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CENSORSHIP AND RESTRICTED ACCESS

The impulse to censor published works and archival materials, and the effect this has on the ideas contained within them, was the subject of a multi-disciplinary conference held in Senate House on November 6-7, 2014 and organised jointly by the Institute of Advanced Legal Studies, the Institute of English Studies and Senate House Library. Speakers set out to explore the causes, symptoms and effects of censorship, which can involve overt interference with a text but also extend to a cover a range of repressive measures deployed by governments to restrict the publication of information or curb unwanted criticism. "Forbidden access: censoring books and archives" examined censorship in a variety of contexts and from its aesthetic, cultural, socio-economic, ideological, legal and political perspectives. The following brief overview of selected papers attempts to capture some themes and issues raised by the conference.

Censorship has a long and inglorious history. For example, Richard Baxter, a Dissenter and Puritan who preached a doctrine of religious tolerance, was one of the authors whose books were burnt by the University of Oxford in 1683 after falling foul of Church and State. Two years later he was tried and imprisoned for his *Paraphrase on the New Testament,* described by Lord Chief Justice Jeffreys as a "scandalous and seditious book against the government." As Tom Charlton (University of Stirling) explained, the pressure exerted by Restoration censorship led to the author publicly declaring his wish that *A Holy Commonwealth,* a tract written by him in 1659, be considered *non scriptum* because he became so frustrated at the reputation it had earned him. This was an attempt at self-censorship provoked by the controls he continually encountered fwhen expressing his views.

A paper by Elizabeth English of Cardiff Metropolitan University ("Foul minds and foul mouths: censorship, lesbian sexuality and a turn to genre-fiction") reminded us that by the 1920s book publishing had become a hazardous business. The government took legal action against "obscene" literature, two of the most famous books involved being James Joyce's *Ulysses* (1922) and *Lady Chatterley's Lover* (1928) by D H Lawrence. Modern censorship in Britain was defined by the obscenity trials of 1954, where for example the author Walter Baxter and the publisher of his novel *The image and the search* were tried at the Old Bailey. They were not permitted to speak in their own defence, and no critical defence of the novel as a work of art was permitted. The Obscene Publications Act 1959 changed this by introducing legalised exceptions in the case of public good or artistic merit. As Rosa Cran of UCL noted in "Censuring William Burroughs: the 1963-64 *Times Literary Supplement* controversy", the Act ushered in a new era where the literary critic was called to the courtroom as an expert witness.

Censorship can prevent access to works in other ways. It has for example always been present in public libraries, conflicting with their fundamental purpose and the professional code of librarians (a theme developed by Louise Cook and Clare Ravenwood of Loughborough University in "Censorship in public libraries: pressure and resistance.")

Sometimes governments adopt a policy of making material deliberately inaccessible, which although not strictly censorship achieves the same effect. Ronan Cormacain (IALS) in his presentation "Deliberate inaccessibility of legislation" summarised how the UK government has used the approach with reference to the Chagos Islands. Citizens do not know what the law is and it is carried out in secret, making it impossible to challenge.

A paper by Paul Lihoma (Malawi National Archives) and James Lowry (International Records Management Trust) recorded how a Malawi Government which became increasingly autocratic and intolerant of criticism after independence in 1964 controlled access to public records. This was achieved, as "Access restrictions and the surveillance of dissent in the Malawai National Archives under the single-party state" set out, by introducing measures such as complex access procedures, frequent closures of the National Archives, banning of foreign researchers, and restrictions on research subjects.

When governments find themselves in courts, the principles of open justice that lie at the heart of the rule of law can find themselves subject to restrictions, particularly when security issues are involved. Lawrence McNamara (Bingham Centre for the Rule of Law) drew attention in "Closed judgments in terrorism and security cases: what becomes of them" to the ever-increasing body of judgments to which the public has no access and for which there are no plans in place to ensure access in future. The Special Immigration Appeals Commission (SIAC) routinely delivers closed judgments, and the Justice and Security Act 2013 has presided over both closed material proceedings and closed judgments since it came into force.

Past and present experience teaches that censorship moves with the times and can affect us all. The power of the state to shape lives is very real, as this conference made clear.

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