



Censorship

A Resource for Media Studies
Level 3 NCEA

Achievement Standard 3.3 – Investigate an aspect of
media and explain its significance for New Zealand
[AS90779]

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Introduction

The history of government censorship in New Zealand shows a gradual development from protecting societal order to protecting individuals from the undesirable effects of publications of all kinds.

The earliest film censorship legislation stated that the censor should not approve films which “depict any matter that is against public order and decency, or the exhibition of which for any other reason is, in the opinion of the censor, undesirable in the public interest.” (Cinematograph-film Censorship Act 1916) This gave the censor incredibly broad discretion, which however, censors used very cautiously, preferring to make cuts in films rather than ban them outright.

Some of the reasons given for outright bans sound very strange to us in 2005: “Too much suggestiveness in the talk. The conversation about the hen, egg and rooster lends itself to suggestion” (1929). “Wildness of young people and their extravagant escapades as shown not desirable in the public interest” (1929). “Sly and improper reference to the Prince of Wales” (1930).

Today, there are much more stringent criteria for making a film objectionable (banned) and fewer societal restrictions on what can be portrayed. Society has a greater tolerance for the portrayal of sex, horror, crime, cruelty or violence than it did in the early days of film censorship. The law has changed to recognise this shift in understanding.

To a greater or lesser extent over the years, censorship in New Zealand has been about protecting children and young people from the possible harmful effects of certain material. The current classification system still reflects this emphasis, although it is much more open to letting most adults see what they want to see. However, many people still believe that watching a film might encourage people to commit crimes or cruelty, have sex, take drugs or become violent. Research has not been conclusive about whether this is true or not, but New Zealand law reflects the general opinion of the public as represented in Parliament.

This resource aims to give students the opportunity to understand some of the law, philosophy and history of government censorship in New Zealand. There are case studies on both historical and recent censorship decisions and debates. Additional resources can be found on the Office of Film and Literature Classification’s website at <http://www.censorship.govt.nz>

Teachers and students are invited to contact the Office if they have queries about censorship that go beyond the scope of this resource. The Office’s contact details are as follows:

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The work of the Censor

W. A. Joliffe – First Censor of Films (1916-1927)

“It is difficult,” said Mr. Joliffe, “to formulate principles which will apply to every case, but matter coming within the following classes is not allowed to pass:-(1) The commission of crime in a manner likely to be imitated, especially by the young, or to give information as to methods to persons of a criminal tendency; (2) indecency in the matter of dress; (3) the treatment of religious subjects in an irreligious or irreverent manner; (4) matter likely to promote disloyalty to the King and country, or to adversely affect friendly feeling towards our Allies; (5) matter likely to effect class hatred.”

Evening Post 17 September 1917

Arthur von Keisenberg 1938 – 1949

“Asked by the Minister of Industries and Commerce, Mr. Nordmeyer, what he took exception to in films generally, Mr. von Keisenberg said things that might be regarded as salacious or suggestive. He also objected to the use of swear words. He added that he thought it undesirable that children should see pictures dealing with marital problems and infidelity, unhappiness in the home and ill-treatment of children.

He added that a survey of the excisions and rejection in films over a given period disclosed for the most part scenes and dialogue that ordinary decent and just-minded people would agree upon as being undesirable. Ordinary men and women did not wish in their entertainment to have their moral, religious, nervous or political susceptibilities offended. In New Zealand the code of censorship appeared to be broadly more liberal than in most English-speaking countries. The fact that extremely few complaints were received from either the public or welfare organisations would indicate that the public’s feeling was generally accurately gauged. It must be admitted, however, that there appeared to be room for improvement. There was also a lack of awareness among the public as to the significance of censorship recommendations. The commonest fallacy was that the adult certificate was a covert hint that there was something naughty in the film, and that it was a trade trick to entice patronage.”

“Report on the Parliamentary committee inquiring into the motion picture industry” *Dominion* 26 May 1948

Gordon Mirams – Censor of Films (1949 – 1959)

“... while it is true that the new concept ... of film censorship does, of course, still retain the literary censor’s traditional function of partial elimination or total banning of material, this suppressive function has now in reality been largely superseded, in New Zealand anyway, by a new function of ‘guidance’ which is not found at all in older concepts of censorship.

... On the supposition that his advice will be widely and correctly advertised, the Censor is enabled to approve, unemasculated, a great number of films which he would otherwise feel bound to cut heavily, or even ban outright. In the majority of cases the responsibility of choice is placed squarely on the consumers themselves. ... a flexible and liberal censorship system, involving a minimum restriction of the rights of picture-goers as a whole, can be brought about only by placing a heavy responsibility on parents, teachers, and all those who have any control over children.”

The New Film Censorship Regulations by Gordon Mirams (Wellington: Department of Internal Affairs, 1957)

Douglas McIntosh – Censor of Films (1960-1976)

“You will be aware that the actions of individuals or groups of people are subject to certain legal restrictions in regard to maintaining public order and decency. In other words there are many things that you or I as individuals can do in private which would not be acceptable in public. Film censorship is simply the extension of this restriction to the depiction of the same things in cinemas which are public places in law.”

Letter to a complainant by Douglas McIntosh, 1969

Sir Kenneth Gresson – Chair of the Indecent Publications Tribunal (1963-1965)

“The dominant consideration is that freedom of expression must be restrained when the welfare of the public so demands. The Tribunal established by the Act (the Indecent Publications Act 1963) has the difficult

task of determining, in a particular case, the line which must not be overstepped. Many factors are relevant – the age of the prospective reader, the quality of the writing, the apparent purpose of the writer, race, tradition, philosophy, religion, education, morality and the opinion and sentiment of the community so far as ascertainable. Of necessity the decisions of the Tribunal must be the judgment of the members subjectively regarding the particular publication (or sound recording) which the Tribunal has to consider.

... It remains to be seen whether the new legislation (the Indecent Publications Act was two years old at the time of writing) will be regarded as an advance. So far there seems to be a disposition on the part even of those who are opposed to any censorship at all to accept the decisions of the Tribunal as the conscientious discharge of a difficult task, though inevitably there are critics of such decisions as have been given.”

The Indecent Publications Tribunal: a Social Experiment by Stuart Perry (Wellington: Whitcombe and Tombs, 1965)

Kathryn Paterson – Chief Censor of Film and Literature (1994-1998)

“So long as people are performing atrocities on each other and wanting to make money by selling the visual images or the rights, there is a need for censorship.

People can view what they want right up to the point it impacts on somebody else. Instead of morality and offence the Act talks about material being banned only if it’s harmful. And that’s the crux of it.”

“Another hard-porn week at work: an interview with Kathryn Paterson” by Val Aldridge *Dominion* 26 September 1998

Bill Hastings – Chief Censor of Film and Literature (1999-present)

“The Act (the Films, Videos, and Publications Classification Act 1993) specifically says that it is no excuse that the parent, or cinema operator, or shop manager, or teacher [who makes a restricted publication available to a person under the age of the restriction] did not know that it was a restricted publication. This makes sense because the bright red labels affixed to publications clearly state what the restriction is and provide ample opportunity for people to inform themselves.

This may seem harsh, but when the Classification Office restricts a film, it has decided that the public good is likely to be injured if a person younger than the restriction views it. Any such decision is based on research, and the observation of most parents, that the development of young people is vulnerable to, and can be negatively influenced by, prolonged exposure to the messages conveyed by certain types of images, text and sound. The injury is not just to the beliefs and attitudes of the young persons exposed to this material. The public good is injured when these attitudes are played out socially, through words and actions.”

The Chief Censor’s Year in Review – *Office of Film and Literature Classification Annual Report 2004*

Questions on the work of censorship

1. What themes are shared by the Censors over time?
2. What differences can you see between them?
3. Why do you think that protecting children from harm is such a strong theme? It pays to remember that when the first Film Censorship Act was written, a boy was considered to be an adult at 16, and many people between the ages of 12 and 16 were already working, either in a job, or at home.
4. The Office of Film and Literature Classification takes the same position as Arthur von Keisenberg did in 1948, that a low number of complaints means that the censorship system is working. Do you think this is a fair way to measure the performance of the system?
5. These quotes represent the some of the thinking of individual censors in New Zealand. What do you think your philosophy might be if you were appointed as Chief Censor?

How did the current censorship system come about?

The Ministerial Inquiry into Pornography

The Films, Videos, and Publications Classification Act 1993 arose out of the Report of the Ministerial Committee of Inquiry into Pornography, which was formed in late 1987 to investigate:

1. the existing censorship legislation and whether or not it should be changed
 - a. the criteria for restricting or banning material
 - b. the types of restrictions that might apply to different types of materials
 - c. what body or bodies should carry out the restriction and banning duties
2. whether non-legislative means could be used to deal with the issue
3. the development of communications and other technology and the implications of these developments on the transmission of such material across international boundaries
4. whether live performances, or exhibitions of indecent material in liquor outlets should result in the suspension of the operator's license.

At the time the Committee was set up, there were three separate censorship bodies operating under three different Acts of Parliament.

Body:	Chief Censor of Films	Indecent Publications Tribunal	Video Recordings Authority
Started when:	1916	1963	1987
Worked under:	Films Act 1983	Indecent Publications Act 1963	Video Recordings Act 1987
Classified what:	Feature films intended for release in public theatres, and, before the Video Recordings Act, videos	Books, comics, magazines, newspapers, calendars, sound recordings	Videos

The overlapping jurisdictions of the Chief Censor of Films and the Video Recordings Authority caused a great deal of confusion, with some videos being given different classifications. It was as a result of this that the government set up the Committee. Although the Committee's title indicated that it was investigating pornography, it was ultimately a thorough examination of censorship in New Zealand.

Example: If you look up *Henry Portrait of a Serial Killer* on the Office's database, you can see that the Chief Censor of Films and the Video Recordings Authority made different decisions, and how people might have been confused by the multiple decisions of the different censorship bodies, particularly when the film was, as this one was, controversial.

Differing viewpoints

This Committee received well over 700 submissions from individuals and over 100 from various organisations. The organisations included:

- a large number of churches
- city councils, political parties
- children's welfare groups and government organisations concerned with children and adolescents
- the Playcentre Federation, school students, university students and lecturers, the Post Primary Teacher's Association
- citizen's groups and youth groups, including the Youth Law Project and the YWCA
- the existing censorship authorities
- the Library Association, the New Zealand Nurses Association
- sexual abuse, rape crisis and family violence organisations
- women's groups, including Women Against Pornography, the Women's Division of Federated Farmers, and the Maori Women's League

Question: What stake did each of these groups have in this discussion?

The Report was presented to Parliament in January 1989. The report writers note the following in their introduction to the submissions:

The written and oral submissions received by the Committee reflected the many divisions of opinion about pornography and related matters. At one extreme was the moralist response which placed great faith in censorship and coercive legislation to cleanse New Zealand. Maori and Polynesian opinions also had a strong moral basis but with major cultural differences that sit uneasily with many Pakeha attitudes and practices. At the other extreme were the libertarian views which see little merit or utility in censorship or coercion, preferring to trust education and the good sense of individuals to make a pluralistic society. Only a few, however, held this position unequivocally; many more admitted exceptions and qualifications.

Questions: What are the essential differences between the two extremes?
Do you think they could ever be reconciled?

The report writers also investigated how other countries had treated pornography and censorship. They make a very important point about competing opinions and the law:

Philosophy and politics converge when decisions are made which require a balance among competing opinions, tastes and beliefs. As we have discovered in our inquiry into pornography, one of the most difficult balances to strike is between freedom and control. What behaviour and material may the law seek to prohibit or punish and in what circumstances? what are the limits of tolerance for differences? ...

As our inquiry proceeded we became sure of one thing: the answers to problems about pornography cannot be just legal answers. They must be found where they reside – in the institutions, values and traditions of the general social order.

Questions: What do the writers mean by freedom and control?
What is “the general social order” in this context?
Why do the writers say that the answers to problems must be found in the general social order?

You can read a summary of the major findings of the Committee on the Office's website at http://www.censorship.govt.nz/pdfword/ministerial_inquiry.pdf

The Films, Videos, and Publications Classification Act 1993

The Films, Videos, and Publications Classification Act 1993 was passed on 26 August 1993, and came into force on 1 September 1994. The long title of the Act reads:

An Act to consolidate and amend the law relating to the censoring of films, videos, books, and other publications; and to repeal the Indecent Publications Act 1963, the Films Act 1983, and the Video Recordings Act 1987.

The Act is in 10 parts, and most of the detail provides the structure for the day-to-day business of censorship in New Zealand.

Part 1 – Preliminary provisions – far more important than it sounds, this part is the core of the Act when it comes to censorship decision-making.

Part 2 – Labelling of films – explains what must be labelled, who determines which label is given out and who can issue the labels.

Part 3 – Classification of publications – explains who is required to submit publications, who has the right to submit publications and who has the right to be heard when a publication is being examined. It also deals with many of the daily details of censorship.

Part 4 – Review of Classification Decisions – the title is misleading, since it is not the decision which is reviewed, but the publication, and this part explains how.

Part 5 – Appeals – explains how alleged errors in law by the Board of Review can be challenged. A court decision does not affect the classification.

Part 6 – Bodies – lists the different bodies involved in the censorship process and their responsibilities.

Part 7 – Search and Seizure – explains what constitutes a breach of censorship law, and who enforces the law.

Part 8 – Offences – explains the fines for making a restricted or objectionable publication available.

Part 9 – Miscellaneous – technical and legal issues.

Part 10 – Transitional Provisions – deals with decisions made before the Classification Act was passed. It explains how to interpret multiple decisions and makes it clear that any decision made by a previous censorship authority is still considered to be in force.

Section 3 of the Act

Section 3, which explains the meaning of the word “objectionable,” is critical to understanding how publications are rated and classified. The members of the Classification Office spend most of their days thinking and writing about it in order to provide decisions that are soundly based on the law.

Section 3(1) gives a very high level definition of what Parliament determined “objectionable” should mean. This section is referred to by the Office as the “gateway” provision, because it defines the gateway through which publications must pass before they can be classified.

3. Meaning of “objectionable” –(1) For the purposes of this Act, a publication is objectionable if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

Sections 3(1A) and 3(1B), which were added to the Act in February 2005, add a specific rider to the “such as sex” provision which deals with images of child nudity. It specifies what images of naked children will attract classification – so family photographs of small children in the bath are excluded, except where the photos are clearly sexual in nature.

(1A) Without limiting subsection (1), a publication deals with a matter such as sex for the purposes of that subsection if—

(a) the publication is or contains 1 or more visual images of 1 or more children or young persons who are nude or partially nude; and

(b) those 1 or more visual images are, alone, or together with any other contents of the publication, reasonably capable of being regarded as sexual in nature.

(1B) Subsection (1A) is for the avoidance of doubt.

Sections 3A and 3B were also added to the Act in March 2005. They deal with restricting publications containing high-level offensive language or material relating to self-harm and suicide. Offensive language is one of the most common reasons people complain to the Office. Material relating to suicide was not able to be classified prior to this change as it was deemed not to fall within the gateway. These sections relate specifically to the possibility of restricting publications, rather than banning them.

3A. Publication may be age-restricted if it contains highly offensive language likely to cause serious harm—

(1) A publication to which subsection (2) applies may be classified as a restricted publication under section 23(2)(c)(i).

(2) This subsection applies to a publication that contains highly offensive language to such an extent or degree that the availability of the publication would be likely, if not restricted to persons who have attained a specified age, to cause serious harm to persons under that age.

(3) In this section, ‘highly offensive language’ means language that is highly offensive to the public in general.

3B. Publication may be age-restricted if likely to be injurious to public good for specified reasons—

(1) A publication to which subsection (2) applies may be classified as a restricted publication under section 23(2)(c)(i).

(2) This subsection applies to a publication that contains material specified in subsection (3) to such an extent or degree that the availability of the publication would, if not restricted to persons who have attained a specified age, be likely to be injurious to the public good for any or all of the reasons specified in subsection (4).

(3) The material referred to in subsection (2) is material that—

(a) describes, depicts, expresses, or otherwise deals with—

(i) harm to a person’s body whether it involves infliction of pain or not (for example, self-mutilation or similarly harmful body modification) or self-inflicted death; or

(ii) conduct that, if imitated, would pose a real risk of serious harm to self or others or both; or

(iii) physical conduct of a degrading or dehumanising or demeaning nature; or

(b) is or includes 1 or more visual images—

(i) of a person’s body; and

(ii) that, alone, or together with any other contents of the publication, are of a degrading or dehumanising or demeaning nature.

(4) The reasons referred to in subsection (2) are that the general levels of emotional and intellectual development and maturity of persons under the specified age mean that the availability of the publication to those persons would be likely to—

(a) cause them to be greatly disturbed or shocked; or

(b) increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both; or

(c) encourage them to treat or regard themselves, others, or both, as degraded or dehumanised or demeaned

The rest of Section 3 attempts to define what will cause injury to the public good. It is laid out in a hierarchy of most to least important matters to consider.

Section 3(2) contains a list of activities, which if portrayed in a publication in such a way that they support or promote those activities, or tend to, will automatically mean that the publication will be banned. With one exception, the activities listed in (d), these activities are all crimes in their own right.

The words “promotes or supports, or tends to promote or support” are very important in this subsection. Under Section 23 of the Act, the Office can restrict a publication in a number of ways. There is no sliding scale or set of guidelines governing what will be acceptable at a particular age, and each publication is examined on its own merits. For example a film featuring drug use (which would be considered under the crime heading) might show someone injecting heroin but have any one of the following purposes: to show people how to take heroin; to show them how to take heroin safely; to educate them on why not to take heroin, or simply as a habit of one of the main characters in the film. In each case the portrayal will be different, and the film will be classified accordingly. The same is true for portrayals of the other criteria specified in Section 3(1): horror, cruelty, sex and violence.

Section 3(3) contains a second list of activities, which at first look, seems very similar to the list in 3(2). However, the opening paragraph states that the important thing to consider with this list is the “extent and degree” to which the activities are described, depicted or otherwise dealt with. When the Classification Office classifies publications, it must always give the lowest possible classification possible without injury. This means that even if a film contains very violent scenes, for example a war film like *Saving Private Ryan* or *Black Hawk Down*, the violence may be entirely justified in the context of the story and may only take up a small part of the film. Or a child might be naked, but that is because she is running away from her mother after having a bath. For these kinds of reasons, violence, nudity and sex are not automatically restricted or banned.

Section 3(4) lists matters which must be taken into account when classifying a publication. If a publication is going to be made objectionable under section 3(2), these matters are not considered but if a publication is going to be restricted then they will be.

The flow chart on the next page illustrates how the Classification Office use section 3 to classify publications.

The Importance of Reasons

When a government body has been given the power to regulate a right as significant as the freedom of expression, it is extremely important for that body to give a fully reasoned explanation when it decides to restrict or ban a publication. People need to know where and understand why the line is drawn so that they can exercise their freedom with certainty. The Classification Office must also be accountable for its actions. If the Office’s explanations are well reasoned, people may not agree with the restriction or ban, but they are more likely to understand and accept it. If the Office’s explanations are not well reasoned or are completely absent, people are not able to understand the restriction or ban and are consequently more likely to ignore it or challenge it.

Injury to the public good

The test against which every publication is measured is “injury to the public good.” This means the good of the public as a whole, not just the good of the individuals who make up the public of New Zealand. You might think, as an individual, that playing *Manhunt* or watching a banned film would not harm you, and you might be right in your individual case, but Parliament takes a much broader view. It must think about how

Injury is a much tougher standard than is used in other parts of the world – for example, Australia’s censorship law says that publications must not “offend commonly held standards of decency...”.

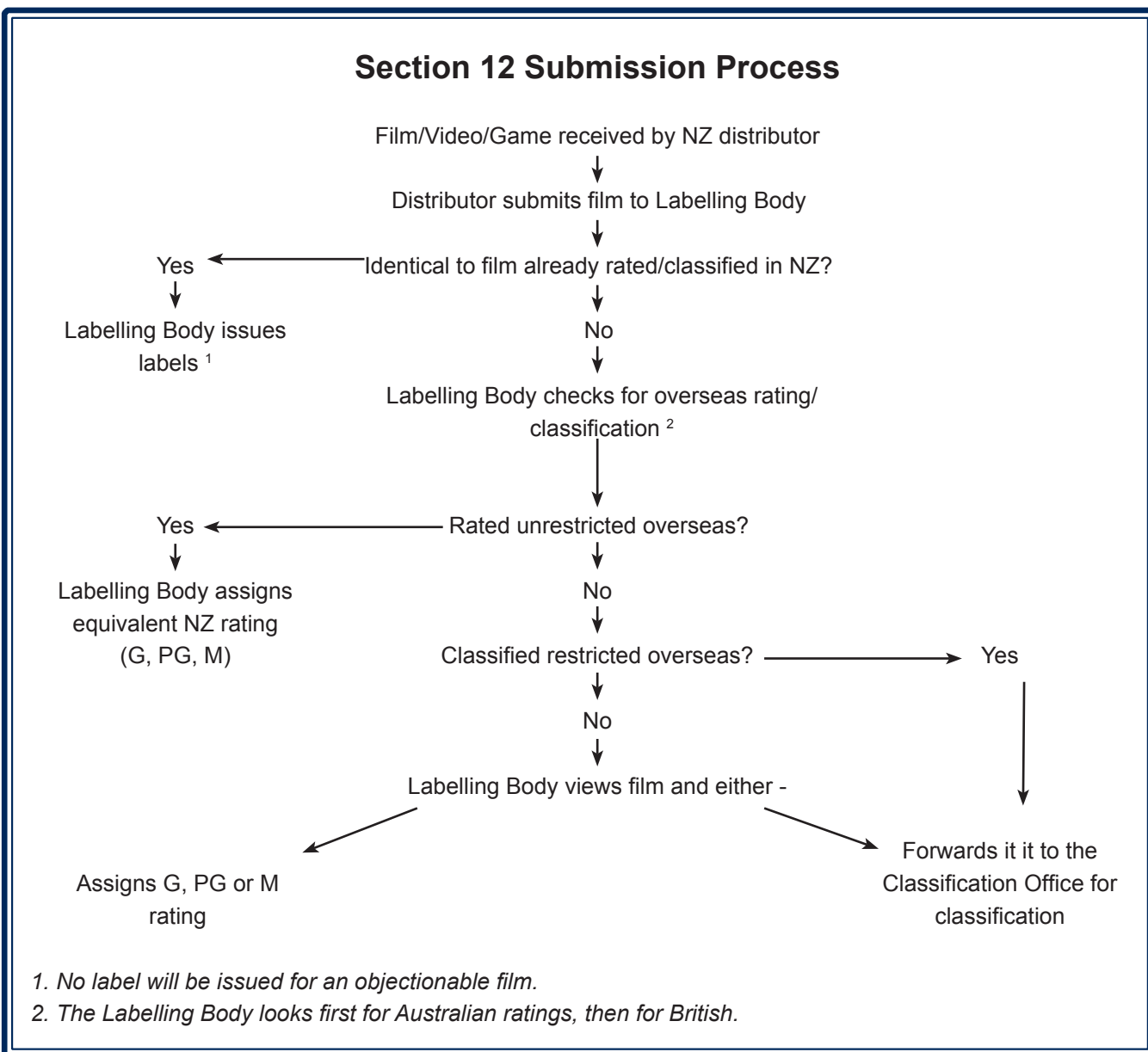
Question: Why is injury a tougher standard than offence?
What offends you? Do you think the same things should offend other people?
What do you think would cause injury, as opposed to offence?

How are decisions made by the Classification Office?

There are a number of ways new publications arrive at the Classification Office, depending on the medium of the publication. Films (including games), which are required to be rated or classified, must undergo censorship. Other publications are submitted by an interested party, by enforcement agencies, or by the courts.

Films

All films must initially be submitted to the Film and Video Labelling Body. The process for classifying a film is laid out in the following flow chart.



The process of classifying a film

If a film is submitted to the Classification Office for classification, it will be assigned to a **Classification Officer** (CO). The CO will view the film right through, usually in one sitting for most theatrical films or videos. For a game or DVD more time might be required. As the film is playing, the CO makes detailed notes on the action, dialogue and soundtrack. These observations are made with reference to a timer, so that any problem moments can be easily accessed later if necessary. These **examination transcripts** are kept in large books, and can be referred to again if clarification about a film is required.

Once the examination is complete, the CO writes up a **consideration sheet**. This sheet, which is actually 19 pages long, requires the CO to describe the publication, note all assistance requested, and work through Section 3 step by step. COs will frequently consult with their colleagues and supervisors, perhaps asking them to take a look at anything that worries them.

Once this is completed, the CO then writes a **decision** which summarises the consideration sheet and the reasoning behind the classification. The end part of this exercise is assigning the classification and descriptive note. The CO takes the decision to a **Senior Classification Officer** (SCO), who checks it for errors of law, and the document is also peer-checked for spelling and grammatical errors. If **excisions** are required, at this point, the excision details will be returned to the original submitter. If no excisions are required, most decisions are completed at this stage.

If the film is controversial, or if the classification has the potential to be challenged, or if the CO and SCO cannot agree on a classification, the decision and classification will be taken to the **Chief and Deputy Chief Censors**. They will decide on a classification, and make suggestions about the decision. No decision is ever made by only one person.

When the **classification and descriptive note** are finalised, the **Registry** registers the publication and generates all the documents that are associated with a completed classification. These documents are sent to the Labelling Body, which issues the appropriate label to the submitter.

Other publications

Non-film publications do not have to be classified before they are made available to the public. However, they must also comply with the law. The Classification Office cannot classify non-film publications unless they are submitted to it. Most non-film publications are submitted by enforcement agencies or through the courts, and these are processed in much the same way as films.

Members of the public and importers may submit publications if they wish. In this case, leave has to be granted by the Chief Censor before the classification process can begin. In many cases this permission will be granted, but sometimes it is not, particularly if it is obvious that the applicant is trying to make a point about something that most people would take for granted – examples of submissions that were turned down are *Harry Potter and the Goblet of Fire*, the Bible, and *Mother Goose Nursery Rhymes*.

If the Chief Censor grants leave, the Classification Office notifies interested parties, such as the publisher, distributor and author of a book or a magazine. The Classification Office then sends out a letter inviting submissions from these people. Once all the submissions are received the publication is classified following the same procedure as for a film.

Once the publication is classified, the decision is sent to all those who made a submission.

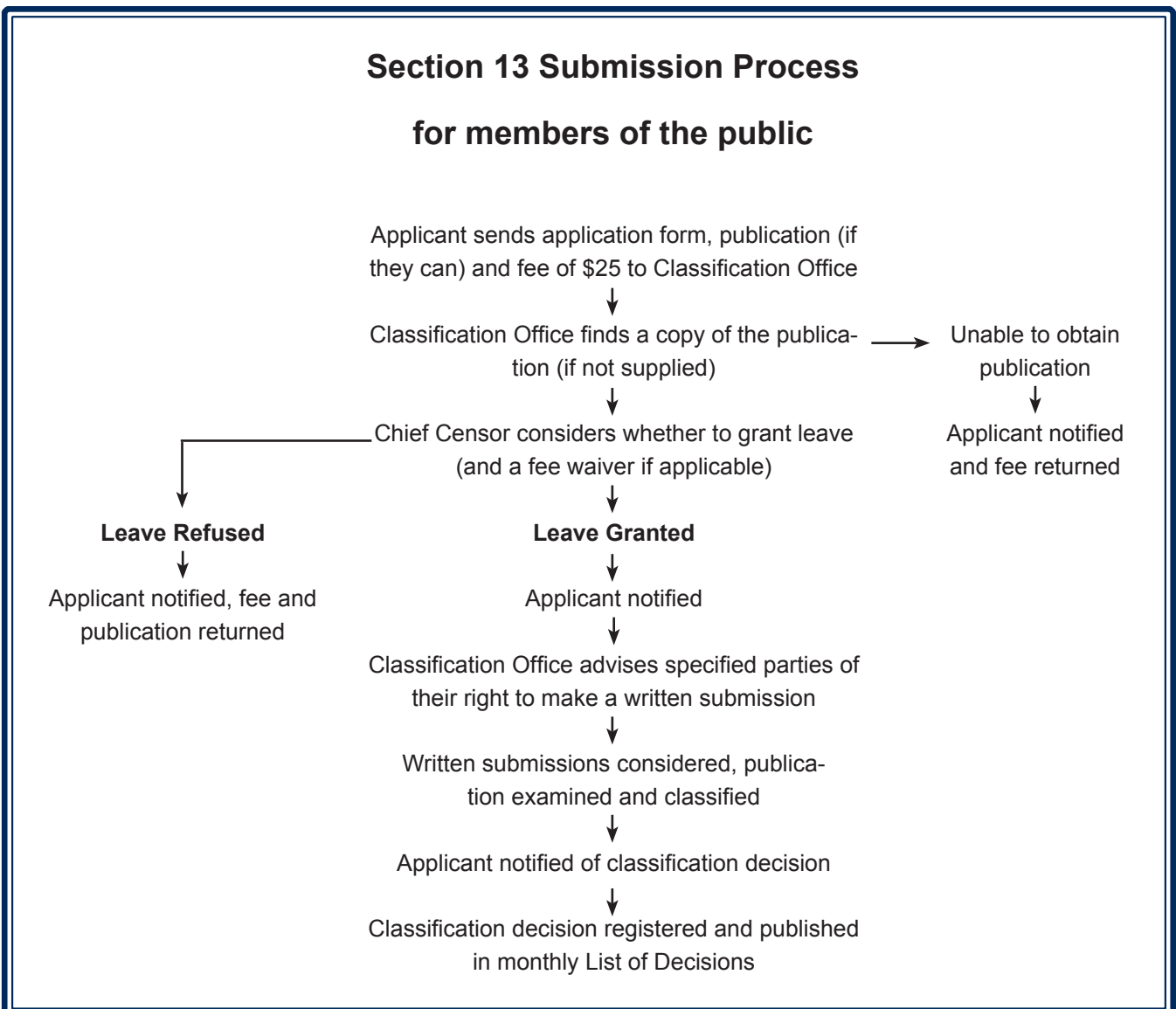
The Film and Literature Board of Review

Any person who disagrees with a decision made by the Classification Office may seek a review of the publication by the Film and Literature Board of Review. This is a nine member, part-time Board, administered by the Ministry of Internal Affairs.

Application for a review must be made within 20 working days of the Office's decision being published in the monthly List of Decisions. The Board does not review the Office's decision - it re-examines the publication as though it had never been classified previously.

If a member of the public wants to apply for a review, they must first seek leave of the Secretary for Internal Affairs.

Since 1999 the Board has tended to give classifications that were the same or less restrictive than those of the Office. It has only once given a higher classification in that period - making *Me, Myself & Irene* R15 (the Office had made it R13).



Two case studies from history

The Comics Scare

Extract from *Censored: A Short History of Censorship in New Zealand* by Paul Christoffel, Department of Internal Affairs Research Unit Monograph Series No. 12 (Wellington: Department of Internal Affairs, 1989), pages 20-21

Comic books were initially reprints of newspaper comic strips. During the 1930s, these became orientated more towards action, violence, romance and adventure, with the likes of Buck Rogers becoming popular. Action and violence became more predominant from 1937, when comic books started to feature original material, thus removing the restrictions imposed by the family orientation of most newspapers. Superheroes such as Batman and Superman appeared on the scene. *New Zealand Truth* and the Mothers' Union were among those who objected to this trend.

In 1938 a deputation met with the Ministers of Customs and Education to discuss their concern about comic books. Later that year several comics were banned under the new import licencing regulations, which restricted publications placing "undue emphasis" on sex, obscenity, horror, crime and cruelty.

During the war years the comics issue was overshadowed by more pressing concerns, but the stationing of large numbers of American troops in New Zealand does seem to have stimulated demand for "cahmics". The result was a post-war spate of letter-writing to education administrators and newspapers.

In 1949, the Education Department examined 63 comics and concluded there was no case for censorship. That year, however, a National Government keen to loosen import restrictions was elected. Whether or not more lenient import controls were responsible, there was a big increase in the range of titles available and an apparent deterioration in content. A 1952 survey by an interdepartmental committee found 214 comic titles on the market, a 350% increase since 1949. The committee considered 37 of the comics to have "a substantial proportion of objectionable features", and 19 more to be "completely objectionable on such grounds as extreme violence, undue horror, and criminal behaviour". In other words, a quarter of the comics examined were found to be substantially or completely objectionable....

The main concern of the anti-comics campaigners was, of course, the effect of comic books on the minds of the young. The concern was a worldwide one which united those of otherwise differing political viewpoints. After the Second World War the proportion of comic books featuring violence and action increased dramatically. The trend was possibly stimulated by the competition in America with movies, radio, and the new medium of television. "By 1949" writes Fredric Wertham, "comic books featuring crime, violence and sadism made up over one half of the industry".

Wertham's 1953 best-seller, *The Seduction of the Innocent*, did much to fuel the burgeoning anti-comic movement. It criticised comics for their violence, sadism, racism and general lack of moral values. Their content, including advertisements for weapons and martial arts courses, caused youngsters to turn to crime, Wertham claimed. He also attacked the effect of comics on literary standards.

Wertham put forcefully and articulately concerns which were already widespread. In 1949, comics featuring crime had been outlawed in Canada. Concern over juvenile delinquency led to the passing in several Australian states in 1953-4 of laws to restrict the circulation of undesirable literature. His book, along with overseas reports of juvenile delinquency, helped revive anti-comic agitation in New Zealand in 1954.

Then suddenly there occurred an event which appeared to show that the juvenile delinquency problem was not confined to other countries. In July 1954, newspapers reported the breaking up by police of a large gang of Lower Hutt teenagers who met frequently for illicit sex. Charges were laid against over 60 youths, prima-

rily for carnal knowledge of girls under 16. Within days, stories appeared detailing similar, if less startling, happenings elsewhere in the country. The Prime Minister lost little time in announcing the establishment of a Special Committee on Moral Delinquency in Children and Adolescents. It became known as the Mazengarb Committee after its chairperson. ...

The Mazengarb Report was published little more than two months after the Hutt Valley revelations. Its recommendations included extending the definition of “obscene” in the Indecent Publications Act to “all productions which are harmful in that they place undue emphasis on sex, crime, or horror”. ... The only evidence cited in support of these recommendations was that the committee had been deluged with magazines, paperbacks and comics “considered by their respective senders to be so harmful to children and adolescents that their sale should not be permitted”.

Evidence or no, there was clearly a widespread belief both in Parliament and in the community at large that comics helped cause juvenile immorality. ... By October 1 three new acts were in place to combat the spectre of juvenile delinquency. None were opposed in Parliament. One of the acts amended the Indecent Publications Act 1910 along the lines recommended by the Mazengarb Committee, resulting in the banning of hundreds of comics.

Questions on The Comics Scare

1. Do you think that legislating against comics was an over-reaction? Do you think that comics really caused the problems people thought they did?
2. What organisations are mentioned as putting pressure on the government to do something about comics? Do you think these groups had any right to comment?
3. In the 1970s, the introduction of the video was believed to be bringing the same kind of evils into New Zealand society. The arguments were almost exactly the same as for comics. What medium that teenagers enjoy now generates this kind of rhetoric and why?
4. Violence and sex have always concerned censors. However, in the 1930s, “violence” frequently meant either a punch or two, and “sex” might have been simply a woman dancing. How has this changed? Why do you think it has changed?

Political Censorship

Extract from *Censored: A Short History of Censorship in New Zealand* by Paul Christoffel, Department of Internal Affairs Research Unit Monograph Series No. 12 (Wellington: Department of Internal Affairs, 1989), pages 18-19

Although upholding moral standards has been the main aim of censorship policy in New Zealand, the country has never been free from political censorship – that is, the suppression of unwelcome political viewpoints. The position of government film censor, for example, was established with the clear intention that the censor should be aware of political considerations, and films continued to be censored for political reasons well into the 1960s.

Socialist and syndicalist publications were banned during and after the First World War. Socialist works were again restricted in the 1930s following depression riots in Wellington and Auckland.

The extensive censorship imposed during the Second World War is well documented. In 1939, the Labour Government introduced stringent censorship of newspapers, the post, telegraph, radio, and books. The Director of Publicity, J.T. Paul, was placed in charge of press censorship. In April 1940 he announced that he would suppress all outgoing news “likely to convey a prejudicial view to overseas countries concerning the National War Effort in New Zealand”. Newspapers were forbidden to publish stories on certain topics without his approval, and he could prosecute the publishers of any item he judged prejudicial to the public interest.

Internal mail was selectively censored, and there was blanket censorship of all other postal communications. Up to 250 staff were employed to censor letters, including 22 full-time and seven part-time translators. Radio scripts were previewed by the censor, but there was no need to censor radio news, which at the time consisted entirely of summarised newspaper stories. A special Customs Department committee was set up to examine books; it banned many political works.

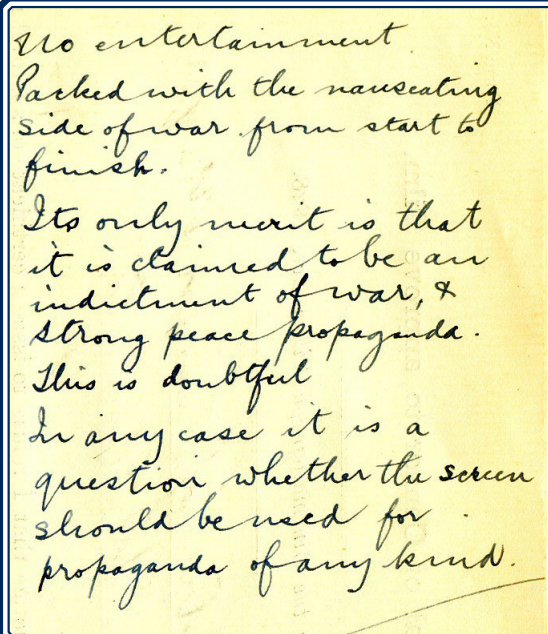
According to F.L.W. Wood, one of the authors of New Zealand’s official war history, this censorship system was fairly drastic compared with that in Australia and Britain. There was initially little objection, but the press eventually became restive. In December 1943, for example, the *Times* of Palmerston North claimed that wartime censorship was more concerned with protecting the Government from criticism than with protecting national security. The remarks landed the editor of the *Times* in court.

Trade Unions were frequent victims of this wartime censorship, and reports of their grievances were often suppressed – to the apparent disgust of opposition politicians. As Taylor points out, such criticism by the National opposition appears to have been motivated more by political opportunism than by principle. Eighteen months after being elected in 1949, the first National Government invoked a state of emergency over the 1951 waterfront strike, and press censorship was as vigorous as during the war. Shortly after the ensuing snap election, National passed the Police Offences Amendment Act. Under the Act, possession of “seditious” literature could result in summary conviction. It was repealed by Labour in 1959.

A more recent piece of political censorship legislation is contained in a 1977 amendment to the Race Relations Act (section 9A), which restricts material and statements deemed likely to incite racial hostility. Section 9A has been much criticised, most recently by Ranginui Walker in the *New Zealand Listener*. He noted that complaints under this section had come to dominate the work of the Race Relations Office, to the detriment of other areas such as combating discrimination in housing and employment.

Questions on Political Censorship

1. Why do you think Christoffel makes a distinction between moral reasons and political reasons for censorship?
2. These days censorship in New Zealand normally refers to restricting the availability of books, movies, videos etc, so that children, in particular, do not view objectionable material. However, in other times and in other countries, censorship has been used in different situations, e.g. during World War Two. How has censorship been used in earlier times? How is it used in other countries today?
3. Although the New Zealand government of today does not impose the overt censorship it did during the world wars, there are other ways in which recent governments might be thought to have considered some sort of censorship. Hate crimes, hate speech and some of provisions of the Human Rights Act might be considered in this way. Can you think of any others?
4. Look up the film *All Quiet on the Western Front* on the internet. This film was banned when it was first submitted to the Film Censor in 1930 because the Censor thought it was anti-war propaganda (see the scanned refusal notice). The Films Review Board upheld his decision, but after intervention by the Minister of Internal Affairs, the film was allowed to be shown in New Zealand with a few cuts. The film received considerable critical acclaim all around the world, so contrary to what the Censor thought, it was not a 'bad' film. Under what conditions could you see films or books being banned today? Do you think this kind of ban could even be imposed today?

 <p>No entertainment. Packed with the nauseating side of war from start to finish. Its only merit is that it is claimed to be an indictment of war, & strong peace propaganda. This is doubtful. In any case it is a question whether the screen should be used for propaganda of any kind.</p>	<p>The reasons that were given for banning <i>All Quiet on the Western Front</i> in 1930 (see below for more easily read copy).</p>
<p>No entertainment. Packed with the nauseating side of war from start to finish. Its only merit is that it is claimed to be an indictment of war, & strong peace propaganda. This is doubtful. In any case it is a question whether the screen should be used for propaganda of any kind.</p>	

If you are investigating *The Passion of the Christ* you might like to consider the difference between these reasons and the reasons both the Office and the Board of Review give for their classifications of *The Passion*.

Censorship Resources

Useful Websites

<http://www.censorship.govt.nz>

The Office of Film and Literature Classification's website, including the New Zealand Censorship Decisions Database.

http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Agency-Film-and-Literature-Board-of-Review-Index?OpenDocument

The Film and Literature Board of Review

http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Censorship-Compliance-Index?OpenDocument

The Censorship Compliance Unit of the Department of Internal Affairs

<http://www.censorship.govt.nz/links.html>

Links to several other censorship bodies around the world, along with some film sites.

http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Censored-A-Short-History-of-Censorship-in-New-Zealand?OpenDocument&ExpandView

The complete text of the book *Censored: a short history of censorship in New Zealand* – this book was published in 1989 so doesn't include anything about the current censorship system. It is a good, brief, overview up to that point.

<http://www.clerk.parliament.govt.nz/Content/SelectCommitteeReports/91bar2.pdf>

Inquiry into the Films, Videos, and Publications Classification Act 1993 by the Government Administration Select Committee. This inquiry led to the changes to the Classification Act in 2005.

<http://www.msd.govt.nz/publications/journal/19-december-2002/19-pages1-13.html>

Censorship In New Zealand: The Policy Challenges Of New Technology - article by David Wilson.

Book

In the public good: censorship in New Zealand / Chris Watson and Roy Shuker
Palmerston North : Dunmore Press , 1998

Biased against censorship, selective in its history, and occasionally inaccurate, this is still a good text for students.

Glossary

Chief Censor - the Chief Censor is responsible for all decisions of the Classification Office. This does not mean that he examines every publication, although he sees a representative sample of what is classified each year, and is involved in any decision that might be controversial or require excisions. His primary responsibility is to administer the work of the Office, in both censorship and procedural matters.

Classification - every publication classified by the Office receives a rating or a classification - G, PG and M are the unrestricted ratings, and anything with R is a legally restricted classification.

Classification Officer - classification officers examine publications and write up decisions on them. COs do most of the work of classification at the Classification Office.

Consideration sheet - detailed working out of the classification in regard to the law. There is a copy of a consideration sheet on the website on the NCEA page.

Decision - a summary of all the reasoning in the consideration sheet. The decision is the final word of the Classification Office on a publication.

Descriptive note - most films classified by the Office will be assigned a descriptive note. The descriptive note gives consumers some indication of material that may concern them, for instance, offensive language, sex scenes or violence.

Excisions (also known as cuts) - some films require excisions before they can be classified at a certain level. Most of the films that are excised are adult sex films, which require cuts if they are not to be made objectionable (banned).

Examination transcript - detailed record of the examination of a publication. Every significant event or piece of dialogue (and many not so significant) are recorded on a minute by minute basis.

Interested parties - when a publication is submitted under Section 13, the Office is required to notify certain people, who have the right to make a submission on the publication. In the case of a book, this would mean the owner, maker, distributor and publisher - not the author, surprisingly, although the Office generally invites the author to make a submission.

Registry - because the decisions of the Office are legally binding, the Office's Registry makes sure that all documents are registered as required by the Act.

Senior Classification Officer - three SCOs supervise the COs.