the Marquis de Sade's "Juliette" has in fact caused debauchery or torture; as long as mankind has been in existence there has been sexual perversion, child abuse, rape, torture, mutilation and murder – mostly by people who had never heard of Sade and certainly not read him. There is no evidence that censorship protects the society rather than imposing a repressive ideology upon us that restricts our behaviour needlessly. Do we trust in individual responsibility to the society as a whole, or do we instead favour the 'nanny state'?

Keywords: Censoring, Censorship, Killing, Language Taboos, Obscenity, Politeness, Sade, Terrorism

Preamble

THE PRINCIPAL INTENTION here is to define and describe the institutionalized censorship of language that leads to the suppression or prohibition of speech, writing and other behaviour condemned as subversive of the common good. Much of the paper will show that the notion of *the common good* is not an absolute, but contingent on prevailing attitudes within the community at the time. There is evidence that censorship puts untoward power into the hands of people who are by inclination illiberal and unlikely to be artistically creative or broadly schooled, and whose judgment is open to error, fashion, whim, and corruption. History shows that censorship is futile; there is no firm evidence that it protects the society rather than imposing a repressive ideology that needlessly restricts behaviour. Those who are dedicated to defying censorship will always find a means to do so.

Censorship is distinguishable from *censoring*. Censoring encompasses both the institutionalized acts of the powerful and those of ordinary individuals. Everyone censors their own or another's behaviour from time to time, and for such an occasion they can be justly described as a censor; but the title is temporary and contingent upon the occasional act of censoring. All kinds of tabooed behaviour are subject to censoring, but only certain kinds are subject to censorship – for instance, child pornography

is subject to both censorship and to censoring; but picking your nose in public is subject only to censoring. Language is constantly subject to censoring: an individual who normally fails to censor their language and says whatever first enters their head, without considering the circumstances of utterance, is deemed mentally unstable. Here is the germ of the rationale exploited in the institutionalized practice of censorship by governments and other powerful bodies for the preservation and maintenance of their own preferred beliefs and ideologies.

Censorship and Censors

The *censorship* was instituted in ancient Rome in 443 BCE and discontinued in 22 BCE. The *censor* was a magistrate with the original function of registering citizens and assessing their property for taxation. This sense lives on in our noun *census*. My theme of the censoring of language can ignore as irrelevant the original link between *censor* and *census*, although there is a throw-back to this sense when censors claim to reflect and act upon the consensus of right-thinking people in their community.

The work of the Roman censor expanded to include supervision of moral conduct with the authority to *censure* and penalize offenders against public morality. For many centuries, in many cultures and jurisdictions, governments have exercised censorship as a means of regulating the moral and political life



of the people they dominate. Thus, the censor was and is a person

whose duty it is to inspect all books, journals, dramatic pieces, etc., before publication, to secure that they shall contain nothing immoral, heretical, or offensive to the government. (From the *Oxford English Dictionary* entry for **censor**)

The sentiment is to be found in Aristotle's *Politics* towards the end of Book VII, written around 350 BCE.

[T]here is nothing that the legislator should be more careful to drive away than indecency of speech; for the light utterance of shameful words leads to shameful actions. The young especially should never be allowed to repeat or hear anything of that sort. A freeman if he be found saying or doing what is forbidden, if he be too young as yet to have the privilege of reclining at the public tables, should be disgraced and beaten, and an elder person degraded as his slavish conduct deserves. And since we do not allow improper language, clearly we should also banish pictures or speeches from the stage which are indecent. Let the rulers take care that there be no image or picture representing unseemly actions, except in the temples of those gods at whose festivals the law permits even ribaldry, and whom the law also permits to be worshipped by persons of mature age on behalf of themselves, their children, and their wives. But the legislators should not allow youth to be spectators of iambi [satire] or of comedy until they are of an age to sit at the public tables and to drink strong wine; by that time education will have armed them against the evil influences of such representations. (Aristotle 1984 1336b4–23)

Censorship is often extended to the control of news, propaganda, and even to the would-be private correspondence of civil prisoners, in times of hot and cold war or other perceived external threat or national emergency. Thus censors are 'thought police' given to censure, given to presenting

adverse judgement, unfavourable opinion, hostile criticism; blaming, finding fault with, or condemning as wrong; expression of disapproval or condemnation. (From the *OED* entry for **censure**)

Censors license for public distribution speeches, writings and other works of art, scholarship, and reportage; but they are less celebrated for what they sanction than infamous for what they restrict and prohibit. When we examine the denotations and connotations¹ of the terms *censorship* and *censoring* it is in the relation to these specifications of what has become the censor's function.

Censorship in Tudor, Jacobean and Stuart England

The relevant definition of *censorship* for me focuses on language.

Definition. **Censorship** is the suppression or prohibition of speech or writing that is condemned as subversive of the common good.

The problem lies in the interpretation of the phrase *subversive of the common good*. For instance, the censorship of incitement to (as well as actual) violence against any citizen supposedly guards against their physical harm. The censorship of profanity and blasphemy supposedly guards against their moral harm. The censorship of pornography supposedly guards against their moral harm and perhaps physical danger from someone stimulated to rapine action by exposure to the excitement of pornography.

Consider some views about *the common good* over the last five hundred years. There is a concern for protection of the citizenry from physical and moral jeopardy expressed in the following preamble to a City of London Ordinance of December 6, 1574 regulating dramatic performances.

Whereas heartofore sondrye greate disorders and inconvenyences have been found to ensewe to this Cittie by the inordynate haunteynge of greate multitudes of people, speciallye youthe, to playes, enterludes and shewes; namelye occasion of frayes and quarrelles, eavell practizes of incontineneye in greate Innes, havinge chambers and secrete places adjoyninge to their open stagies and gallyries, inveyglynge and alleuryng of maides, speciallye orphanes, and good cityzens children under age, to previe and unmete contractes, the publishinge of unchaste, uncomelye, and unshamefaste speeches and doynge, withdrawinge of the Quenes Majesties subjectes from dyvyne service on Soundaies & hollydayes, at which tymes such playes weare chefullye used, unthriftye waste of the moneye of the poore & fond persons, sondrye robberies

¹ *Denotation* is the relation between language expressions and things or events in worlds – not just the world we live in, but any world and time (historical, fictional, imagined) that may be spoken of. The *connotations* of a language expression are pragmatic effects that arise from encyclopedic knowledge about its denotation (or reference) and also from experiences, beliefs, and prejudices about the contexts in which the expression is typically used. See Allan 2001; 2007.

by pyckinge and cuttinge of purses, utteringe of popular, busye and sedycious matters, and manie other corruptions of youthe, and other enormyties; besydes that allso soundrye slaughters and mayhemminges of the Quenes Subjectes have happened by ruines of Skaf-foldes, Frames and Stagies, and by engynes, weapons and powder used in plaies. And whear in tyme of Goddes visitacion by the plaigue suche assemblies of the people in thronge and presse have benne verye daungerous for spreadinge of Infection. (Gildersleeve 1961: 156f)

In the view of Elizabethan London's aldermen, attendance at plays keeps the youth away from divine service and wastes their money while they – especially the maids, streetkids, and underage children among them – are in moral jeopardy of being led astray by exposure to drink, seditious and indecent talk, and licentious behaviour. They are also in physical danger from affray, muggers, murderers, from the collapse of stages and stands, and from gunpowder or the like (used in stage effects). Furthermore, the congregation of people risks spreading the deadly plague, which regularly killed about 40 people a week in London with occasional outbreaks that killed hundreds. Recognizable echoes of such concerns recur across the intervening centuries, although assessments of what constitutes protection of the common good varies; for instance, today we worry not about the plague but about HIV and AIDS, SARS, and the H5N1 avian influenza virus.

The tradition of censorship in the English-speaking world arose from the religious troubles of the Reformation and policies of Henry VIII in the 1530s. For many centuries the focus was on suppressing heresy and anything likely to stir up political revolt; before the 19th century it was rare to find the concern with indecency and licentiousness evident in the 1574 quotation above: 'inveyglynge and alleuryng of maides, speciallye orphanes, and good cityzens children under age, to previe and unmete contractes, the publishinge of unchaste, uncomelye, and unshamefaste speeches and doynge.' More typical is *An act for the advancement of true religion and for the abolishment of the contrary* (Statute 34 and 35 Henry VIII cap. 1, 1543), which orders suppression of anything conflicting with doctrines authorized by the King in sermons and 'prynted bokes, prynted balades, playes, rymes, songes, and other fantasies' (Gildersleeve 1961: 7). Mary I (1553–58), Henry's daughter by Catherine of Aragon, reinstituted the

Roman Catholic religion which was subsequently revoked by her half-sister Elizabeth I (1558–1603). Mary proclaimed on August 18, 1553:

And furthermore, forasmuche also as it is well knowen, that sedition and false rumours haue bene nouryshed and maynteyned in this realme, by the subtelye and malyce of some euell disposed persons, whiche take vpon them withoute sufficient auctoritie, to preache, and to interpret the worde of God, after theyr owne brayne, in churches and other places, both publike and pryuate. And also by playinge of Interludes and pryntyng false fonde bookes, ballettes, rymes, and other lewde treatises in the englyshe tonge, concernynge doctryne in matters now in question and controuersye, touchinge the hyghe poyntes and misteries of christen religion. ... Her highnes therfore strayghtly chargeth and commaundeth all and every her sayde subiectes ... that none of them presume from henceforth to preache ... or to interpret or teache any scriptures, or any maner poynts of doctryne concernynge religion. Neyther also to prynte any bookes, matter, ballet, ryme, interlude, processe or treatyse, nor to playe any interlude, except they haue her graces speciall licence in writynge for the same, vpon payne to incurre her highnesse indignation and displeasure. (Gildersleeve 1961: 10f)

Taking the Lord's name in vain was prohibited in *Deuteronomy* 5: 11

Thou shalt not take the name of the LORD thy God in vain: for the LORD will not hold him guiltless that taketh his name in vain.

Blasphemy was long frowned upon and eventually banned – which is mild retribution compared with what the Bible sanctions:

And he that blasphemeth the name of the LORD, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land, when he blasphemeth the name of the LORD, shall be put to death. (*Leviticus* 24: 16)

There were ways round it, of course, via euphemism. Elizabeth I is reputed to have favoured *God's wounds* as an oath² but during her reign arose euphemisms like *'sblood* ⇒ *'s'lood* ⇒ *'slud*,³ *'sbody*, *'sfoot*, *'slid* [eyelid], *'slight*, *'snails*, *'sprecious* [body], and

² Cf. Montagu 1968: 139. Elizabeth I was a feisty woman. One cannot imagine her successor Elizabeth II chiding her parliament with 'If I had been born crested not cloven, your Lordships would not treat me so.'

³ All three forms occur in Ben Jonson's *Bartholomew Fair* of 1614, cf. Jonson 1981. The sequence $A \Rightarrow B$ symbolizes "A is the source of B, or B derives from A".

zounds foreclipped of *God* and occasionally additionally remodeled, e.g. *God's wounds* $\Rightarrow$ *'swounds* $\Rightarrow$ *zounds* pronounced /zunz/ $\Rightarrow$ *zaunds* pronounced /zaunz/. Henry Fielding's *The History of Tom Jones* (Fielding 1749) omits letters to euphemize, e.g. 'Z—ds and bl—d, sister' (XVI.4) and contains '*Sbodlikins* (X.5) and *Odsbud!* (XVI.7) as variants of *God's body*, along with *Odsooks!* (XII.7) and *Odzookers!* (XVIII.9) from *God's hooks* (nailing Christ to the cross) and *Odrabbet it!* (XVI.2) or *Od rabbit it* (XVII.3, XVIII.9) from *God rot it!* ("confound it") which lives on in *drat it. I' fackins* (X.9) is a variant of *i' faith* and *Icod!* (XVIII.8) derives from either or both *in God's name* or *By God*.

In 1606 the *Act to Restraine Abuses of Players* (3 Jac.I. cap.21) severely penalized profanity, though it didn't go so far as to legislate death by stoning.

If ... any person or persons doe or shall in any Stage play, Interlude, Shewe, Maygame or Pageant jestingly or prophanelly speake or use the holy name of God or of Christ Jesus, or of the Holy Ghoste or of the Trinitie ... [they] shall forfeite for every such Offence by him or theme committed Tenne pounds. (Quoted in Hughes 1991: 103)

In consequence, the 1616 folio of Ben Jonson's plays replaces *By Jesu* with *Believe me*. A 1634 edition of Beaumont and Fletcher's *Philaster* (first acted c. 1608) had *Faith* either cut or replaced by *Indeed* or (somewhat strangely) by *Marry* – a remodeling of Christ's mother's name; *By Heaven* is remodeled to *By these hilts*; and *by the (just) Gods* is altered to *By my sword*, *By my life*, *By all that's good*, *By Nemesis*, *And I vow* despite the original reference to pagan gods not being truly profane for a Christian.

Religious censorship remained in force until significantly weakened during the 20th century. That it has not yet disappeared is demonstrated by the fact that Andres Serrano's photograph *Piss Christ* (of a cheap plastic crucifix in urine⁴) has been accused of being blasphemous. US Senator Alfonse D'Amato began an address to the Senate on May 18, 1989 with these words:

Mr. President, several weeks ago, I began to receive a number of letters, phone calls, and postcards from constituents throughout the Senate concerning art work by Andres Serrano. They express a feeling of shock, of outrage, and anger. They said, "How dare you spend our taxpayers' money on this trash." They all objected to taxpayers' money being used for a piece of so-called art work which, to be quite candid, I am somewhat reluctant to utter its title. This so-called piece of art is a deplorable, despicable display of vulgarity. The art work in question is a photograph of the crucifix submerged in the artist's urine.⁵

When *Piss Christ* travelled to Australia in September 1997 Roman Catholic Archbishop Dr George Pell in an affidavit before the court said: 'Both the name and the image Piss Christ not only demean Christianity but also represent a grossly offensive, scurrilous and insulting treatment of Christianity's most sacred and holy symbol.' On October 12, 1997 the photograph was attacked with a hammer in The National Gallery of Victoria and immediately removed from exhibition.⁶

On September 30, 2005 the Danish newspaper *Jyllands-Posten* published cartoons of the prophet Muhammad, in part to protest censorship of such depictions. There was world-wide controversy and massive, often violent, objection from Muslims. The result has been extensive and effective censorship of such images, though not of discussing them.

So, even in this irreligious age, censorship on grounds of religion remains a force to be reckoned with.

Restrictions on Language and Weapons have the Same Motivation

Criticism of monarchs, heads of state and other persons of rank is often severely censored, particularly in times of national instability. In 16th and 17th Britain, remarks were censored if they were perceived to be hostile to the prevailing government ideology and powerful foreign allies or likely to stir up discontent and create disorder. For instance, the deposition scene from Shakespeare's *Richard II* (Act

⁴ This is obviously not primarily an example of linguistic blasphemy, although some hold the phrase *Piss Christ* blasphemous. As of January 2007 there is a reproduction at <http://renewal.va.com.au/artcrime/pages/serrano.html>. Serrano does not regard the image as sacrilegious and has said 'The best place for *Piss Christ* is in a church' ('Shooting the Klan: an interview with Andres Serrano' by Coco Fusco, http://www.communityarts.net/readingroom/archivefiles/2002/09/shooting_the_kl.php). Serrano is also reported as saying that 'his goal all along had been to increase the devotion of his fellow Christians by helping them identify better with Christ in his pain, suffering and humiliation' (Anthony Fisher and Hayden Ramsey 'The bishop, the artist, the curator and the crucifix (Andres Serrano's "Piss Christ")' *Quadrant* 41 #12, 1997: 48).

⁵ Cf. http://www.csulb.edu/~jvancamp/361_r7.html, accessed August 2002. D'Amato was adverted to the Serrano work by Donald Wildmon, a religious activist in the American Family Association.

⁶ Cf. http://www.shootthemessenger.com.au/u_jan_98/life/l_pisschrist.htm, and http://www.dsystems.net/eds_place/Serrano9.4.htm (both accessed August 2002). The motivation for removal is ambiguous: it was probably to both protect the artwork (although the photograph would be reproducible) and avoid further bigoted condemnation of the gallery.

IV.i) was expurgated from the first and second quartos (1597 and 1598) and it was alleged in early 1601 to have been a symbol of insurrection for supporters of the rebellion of Robert Devereux, 2nd Earl of Essex which led to his execution (cf. Gildersleeve 1961: 98f.). The correlation of words and actions was recognized in John Milton's *Areopagitica* of 1644.

I deny not, but that it is of greatest concernment in the Church and Commonwealth, to have a vigilant eye how Bookes demean themselves as well as men; and thereafter to confine, imprison and do sharpest justice on them as malefactors: For books are not absolutely dead things, but doe contain a potencie of life in them to be as active as that soule was whose progeny they are; nay they do preserve as in a violl the purest efficacie and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous Dragons teeth; and being sown up and down, may chance to spring up armed men. (Milton 1644: 4)

Milton is suggesting that books do purvey ideas, but they are no more likely to 'spring up armed men' than the dragons' teeth of fable.

However, on the face of it, language censorship – like the restriction on gun ownership – is a reasonable constraint against abuses of social interaction amongst human beings. Attitudes to restrictions on gun ownership in, say, Britain differ markedly from those of many citizens of the United States – especially those who are members of the politically powerful National Rifle Association. The NRA champions the right to bear arms in accordance with the Second Amendment of the U.S. Constitution: 'A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.' (Furthermore, 44 States have Constitutional provisions affirming the individual's right to keep and bear arms.) Some Americans, together with most people who live outside of the U.S., correlate the resulting very extensive gun-ownership in that country with the proportionately much higher incidence of gun inflicted injury and death than in any otherwise comparable country (e.g. in 1993, 660 per 10,000 versus 14 per 10,000 in UK). This is ironical, given the last clause of a 1999 speech by NRA President Charlton Heston:

The majesty of the Second Amendment, that our Founders so divinely captured and crafted into your birthright, guarantees that no government despot, no renegade faction of armed forces, no roving gangs of criminals, no breakdown of law and order, no massive anarchy, no

force of evil or crime or oppression from within or from without, can ever rob you of the liberties that define your Americanism. ... Let me be absolutely clear. The Founding Fathers guaranteed this freedom because they knew no tyranny can ever arise among a people endowed with the right to keep and bear arms. That's why you and your descendants need never fear fascism, state-run faith, refugee camps, brain-washing, ethnic cleansing, or especially, submission to the wanton will of criminals.

Statistical evidence on the effects of widespread gun-ownership fails to influence the views of the NRA supporters – their beliefs in the rightness of their cause outweigh any rational counterargument. Compare this situation with what happens with respect to language censorship: certain beliefs are held by politically powerful members of the community on the ways that language can subvert the common good and no amount of rational argument against their position will be accepted. Different perceptions of *the common good* lead to contrary conclusions.

Milton against Censorship

To the pure all things are pure, not only meats and drinks, but all kinde of knowledge whether of good or evill; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defil'd. (Milton 1644: 11)

Let's begin with Milton's arguments against the censorship law of June 14, 1643, because they apply to censorship of any kind at any period. The order was specifically a response to 'false ... scandalous, seditious, and libellous [works published] ... to the great defamation of Religion and government.' It was a time of social and political instability that within a couple of years led to civil war and the execution of King Charles I before the decade was out. Since Henry VIII broke with Rome over a century earlier there had been ideological conflict between the protestant majority and papists who were widely suspected of sedition, especially after the Gunpowder Plot was thwarted in November 1605. Milton's principal argument against censorship is that it chokes access to knowledge ('Truth' and 'Wisdom'), stifles the pursuit of art and learning, and cripples human development and progress.

[I]t will be primely to the discouragement of all learning and the stop of Truth, not only by dis-exercising and blunting our abilities in what we know already, but by hindring and cropping the discovery that may bee yet further made in religious and civill Wisdome.

[U]nlesse warinesse be us'd, as good almost kill a Man as kill a good Book; who kills a man kills a reasonable creature, Gods Image; but hee who destroyes a good Booke, kills reason it self, kills the Image of God, as it were in the eye. Many a man lives a burden to the Earth; but a good Booke is the pretious life-blood of a master spirit, imbalm'd and treasur'd up on purpose to a life beyond life. 'Tis true, no age can restore a life, whereof perhaps there is no great losse; and revolutions of ages doe not oft recover the losse of rejected truth, for the want of which whole Nations fare the worse. (Milton 1644: 4)

Well knows he who uses to consider, that our faith and knowledge thrives by exercise, as well as our limbs and complexion. Truth is compar'd in Scripture to a streaming fountain; if her waters flow not in a perpetuall progression, they sick'n into a muddy pool of conformity and tradition. (Milton 1644: 26)

Censorship puts untoward power into the hands of people who are by inclination illiberal and unlikely to be artistically creative or broadly schooled. The judgment of a censor is open to error, fashion, whim, and corruption.

The State shall be my governours, but not my criticks; they may be mistak'n in the choice of a licencer, as easily as this licenser may be mistak'n in an author: this is some common stuffe; and he might add from Sir *Francis Bacon*, That *such authoriz'd books are but the language of the times*. For though a licencer should happ'n to be judicious more then ordinary, which will be a great jeopardy of the next succession, yet his very office, and his commission enjoyns him to let passe nothing but what is vulgarly receiv'd already. (Milton 1644: 22, *sic*)

[T]he Councell of Trent, and the Spanish Inquisition engendring together brought forth, or perfered those Catalogues and expurging Indexes, that rake through the entralls of many an old good Author, with a violation wors then any could be offer'd to his tomb. Nor did they stay in matters Hereticall, but any subject that was not to their palat, they either condemn'd in a prohibition, or had it strait into the new Purgatory of an Index. (Milton 1644: 7)

[In Italy in 1638] I found and visited the famous *Galileo*, grown old a prisner to the Inquisition, for thinking in Astronomy otherwise than the Franciscan and Dominican licensors thought. (Milton 1644: 24)

Censorship was money-making business, licences being sold for profit (Gildersleeve 1961: 44). From

the time of Henry VIII the duties of the Master of the King's Revels were to devise and manage court entertainment and only some time later did he become censor. In 1633, Henry Herbert, Charles I's Master of the Revels, i.e. censor, wrote in his register:

all ould playes ought to bee brought to the Master of the Revels, and have his allowance to them for which he should have his fee, since they may be full of offensive things against church and state; ye rather that in former time the poetts took greater liberty than is allowed them by mee. (Gildersleeve 1961: 82)

Nothing changes: censorship of language, like the prohibition of liquor or drugs, breeds corruption. Here is an early 20th century view of censors:

censorship in action has little to recommend it. Suppression is a sordid, unhappy sport. The legal chicanery brings out the worst in every one concerned. [...] To act the rôle of censor develops a lack of honesty more anti-social than any amount of sexual excess. The perfect censor does not exist. (Ernst and Seagle 1928: 13)

Censorship fails to prevent people intent on flouting it:

this Order avails nothing to the suppressing of scandalous, seditious, and libellous Books, which are mainly intended to be suppresses. (Milton 1644: 4)

Not that this infelicity has ever stopped the imposition of censorship. A document emanating from the office of Master of the King's Revels on July 25, 1663, less than 19 years after Milton published these words, proves that previous ordinances must have been ineffective. Others that have been issued since then show, beyond the shadow of a doubt, that censorship is like whistling in the wind.

That the Master of his Maiesties office of the Revells, hath the power of Lycencing all playes whether Tragedies, or Comedies before they can bee acted, is without dispute and the designe is, that all prophaneness, oathes, ribaldry, and matters reflecting upon piety, and the present government may bee obliterated, before there bee any action in a publique Theatre.

The like equitie there is, that all Ballads, songs and poems of that nature, should pass the same examinacion, being argued a Major ad Minus, and requiring the same antidote, because such things presently fly all over the Kingdom, to the Debauching and poisoning the younger sort of people, unles corrected, and regulated.

The like may bee said as to all Billes for Shewes, and stage playes, Mountebankes, Lotteries &c. (Gildersleeve 1961: 86)

Surely, tolerance is the best policy. Trust should be placed in the judgment of the individual person.

Yet if all cannot be of one mind, as who looks they should be? this doubtless is more wholesome, more prudent, and more Christian that many be tolerated, rather than all compell'd. (Milton 1644: 37)

[S]uddenly a vision sent from God, it is his own Epistle that so avers it, confirm'd him [Dionysius, Bishop of Alexandria c.190–265 CE] in these words: Read any books what ever come to thy hands, for thou art sufficient both to judge aright, and to examine each matter. To this revelation he assented the sooner, as he confesses, because it was answerable to that of the Apostle to the Thessalonians, Prove [= try] all things, hold fast that which is good.⁷ And he might have added another remarkable saying of the same Author; To the pure all things are pure⁸, not only meats and drinks, but all kinde of knowledge whether of good or evill; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defil'd. (Milton 1644: 11)

Milton would have been thinking only of sophisticated, well-educated (male Protestant) individuals like himself; on behalf of such people he offers a strong argument against censorship. The counterargument from Big Brother is that censorship is necessary to protect the innocent, the inexperienced, the ignorant, the morally weak.

Ernest Pinard, the Imperial Advocate who prosecuted Flaubert's *Madame Bovary* (January 29, 1857) took the view that censorship improves art: 'L'art sans règle n'est plus l'art; c'est comme une femme qui quitterait tout vêtement. Imposer à l'art l'unique règle de la décence publique, ce n'est pas l'asservir, mais l'honorer' (Flaubert 1930: 578).⁹ Many connoisseurs would dispute that art is demeaned by nude women, e.g. Clark 1980.

The alternative to censorship invites anarchy. Perhaps we can identify groups within a society who do manage to act without admitting any censorship, linguistic and otherwise, on their behaviour; but there exists no comprehensive society (constituted of humans of both sexes in all age ranges and a full range of occupations) that does not censor some kinds of

behaviour – by custom if not by law. The problem for any human society is to determine how to constrain censorship to allow for maximum expression of personal freedoms without these subverting the common good.

The Futility of Censorship

Is it dangerous to read the works of Sade? Donatien Alphonse François, Comte de Sade (1740–1814) was able to exploit his position as a well-connected member of the Ancien Régime of pre-revolutionary France to: abduct and sexually abuse boys and girls; commit sodomy, rape, whippings, and mutilations of prostitutes; as well as engaging in sexual perversions with actresses, his wife, and his sister-in-law. He also masturbated on a crucifix. For such behaviours he was imprisoned, executed in effigy at Aix en Provence, and only escaped the guillotine by chance. His fictional accounts of violent sexual behaviour were much more grotesque than what he practiced; they glorify the abuse of power that enables a sociopath to exercise tyrannical whim over a powerless victim to the extent of debauching, enslaving, torturing, mutilating, and murdering them. In Sade's writings (Sade 1966–67), virtue can never win; his dominant characters defend a 'philosophy' of selfishness, hedonism, debauchery, immorality, torture, and general mayhem like celebrating the decapitation of a woman by her lover because she orgasmed (Sade 1965: 344); having the Pope not only bugger a woman while masturbating her, but to claim 'never do I retire for the night with unbloodied hands. ... Murder is one of [Nature's] laws ... that ... is no crime at all' (Sade 1968: 765). Here's a description of a sadomasochistic orgy such as Sade himself might well have indulged in.

[T]his fine lad's [the valet Augustin's] superb ass does preoccupy my mind ... let me kiss it and caress it, oh! for a quarter of an hour. Hither, my love, come, that I may, in your lovely ass, render myself worthy of the flames with which Sodom sets me aglow. Ah, he has such beautiful buttocks ... the whitest! I'd like to have Eugénie [age 15] on her knees; she will suck his prick while I advance; in this manner she will expose her ass to the Chevalier, who'll plunge into it, and Madame de Saint-Ange astride Augustin's back, will present her buttocks to me: I'll kiss them. Armed with the cat-o'-nine-tails, she might surely, it would seem to me, by bending a little, be able to flog the

⁷ St Paul I Thessalonians 5: 21.

⁸ Titus 1: 15 'Unto the pure all things are pure; but unto them that are defiled and unbelieving is nothing pure; but even their mind and conscience is defiled.'

⁹ "Art without rules is no longer art; it is like a woman who has shed all her clothes. If one imposes on art the sole rule of public decency, it is not to shackle it. It is proof that one holds it in high esteem."

Chevalier who, thanks to this stimulating ritual, might resolve not to spare our student [Eugénie]. (Sade 1965: 346)

This is harmless pornography compared against what we read in *Juliette*. Noireceuil and Juliette celebrate their marriage by torturing, mutilating, and dismembering several young women as Noireceuil sodomizes them. In turn, he is buggered by his sons; then buggers one of them while eating the boy's heart that has been torn out by Juliette as she is being masturbated. While Juliette is fucked front and back by flunkies, she accedes to Noireceuil having her young daughter Marianne held down first to be sodomized and raped; then, as Juliette orgasms, she offers Marianne to him as a sacrifice. Sade has Juliette write:

No sooner does he hear these words than he decunts, takes hold of the poor child in his two wicked hands, and hurls her, naked, into the roaring fire; I step forward and second him; I too pick up a poker and thwart the unhappy creature's natural efforts to escape, for she thrashes convulsively in the flames: we drive her back, I say; we are being frigged, both of us, then we are being sodomized. Marianne is being roasted alive; and we go off to spend the rest of the night in each other's arms, congratulating each other upon the scene whose episodes and circumstances complement a crime which, atrocious perhaps, is yet, in our shared opinion, too mild.

"So tell me now," said Noireceuil, "is there anything in the world to match the divine pleasures crime yields? ...

"No, my friend, not to my knowledge." (Sade 1968: 1184–87; Sade 1966–67 Vol. 9: 580f)

Such vile deeds are not punished, virtue never prevails in Sade; instead he has the King appoint Noireceuil prime minister.

It is hardly surprising that Sade's writings were subject to censorship. Because of them, Napoleon condemned Sade to the insane asylum at Charenton for the last thirteen years of his life. Sade's son burned some of his manuscripts; others circulated underground or were on restricted access in the Bibliothèque Nationale until the 20th century. By the 1960s they were widely available to the general public. Shattuck 1996 suggests that because Sade's work was claimed in their trials to have influenced the 'Moors murderers', Ian Brady and Myra Lindley, in 1965 and the serial killer Ted Bundy during the

1970s, there is a case for censoring at least some of Sade's texts.¹⁰

The argument for censorship is that although most readers will not be provoked to copy the violent sexual excesses of Sade's fictional characters (nor even of the man himself), there may be some benighted souls who are – with severe consequences for their victims and concomitant cost to the community. There is a parallel with the justification for restrictions on cigarette smoking: these are based on the cost in disease and death not only to the smokers themselves, but to the community as a whole. The difference is that whereas cigarette smoking **causes** disease that may lead to death, there is no evidence that reading works such as *Juliette* has in fact caused debauchery or torture – although their enjoyments may be concomitant. As long as mankind has been in existence there has been sexual perversion, child abuse, rape, torture, mutilation and murder mostly by people who had never heard of Sade and certainly not read him. Consider a handful of examples from among thousands that are recorded (never mind what has gone unrecorded). There was Caligula (Gaius Caesar Germanicus 12–41 CE) and the late 15th century Vlad Die Tepes (the impaler) known as Dracula. The 16th century Hungarian Countess Elizabeth Báthory reputedly humiliated, sexually mutilated and tortured to death 650 girls and women, on occasion feeding their flesh to soldiers and drinking (and perhaps bathing in) the blood of virgins. In 1728, the Keeper of Halsted Bridewell was convicted of whipping a woman eight months pregnant with his child until she miscarried; he then threw the foetus into a latrine. A few years later a 10 year old boy was sentenced to life in the navy for torturing a 5 year old girl to death because she wet the bed they shared. In 1936 white American Albert Fish was executed after raping, torturing, murdering and eating at least 15 mostly poor, black children; he consumed not only their flesh, but their urine, blood and excrement in order to experience immense sexual pleasure. In 1980 Pedro Alonso Lopez was sentenced in Ecuador on 57 counts of murdering young girls (he claimed more than 300 victims from Columbia, Ecuador, and Peru); after raping them he slowly strangled them for the sexual thrill of watching them die and then sometimes acted out games with the dead bodies. In 2001 three Serbs were convicted of systematic rape, torture and enslavement of Muslim girls and women in Bosnia in 1992. In 1994 Hutus in the Rwandan Interahamwe militia raped (sometimes with artefacts), enslaved, tortured, and mutilated the genitals and breasts of Tutsi women, sometimes forcing them to kill their own chil-

¹⁰ Brady and Lindley abducted, sexually abused, tortured, and murdered children, keeping audio-recordings of their screams and pornographic photographs of them. Bundy is thought to have abducted, sexually abused, mutilated and throttled at least 40 and perhaps twice that number of women.

dren. There were similar atrocities in Sierra Leone during the ten years from 1991. It is impossible or very unlikely that any of this small sample of horrific acts against defenceless victims were committed by people inspired by the writings of the Marquis de Sade.

However, it is possible that exposure to Sade's work expands the imagination of anyone predisposed to sadistic behaviours such as those mentioned above. There are reports of pornographic and violent movies being cited as evidence for the normality of illegal acts (including murder) that have been committed. There is little doubt that, today, those who act like Sade and his characters often do possess quantities of violent, pornographic, and sadomasochistic stimulatory material in various media. I make no judgment on graphic media, but limit myself to language: to censor Sade's written works is about as effective as shooting the messenger for bringing bad news.

There is another argument against censorship. As Publius Cornelius Tacitus (56–120 CE) pointed out, banned writings are eagerly sought and read; once the proscription is dropped, interest in them wanes (*The Annals* Book XIV: 50; Tacitus 1908: 444). To maintain authority over dogma and biblical texts, the early Christian church proscribed texts deemed heretical such as the *Gospel of Mary* [Magdalen], certain works of Aristotle, and the *Talmud*. Existing heretical works were burned on the recommendation of St Paul.

19 Many of them [Jews and Greeks dwelling at Ephesus] also which used curious arts brought their books together, and burned them before all men: and they counted the price of them, and found it fifty thousand pieces of silver. 20 So mightily grew the word of God and prevailed. (*Acts* 19)

Around 1350 Boccaccio's *Decameron* was allowed to be published after offensive reference to ecclesiasts was removed: for instance, sexual adventures were transferred from nuns and abbesses to nobles, from monks to conjurers (Jansen 1991: 46). After 1467, the Church in Europe required all books to be approved by the local Ordinary, usually a Bishop, and in 1545 the first *Index Librorum Prohibitorum* was published. This created new market opportunities for booksellers.

Indeed in 1589 the Church found it necessary to outlaw lay possession of copies of the *Index Librorum Haereticorum* (a catalogue of proscribed titles prepared annually) because book sellers were using it to locate titles which would be in greatest demand

on the illegal market in the coming year. Eventually Protestant publishers took full advantage of the exploitive possibilities by listing the *Index*'s prohibition on the title page below the printer's colophon – the location of the *imprimatur* on Catholic publications. (Jansen 1991: 65f)

In January 1843 Karl Marx wrote:

In Rome, publication of the Koran is prohibited. A wily Italian knew how to get round it. He published a *refutation* of the Koran, that is, a book which bore on its title page *Refutation of the Koran*, but the content was simply the text of the Koran. (Marx 1974: 63).

Censorship nearly always has such confounding effects. The prohibition on the manufacture and sale of alcohol in the United States 1920–33 was notoriously ineffective and counterproductive in that it led to the establishment of organized crime syndicates. The experience has had little effect on today's lawmakers, who insist on banning recreational drugs with similar results. Attempts by Senator Jesse Helms and others to ban a 1988 retrospective of photographer Robert Mapplethorpe's work led to its universal notoriety and a ten-fold increase in prices.¹¹

Ernst and Seagle 1928: 239ff report on 1200 (anonymous) responses to a questionnaire sent out to unmarried American women college graduates during the 1920s asking about their introduction to information on sex, their sexual practices, reveries, etc. 570 learned about sex from peers, 351 from parents or guardians, only 72 learned from reading and the prime source was not pornography but the Bible, followed by dictionaries, encyclopedias and literary works by such as Dickens, Henry James, and Shakespeare, then medical books and pamphlets. Authors such as Boccaccio, Baudelaire, Chaucer, or Flaubert did not rate a mention! Given that the respondents were willing to report on masturbatory practices and what they found sexually stimulating (men, dancing, art) we may assume that they were being honest. One must conclude that the power of written texts to subvert the morality of young women lacks proof.

Censorship versus Censoring

A distinction can be drawn between *censorship* and *censoring*. The former is typically an institutionalized practice carried out by someone with the job description of *censor*. Strictly speaking, the phrase *the censorship of language* should apply only to institutional suppressions of language by powerful governing

¹¹ Robert Mapplethorpe is a rather indifferent photographer by comparison with say Horst, Ansel Adams, Edward Weston, or Dorothea Lange. However his photos of gays, fisting, sado-masochism, a man pissing into another's mouth, himself dressed as Satan with a bull-whip in his arse for a tail, and the fact that he was to die of AIDS led to a notoriety that increased his saleability. See Hughes 1993: 163.

classes supposedly acting for the common good by preserving stability and/or moral fibre in the nation, as in:

For as much as all profane Swearing and Cursing is forbidden by the Word of GOD, be it therefore enacted, by the authority of the then Parliament, that no Person or Persons should from thenceforth profanely Swear or Curse, upon Penalty of forfeiting one Shilling to the use of the Poor for every Oath or Curse. (21 Jac. I. c.20, 1623 quoted in Hughes 1991: 105)

Such restrictions, along with others quoted earlier, remained on the statute books until the 20th century.

The phrase *the censoring of language* encompasses both the institutionalized acts of the powerful and those of ordinary individuals: everyone censors their own or another's behaviour from time to time, and for such an occasion they can be justly described as a censor; but the title is temporary and contingent upon the occasional act of censoring. All kinds of tabooed behaviour are subject to censoring, but only certain kinds are subject to censorship – for instance, child pornography is subject to both censorship and to censoring but picking your nose in public is subject only to censoring. Shakespeare's work was subject to censoring (rather than censorship) by Dr Thomas Bowdler in 1818 who omitted 'those words ... which cannot with propriety be read aloud in a family'. As with many censors in the 20th and 21st centuries he rejected what he perceived to be profane or sexual, but kept the violence. For instance, Bowdler expurgated the struck-through parts of Timon's diatribe:

Obedience fail in children! Slaves and fools,
Pluck the grave wrinkled senate from the bench,
And minister in their steads! To general filths
Covert, o'the instant, green virginity, –
Do't in your parents' eyes! Bankrupts, hold fast
Rather than render back, out with your knives,
And cut your trusters' throats! Bound servants,
steal!
Large-handed robbers your grave masters are,
And pill by law: Maid, to they master's bed, –
Thy mistress is o'the brothel! Son of sixteen,
Pluck the lin'd crutch from thine old limping
sire,
With it beat out his brains! (Bowdlerized
Shakespeare *Timon of Athens* IV.i. 4–15)

Unlike most such sanctimonious busybodies, Bowdler was the inspiration for an eponymous neologism *bowdlerize* "censoring a work of art to make a travesty of it".

News of a more recent example of bowdlerization broke in June 2002. The New York State Education

Department (U.S.A.) bowdlerized texts for use on the Regents exam to satisfy 'sensitivity review guidelines', supposedly to prevent students feeling ill at ease. Passages were sanitized of references to race, religion, ethnicity, sex, nudity, unusual (i.e. abnormal) body size, alcohol, and profanity. In an excerpt from the work of Jewish writer Isaac Bashevis Singer all mention of Judaism was eliminated; thus a reference to 'Most Jewish women' became 'Most women' and even the tautologous truism 'Jews are Jews and Gentiles are Gentiles' was deleted. The phrase 'even the Polish schools were closed' was altered to 'even the schools were closed.' In a passage from Annie Dillard's *An American Childhood* whose point is to emphasize the understanding of racial differences, reference to race was edited out of a description of her childhood trips to a library in the black section of town which had but few white visitors. Deleted from a speech by Kofi Annan, United Nations Secretary General, was a reference to the United States' unpaid debt to the UN. His praise of 'fine California wine and seafood' was reduced to praise for merely 'fine California seafood.' In Carol Saline's *Mothers and Daughters* a girl who 'went out to a bar' with her mother simply 'went out' after the text was censored. In an excerpt from *Barrio Boy* by Ernesto Galarza a 'gringo lady' becomes an 'American lady'; a boy described as 'skinny' became 'thin,' while a 'fat' boy became 'heavy'. In a passage from Frank Conroy's *Stop-Time* 'hell' was replaced by 'heck' and references to sex, religion, and nudity were excised. From Anne Lamott's *Bird by Bird*, the sentence 'She's gay!' was deleted.

According to a *New York Times* report (June 2, 2002) authors, professors, students and the general public complained. One professor wrote: 'I implore you to put a stop to the scandalous practice of censoring literary texts, ostensibly in the interest of our students. It is dishonest. It is dangerous. It is an embarrassment. It is the practice of fools.' Someone else commented: 'The butchery of literary texts ... is a fresh illustration of the fact that somewhere along the way, people got the ridiculous notion that they have a right "not to be offended." In fact, it should be obvious that such a right, if it existed, would cancel out all other rights.' The good news is that bowing to the storm of complaint, the New York Regents have reinstated the original uncensored versions of the texts to be read for their examination.

In Australia in late 2004 there was a furore over a children's book (10–13 year olds) called revealingly *The Bad Book* in which Little Willy set fire to a cat, his penis, his bum, and his head, while Little Betty wouldn't get out of bed because she was dead. It features such rhymes as:

Bad Jack Horner

Sat in a corner
 Pulling the wings off a fly.
 He swore at his mum
 Kicked his dad in the bum
 And said, 'Oh what a bad boy am I!'
 Bad diddle diddle
 The cat did a piddle
 The cow did a poo on the moon.
 The little dog barfed to see such fun

And then ate it all up with a spoon. (Griffiths 2004)

Reputedly children love the book but adults disapprove. A few schools, educational suppliers, and bookshops have banned it for 'the undermining of commonly held values in our society. [...] It] gives children permission to speak and behave in a manner which is vulgar, violent and disrespectful.'¹²

Wowserism (puritanical fundamentalism) flourishes along with neo-conservative politics. The *Encarta World English Dictionary* would censor words denoting mental or physical incapacity, and terms denoting sex, age, or race; it is, of course, unable to distinguish humorous, ironic, or affectionate uses from intended insults (*you silly bugger* can be affectionate or insulting depending on tone and circumstance); so it tries to ban them all. Then there is software to sanitize DVDs: it skips scenes based on filters sensitive to sex, drug use, some violence, profanity, 'crude language and bodily humor'. It is politically and nationalistically biased. As one reviewer wrote:

When Americans are shot in "Black Hawk Down," the editors carefully omit the bullet's moment of impact. But when Somali gunmen are blown apart, you see the whole twitching, gruesome scene. (David Pogue, *The New York Times* May 27, 2004)

This kind of censorship fits the taste, sensibilities, political, and religious beliefs of the software company and their (perceived) target market.

It's for like-minded adults, specifically those who are offended by bad language and sexual situations but don't mind brutality, destruction and suffering. (ibid.)

Censorship simply gives institutional clout to censoring; but it is no less subject to the current personal beliefs, preferences and whims of the censor.

To conclude this discussion of censorship and censoring, I offer the following definition:

Definition. The censoring of language is the proscription of language expressions that are taboo for the censor at a given time in contexts which are specified or specifiable because those proscribed language expressions are condemned for being subversive of the good of some specified, specifiable or contextually identifiable community.

Conclusion

I have defined and discussed censorship and censoring. Censoring encompasses both the institutionalized acts of the powerful and those of ordinary individuals: everyone censors their own or another's behaviour from time to time. Language (like other social interactive behaviour) is constantly subject to censoring: an individual must constantly monitor what s/he says (and writes) so as not to cause inadvertent offence. All kinds of tabooed behaviour are subject to censoring, but only certain kinds are subject to institutionalized censorship.

The body of this paper was spent in the examination of censorship and its applications over the last few hundred years, most particularly to language. We have seen that the rationale for censorship is upholding the common good. But we have also seen that views of what counts as the common good vary constantly across individuals over time and place. Censorship is the suppression or prohibition of speech, writing and other behaviour condemned as subversive of the common good. It flourishes in a climate of fear. Censorship puts untoward power into the hands of people who are by inclination illiberal and unlikely to be artistically creative or broadly schooled, and whose judgment is open to error, fashion, whim, and corruption. As Tacitus said, banned writings are eagerly sought and read; censorship fails to prevent people intent on flouting it. There is no evidence that reading works such as the Marquis de Sade's *Juliette* has in fact caused debauchery or torture; as long as mankind has been in existence there has been sexual perversion, child abuse, rape, torture, mutilation and murder – mostly by people who had never heard of Sade and certainly not read him. There is no evidence that censorship protects the society rather than imposing a repressive ideology upon us that restricts our behaviour needlessly. Do we trust in individual responsibility to the society as a whole, or do we instead favour the 'nanny state'? Answers to this question will perpetually be a matter for dispute, but must forever be openly debated.

¹² Quoted in James Hall 'Kids' author in the bad books' *Weekend Australian* September 25, 2004.

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