

## HERMAN NITSCH

Herman Nitsch's video installation seized by the vice squad – a discussion on obscenity  
and censorship in the art world.

On Friday May 27th, the vice squad, together with their seemingly ubiquitous reporters and television team, arrived at Pier 2/3. The focus of their attention was a video installation by Austrian artist Hermann Nitsch. One of the videos showed the carcass of a freshly slaughtered beast dripping blood onto the body of a male with an erect penis.

As distasteful as this work may be, it is hardly at the cutting edge of contemporary debate in either art or ethics. The ideas presented in the work are centuries old and as for the method, Nitsch has been doing his action paintings for more than twenty years so they must be losing some of their novelty by now.

The depiction of the penis, whether erect or flaccid, is always likely to attract the attention of the vice squad but on this occasion it was the combination of the human and beast, life and death, sex and blood, that captured the imagination of the media and the vice-squad. As Nitsch would be the first to point out, this imagery has worked for various religions for thousands of years and one only has to look at the box office and video rental figures for "Straw Dogs" and "The Texas Chain-Saw Massacre" to see that it still works today. But is it any more confronting than some of the performance work by Stellarc and Mike Parr with which the Australian art community has been long familiar?

Usually the vice squad seizes a work when it considers that the work is "indecent" or "obscene". The legal definition of these terms varies from State to State but the constant factor throughout Australia is the subjectivity of the decision to be reached, first by the vice squad and then by the Magistrate.

On this occasion, however, the undue excitement of the vice squad and their loyal band of complainants was not the reason given for the raid. At the time, the reason given for the seizure was that the videos had been neither classified nor exempted from classification. It was put in terms of a procedural omission by the exhibition organisers, rather than the protection of the community's standards of morality and outrage by the vice squad.

Under the Customs Cinematograph Films Regulations (which is federal legislation) event organisers can apply to the Federal Attorney General's Department for the event to be accorded "event status" which will allow the organisers exemption from the usual customs requirements. The Department may impose numerous conditions on the organisers but they are all quite straight forward. They may include the requirement that:

- \* all works be listed and described;
- \* they be shown only at prescribed venues;
- \* the period of their exhibition be limited; and

\* they all be exported from the country within a nominated time.

"Event status" and the consequent exemption from the Customs Regulations, must be awarded before the works are imported.

Many organisers are unaware, that the granting of "event status" is only half the battle. Every State has legislation governing the classification of films and videos. In New South Wales this is the Film and Video Tape Classification Act 1984. Under this legislation it is an offence to hire, sell or exhibit a video (or a film) to the public unless it has been first submitted to the Film Censorship Board for classification. Although the Film Censorship Board is a Commonwealth body, it acts as an agent for the New South Wales Government.

It is an offence to exhibit the film or video without first obtaining either a classification or an exemption. If exemption is granted, this will usually only be subject to certain conditions. (For example, viewing may be limited to a specified venue and R18 audiences holding subscription tickets).

All of this may sound tedious, but once that classification or exemption from classification has been obtained, the work is protected from police seizure.

In brief, there are two hoops through which to jump. There is the application to the Commonwealth Attorney General's Department for "Event Status" which allows the work to be imported. Then there is the application (under State legislation) to allow the work to be exhibited.

On this occasion, the formal ground for the seizure of the Nitsch videos is not that they are obscene, or that they have a tendency to deprave or corrupt or breach some ill-defined community sense of what is acceptable and what is not. It is much more simple. The Biennale organisers obtained permission to import the videos but did not have them classified (or exempted from classification) before exhibiting them. The mistake is simple enough to make. (For example, the Art Gallery of New South Wales has never obtained a classification for any of the videos that it has shown).

For their part, the vice squad are, of course, within their rights in seizing a work that is being unlawfully exhibited. But why did they seize the Nitsch tapes and leave the Brian Eno tapes alone?

## POST SCRIPT

The seized videos were referred to the Commonwealth Censorship Board by the Vice Squad. There, some were awarded a PGR classification (Parental Guidance Recommended) which means that they are not recommended for children under twelve. The remainder received an M rating (Mature), that is, they are recommended as suitable for audiences 15 years and over.

At time of writing it is not decided whether the Biennale will be charged with any offence but it may be assumed that the works will soon be returned, (their interest thus enhanced). for continued, if slightly restricted, exhibition.