

Unseemly Language and the Law in New South Wales

BRIAN TAYLOR*

My paper is going to be a bit like Shakespeare's *Hamlet*: just as *Hamlet* contains a play within the play, there is a paper within this paper, and here it is.

Australians and the words they swear by

When the Pilgrim Fathers arrived in America in 1620 to found their colony there, they landed singing psalms and praising God for their safe deliverance. When the First Fleet arrived in Sydney Cove in 1788 to found the first colony here, the convicts and soldiers landed cursing and swearing about the horribly long voyage they had endured and about the prospect of being dumped in this God-forsaken land. Their descendants have gone on swearing ever since.

The German writer Friedrich Gerstäcker, who had travelled widely in America and the South Seas and visited Australia in 1851, remarked a number of times on the amount of swearing he encountered everywhere he went in Australia. In one passage he says:

It is generally thought that swearing is one of the chief characteristics or vices of sailors, who only too often give vent to their feelings with a swearword; but they are in no way the equal of the old hands in the Australian bush and can't hold a candle to them when it comes to swearing.¹

And elsewhere he comments:

Almost every word they speak shows their roughness and lack of education, and 'a bloody fine day—a bloody bad road' are expressions they constantly use, even when they are being friendly.²

In the twentieth century, this swearword *bloody* came to be regarded as the Great Australian Adjective and has been immortalised in John

* Associate Professor Brian Taylor is Director of the Language Centre, University of Sydney. An earlier version of this paper was read to the Arts Association.

O'Grady's poem from the 1950s entitled *The Integrated Adjective* with its haunting refrain:

E's up at Tumba-bloody-rumba shootin' kanga-bloody-roos³.

But is swearing peculiar to Australian English? And what is swearing anyway?

No, it is not peculiarly Australian. All dialects of English have similar, if not identical, swearing systems to ours.

In English swearing consists mainly of using in a piece of speech words to do with religion, sexual activity and the activities of defecation and urination along with the 'private parts' of the body involved in these. These words are tabooed, that is, their use is considered by the society at large to be indecent. *Bloody* is, incidentally, a puzzle, since it does not belong in any of the categories of religion, sex or body functions, unless it is a corruption of the old religious expression 'By our Lady!'

Now, the strength of the taboo, or the taboo-loading, is not the same for each word: some words are considered to be worse than others. For example, *arse* is worse than *bum*, *bum* is worse than *bottom*, and *bottom* is worse than *rump*. In fact, if we put the words for 'buttocks' or 'posterior' on a vertical scale from low to high taboo-loading we could say that *rump* has a taboo-loading of 0, *bottom* a loading of 1, *backside* 2, *date*—a word used when I was young—3, *bum* 4, and *arse* 5. The more vehement or ruder you want to be, the higher up the scale you go. Compare 'Get off your bottom, please!' and 'Get off your arse, will you?'

5 is the highest level of taboo-loading here, and words in Levels 4 and 5 are the real swearwords that many people, for instance devout Christians, simply will not use. Levels 3 and below contain what we could call 'near-swearwords'. There are, however, two words that we would have to put at an even higher level of taboo-loading than *arse*, which is at Level 5. These are the two Level 6 words *fuck* 'to have intercourse' and *cunt* 'female genitals', which were previously called the 'unprintable words'. Even today they are still so heavily tabooed that I feel uncomfortable even saying them here over the radio, and I know that, if I were using them here actually to swear and not as examples, they would very probably be bleeped out by the ABC.

So far I have talked about these words in their literal senses referring to activities and parts of the body, but it is characteristic of English swearing that these words can also be used in figurative senses as terms of abuse. In these figurative uses, too, the speaker can

range up and down the taboo levels to indicate his degree of vehemence or anger. For example, ranging from low to high taboo-loading, I can call someone I don't like

You beggar!	0
You cow!	1
You swine!	2
You bludger!	3
You bugger!	4
You bastard!	5
You cunt!	6

Similarly, I can put in front of each of these nouns an adjective: *darn* 0, *damned* 1, *blasted* 2, *frigging* 3, *bloody* 4, and *fucking* 6 (there appearing to be no Level 5 adjectives), to give combinations like 'You damned cow!', 'You bloody bastard!', etc.

So far we have looked only at the vertical axis of taboo levels. But there is a horizontal axis, too, in the form of phrases or sentences that swearwords typically occur in in Australian English. My favourite example of this is a sign—now sadly gone—over the door of a service station in the Sydney suburb of Five Dock, which has a large Italian population. The sign had on the first line:

NOTICE

then

WE CASH CHEQUES!

Below that was the picture of a pig with his rear-end to the reader and looking back over his shoulder at him, and on the next line were the words:

WE DO.

In short 'Notice: We cash cheques/picture of back end of pig/we do.'

Now to any Italian that would look like a double affirmation that the service station people cash cheques, with an inexplicable picture of a pig's behind in the middle. But the native Australian would read the sign as:

Notice
We cash cheques!
PIG'S ARSE
we do

and understand it as a vehement denial that these people cash cheques. In other words, we can in Australian English turn an apparent

affirmative into a negative by putting a swearing expression in front of it, and we can do this at various taboo levels. For example, if someone says to you:

'You'll lend me twenty dollars, won't you?'

you can answer with increasing taboo- and vehemence-loadings:

My eye I will!
Like hell I will!
Balls I will
Bullshit I will
Pig's bum I will
Pig's arse I will

and in every case you mean: 'I won't!'

Compare, too, the following series:

I'm blessed if I know what it is!
I'm damned if I know what it is!
I'm buggered if I know what it is!
I'm fucked if I know what it is!

all of which mean merely 'I don't know what it is!', but with various degrees of taboo and vehemence.

I once counted some two dozen different phrase- and sentence-types in which this sort of thing can be done. And here lies the genius of the swearing system of English, certainly of Australian English: in the combining of the figurative uses of swearwords at the various taboo-levels with a whole host of sentence-types, whose meanings and level of social acceptability are completely lost on anyone who has not grown up in the society that uses this sort of language. Other languages, for example German, which is related to English and some of whose swearwords, such as *Scheiße* for *shit* and *Arsch* for *arse*, are from the same origin as ours, do not have this same degree of complex interaction of the vertical and horizontal axes in their swearing language that English has.

Another interesting aspect of swearing in Australian English is the way speakers will reduce or intensify the taboo-loading on a particular swearword or term of abuse.

Taboo reduction can be achieved in various ways.

One is to alter the structure of the swearword so that, especially in exclamations, only the initial part is retained and the rest is dropped or altered, thus *God!* becomes *Gosh!*, *Jesus* becomes *Gee!* or *Jeez!*, *Christ!* becomes *Crumbs!*, and *For Christ's sake!* becomes *For*

crying out loud!; *Shit!* becomes *Shivers!* or *Sugar!*, and *fucking* becomes *flaming* or *flipping*. Christians typically use this as a means of avoiding the taboo, as do young people in the presence of their parents or teachers.

Another method is to use pronunciations from other dialects of English, so that [bæstəd] doesn't sound as bad as [bastəd], American English *ass* is not as bad as *arse*, *plurry*, the Aboriginal or Maori pronunciation of *bloody*, carries far less taboo than the original, and Irish English *fooking* can be printed in an Australian newspaper, where *fucking* can't be.

There are also more elaborate ways of avoiding taboo, involving some sort of 'cushioning' outside the word itself. For example:

He's a bloody idiot, if you'll pardon my French.

is a device often used especially by women speakers.

And my favourite here is the following story.

The clergyman headmaster of an Anglican boys' school in Sydney in the 1960s, wanting to get his message about the appalling state of the school lavatories across to his pupils, addressed the school assembly as follows:

Boys, I want to talk to you today about a subject that you and the Bible call 'piss'.

By drawing attention to the fact that the Authorised Version of the Bible then in use used this word, for example in the First Book of Kings, chapter 14, verse 10, the term for a 'male' is *him that pisseth against the wall*, he was able to 'cushion' himself against the Level 5 taboo-loading of the word.

To intensify the taboo-loading, and so the vehemence-loading, a speaker may reinterpret an original non-swearword as a swearword or else put in a swearword that is not entirely logical in the context. For instance, the word *dam* in 'I don't give a tinker's dam!', meaning 'I don't care at all', is said to have originally meant a small coin-shaped, but worthless piece of metal the tinker used to mend holes in iron pots. It has, however, been reinterpreted as the swearword *damn*, so that we now have the 'illogical' series:

I don't give a dam(n)!
I don't give a bugger!
I don't give a stuff!
I don't give a fuck!

The 'logical' exclamations 'For God's sake!' and 'For Christ's sake!' have now been joined by the illogical taboo-intensified 'For shit's

sake!', as in 'For shit's sake don't do that!'

Similarly, the series *dimwit*, *halfwit* and *nitwit* in the sense of 'fool' have been joined by *fuckwit*, which Max Harris once said in his column in the newspaper *The Weekend Australian*—I don't recall exactly when—is only heard in Australian English.

Swearwords have often been called 'four-letter words', but these four letters only represent three sounds in some cases. In a few of the most important and widely used swearwords, for example *shit* and *fuck*, these three sounds are structured in the pattern consonant–vowel–consonant, with the first consonant being a continuant that can be drawn out [ʃ:] or [f:], and the last [t] or [k] a plosive that can be 'exploded'. This allows the swearer to draw out the first part of the word and to hit the last part hard and suddenly to give a heightened effect to his swearing, for example: [ʃ:::i::::t^h]. This structure has been copied to form new words of abuse. The old expression of approval *yum*, with its lipsmacking *m*, has in American English since the 60s been reshaped to form its opposite *yuk* [j:::ak^h], an expression of disapproval with the continuant-vowel-plosive structure. In British English the word *boy* has been turned back-to-front to produce *yob* 'a loutish or aggressive youth', and *sodomite* 'male homosexual'—which is also the original meaning of *bugger*—has been cut back to *sod* 'disagreeable person' and then used as a verb *sod off*, meaning the same as *bugger off* 'go away'.

More swearwords may yet be manufactured in this way.

Times have changed. A few years ago there is no way I could have given this talk over the radio without much of it, if not all of it, being censored, but society and the law seem to have relented and swearing is out in the open and has in consequence lost much of its old taboo-loading and so its power, its power to shock. And that weakens its value as swearing, for taboo is created by prohibition. Perhaps the Federal Anti-Discrimination Act, which aims to prevent, amongst other things, slurs on people's ethnic origin, gender or disabilities, does in fact suggest the area in which new swearwords will arise in the future. After all, way back in 1851 the German Friedrich Gerstäcker registered *cripple* as one of the words our forefathers swore by⁴.

Well, that was a talk I recorded for ABC Radio, as you'll probably have guessed. I recorded it back in 1985, but you pretty certainly never heard it. And here's the reason why in this newspaper item from page 7 of the *Sydney Morning Herald* newspaper of 5 October,

1985 by Paul McGeough titled 'Now ABC attracts the vice squad', the core of which went as follows:

Western Australia's conservative Opposition invariably takes up matters of morals and decency, and it did so when the ABC broadcast a schools program on swearing last month.

Now the WA police say they have had an official complaint and the vice squad believes that the program, for 15 to 17-year-olds, may have contravened section 118 of the Broadcasting and Television Act, which outlaws matter that is blasphemous, indecent or obscene.

But before it can proceed with a charge it has to get the written consent of the Minister for Communications, Mr Duffy.

The program, *Australians and the Words They Swear By*, drew flak in South Australia earlier this year, but the ABC has defended it as a serious attempt to analyse swearing.

On Thursday the Deputy Leader of the Opposition, Mr Barry MacKinnon, called in reporters to listen to a tape of the program and to give them transcripts.

Given the recent prosecutions against comedians such as Rodney Rude and Austen Tayshus for swearing at adult entertainment venues in Perth, it is surprising that it has taken the police so long to move in on the ABC.

Mr MacKinnon dismissed the program as 'straight from the gutter'.

Though my name was not mentioned, it was clearly my talk. I was taken aback that the law had been called in and incensed at Mr MacKinnon's accusation that it was 'straight from the gutter', when it should have been clear to him and anyone else who heard it that it was 'straight from the ivory tower'. As you can see it caused such a furore in Western Australia that they called in the Vice Squad, partly, I was told later, because the W.A. Police had a score to settle with the ABC on account of a television program that had been less than complimentary to that police force.

As can be seen from the next newspaper item, 'ABC Won't Cut Language Show' on p.6 of *The Sun* of 10 October, 1985, the ABC claimed it was going to tough it out:

ABC staff will not cut an English language program, ... to go to air to NSW schools, unless Federal Communications Minister Mr Duffy rules otherwise.

But it didn't. The talk had, admittedly, also been broadcast in South Australia, but the fact that it was put on straight after *Kindergarten of the Air* didn't help matters. One irate Adelaide father had been caught with his radio left on and his little son apparently continuing to listen. So Father rang up the ABC to complain, and finished his call with: 'And the worst of it was, that man seemed to *enjoy* saying those words.'

In the event there was, as far as I know, no prosecution, certainly not of me, but the program has never to this day been broadcast in the eastern states, even though my information was that Mr Duffy had not ruled against it. Clearly the legal threat from the West (and threats from the then Queensland Minister for Education) sufficed to prevent even a serious linguistic analysis of swearing being broadcast to an age group most of whose members use it as a matter of course. Broadcast was being prevented simply because certain sequences of sound—words—would be audible.

I was, admittedly, asked by the ABC to record a new and 'less offensive' version of the talk. This I did, having—with some sarcastic comment—the offending words bleeped out, attacking with a term of abuse from the Bible (Matthew 23, verse 27)—the 'whited sepulchres' of the West, and calling upon the great philosopher Kant and a pseudo quotation from him, *facta non verba* (freely translated as 'It is deeds that do the damage, not words'), with both name and quotation—bearing in mind the point about sound sequences made at the end of the previous paragraph—being respectively pronounced in the correct German or Latin manner, with *a* in the philosopher's name and quote sounding like *u* in *bun*. All in vain, for, although I was paid a second fee, this version never went to air at all.

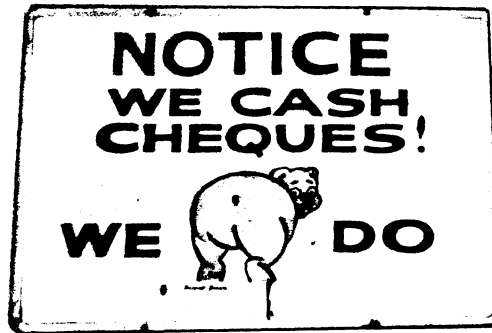
The research on which the talk was based was originally done back in 1972 and 1973, and the conclusions were presented in a paper I gave at a linguistics conference at the University of Queensland in May 1973.

The inspiration for the paper came from the 'pig's arse' service station sign I mentioned in the talk. This sign firstly made me aware how difficult it would be for an NESB person, i.e. a person of Non-English-Speaking Background, to comprehend this sort of language, and secondly it suggested to me that this language could

be described quite systematically on two axes.

As explained in the radio talk, swearing can be described on a *horizontal* axis in terms of a series of structures, i.e. phrases or sentences, with a slot in them into which one of a series of swear-words can be dropped. And this series of swearwords forms a *vertical* axis with words all having the same meaning arranged in terms of increasing taboo.

The two axes are nicely illustrated in the following table showing how the pig sign, reproduced here:



fits into the system, but showing too how there are a whole lot of other phrases that can be used with the same effect.

Table 1.

Q: You cash cheques here, don't you?

A: **Pig's arse** we cash cheques = 'We certainly don't cash cheques.'

Pig's bum we do = 'We certainly don't'.

Pig's ...

Be buggered ...

Be blowned ...

My tit ...

My foot ...

My eye ...

Bullshit ...

Arsehole ...

Balls ...

Ballocks ...

Like hell ...
Like heck ...
Like blazes ...
Like fun ...

The set of possibilities is set out here in five subsets within which the terms bear some similarity to each other, i.e. the first subset are 'pig' terms, the third body part terms, the last 'like ...' terms. Within each subset the term highest in the list has the highest taboo-loading and the terms below it are arranged in decreasing order of taboo-loading.

I cannot use just any old phrase in the slot to produce a refutation of the questioner's assumption. I cannot, for instance, answer: 'Pig's trotter we cash cheques', or 'We cash cheques? My hand we do.' The native speaker of Australian English knows intuitively, as he or she knows any other rule of the language, just which phrases can be dropped into the sentence structure here to provide the refutation meant.

As I thought further, I realized that most swearwords have two sets of meanings. Firstly, there are the *literal* ones referring to parts of the body or activities connected with sex and other bodily functions traditionally considered 'naughty' or 'dirty', so *arse* for 'posterior', *shit* for 'faeces', *fuck* for 'have intercourse'. These are set out in **Table 2** where the meanings are given along with the taboo-loadings for each word on a scale of 0 (no taboo-loading) to 6 (highest taboo-loading) according to my own native speaker intuitions.

Then there are *figurative* meanings, where these same words have senses not directly connected with body parts or activities, so that *arse* can be used as a term of abuse to someone as can *shit*, which, however, can also mean 'nonsense', and *fuck off* simply means 'go away'. These sorts of meanings are set out in **Table 3** in a parallel way to the literal ones in **Table 2**.

Thus these two tables represent the vertical axis of swearing in the form of a scale of increasing taboo-loadings for each meaning.

I have so far identified nearly two dozen 'horizontal' structures with slots for swearwords to be slipped into. These are set out in **Table 4** with their meanings.

Table 2 Literal uses of Swearwords and Quasi-swearwords

taboo load	copulate (with)	masturbate	female pudenda	female breasts	penis	testes	buttocks/ /anus	defecate	pl: faeces/ sg: /faex	n: anal wind/ v: /break wind	n: urine/ v: /urinate	male homo-sexual
	a	b	c	d	e	f	g	h	i	j	k	l
6	fuck		cunt									
5	root shag		twat	tits	prick	balls	arse/ /arsehole	shit	shit/ /turd	fart	piss	
4	stuff screw	frig	quoit snatch	boobs	cock stiff(y)	cods	bum/ /hole	poop	poop/			poofter poof
↑ Swearwords ↑						↓ Quasi-swearwords ↓						
3	lay	pull jerk off			horn stalk tool dong	nuts	date/ /crack	cack	cack/	pong	/have a slash	queen fag faggot
2			pussy	headlights	dick fat	knackers	acre/ /backside/	crap	crap/	fluff	/have a leak	queer
1	do		fanny	teats	tommy tossle sausage	bollocks stones	behind/ /bottom/	have a crash	/nugget	drop one	pee piddle	fairy
0	have			chest	dicky		behind/ /rump/	poo	business/ poo/ number 2/	make a smell	wee widdle number 1/	gay

Note: Where slashes (/) occur in a column the words or phrases before the slash have the meaning of the sense before the slash at the top of the column, those after the slash have the meaning of the sense after the slash at the top of the column. No slash = both senses.

Table 3

Figurative uses of Swearwords and Quasi-swearwords

taboo load	noun ± animate	noun + male	noun + female	adj. / adv.	'nonsense' noun / exclamation	exclamation of - surprise - disgust - dis- appointment	verb: 'break'	verb: 'ruin' noun: 'chaos'	verb: 'dither'	verb: 'go away'
	a	b	c	d	e	f	g	h	i	j
6	cunt			fucking		Fuck (± it)!	fuck	fuck-úp fúck-up	fuck about fuck around	fuck off
5	turd bastard shit shithead	poofter poof prick	slut		bullshit	Shit! Christ!	root	arse úp árse-up	arse about/ arse around	piss off piss orf
4	bugger	perv	bitch	bloody	poop	Jesus!	bugger	bugger úp búgger-up	buggerize about buggerize around	bugger off
↑ Swearwords ↑						↓ Quasi-swearwords ↓				

3	bludger			frigging	crap /balls	God! Hell!	frig	frig úp		soff sorf
2	swine rat stinker dick-head	mongrel	tart bag	blasted stinking	ballocks bullsh	Gawd! (±struth) Blast (±it)! Jeez!		balls úp báalls-up	frig about/ frig around	pee off
1	dog cow pig coot b___ devil	mong hound	witch	rotten b___ damn(ed) flaming	bull bulldust	Struth! Cripes! Blimey! Strike! Damn!		cock úp cóck-up	muck about muck around	beat it
0	beast beggar rotter wretch		hussie	blooming blinking blessed darn(ed) dash(ed) flipping plurry	rot tripe drivel	Heck! Gosh! Gee! Crikey! Crumbs! Golly! Crumbs! Sugar! Shivers! Jingies!	jigger	jigger úp bomb úp bómb-up botch (±úp) bótch (±up)	mess about mess around	buzz off shoot through

Table 4

'S' (= Swearing)-Structures

NB. *Structures marked with an asterisk always function or may also function as no more than attitude or mood markers, i.e. they mean 'I am expressing a negative [in some contexts: positive] attitude to the addressee/referent/general situation at x level of vehemence'.

1. **'S'-adjective + *well* = sign of vehemence.**
He **fucking well** stole all my money!
2. **'S'-adjective + *near* = 'nearly'.**
He **fucking near** killed me!
3. **'S'-verb + *all* = 'nothing, no, not any'.**
I've got **fuck-all** money!
4. **'S'-adjective infixed in the middle of a word (before the stressed syllable) = sign of vehemence.**
That's fan-**fucking**-tastic!
5. **Pseudo-simile: *like* + 'S'-noun = 'very fast/hard/loudly'.**
They worked **like shit**.
They yelled **like buggery**
They ran **like hell**
6. **Pseudo-simile: *as* + Adjective + *as* + 'S'-noun = 'extremely'.**
He's **as lazy as shit**.
7. **Pseudo-possessive: *a* + 'S'-noun + *of a* + noun (X) = 'a terrible (X)'.**
It's **a cunt of a day/job** OR He's **a cunt of a man**, etc.
8. **Expanded comparative: *a* + 'S'-adjective + *sight* + comparative adjective/ adverb (i.e. *more* or *-er*) + *than* = vehement comparison.**
He works **a fucking sight harder/more often than you**.
9. **Pseudo-adverbial of destination: *to* + 'S'-noun = '(far) away'.**
She threw the ball **to buggery** (over the fence).
I had to go **to buggery** and back to get it. = '... a very long way ...'
10. ***Pseudo-adverbial of destination: *Go/Get to* + 'S'-noun = 'go away' OR expression of refusal or rejection.**
Go **to buggery!**
Get **to buggery** out of here!
11. ***Pseudo-passive imperative: (*Go and*) *get* + 'S'-verb + *-ed* = 'go away' OR expression of refusal or rejection.**
Q: Will you help me, please?
A: Get **fucked/Go and get fucked!** = 'No, I won't'
12. ***Pseudo-imperative: 'S'-verb + *you* = vehement refusal or rejection, or an**

- indication (by B below) of exasperation towards the person spoken to (A below).
- A: You'll help me with this work, won't you?
B: Fuck you!
13. ***Pseudo-imperative: 'S'-verb + noun/pronoun = Indication of anger towards the person or thing referred to.**
Fuck this pen! It won't write!
 14. **Pseudo-imperative + pseudo-conditional clause: 'S'-verb + *me if* + clause = vehement negative.**
Fuck me if I/he said that (= I/he didn't say that.)
 15. **Pseudo-imperative + pseudo-future conditional clause: 'S'-verb + *me if I'll* + rest of clause = vehement refusal.**
Fuck me if I'll lend you any money (= I most certainly won't lend any.)
 16. **Pseudo-1st person passive + pseudo-conditional clause: *I'm* OR *I'll be* + 'S'-verb + *-ed* + *if* + clause = strong negative**
I'm fucked if he told me! (= He most certainly didn't tell me.) OR
I'll be fucked if he told me! (= He most certainly didn't tell me.)
 17. **Pseudo-1st person passive + pseudo-1st person future conditional: *I'm* OR *I'll be* + 'S'-verb + *-ed* + *if I'll* + rest of clause = strong refusal.**
I'm fucked if I'll help Smith! (= I most certainly won't help him.) OR
I'll be fucked if I'll help Smith! (= I most certainly won't help him.)
 18. **Pseudo-passive imperative: Sentence remnant + postposed *be* + 'S'-verb + *-ed* = negation of interlocutor's (A's) assertion.**
A: Hey, you've drunk my beer!
B: Your beer, be fucked. It's mine!
 19. **'S'-word/phrase + (tag) assertion = negation of interlocutor's (A's) assertion.**
A: You cash cheques here, don't you?
B: Pig's arse (, we cash cheques/we do). = 'We certainly don't (cash cheques).'
 20. **w- question word (*who, where, how* etc.) + (*in*) *the* + ('S'-adjective) + *hell/heck/fuck* = vehement question (indicating irritation or curiosity).**
Who (in) the (fucking) hell are you?!
Who the fuck are you?!
 21. **Pseudo-imperative: 'S'-verb + *me* (+ *dead*) = vehement expression of surprise.**
Fuck me (dead)! Where did you appear from?
 22. ***Noun phrase: (determiner) + ('S'-adjective) + 'S'-noun**
the/that (fucking) cunt
 23. ***Quasi-vocative: *you* + ('S'-adjective) + 'S'-noun**
You (fucking) cunt!
-

I am a teacher of German, not English, and I originally did all this analysis to provide teachers of English to migrants with a solid basis for producing course materials to help people from overseas to understand swearing. But till recently no one showed much interest in it. In fact some of my linguist colleagues seemed to think it was outright indecent to be messing about with this sort of downmarket language.

However, as an indirect result of a little article in *The University of Sydney News* about a talk on swearing, similar to the present paper, that I was to give at the University's Spring Open Weekend in September 1992⁵, the whole topic really hit the headlines—not just in Australia, but all over the English-speaking world and beyond. There were articles about it in newspapers as far away as Berlin and Helsinki.

Unfortunately, some sections of the media sensationalized the whole thing and made it seem as if I was advocating the spending of swags of public money to set up elaborate courses to teach migrants to run around the place swearing their heads off⁶.

What I did suggest was that in any course to teach overseas people Australian English there should be at least a couple of hours devoted to helping them to comprehend the complex system of words that we Australians swear by. And that, for the media, was much less expensive and, of course, much less newsworthy.

In more recent years, however, I have been prompted to look at this research on swearing not just from a potential educational perspective, but also from a legal one. What has concerned me is the fact that in New South Wales there has long been, and still is, a law which, at the time of writing, can cause people who use the language I have described to be fined or even to be imprisoned. Even more disturbing is that this law, the Summary Offences Act, appears to be used by the police excessively often against the poor and powerless in our society, quite especially against Aborigines.

As I said in the ABC talk, Australians have been swearing ever since the foundation of the colony at Sydney Cove, not only the Europeans, but also the Aborigines, for in June 1788 the First Fleet surgeon George Worgan observed of the Aborigines that '[t]he sailors teach them to swear'⁷. The first individual in Australia notorious for his swearing was Governor William Bligh (b.1754–

d.1817), though his most notorious utterance, 'Damn the Secretary of State. He commands at home. I command here!', strikes us today as pretty mild. However, Bligh could evidently use much stronger words, and during the trial of one of those who had deposed him during the Rum Rebellion staged by the local military on 26 January, 1808 the complaint was raised that he had continually called the soldiers 'wretches and tremendous b__s'⁸.

In the first half of the nineteenth century there are many other complaining references by writers and by clergymen like the Presbyterian divine, Dr John Dunmore Lang, and the Catholic Vicar-General, The Very Reverend William Ullathorne, about the use of swearing by Aborigines, male and female convicts and currency lads and lasses, i.e. Australian-born European youth⁹, but I have not as yet come across any evidence of legal proceedings taken against anyone because they used a swearword.

The earliest law in New South Wales I have been able to find that contains specific penalties for swearing is 'An Act for the more effectual prevention of Vagrancy and for the punishment of idle and disorderly Persons Rogues and Vagabonds and incorrigible Rogues in the Colony of New South Wales' (15 Victoria No. 4) of 1 December, 1851, where it is stated:

5. And be it enacted That any person who shall sing any obscene song or ballad or draw any indecent or obscene word figure or representation or use any profane indecent or obscene language in any public street thorough fare or place or within the view or hearing of any person passing therein shall be liable to be apprehended by any constable or other person and conveyed before any Justice of the Peace and upon any offender being convicted by such Justice of any such offence in a summary way he or she shall forfeit any sum not exceeding five pounds and in default of immediate payment shall be committed to the common gaol or house of correction for any period not exceeding three calendar months.¹⁰

Thus this Act of 1851 (coincidentally the year that the German Gerstäcker was in New South Wales) punished what it called 'obscene language' with a fine of up to five pounds or three months in gaol. These same possibilities of a fine or a custodial sentence of three months are retained through the successors of this act: the

Vagrancy Act of 1902, which proscribed the use of 'abusive and insulting words', and the Summary Offences Act of 1970 with its proscription of 'unseemly words', viz. 'obscene, indecent, profane, threatening, abusive or insulting words'. The Offences in Public Places Act of 1979–1988 brought in by a State Labor government dropped explicit reference to offensive language and with it the previous penalties, but in 1988 a Liberal/National Party government restored a Summary Offences Act containing a fine or three months gaol sentence for the use of 'offensive language'.

The operation of this law has been rife with anomalies, especially as the actual vocabulary that could give offence is nowhere accurately defined, let alone listed. There was a time when the public use of the 'great Australian adjective' *bloody* was considered a sufficient cause for arrest and prosecution, but in 1948 the 'Sydney Quarter Sessions set us free by ruling that 'bloody' plus a thumb in the air was rude, but not offensive.' (Chris Murphy in the *Sun-Herald*, 5 April, 1992, p.11). Since then we have had, if you like, the extremes of members of the judiciary ruling that the word *fuck* was not offensive, at least when used by someone of substance, to Aborigines being charged and convicted for using not only high category words, but words that seem totally innocuous.

The former is illustrated by a rather long running case beginning in 1991 where magistrate John Heagney ruled that company director and solicitor John Anton, who during a heated argument with his neighbour had called him 'a f....ing pig' and had then been assaulted by the neighbour, was not guilty of using offensive language (cf. *The Sun-Herald*, 6 December, 1992, p.5)¹¹. In contrast to this there was the 1990 case, reported by lawyer-journalist Chris Murphy (*Sun Herald*, 15 March, 1992, p.11), where a 17-year-old Aboriginal boy from Brewarrina was arrested, charged, fingerprinted and prosecuted by the local police and then sentenced and fined \$50 by magistrate Milan Draganovich for calling a policeman 'melon head', which could almost be construed as a term of affection!

Murphy mentions this case in an article called 'Hung by the Tongue' in which he attacks this Offensive Language law and the discriminatory way in which it is applied, namely against Aborigines, who made up the bulk of the '5,124 unlucky poor souls

found guilty of using offensive language in NSW' in 1990 (*Sun-Herald*, 5 April, 1992, p.11).

Murphy has not been alone amongst the legal fraternity in his having strong misgivings about this law. Though magistrates may convict, appeal judges will sometimes reverse their judgments. The journalist Richard Glover (*Sydney Morning Herald*, 7 March, 1992, p.2) reports on a case that is just as absurd as the Brewarrina one involving:

the black lad in Bourke who made the mistake of talking to his pet dog when a policeman was in hearing distance. The boy called the animal 'dog's arse' and got 14 days hard labour—later removed on appeal.

And the year before Mr Draganovich convicted the Aboriginal youth in Brewarrina for making his mild remark, magistrate Pat O'Shane is reported by journalist Adrian McGregor as having on one single day in that same Brewarrina Local court 'dismissed 116 charges against Aborigines, almost without exception for offensive language' (*Sydney Morning Herald*, 20 March, 1993, p.39, col.2). To do this, McGregor went on, she applied Section 556A of the Crimes Act, 'which gives her discretion, when deciding penalties, to take into account other factors, including the trivial nature of the offence', a Section 'rarely used in Aboriginal towns'. O'Shane is cited in the article as expressing the belief that 'those offensive language arrests were a form of habitual police harassment of Aborigines' and the doubt that 'police could be genuinely offended by swearing which had become almost part of the Australian vernacular'. A significant factor here is that Ms O'Shane is herself of mixed Irish and Aboriginal ancestry.

But if magistrates can be draconian and appeal judges enlightened, the reverse is also the case. On New Year's Day 1991 in the north coast town of Lismore, one Geoffrey Allan Langham was arrested in a fast food shop by police when, after they looked at him 'for a few seconds', he was heard to say out loud: 'Watch these two f... g p... s here, how they f... g persecute me'. The case came before Ms O'Shane, who is reported (*Sydney Morning Herald*, 13 September, 1991, p.5) as having at the time dismissed the charge, ruling that the language was not offensive, since Mr Langham's

words were 'common usage these days and not such as would offend the reasonable man'. The police appealed and the matter was referred to the Supreme Court, where Mr Justice Studdert ruled that 'the words could constitute an offence' and ordered that the matter be returned to the magistrate so that she could reconsider her verdict. On rehearing the case Ms O'Shane found the charge proved, but dismissed it under section 556A.

One result of this case was that there was a great outcry from police and various media personages, not to mention politicians, who were scandalized by the very idea that police should be allowed to be sworn at. This led to the then Premier, Nick Greiner, asking the Attorney-General John Dowd 'to determine whether the Summary Offences Act needs tightening to prevent bad language being used against police' (*Daily Telegraph Mirror*, 23 February, 1991, p.8). So far from accepting that the Offensive Language law was of itself bad law and perhaps needed to be scrapped, the Government wanted to apply it even more vigorously and rigorously.

However, just over a year later the current of scandal went in the reverse direction. On the evening of Wednesday, 4 March, 1992, the ABC's Channel 2 broadcast a television documentary titled *Cop it sweet*, which had been put together from footage taken over preceding months showing the day-to-day work of police, mainly young men and women under the age of 25, in the Sydney suburb of Redfern, which has a large Aboriginal population. The columnist Phillip Adams, after previewing the film, gave the following outline, which makes it clear why the sense of scandal swung around against the police:

At this point in the doco you've seen any number of sequences in which the Redfern cops climb out of their cars to abuse people for standing on footpaths. 'F ... off' seems the standard greeting. You don't have to be doing anything to be told to 'F ... off'. You just have to be there. And 'F ... off' is often the opening gambit.

On patrol through a stretch of Sydney that looks as heartbreakingly hideous as anything in Harlem, Detroit or Washington, a solitary Aboriginal man, in his early 30s, calls out to the police using language identical to their own. He tells them to 'F ... off'.

Whereupon the cops who've been sharing their dirty jokes with

us, who've used the F-word three times in the average sentence, behave like affronted Sunday school teachers. It's out of the car to menace the bloke and then to arrest him. This will mean that he'll spend the night in the cells.

The absurdity of this encounter tends to sober him up. He can't believe that they're arresting him for swearing when, as he rightly points out, 'everyone swears'. Indeed, the cops could give lessons in stringing obscenities together. The point is, of course, that the Aborigine has sworn at them, The Police. That's why he must be punished. So the kids with guns and badges drag him off to Redfern police station (*The Weekend Australian*, 29 February, 1992, *Review*, p.9).

It was clear to viewers that the words 'cop it sweet' of the title, an Australian English phrase meaning 'accept without complaint' referred to the fact that the Aborigines of Redfern—and by implication probably of much of the rest of New South Wales—had little option but to accept the treatment meted out to them by the police, no matter how unfair. So profound was the impact of this documentary, which directly confronted a large slice of the general population with the apparently arbitrary and discriminatory application of this law by the police force, and so condemnatory was much of the media commentary resulting from it that the immediate government reaction was the opposite to that resulting from the Pat O'Shane ruling. In an article by Karin Bishop with the title 'Swearing-at-police law may go' (*Sydney Morning Herald*, 7 March, 1992, p.2) we read

Police may lose the power to arrest people for swearing at them, as part of a review of the offensive language provisions of the Summary Offences Act.

The review is being carried out in line with the recommendations of the royal commission into Aboriginal deaths in custody, handed down last May.

A spokesman for the Attorney-General, Mr Collins, said the Government was formulating a plan to implement the recommendations, which include reviewing the ability of police to arrest people, especially Aborigines, for offensive language, if the language was directed at police.

To what extent has this reversal of government policy been implemented? Well, by 1993 it hadn't been, and Aborigines in

particular are still being arrested, prosecuted and fined or gaoled for using 'offensive language' or what was formerly rather more delicately and quaintly called 'unseemly language', even when they use it back to a policemen who has used it to them.

Recently I talked quite separately to two Americans—one a Harvard professor, the other a building tradesman—about our Offensive Language law and asked them what the penalty was for swearing at police in the U.S. Both of them just looked at me bewildered, and both answered: 'That can't happen in America. It would be against the First Amendment [of the Constitution, i.e. the one on the right to free speech]'. And as far as I have been able to find out, even Western Australia, although its politicians are quick to appeal to Federal laws if any of that 'language straight out of the gutter' offends their ears in the media, has nothing in the way of an offensive or unseemly language law that can be applied in other public places¹². So much for the so-called Premier State.

POSTSCRIPT: Some change for the better has since taken place after all. In an item titled 'Lawyers welcome swear law reform' (*Sydney Morning Herald*, 1 November, 1993, p.5), Elizabeth Jurman reports:

The State Government's Summary Offences Reform Bill, which was introduced to Parliament last week, bans prison sentences for using offensive language in, or near, a public place or school.

The new bill, which has the support of the Opposition, also allows a community service order instead of a fine.

Notes

1. Man glaubt sonst gewöhnlich, daß [das Fluchen] eine Haupt- und hervorragende Eigenschaft—ja, man möchte fast sagen, ein Laster—der Seeleute wäre, die ihrem Herzen ebenfalls nur zu oft mit einem Kernfluche Luft machen; den 'old hands' im australischen Busch kommen sie aber nicht gleich und können ihnen darin wahrlich nicht das Wasser reichen. (*Die beiden Sträflinge* [the *Two Convicts*], 5th edn, n.d. [187-?]. In *Friedrich Gerstäcker's ausgewählte Werke* [F.G.'s *Selected Works*], ed. D. Theden, 2nd series, vol. 1. Jena, n.d., p.11. Cited after Amanda Hume, 'Loan material in Friedrich Gerstäcker's Australian writings' (unpublished BA Honours thesis, Department of Germanic Studies, University of Sydney), 1982, p. 42; my translation.

2. Jedes Wort fast das sie aussprechen bezeichnet [daß sie selbst der Möglichkeit jeder Erziehung entnommen wild und roh unter einem eben so wildem Land aufwuchsen], und 'a bloody fine day—a bloody bad road' sind die steten, selbst im freundlichsten Sinn gebrauchten Ausdrücke. (*Reisen: Australien [Travels: Australia]*, vol. 4. Stuttgart und Tübingen, 1854, p.139. Cited after Amanda Hume, *op. cit.*, p. 42; my free translation.
3. The full text of the poem can be found in T. Inglis Moore, ed., *A Book of Australia*, London and Glasgow, 1961, pp. 232f.
4. Gerstäcker cites the English sentence he heard in a pub: 'Go it Nelly—go it ye cripples—...' (*Aus dem Matrosenleben [From The Life of the Sailor]*, in *Gesammelte Schriften von Friedrich Gerstäcker: Volks- und Familienausgabe [Collected Works: Popular and Family Edition]*, 1st series, vol. 2. Jena, 1872, p.277. Quoted after Amanda Hume, p. 108, and again p. 114.
5. 'Don't miss the *** lecture!', *The University of Sydney News*, Spring Open Weekend, Special Issue, 18 August 1992, p.iii.
6. This sensationalisation can be illustrated nicely from the Sydney newspaper *The Daily Telegraph Mirror*, which on 18 August, 1992 headlined the relevant article on p.9 of its morning edition as 'Swear Tuition for Migrants', but by the evening edition the article had moved to p.3 and was now headlined 'Migrants "must be taught to swear"'. (This was, of course, the same day as the special issue of the University newspaper officially appeared, but copies had been sent out to the city media the day before and the *DTM* article was based on a 'phone interview with me by a reporter where I mentioned in passing that I had given a session on understanding swearing to a group of overseas students here.)
7. Cited in Jakelin Troy, *Australian Aboriginal contact with the English language in New South Wales: 1788–1845*. Canberra: Department of Linguistics, Australian National University (=Pacific Linguistics B–103) 1990, p.116.
8. George Mackaness, *The Life of Vice-Admiral William Bligh, R.N., F.R.S.*, Sydney, 1931, vol. II, p.237.
9. See L. Evans and P. Nicholls, *Convicts and Colonial Society, 1788–1868*, 2nd edn, South Melbourne, Vic./Crows Nest, NSW, 1984, p.67.
10. Cited from A. Oliver, *A collection of the statutes of practical utility, colonial and imperial, in force in New South Wales: embracing the local legislation from the year 1824 to the date of publication*. vol. II, Sydney: Thomas Richards, Government Printer, 1879, p.2488.
11. Some of the information here is from another article, which was faxed to me without any indication of newspaper, issue date or page number.
12. Indeed, Marcia Langton in her seminal paper on traditional and contemporary Aboriginal swearing bases her discussion in great part on an unnamed town in Western Australia where the police allow the local Aborigines to carry out their disputes verbally and physically on two sites agreed on for the purpose, one of which is called Medicine Square, evidently a folk etymological variant of Madison Square [Garden], the New York boxing venue. See Marcia Langton, 'Medicine Square', in I. Keenan, ed., *Being black: Aboriginal cultures in 'settled' Australia*, Canberra, 1988, pp.201–25.