

Art, Morality and Censorship



Maggie and Stephen.

THE PLACE TO START any consideration of the topic of censorship is with the creative artist or writer. He after all is the *sine qua non* of the whole business: without him the censor could never get started. A basic principle of liberal society is that the expression of opinion is free, so that in such a society authors can fairly claim to have a right to communicate their thought and work freely. They must, as E. M. Forster has pointed out, *feel free*, if they are to give of their best, and they cannot feel this, if they live in perpetual fear that either they will be prosecuted and imprisoned or their books suppressed. "The police magistrate's opinion," wrote Virginia Woolf, "is so incalculable—he lets pass so much that seems noxious and pounces upon so much that seems innocent—that even the writer whose record is hitherto unblemished is uncertain what may or may not be judged obscene and hesitates in fear and suspicion . . . he has to ask himself what will the police magistrate say: and not only what will the police magistrate say, but what will the printer say and what will the publisher say? For both printer and publisher will be trying uneasily and anxiously to anticipate the verdict of the police magistrate and will naturally bring pressure to bear upon the writer to put them beyond reach of the law. He will be asked to weaken, to soften, to omit. Such hesitation and suspense are fatal to freedom of mind, and freedom of mind is essential to good literature."

This freedom is indivisible and must extend to every sphere of human conduct, including that of sexual morality and behaviour, the only sphere, apart from blasphemy and sedition, where freedom of expression is materially restricted in western liberal societies. The need for such freedom is greater than ever today, when literature and especially the novel is so closely concerned with psychological problems and a naturalistic or realistic

Norman St. John-Stevas

presentation of life. The Victorian solution of omitting sex from literature altogether, or else confining the representation of sexual relations to those of an impeccably regular mind, which even a stern reverend mother could contemplate with equanimity, would be of small assistance to writers such as William Faulkner, Erskine Caldwell or James Jones in solving their literary problems. Even Victorian writers—in some instances—were unhappy about the contemporary limitations placed upon their art. Against Dickens' boast in the preface to *Oliver Twist* that he had "banished from the lips of the lowest character I introduced any expression that could by possibility offend," one must set Thackeray's anguished wail in the preface to *Pendennis*: "Since the author of Tom Jones was buried," he complained, "no writer of fiction among us has been permitted to depict to his utmost power a MAN. We must drape him and give him a certain conventional simper. Society will not tolerate the natural in our art."

Thackeray is here pointing to the most serious blemish in Victorian literature, the exclusion from art of a whole aspect of life and its consequent falsification. *Oliver Twist* again provides a useful example. In his book *The Dickens World*, Humphrey House wrote of the Victorian underworld as "drenched in sex," but one would never guess this from reading *Oliver Twist*. The whole character of Nancy is falsified so as not to offend the susceptibilities of readers, and for the same reason her relations with Bill Sykes are only vaguely hinted at. Walter Bagehot, the Victorian period's most percipient critic, was one of the few contemporaries to warn against the truncation which inevitably must follow from what he called "a young ladies' literature." "The indiscriminate study of human life," he wrote, "is not desirable for them, either in fiction or in reality. But the habitual formation of a scheme of thought and a

code of morality upon incomplete materials is a very serious evil. The reader for whose sake the omissions are made cannot fancy what is left out . . . she has a vivid picture of a *patch* of life." One can indeed relate this attitude to sex to a more general purism in Victorian art, which by excluding anything ugly or painful created an unreal world of sentimental beauty, morally anodyne if nothing worse.

AUTHORS THEN HAVE RIGHTS which pertain to their position as expositors of the culture of a given society, but they also have duties since they are not writing in a vacuum but writing to be read. If a great literature cannot be created without freedom, neither can it be sustained without a sense of responsibility on the authors' part. The greater the power and the less the external restraint the more urgent the need of interior sanctions voluntarily imposed. Ultimately, the whole working of a free society is dependent on this intangible, a sense of self discipline, the only alternative to which is regimentation. This machinery of self-discipline or self-censorship is not often considered when freedom of expression is discussed and emphasis is concentrated almost exclusively on legal restraints, so its consideration at this point may be useful.

The first interior restraint on the author is prudence. He must accept responsibility for influencing the thought and behaviour of his readers. This is a consideration which seems foreign to the minds of those liberal enthusiasts who appear to assume that the highest good society can achieve is a welter of books in which every opinion and viewpoint is put forward with respect neither for moral values nor for truth. In fact the freedom of liberal society must be a freedom for certain moral purposes otherwise the society will either dissolve in chaos or sink into vacuity. These enthusiasts

often bolster their position by an appeal to the social psychologists, some of whom maintain that there is no evidence of a causal scientific connection between reading and behaviour, and that until some foundation (presumably American) has expended millions of dollars to enable some researcher (a zoologist possibly?) to establish a statistical relation between the two, we must suspend belief in the all but universally accepted proposition of common sense, that men are affected for good or ill by what they read. The point was made by Bernard Shaw in his preface to *Mrs. Warren's Profession* — a work denied performance on the public stage for thirty years—where he expressed his conviction that “fine art is the subtlest, the most seductive, the most effective instrument of moral propaganda in the world, excepting only the example of personal conduct.” If indeed the viewpoint about the non-effect of reading on behaviour was correct then books would be of so little social importance that the whole censorship discussion could justly be dismissed as trivial.

The second interior restraint is imposed by what I may call the natural law. Natural law theories have in the main been articulated in modern times by Catholics, but the conviction that there are certain moral values of a universal character would be accepted by all Christians and by many agnostic-humanists. Indeed if this pattern of human nature did not exist within man neither history nor a transmitted culture would be even a possibility, much less could we comprehend the creative works of the past, for the existence of this pattern is what Alexander Pope has called “at once the sources and the test and the end of art.” These values will be expressed differently in different periods but their essence does not alter. The moral sublimity of *Antigone*, for example, is not dependent on a knowledge of Greek burial rites, but on its presentation of the age-long struggle between morality and positive law.

The third interior restraint closely connected with morality but not co-extensive with it, is the discipline imposed upon the creative artist by the work of art itself. Cleanth Brooks has suggested tentatively that the artistically defective tends to be the morally offensive. He and other critics of a similar school of thought are not primarily con-

*The meeting
between Joseph and
Pamela was not
without tears of joy
on both sides.*



cerned with works of art as direct reflections of actual ethical systems but as worlds of their own organised on their own terms, the evaluation being shifted from one of external correspondence to that of inner coherence. Works of art are thus not to be judged by their messages, but by their self-consistency. This sophisticated view contrasts with the naïve didacticism of such organisations as the Legion of Decency, which condemn works as immoral if they fail to conform to a particular set of ethical norms. These bodies accordingly draw no distinction between a novel by D. H. Lawrence, for example, which is consistently true to its own moral valuations, and a piece of pornography, such as *Hot Dames on Cold Slabs*, to quote a current title, which has no coherence, moral or otherwise. By insisting on a conventional *moral* ending to a film or play based up to that point on a different value system, they do not purify it as they imagine but simply render it incoherent.

COHERENCY, however, is not the only standard on which these critics insist, for they ask that works of art should present us with credible response and human behaviour which is not in flat contradiction to human nature as we ourselves experience it. This is not to ask art to conform to a set of ethical or moral-theological propositions but requiring it not to ignore or contradict that pattern of human nature to which I referred earlier under the heading of natural law. The sensational, therefore, the monstrous and the pornographic, are both inartistic and immoral, because they violate a work of art's own values, which themselves must ultimately be grounded in human nature. A work

is thus to be condemned not on the basis of the materials which it uses, but on the way in which it uses them. This is in accord with Cardinal Newman's view that a sinless literature of sinful man is in itself a contradiction, and one can extend this view theologically and regard all literature as one of the more agreeable consequences of original sin. It is jejune, then, to look upon art as a sort of embroidery used to illustrate moral principles. One can, however, legitimately expect that if the artist uses vile materials, he will relate them to a fully human context and make them subserve some wider purpose than that of exciting horror or prurience,—in other words, that he will transmute them into art. One can then draw an aesthetic distinction between a book which, because of the situation with which it deals, needs to employ passages which considered by themselves, would be pornographic, and a work of pornography as such. Pornographic works develop neither plot nor character: their social content is minimal: they contain no "message," and are made up of a series of sexual incidents and descriptions which are intended merely to titillate. They create an impossible masculinity and an impossible femininity and bring them together in a ridiculous congruence. Pornography is essentially abstract, a point made by C. S. Lewis in his book *The Allegory of Love*. He asks how Chaucer can celebrate the flesh without becoming delirious like Rossetti or pornographic like Ovid. "The secret," concludes Professor Lewis, "lies in his *concreteness*. Lust is more abstract than logic." With Chaucer "we are rooted in the purifying complexities of the real world."

Internal restraints are clearly sufficient for the genuine and dedicated artists—but what of the imposter and the pornographer? Are they to be restrained by dissertations on moral values and the inner coherence of works of art? The answer is clearly negative, and society cannot abdicate its responsibility for the minimum moral welfare of its members, any more than it can contract out of their defence from internal violence or external assault. The point is, that it is only the minimum moral welfare that can be a matter of state concern in a pluralist society. The Aristotelian concept of the state as an organisation charged with the duty of leading its citizens to virtue, is only of validity

in a unitary society where there is a single religion professed by all members and where any dissent is marginal. In moral matters in modern societies, the state can only play a positive role in so far as it is representative of a moral consensus in society. In the sphere of censorship, it is fair to say that the consensus of opinion is that pornography should be checked by the state, but, having done that, the state's role is discharged.

Pornography is, I think, a self-evident social evil, and the state cannot tolerate the operations of a great commercialised industry which makes money by gratifying and stimulating the basest appetites of its citizens. Of course, arguments have been put forward even for pornography. Havelock Ellis, for example, maintained that the conditions of contemporary highly conventional society require relief from restrictions, just as the conditions of childhood create the need for fairy stories. Obscene books, therefore, are not aphrodisiac, but are safety valves protecting society from crime and outrage. The average reader of pornography is not socially undesirable, but quite harmless, and, deprived of this outlet, would turn to others more directly harmful to society. St. Augustine employs a parallel argument when counselling in *The City of God* against the Roman state's suppression of prostitution. Against this opinion may be set that of Sir Anthony Absolute as expressed to Mrs. Malaprop in Sheridan's play *The Rivals*. "Madame," he said to her, "a circulating library in a town is an evergreen tree of diabolical knowledge. It blossoms throughout the year! — and depend on it, Mrs. Malaprop, that they who are so fond of handling the leaves will long for the fruit at last."

THERE IS HOWEVER a more general argument against the Havelock Ellis viewpoint. The reading of pornography provides no true resolution of feelings, no catharsis; it stimulates but it does not satisfy. In the words of E. M. Forster to the recent House of Commons select committee on obscene publications: "It makes the mind go round and round in a circle instead of proceeding in a straight line." A sharp distinction must be drawn between the legitimate place of sex in art and its degradation in the form of pornography.

When we look at a nude by Renoir, the minds of most of us are not totally possessed by questions of significant form. "Half the great poems, pictures, music, stories of the whole world," writes D. H. Lawrence, "are great by virtue of their sex appeal. Titian or Renoir, the *Song of Solomon*, or *Jane Eyre*, Mozart or *Annie Laurie*, the loveliness is all interwoven with sex appeal, sex stimulus, call it what you will. Even Michael Angelo who rather hated sex, can't help filling the Cornucopia with phallic acorns. Sex is a very powerful, beneficial and necessary stimulus in human life, and we are all grateful when we feel its warm, natural flow through us, like a form of sunshine." Pornography excludes the sunshine and is shady. It is literally the literature of the brothel and of the same coarse texture, which separates sexual enjoyment from love and personal relationships, and so degrades and dehumanises it.

The role of the law then, as opposed to its formulation, seems reasonably clear. It does not set itself up as a guardian of morals at every level. It should not be a vehicle for moral outburst from judges and magistrates. A fitting comment on such attitudes was made recently by Graham Greene, when an English judge declared that the role of the law was to protect sex; to which Greene replied, "The protection of sex: it would make a fine subject for a royal academy painting." It is the job of the law to reconcile a genuine clash of social interests. On the one hand, authors have an interest in writing freely, and the public have an equal interest in being able to choose what to read. On the other hand, society also has an interest in preventing the exploitation of literature and the public by those who wish to make money by stimulating base appetites and passions. Racketeers are especially tempted today by the emergence in every modern state of a new public who can read but who are only semi-literate. The path of the law has been clearly outlined by Virginia Woolf. "There can be no doubt," she wrote, "that books fall in respect of indecency into two classes. There are books written, published and sold with the object of causing pleasure or corruption by means of their indecency. There is no difficulty of finding where they are to be bought nor in buying them when found. There are others whose indecency is

not the object of the book but incidental to some other purpose — scientific, social, aesthetic — on the writer's part. The police magistrate's power should be definitely limited to the suppression of books which are sold as pornography to people who seek out and enjoy pornography. The others should be left alone. Any man or woman of average intelligence and culture knows the difference between the two kinds of book and has no difficulty in distinguishing one from the other." George Moore made a similar distinction in his autobiographical *Avowals*.

In practice, however, the formulation of such a legal distinction is not quite so simple as these authors would have us believe; and here it is necessary to look at the history of the matter to see what guidance it can afford. The medieval Church, it is not sufficiently often recalled, concerned itself with heresy and not at all with obscenity, and although the faithful were warned against the writings of heretics, an ecclesiastical censorship as such was not instituted until after the Reformation at the Council of Trent. A rewarding insight is afforded by the case of the *Decameron* (declared obscene by a group of magistrates in England a few years ago) which was written at the height of medieval civilisation and enjoyed immunity for many years. When it did fall under the papal ban in 1559, this was not because of its obscenity but because it satirised the clergy. The Church authorised an expurgated edition, but the references expunged were those relating to the saints and the clergy: the obscenities remained. Accordingly, monks became magicians, nuns were turned into noblewomen, and the Archangel Gabriel transformed into the king of the fairies. The change in attitude subsequent to the Reformation is well illustrated by the statement of St. Alphonsus Li-guori that the *Decameron* had done more harm than all the works of Luther. With him one may compare a saint of the early Church, St. John Chrysostom, who flourished in the fourth century and who is reputed to have slept with twenty-eight plays of Aristophanes under his pillow.

IN ENGLAND the Tudor and Stuart systems of licensing books were religious and political rather than moral, and the records of the Station-

er's Company which administered the censorship on behalf of the crown, show only a very occasional refusal of a license on the grounds of obscenity. An unsuccessful attempt to punish obscenity at common law was made at the beginning of the eighteenth century in Read's case but the judge dismissed the case as one coming under the jurisdiction of the spiritual courts. Twenty years later, in Curl's case, in 1727, this ruling was abolished and jurisdiction assumed. Curl was a contemporary plagiarist and pornographer, the *doyen* in fact of Grub Street. He had published many dubious books with impunity, but when he brought out *Venus in the Cloister* or *The Nun in Her Smock*, he overreached himself and was hauled before the courts. The attorney general insisted that publication of such a book was immoral and therefore a breach of the peace. "I do not insist," he said, "that every immoral act is indictable, such as telling a lie or the like, but if it is destructive of morality in general, if it does or may affect all the King's subjects, then it is an offence of a publick nature. And upon this distinction it is that particular acts of fornication are not punishable in the temporal courts and bawdy houses are." This argument was accepted by the court, which thus created the new offence of publishing an obscene libel. Libel here has no connection with its popular defamatory meaning but is an example of its original usage, derived from *libellus*, a diminutive of *liber*, a little book.

Curl was condemned for publishing a pornographic book, not a work of literature, and throughout the eighteenth century little or no attempt was made to suppress works of literary merit. Indeed, the robustness of contemporary taste allowed works to circulate which clearly would not be permitted today. As late as 1780 Harris's *List of Covent Garden Ladies*, a publication made up of erotic descriptions of various whores who used it to advertise their charms, was generally available. One eighteenth century phenomenon is of great contemporary interest—the attempt to suppress the horror novel. Horace Walpole inaugurated the "literary reign of terror" with the publication of *The Castle of Otranto* in 1764 and was followed by other expositors of the art, Clara Reeve and Anne Radcliffe, whose best

known work, *The Mysteries of Udolpho*, came out in 1794. A new point of ghastliness was reached in 1795 when Matthew Gregory Lewis published *The Monk*, which he had written in ten weeks. The book was denounced by the critics, and the Attorney General obtained a rule nisi to restrain its sale, but the injunction was never made absolute and was not enforced. Today, legislation is advocated to check the taste for horror and, indeed, in England and elsewhere, legislation has been passed penalising the publication of "horror comics." The eighteenth century experience throws some doubt on the necessity of such a course. Horror novels ceased to be written, not through legal action, but because of a change in public taste. In a sense, they were bound to fail, for they contained within themselves the seeds of their own decay. Palates inevitably became jaded, and readers sooner or later were immunised by constant inoculation. Critics and authors hastened the process. Peacock and Beckford mercilessly parodied the follies of horror literature. Jane Austen's satire in *Northanger Abbey*, although more gentle, was as devastating. The horror novel finally failed because better books were written, which people preferred to read. Scott was the principal architect of their destruction and *Waverley* administered the *coup de grace*. In this approach of providing better books and comics and films lies perhaps the best answer to contemporary problems of horror.

Eighteenth century broadmindedness did not survive the century which bore it, and its robust



I am Married

masculine taste was transformed into *Podsnappery* and mid-Victorian squeamishness. How did this come about? The responsibility is too often placed on Queen Victoria, but prudery—as Keats found out when he published *Endymion* in 1818—was in the ascendant long before she ascended the throne in 1837. In his essay on “The Age of Tennyson,” G. M. Young points out that as early as 1805 the Germans had coined a word “*Engländeris*” to convey the same meaning as our own “Victorianism,” while much of the unpopularity of George IV and William IV can be attributed to their survival as unwelcome Georgian relics into an age where a revolution in manners had already been brought about. Queen Victoria’s accession was confirmation not cause of the frame of mind which bears her name.

The Victorian conscience was forged in the fires of evangelical enthusiasm. John Wesley had started the movement in 1738, but it did not become powerful until the close of the century. Confined at first to the poor, Methodist influence was diffused by the rapid shift of classes brought on by the industrial revolution. Many of the new rich were Methodists who kept their principles despite the change in their social position. They were supported by a strong, respectable, lower middle class, also the product of industrialisation, factory foremen, clerks and skilled workers, who kept themselves distinct from the lower paid workers by the strictness and respectability of their lives. Fear of the French Revolution combined with the example of evangelical earnestness and piety to bring about a counter reformation within the Church of England under the leadership of William Wilberforce and the Clapham Sect. As a result, by the second decade of the nineteenth century, the evangelicals were a powerful influence in the national life, reaching the peak of their power before the accession of Queen Victoria, but extending their influence into later decades, paradoxically enough through the Oxford movement, which was as much a moral as a theological phenomenon.

EVANGELICAL VIEWS showed a marked kinship with those of the early Puritans, but where Puritans had attacked the stage, evangelicals de-

nounced novels. An interesting diagram “the spiritual barometer” appearing in the *Evangelical Magazine* in 1800 aptly illustrates the evangelical view of novels. Forty degrees above zero represents “the love of God and frequent approach to the Lord’s Table,” while the equivalent forty degrees below is “love of novels: scepticism and neglect of private prayer.” Adultery comes only ten degrees lower, while “love of wine” comes ten degrees higher, than the addiction to novels. The drama of course was not exempt from attack, and Rowland Hill’s views, although extreme, were not untypical: “A young fellow clasps a young girl in his arms before all the spectators; what folly not to suppose that every impure passion is not immediately excited by such scenes as these.”

Such absurdities were not generally accepted, but their constant repetition did create the view that literature was a threat to integrity unless kept within strict limits and was only to be tolerated if it served a wider moral purpose. Critics compelled authors to toe a clearly marked line and denunciations of those authors who failed to observe a decent reticence filled the pages of the reviews. Thus George Eliot was reproached for allowing Maggie Tulliver’s arm to be kissed by her lover in the novel *The Mill on the Floss*. “There is nothing wrong in writing about such an act,” said the *Saturday Review*, “and it is the sort of thing that does happen in real life; but we cannot think that the conflict of sensation and principles raised in a man’s mind by gazing at a woman’s arm is a theme that a female novelist can touch on without leaving behind a feeling of hesitation if not repulsion in the reader.”

Standards of taste on both sides of the Atlantic became stricter during the nineteenth century, and the law kept pace by growing more severe. In 1802 the Society for the Suppression of Vice was founded to enforce the moral laws, especially those against obscene books. Sydney Smith said the last word on all such societies when he called it a society for suppressing the vices of those whose incomes do not exceed £500 per year. In 1857 Lord Campbell’s Act was passed to suppress the pornographic book trade, which was centered in London in the somewhat inappropriately named Holywell Street. The Act created no new

criminal offence, but gave magistrates the power to order the destruction of books and prints if, in their opinion, their publication would amount to a "misdemeanour proper to be prosecuted as such." The measure was vigorously opposed as a threat to literature, but Lord Campbell assured the critics that the measure "was intended to apply exclusively to works written for the single purpose of corrupting the morals of youth and of a nature calculated to shock the common feelings of decency in a well regulated mind." The subsequent use to which the Act was put to suppress the books of D. H. Lawrence, Radclyffe Hall, Havelock Ellis and others, hardly fulfill this pledge. In 1868 came the second great nineteenth century contribution to the obscene libel law, when Sir Alexander Cockburn in *Hicklin's* case laid down the first legal definition of obscenity. "The test of obscenity," said Sir Alexander, "is whether the tendency of the matter charged as obscene is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall." This definition was adopted by the American courts, and hence the case has had a profound influence on the common law. It has meant, in effect, that a book has in the past been adjudged obscene on the basis of isolated passages read out of their context and with no reference to the author's intention.

IN 1933 the first major departure from the *Hicklin* test was made in an American case, when Judge Woolsey lifted the ban on James Joyce's *Ulysses*, which had been banned by the customs authorities both in England and the United States. The judge held that the intention with which the

book was written was a relevant consideration for the court. If that was pornographic, then the book should be condemned; if not, the court should go on to consider the book itself. Having held that Joyce's purpose was honest and sincere, the judge declared that he could find nothing that could be described as "dirt for dirt's sake" and, applying the test of the reasonable man, declared that the book could be admitted to the United States. The Attorney General appealed, but the appeal was dismissed by the Court of Appeals. "We believe," said Judge Augustus Hand, "that the proper test of whether a given book is obscene is its dominant effect. In applying this test, relevancy of the objectionable parts to the theme, the established reputation of the work in the estimation of approved critics, if the book is modern, and the verdict of the past if it is ancient, are persuasive pieces of evidence, for works of art are not likely to sustain a high position with no better warrant for their existence than their obscene content." Judge Manton dissented: "No matter what may be said on the side of letters, the effect of the community can and must be the sole determining factor. . . . The court cannot indulge any instinct it may have to foster letters. The statute is designed to protect society at large—of that there can be no dispute—notwithstanding the deprivation of benefits to a few, a work must be condemned if it has a depraving influence."

The Woolsey-Hand test was applied in the federal courts, but the *Hicklin* case was still followed in many state courts until the *Roth* case of 1957. In June of that year the Supreme Court of the United States considered the question whether the *Hicklin* test infringed the liberties guaranteed by the first and fourteenth amendment, and de-



Mr. Peggotty's dream comes true

cided that it did. The test was rejected as unconstitutional, and the following test was substituted: "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." Subsequent interpretation of the Roth case by the American courts has established, broadly speaking, that hard core pornography is outside the law, but almost everything else is within it. It has resulted in the free publication of *Lady Chatterley's Lover* and of Henry Miller's *Tropic* books.

In England the law has moved towards approximately the same situation. Until 1955 the Hicklin test had never been seriously challenged in England, but in that year a committee set up by the Society of Authors, because of a series of prosecutions of reputable authors and publishers, opened a campaign to change the law. The aim of the committee was to secure a law that would strengthen the law against pornography, but leave literature free. In 1959 the Committee's campaign was crowned by the passing of the Obscene Publications Act, which makes three major reforms in the law. It lays down that books are to be judged as a whole and not by isolated passages. It then goes on to create a new defence of publication for the public good. A person, says the Act, is not to be convicted of an offence of publishing an obscene book "if it is proved that publication is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning or other objects of general concern." To establish or negative this defence the opinion of experts as to a book's literary, scientific, or other merits, is made admissible. The Act also lays down maximum penalties for the offence, and provides the bookseller with a special defence that he had no reasonable cause to suspect that the books sold by him contained obscene matter.

The Act is essentially a compromise and therefore a highly imperfect piece of legislation. It only reached the statute book after a struggle of five years, during which a principle clause, making the intention of the publisher or author of the book a necessary ingredient of the offence, had to be dropped. Even its sponsors were dubious whether the Act would work in practice. The prosecution

of Penguin Books for publishing *Lady Chatterley's Lover* in 1960 provided an admirable test case. The book was exonerated, thus showing that the Act achieves its purpose of protecting serious works of literature, or at least some of them. Whether Henry Miller's books or those of Jean Genet could be published with impunity cannot be said with certainty at the present time.

Prudence in the administration of the law is of course as important as the substantive law itself. Unsuccessful prosecutions of a book serve only to raise sales, as was shown by the ill fated prosecution in 1877 of Annie Besant for publishing a tract on birth control, curiously entitled *Fruits of Philosophy*. When the prosecution finally foundered, the sale of *Fruits* had risen from a few hundred a year to hundreds of thousands. Ideally prosecution should be in the hands of some state official with experience and not left to be used haphazard by any old lady who is shocked by picking up a book in a corner drugstore. The great lexicographer disposed of all such busybodies in a terse phrase. "Dr. Johnson," said a lady, "what I admire in your dictionary is that you have inserted no improper words." "What," replied the doctor, "you *looked* for them, Madam?"

One final reflection on this subject is not entirely out of place. The problem of obscene or immoral literature is only a part of a much wider problem of the sexual mores and the ethical outlook of a society. Pornography is a symptom, not a disease, and it would be a pity to substitute the occasional pursuit of the outrageous for a sustained and rational attempt to rectify the rather more sinister exploitation of sex for sales purposes by a commercial society. As for works of literature which are ethically incoherent and lack the moral integrity of works of other ages, perhaps contemporary rage against them is no more than the anger of Caliban who sees his own face reflected in the glass.

NORMAN ST. JOHN-STEVAS is political editor of *The Economist* (London) and Editor of the *Wiseman Review* (Dublin). Dr. St. John-Stevas is best known in this country for his *Life, Death, and the Law* (1961). He will visit the United States in October, 1963, to give a series of lectures.



THE WELL

N. Scott Momaday

She was there on the day of his
homecoming. She passed along the road
in front of the trading post,
not walking, but pitching her little crooked
steps in the ambiguous motion of the old
and lame. He watched her through
the window. She was unchanged.
The years of his absence—in which he
had become a man—had done nothing to her.