
The Trials and Tribulations of Lady Chatterley's Publication

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Abstract

In 1960, to mark thirty years since D. H. Lawrence's death, Penguin Books planned to publish a new edition of his controversial novel, *Lady Chatterley's Lover*. The publication was deemed illegal and the publishing company was put on trial in one of the most famous obscenity trials of the twentieth century. What followed, however, was a discourse about culture, gender, sex and, most importantly, class. Who should have access to books and how much should they cost? Are publishers truly cultural gatekeepers or should that role ultimately be with the courts? This article examines the zeitgeist of 1960 and the trial that eventually acquitted Penguin Books of causing harm to society.

Key Words

D. H. Lawrence, *Lady Chatterley's Lover*, class, sex, censorship, obscenity, Penguin Books

Introduction

Originally published in 1928, D. H. Lawrence's controversial novel, *Lady Chatterley's Lover* caused scandal and intrigue that continued for the next forty years. Initially a commentary on the disastrous and soul-destroying effects of the First World War on Lady Chatterley's husband, this novel has become more than a mere fable. *Lady Chatterley's Lover* has been through a metamorphosis of interpretation, representing the changing landscape of British society, while championing the right to sexual enjoyment and desire. After the initial publication in Italy in 1928, distribution of the novel was banned, this purge culminated in 1960 when its publisher, Penguin Books Limited, was put on trial for obscenity. Lawrence's novel has metamorphosed into a dialogue about class issues in Britain, the ever changing divide between low culture and high culture and whether the publishers should really play a role in censorship.

Class

'If the truth must be told, he was just a bit frightened of the vast hordes of middle and lower-class humanity, and of foreigners not of his own class' (Lawrence, 2010: 8)

The novel portrays the dichotomy between the classes through Lady Chatterley's affair with her gamekeeper. The scandal, as much as the sexually explicit parts, is about her fraternising with one of a lower class and thus breaking the boundaries British society had put in place to keep the classes apart. Mellors is a humble man of humble origin, not aspiring to own an estate or rule a town. This debasement of the eponymous character was one of the lead arguments that the prosecution put forward in the trial of 1960 in favour of banning the novel. "[This] is a book describing how [Lady Chatterley], deprived of sex from her husband, satisfies her sexual desires – a sex-starved girl – how she satisfies that starvation with a particularly sensual man who happens to be her husband's gamekeeper" (Rolph, 1961:18). This raises the question, who are books for? Prior to the paperback publication of this novel, those able to purchase the hardback edition were those with money, in other words, not the lower class. Furthermore, the first publications were only available on subscription from

Italy, preventing the majority of readers from obtaining a copy. The new edition of the novel was to be published in paperback as part of the Lawrence 'million' series to mark the thirtieth anniversary of his death and was to be sold at the accessible price of 3s. 6d.. The prosecutor, Mervyn Griffith-Jones, highlights that the cheaper price means that "there is not any such restricted class. It is *anyone who may read the book* [...] there is no limit, is there, to the kind of people who may read this book which would be on sale at every bookstall, paperstall, and bookshop, all for the price of 3s. 6d.?" (Rolph 1961: 210). Initially banned due to its obscenity, the underlying issue for the prosecution and those opposing the novel was the 'type' of person that it would be available to.

The now infamous quote from Griffith-Jones, "Is this a book that you would have lying around your house? Is it a book that you would even wish your wife or your servants to read?" (Rolph, 1961: 17) is indicative of the idea that the lower classes should not be exposed to such obscenities for fear that it would influence them in unthinkable ways. The prosecution's opinion was seen to be incredibly regressive at the time of the trial, but, '[Griffith-Jones] was the incarnation of upper-middle-class morality, obsessed with the book's danger to social order' (Robertson, 22/10/2010). This once again raises the question of low culture and high culture and how it is defined; is *Lady Chatterley's Lover* really dangerous, or is it just simply obscene? Nowadays, the prosecution would no doubt take issue with the rise in erotica since the publication of *Fifty Shades of Grey* and thus the lines between low culture and high culture continue to fluctuate, obscenity usually associated with less prestige and academic entitlement. This ideal is once again represented in Lawrence's writing, 'the upper classes have become devitalized and the lower classes debased by the increasing artificiality of their emotional and physical relationships' (Sova, 2006: 136). This theory is supported by Kenneth Tynan, 'It exhaled class-consciousness as effortlessly as air [...] was it natural for the lady of a great house to, "run off and copulate with her husband's game-keeper?"' (Tynan, 06/11/1960).

'The key factor in the decision to prosecute was that Penguin proposed to sell the book for 3/6; in other words, to put it within easy reach of women and the working classes' (Robertson, 22/10/2010). This links well to the theory of mass culture presented by John Carey in his *The Intellectuals and the Masses: Pride and Prejudice among the Literary Intelligentsia 1880-1939* (2002). With the rise in literacy rates in the early twentieth century, there was a greater demand for literature and more people were exposed to culture that had only been available to the elite. Allen Lane's idea for Penguin to publish 100 000 copies of *Lady Chatterley's Lover* in 1960 shows that 'the advent of mass culture in the early twentieth century' (Carey, 2002: 3) was beginning to affect the publishing industry. For many years prior, the big publishing houses in Britain had been run by middle class families passed down from father to son in an effort to ensure the business was ran in a specific way and to preserve the familial ideal of what was published. The idea that the working classes would debase publishing houses is ludicrous; essentially, it shows that education was very much a class indicator in the early twentieth century in Britain. Lawrence, nevertheless, falls into the literary category of 'modernist writers', 'intellectuals could not, of course, actually prevent the masses from attaining literacy. But they could prevent them reading literature by making it too difficult for them to understand' (Carey, 2002: 16). Carey's theories about exclusion are supported by Robert Harris and illustrate the extent to which class was an issue, particularly in the trial, '[Carey] goes so far as to accuse writers such as Virginia Woolf of deliberately favouring an obscure style in order to shut out the newly literate class' (Harris, 16/03/2014). The idea that publishing had levels of elitism and segregation shows that the 1960 trial of the novel was more about the danger of the masses being exposed to such radical sexual ideas rather than what Lawrence actually wrote.

Lawrence, a respected author of the English literary canon, was about to become a product for mass culture. While T. S. Eliot suggests that 'culture of a 'higher' class is something superfluous to society as a whole' (Eliot, 1948: 35), as a commissioning editor for Faber and Faber, he was still in favour of the division of classes and the segregation of culture. He wrote that '[a] higher level of culture must be thought of both as valuable in itself, and as

enriching of the lower levels' (Eliot, 1948: 37). Superfluous or not, in Britain in 1960, there was a differentiation between how the upper and lower classes should behave and what should be 'given' to them in terms of culture. Penguin Books wanted to tap into the lucrative opportunities presented by the rise in literacy and demand for cheaper books. Yet by doing so, they created difficulties for the company by blurring the lines between high culture and low culture and effectively opening the gate for the newly educated masses to better themselves. The novel was ultimately defended on its cultural merit, and testament to the defence's case that high quality fiction should be easily available to anybody that wanted to read it.

Sex

' "It's the one insane taboo left: sex as a natural and vital thing. They won't let you have it, and they'll kill you before they let you have it" ' (Lawrence, 2010: 262)

In 1959, the British Parliament issued the Obscene Publications act, which stated that various articles could be published so long as 'publication could nevertheless be for the public good' (Rolph, 1969: 108). The timing of this Act of Parliament replacing the common law of Obscene Libel could, arguably, be the reason Lawrence's novel was acquitted court. In other words, if the defence for *Lady Chatterley's Lover* could prove to the jury the novel's literary and, more importantly, cultural merit, then Penguin's mass publication could only be seen to be a positive step in the advancement of British culture. Robertson asserts the importance of this change in the law in relation to the trial, 'as the test of obscenity, books now had to be "taken as a whole" – that it, not judged solely on their purple passages [...] section 4 of the Act provided that even if the jury found that the book tended to deprave and corrupt it could nonetheless acquit if persuaded that publication "is justified in the interests of science, literature, art and learning or any other object of general concern"' (Robertson, 22/10/2010). Therefore, despite Lawrence's use of 'cunt' and 'fuck' throughout his novel, when looked at as a whole, the novel proved suitable for the public. Nevertheless, in 1960, Lawrence's graphic description of sexual acts as well as his frequent use of profanities throughout the novel did nothing for its literary reputation. Steve Hare, quoting

C. J. Cockburn, states that, 'obscenity 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' (Hare, 1995: 232). Cockburn is reflecting the fear of the defence by suggesting that those likely to be negatively influenced by the mass publication of *Lady Chatterley's Lover* are those with less education such as young people and the working classes. Nevertheless, it is not necessarily for a jury to decide what should have cultural prestige and what should not. Surely it is just as important to provide the public with well-written and engaging stories as well as more socially accepted publications. 'The verdict was a crucial step towards the freedom of the written word, at least for works of literary merit' (Robertson, 2010: 303).

Robert Darnton presents the idea of the publisher as the gatekeeper of culture, deciding what the public should read and, more importantly, to whom it should be available. The idea that the publisher is the key censor in this industry is relevant to the reasoning behind Penguin Books going on trial in 1960. It is interesting that it was the company, and not Allen Lane or any of the editors that was the defendant. Deana Heath, drawing from another obscenity trial, highlights that most people 'believed that the term "pornographic" meant "poor class or poor quality"' (Heath, 2007: 509), precisely what the prosecution at the Chatterley trial felt was abominable with the publication of a cheaper edition. The very idea that censorship is 'productive rather than [...] repressive' (Heath, 2007: 510) is suggestive that Penguin Books saw it as their prerogative as a cultural 'gatekeeper' to make available to the general public Lawrence's novel and allow them to make up their own mind what they read: productive censorship. Regardless of the content, the executive decision to publish Lawrence's work cheaply is an example of censorship being used for the public good.

One might therefore question why literature needs to be cheap. One should turn to John Carey's theory about mass culture and observe that, just because something is widely distributed, it does not necessarily deem it low culture. The idea that a prestigious author such as George Bernard Shaw 'made a conscious decision to write for the masses' (Carey, 2002: 6) is indicative of 'selling out' and thus the difference between culture and commerce

is once again an issue. The fact that *Lady Chatterley's Lover* had been available to purchase (perhaps admittedly with some difficulty) since 1928 suggests that, while only accessible to a select few of the reading elite, it posed no problem and those in favour of the prosecution were able to turn a blind eye to its circulation. However, once it was in the public domain, opening up a discourse about its wider themes and the more overarching 'obscene' narrative was there for the public to interpret in any way they wanted, it seemed to pose a danger to the relatively stable class-divided society.

Objectively, one can view the publishers as effective gatekeepers of society through their vast contrast in responsibility compared to the author of a work. This is most prominent with D. H. Lawrence who seemed to show a distrust of the masses himself, 'Lawrence, writing to E. M. Forster in 1916, feels gladdened that the prospect of war and violent death will wipe out all the hordes of mankind' (Carey, 2002: 12). Thus one is presented with a dichotomy between Lawrence's wish to remain elite and his work being the driving force behind the argument for the working class's right to education and culture. This concern is most prominently displayed by Griffith-Jones' disgust at the very idea that *Lady Chatterley's Lover* should be read by women and servants. The idea was expanded by Griffith-Jones at the trial, "'Do you think that is how the girls in the factory are going to read this book – as something sacred'" (Rolph, 1961: 214). Once again, there is a casual assumption that, not only will the working class, and women in particular, deface the integrity of the novel, but that they are not in possession of an education worthy of interpreting the novel in the way Lawrence intended. Class divisions, as highlighted by Carey, will always find a way to be prominent in British society. 'Griffith-Jones urged [the jury] not to get lost, 'in the higher realms of literature', but to think of factory girls, reading the book in their lunch-hour – a social group for whom he, like the prosecuting counsel, showed a tender recurrent regard.' (Tynan, 06/11/1960). Once again, though on the surface the prosecution claimed to be acting on behalf of the public interest, the incredible undercurrent of class tensions that were constant throughout the trial demonstrate that their true intentions were exactly the opposite. According to T. S. Eliot, there are 'too many books published. It is one of the evil

effects of democracy' (Carey, 2002: 15). Publishers and their publications are, according to Carey, important cultural markers of social attitudes to class at the time of publication, therefore something had to be done: 'The early twentieth century saw a determined effort, on the part of the European intelligentsia, to exclude the masses from culture' (Carey, 2002: 16-17). By the time *Lady Chatterley's Lover* went on trial in 1960, the general attitudes to culture may have changed, but it is clear from the incredibly determined efforts of the prosecution that there were still a considerable numbers of people in favour of excluding the masses from higher culture and, in turn, education.

War

'The bruise was deep, deep, deep – the bruise of the false and inhuman war. It would take many years for the living blood of the generations to dissolve the vast black clot of bruised blood, deep inside their souls and bodies' (Lawrence, 2010: 48)

First and foremost, this novel is about the backlash felt in British society after the First World War. This disjoint manifests itself through the relationship between the protagonist and her gamekeeper. Connie Chatterley is sexually unsatisfied because her husband was castrated physically (and arguably emotionally) by his service in war: 'She is sexually frustrated and becomes increasingly dissatisfied with the artificial and sterile nature of the society within which she lives' (Sova, 2006: 138). In analysing why the novel caused such controversy when first published in 1928, it is important to take into consideration the social context: the hangover from the war and the shifts that had taken place in society. Lawrence's concerns with the rise of the working class are prominent in his whole body of work, no more so than in *Lady Chatterley's Lover* by the very fusion between the classes: 'the *Chatterley* trial marked the first symbolic moral battle between the humanitarian force of English liberalism and the dead hand of those described by George Orwell as "the striped-trousered ones who rule"' (Robertson, 22/10/2010).

Arguably, the trial of 1960 is the most famous example of the novel being ridiculed and examined for its suitability for publication, yet this was not the first time that its publishers

had faced difficulty, 'The decision was made to publish the novel in Italy in 1928 and then to send copies to subscribers in England to avoid censors' (Sova, 2006: 139). The logistics of the first publication demonstrate the publishers' sensitivity to the reaction that the publication would create, yet the efforts to which they went to is evidence of the necessity they felt to get the novel out into the public domain. Eventually, those in England and in particular, the USA, realised what was happening and began confiscating copies of the novel on entry to the country. However, though the book was put on trial in the USA, it was less a class issue and very much to do with the obscenity represented in the novel, 'The complaint was not what *Lady Chatterley's Lover* would do to children, but what it would do to adults' (Rembar, 1969: 24-25). Similarly, in New Zealand, both the hardback and paperback editions of the novel went through a tribunal to establish whether it was appropriate for the public, before eventually being given distribution rights.

Nowadays, *Lady Chatterley's Lover* is part of the English literary canon together with Dickens and Shakespeare. The obscenity trial of 1960 will remain one of the most famous in history for years to come. Yet without the change in the Obscene Publications Act in 1959, or the vehement defence presented by Penguin Books along with contributions from other authors, who added legitimacy to its publication, *Lady Chatterley's Lover* may have been lost to the history books, used as a morality tale to other authors wishing to publish similar texts. Without a doubt, the novel and the controversy it created has changed the demographic of publishing, and in turn readers. Perhaps the fact that it is sitting on the shelves in almost every book shop in Britain waiting to be read by wives, servants, or anybody else, is testament to the publishers who first gave it the green light, and who fought for its right to be read, not just by those privileged few, but by everyone.

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