The Law and the Profits: the Case of D.H. Lawrence’s *Lady Chatterley’s Lover*

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In November 1960 a jury comprising nine men and three women decided that the publication of the full text of D.H. Lawrence’s *Lady Chatterley’s Lover* (1928) was for the public good. The trial of the publisher, Penguin Books, excited a great deal of media interest. ‘*Lady Chatterley’s Lover*, beyond its status as a novel, is the most notorious example of literary censorship in the twentieth century, and the novel’s strange and fascinating history still holds many secrets.’ This is how one commentator on the book’s production history begins his summing up of the significance of D.H. Lawrence’s final novel.1 Philip Larkin, in ‘Annus Mirabilis’ (1974), acknowledged ‘the end of the Chatterley ban’ as a milestone, for others if not for him.

A period of some thirty years separates the principal episodes of the book’s first publication, confiscation and republication. In 1959 an American judge overruled restrictions on the unexpurgated edition; in 1960 the trial at the Old Bailey in the case brought against Penguin Books Limited for publishing, over three decades after it initially appeared, the first unexpurgated version of Lawrence’s novel in England was still sensational enough to excite enduring public interest. In English law, *Lady Chatterley’s Lover* was the subject of the first prosecution under the Obscene Publications Act of 1959; whatever it did to stimulate public curiosity, it simultaneously brought about a complete revival of interest in Lawrence and the liberationist philosophy ascribed to him. It also provided the cue for less restrictive publishing practices. The publishing house was of course acquitted, and the novel sold in millions. Film archives of the time show long queues formed around bookshops. Stories of the paperback slipped into the brown paper bag for discretion, or concealed by a ‘decoy’ book to save the reader’s reputation, have become part of the history and the mythology of this novel.

In the course of these events a particular kind of Lawrence was produced within the public sphere, grounded on various popular misreadings of the
author’s ‘metaphysic’ or personal philosophy. The many audiences for the
book created the version of D.H. Lawrence that best suited their intentions.
So it was that Lawrence’s focus on regeneration meant that he was appro-
priated as a freethinking sexual liberationist by advocates of free love; as
a political anarchist committed to the destruction of class barriers; indeed,
as an anti-establishment figure in the most obvious senses. Within literary
criticism, dominated in the immediate postwar years by white middle-class
men, those who were his champions argued for Lawrence’s visionary status
most notably in the area of human relations. He was, in the words of
Harry T. Moore, ‘the priest of love’. ² Simone de Beauvoir in The Second
Sex (1949; 1953) had eloquently interrogated Lawrence’s representation
of women and male–female relations, but the most influential revision
of Lawrence’s hieratic value came in 1969 with the publication of Kate
Millett’s Sexual Politics, a book which analysed at length and in detail the
misogynist dimension of Lawrence’s writing, which the critical establish-
ment had either overlooked or dismissed. The critical legacy was either
reductive or energizing depending on one’s point of view. John Worthen,
Lawrence scholar and biographer, for instance, locates the scandal with
the feminists ‘who prefer to see [Lawrence] as an archetypal chauvinist’.³
This is perhaps an overly reductive analysis of a range of positions. It
could be argued, though, that despite the astuteness of many of the newly
aired interpretations, for many, Lawrence’s reputation continued to mask
the serious intentions of his work. Often viewed as debased and risible,
even beyond parody (so successfully did he inadvertently appear to parody
himself), only in the 1990s did criticism seriously reassess some of the most
problematic aspects of D.H. Lawrence’s treatment of gender, sexuality and
language.
This chapter will attempt to outline something of what Lawrence felt
about censorship and it will briefly consider Penguin Books’ motives for
publishing the complete text when it did. It will also draw on related
material that is often overlooked in assessments of Lady Chatterley’s Lover
such as Sketches of Etruscan Places (1932), a book which was written after
the second version of Lady Chatterley’s Lover, and which takes travel writing
in some fascinating and unexpected directions. Etruscan Places helps us to
understand the extent to which Lady Chatterley’s Lover represents Lawrence’s
final expression of his theories about the genealogy of the unconscious –
the final expression, indeed, of his long-running and highly critical rela-
tionship to Freudian psychoanalysis, and the re-location (in Lawrence’s
specific and personal language of the body), of unconscious functioning
to the blood. For all its flaws Lady Chatterley’s Lover is Lawrence’s last and
fullest attempt to express the anti-Cartesianism that underpins his most
achieved writing. For that reason alone this novel requires fresh attention
and a new audience whose reading is not restricted to the romance of the
scandal.