

## Banned Books and Publishers' Ploys: *The Well of Loneliness* as Exemplar<sup>1</sup>

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*Archival sources provide much of the basis for a consideration of the myriad methods that UK publishers employed to avoid prosecution for obscenity. In turn, the UK legal authorities took a collusive (and cosy) approach to the issue, moving only to prosecute if the book in question generated publicity or achieved wide sales. The Well of Loneliness (1928) by Radclyffe Hall may have passed unseen, except by the intelligentsia, were it not for a fiery denunciation in a popular newspaper. Jonathan Cape, its publisher, equivocated over the novel's withdrawal, leading both to a trial and ban and to his undertaking the method of last resort of publishing it in Paris. Constant comparisons are made between the case of The Well of Loneliness and the treatment of other canonical novels of the interwar period, particularly Ulysses (1922) and Lady Chatterley's Lover (1928).*

**Keywords:** UK Obscenity practices/ Jonathan Cape/ Radclyffe Hall/ Paris publications/ interwar novels

### Introduction

Sing then, O mundane Muse, of RADCLYFFE HALL

And how she wrote a story that should fall

On souls suburban like a ton of bricks,

Crushing JAMES DOUGLAS and SIR JOYNSON HICKS

And how they wound in the Home Office tape

Another soul suburban, Mister CAPE.

P.R. Stephensen, *The Sink of Solitude*

It may be interesting to know that Radclyffe Hall's novel about Lesbians, *The Well of Loneliness*, though banned in England and under fire in New York, has escaped condemnation in France, where it now enjoys a local printing. Its biggest daily sale takes place from the news vendor's cart serving the de luxe train for London, La Flèche d'Or, at the Gare du Nord. The price is one hundred and twenty-five francs a copy. For first English editions, dealers in the Rue de Castiglione offer to buy for as high as six thousand francs, and to sell at as high as anything you are silly enough to pay.

Janet Flanner, "Letter from Paris" (Flanner 48)

The Cape referred to in *The Sink of Solitude*, a satirical poem that attacked the self-righteousness of both the prosecuting authorities and the persecuted author of *The Well of Loneliness* (1928), was Jonathan Cape, the London publisher. The public story of Cape's involvement in the novel's publication is relatively well known, as the trial documents were made readily available at the time, and will need only paraphrase here, however much "the oft-told tale of *The Well of Loneliness* grows even less credible with each telling" (Rolph 1969 p.76). What will demand more detailed explication will be the nature of the "Home Office tape", the decision-making processes of the UK government and its agencies, and the relationship between being published in London and being published in Paris. Such an analysis will also throw light on the different modes of publication, or publishers' ploys as the title has it, between the World Wars for books that might be considered obscene; it will complement earlier work on other canonical texts such as *Ulysses* and *Lady Chatterley's Lover* that this particular case reinforces and, in some instances, prefigures. Jonathan Cape himself began publishing under his own name in 1921 but he had served a long apprenticeship with Duckworth, making his way upwards from delivery boy at the bookseller Hatchards, before service in the First World War. With the financial support of his partner, Wren Howard, and the acumen of his reader, Edward Garnett, "a Trojan of energy and conscientiousness", Cape moved beyond the reprints of Elinor Glyn that he brought with him from Duckworth to create a list of the most notable authors of the period from T.E. Lawrence to Arthur Ransome (Moore 131). However, Cape's decision to publish Radclyffe Hall's novel *The Well of Loneliness* in 1928 almost killed off the young company. It certainly resulted in a loss of both commercial and personal reputation for Cape as the trial seemed to expose a double-dealing based on profit rather than principle.

Cape's original proposal, along familiar lines for controversial titles, had been for a limited edition of 1,250 copies at twenty-five shillings. Hall resisted this scheme, just because it was redolent of other prurient books, and Cape changed tack to 1,500 copies of a trade edition selling for fifteen shillings

(double the then standard price of a novel) in a large format, in a somber black binding, with a plain dust jacket. Both proposed and actual forms of production represented an implicit collusion with the British authorities who were content to allow restricted circulation, as a consequence of price, print run, a paucity of promotion, and often a subscription sale, to act as self-censorship on the part of the publisher. The Shakespeare & Company edition of *Ulysses* in Paris in 1922 had also been initially a limited edition: 100 copies on Dutch handmade paper (signed) selling at 350FF (the equivalent of £6.10.0 in 1922 when the average male weekly wage in the UK was £5), 150 copies on vergé d'Arches at 250FF (£4.12.0), and 750 copies on cheaper vergé à barbes at 150FF (£2.15.0). The initial Home Office comment on this first edition of *Ulysses*, contained in NA HO/144/20071/186.428/1, was: "Its [that is, the novel's] price is, to the multitude, prohibitive. In the circumstances, no general harm is likely to be caused by its contents. But if it is ever found open in the post it should be detained." Hall's distaste for being associated with other writers whose works were regarded as obscene was shared by Joyce and Lawrence. A leitmotif of the Joyce/Paul Léon papers in the National Library of Ireland is Joyce's gratitude for any support he receives in the campaign for publication of *Ulysses* in the UK but his annoyance, rising to anger, when such support associates his name with either Hall or Lawrence. Léon for one resigned himself to this triplet in a letter to Monro Saw, Joyce's UK solicitors, on 21 May 1934: "It is of course a nuisance that while *The Author* was mentioning only *Ulysses*, the papers are carrying the campaign for Lawrence, Radclyffe Hall, etc., which may do him [Joyce] some harm but I do not see how this can be prevented." There was little sense of solidarity, in other words, between victims of banning and correspondingly little desire on these writers' part for their publishers to adopt the same ploys in circumventing those bans.<sup>2</sup>

In 1936 the Bodley Head tested the waters for a UK edition of *Ulysses* through the issuing of a limited edition ahead of the (expensive) trade edition in 1937. A new agreement had been issued by the publisher in May 1936, signed by a resigned Joyce, presumably frustrated after 12 years without the UK publication he craved, in the presence of the British Consul in Paris. This contract licensed the Bodley Head to issue a limited edition of *Ulysses* but Joyce, however accepting of this ploy, was insistent that the phrase "for

private circulation only” should not appear anywhere in the book. This phrase could be interpreted, from the other pornographic contexts in which it was found, as an acknowledgement of the similarity of *Ulysses* to such salacious material and that connotation Joyce could not countenance. Indeed, the contract further specifies, at Joyce's instigation, a wide range of sympathetic newspaper and magazines in which *Ulysses* was to be advertised: *The Times Literary Supplement*, *The New Statesman*, *The Observer* and *The Sunday Times*. In other words, the production of a limited rather than a general edition might be a necessary compromise to minimize the risk of legal action but Joyce was adamant in his desire to curtail that compromise and to avoid harmful association, the implication that this was a surreptitious, under-the-counter publication. Foyles, the major London bookshop, distributed a leaflet to its account holders offering this “new limited unexpurgated edition” of 1,000 copies. That adjective 'unexpurgated' would have irritated Joyce as much as the very notion of a limited edition did Hall. A hundred signed copies of the Bodley Head *Ulysses*, printed on mold-made paper and bound in calf-vellum, were available at six guineas; the further nine hundred, unsigned, printed on Japan vellum, bound in linen buckram, cost a mere three guineas (when the average male weekly wage in the UK had fallen to £4.8.6). The restricted print run and the high price led the Home Office to believe once again that no action needed to be taken – both characteristics were seen to act as sufficient protection of the 'multitude' from depravity and corruption.

Lawrence too, in the case of *Lady Chatterley's Lover*, used this familiar stratagem of the limited edition, but chiefly to optimize and protect his financial interests, both in Florence in 1928 and again in Paris in 1930. Put bluntly, the prospect of his earnings from the novel overcame any scruples he may have shared with Hall and Joyce about the association of this ploy with obscene material. Lawrence's choice of Pino Orioli as publisher of the limited edition of *Lady Chatterley's Lover* in Florence in 1928 was, moreover, following a precedent set by Norman Douglas in both maximizing his income from the novel and, in its exclusiveness, hiding it from prosecution for obscenity. Richard Aldington pinpointed another (rival) work whose success Lawrence wished to emulate in his publication of a limited edition of his novel:

“From the beginning I have wondered if D.H. Lawrence were not a little hopeful to cash in on the pornographic market of *Ulysses*, especially as his royalties were declining rapidly” (Moore 98). On the other hand, the UK trial of *Lady Chatterley’s Lover* for obscenity a generation later in 1960 resulted from the imminent threat, as seen by the UK authorities, of a cheap edition with an unlimited availability. As C.H. Rolph points out in his introduction to the transcript of the trial: “The decision to prosecute was a great surprise to many in the world of publishing, and of the law” (Rolph 1990, 2). Yet it was merely the continuation of the policy from the inter-war period of ignoring publications with limited circulation, unless alerted to do so by a public clamor or threatened by this likelihood of widespread distribution in an edition costing only 3/6d. The print run, price and potential wide-scale distribution of *Lady Chatterley’s Lover* explain why it was prosecuted in 1960 and not Nabokov’s *Lolita* which had been published in 1959 by Weidenfeld and Nicolson as a hardback costing a guinea (21s).

What Cape, therefore, initially offered Radclyffe Hall was a tried and tested means of keeping the sleeping dogs of authority quiescent. (It proved less of a muzzle upon official action when used as a defence in the novel’s eventual trial.) The UK authorities were reactive rather than proactive: books were not examined pre- or post-publication unless the publisher asked for advice on likely prosecution of the book or the contentious nature of the book came to wider public attention. The latter was the downfall of *The Well of Loneliness*.

## London

The immediate critical reception of the novel on publication on 27 July 1928 ranged from the positive to the lukewarm with constant expressions of surprise that, given its subject, the book had been published at all. Supportive reviews appeared in the (sympathetic) *Sunday Times* and the *Times Literary Supplement*; even the conservative *Daily Telegraph* (7 August 1928) was moved to profess that “this is a truly remarkable book... Her book must be accepted as a whole.” (Cape later had these reviews printed up in a 16-page booklet for distribution, particularly to booksellers, as part of a general defense of the novel’s

publication. Allen Lane followed his example in 1936, ahead of his publication of *Ulysses*, and again in 1967 for its issue for the first time in the UK as a paperback, producing on the latter occasion 30,000 separately printed and bound copies of Richard Ellmann's 'Afterword' for circulation, particularly to academics.) Above all, reviewers marked *The Well of Loneliness* out, not so much as a novel, but as a brilliant, and restrained, discussion of the psychiatric condition of 'inversion' (lesbianism). Cape had deliberately influenced this reading by commissioning Havelock Ellis, through Hall, to provide a brief introduction. This outlined the theory of congenital sexual inversion that Hall had wholeheartedly endorsed, not least in the course of the novel itself. Ellis himself acknowledged that endorsement in his Commentary of 150 words: "So far as I know, it is the first English novel which presents, in a completely faithful and uncompromising form, one particular aspect of sexual life as it exists among us to-day" (Hall 7). This paratextual ploy framed the novel as a serious, even scientific, case study, not only for reviewers and the general reader but also for those involved in any judicial process if the novel came under official scrutiny. The latter was certainly the intention of Bennett Cerf when he bound the favorable verdict of *Ulysses* delivered by Judge Woolsey in December 1993 into the Random House edition of 1934. That precedent was also followed by Allen Lane in the 1936 Bodley Head edition that contained as prefatory matter an account of the novel's reception and transcripts of the judgements handed down by the American judges in the trial and appeal there. Lawrence attempted something similar by prefacing his 1930 Paris edition of *Lady Chatterley's Lover* with 'My Skirmish with Jolly Roger', a "little peppery foreword", later expanded and published separately as *A Propos of Lady Chatterley's Lover* (Lawrence 1993, lvi); however, this was less a legal defense than a justification of his self-publishing in repudiation of the many pirated editions then in existence and an explication (and moral and critical defence) of the nature of the novel itself. *A Propos* was issued as a separate publication in 1930 at 3/6 a copy by the Mandrake Press, founded by P.R. Stephensen encountered above as the author of *The Sink of Solitude*. These paratextual elements, not only the prefatory material but also the use of somber black covers and the dust jacket text, have too often been regarded by critics as an almost accidental framing of the text

rather than a series of conscious decisions by the publisher (and in the case of Lawrence, by the author) with the aim of both locating the book for the reader and marketing it to a particular public.

The reviews, and indeed the pre-existing reputation of Radclyffe Hall, as author of the successful *Adam's Breed* (1926), resulted in excellent initial sales – to confound Cape's anxious foreboding. The initial printing of 1,500 copies, as agreed with Hall, was followed by a second impression of 1,690 ordered on 25 July 1928, and that, in turn, by a third impression of 4,400 ordered from Butler and Tanner on 20 August (UR JC PL). By the end of 1928, 4,426 copies had been sold to booksellers for retailing at full price while a further 228 had been given away free or sold directly at a discount, leaving some 2,936 in stock, most as unbound sheets. The publication was a commercial as well as a critical success with the potential of generating even more income for the fledgling firm. Indeed, the US publication of the novel by Covici-Friede demonstrated just how great that success could be: the book sold there for \$5 compared to the average book price of \$2.50; “the public bought twenty thousand copies of *The Well* within the first month and one hundred thousand copies within the year. Hall's first royalty check [from Covici-Friede] was for \$64,000” (Taylor 261). There was no question, therefore, that for Cape too the investment, financial as well as reputational, could result in large returns.

This positive prospect was swept aside as a consequence of a vitriolic review – “I would rather put a phial of prussic acid in the hands of a healthy girl or boy than the book in question” – by James Douglas in the (unsympathetic) *Sunday Express* on 19 August 1928, ‘exposing’ the novel's obscenity and corrupting nature, and demanding its immediate ban by the Home Office. The previous day's issue of the *Daily Express* had heavily trailed the article and on that Sunday it was featured on the news vendors' placards in large type. The bandwagon, once in motion, gathered momentum as other newspapers such as the *Sunday Chronicle* joined in the condemnation. At this point, instead of ignoring the class-based clamor (to be specific: right-wing, working and lower middle-class, judging by the newspapers involved), and waiting until the next press-induced furore eclipsed Douglas's diatribe, Cape asked the advice of the then Home

Secretary, Sir William Joynson-Hicks, and offered to withdraw the novel if the latter judged it obscene. His motivation in writing this letter, containing this offer, has always seemed obscure, if only because there was so much at stake. Cape himself explained it as an action born of anger:

“Small wonder that he was angry. Miss Hall and his firm had been held up to public scorn and contempt as the author and the publishers of an indecent and salacious book which would seduce the morals of the young and which was alleged was more dangerous to a healthy minded boy or girl than a phial of prussic acid. His careful plans to guide the book into the hands of the serious minded had been smashed and the reputation of his firm had been traduced in order to make a ‘powerful’ article and a Sensational Sunday news story.”<sup>3</sup>

In writing to the Home Secretary, he did not actually expect him to respond. In the light of the reputation of Joynson-Hicks for conservative moralizing, this represents a rather naïve expectation on Cape’s part. That reputation was acknowledged by Cape himself: “We are blessed with a self-conscious and over-zealous Secretary of State who at the mere mention of the word ‘morality’, obviously feels it is incumbent on him to take immediate personal action and so prevent the morals of ‘the least of these’ being hurt by a long serious novel published at 15/-, the point of which they would fail to understand.” If Cape breached ‘don’t ask’, Joynson-Hicks broke ‘don’t tell’ with some alacrity. He replied to the publisher directly and immediately with a strongly worded threat that proceedings would be taken unless Cape withdrew the book as promised. Cape wrote to *The Times* and other newspapers to confirm that he had done so. As the *Glasgow Herald* noted on 24 August 1928, this created a dilemma for subscription libraries, on the one hand, desperate to recall copies already on loan, on the other, flooded with requests to reserve the novel.

Cape instructed his printers, on receiving the Home Secretary’s verdict, in an incriminating telegram quoted at the novel’s later trial: “Please make moulds of the type as quickly as possible, and deliver them



here. The type should be kept standing after moulding until further notice” (CUST49/1057). Its exposure in court left Cape looking calculating and devious. Wren Howard flew to Paris on 6 September with the moulds to license the Pegasus Press there to produce a cloth-bound edition of the novel and to provide it with the existing UK order list. The latter point undermines Cape’s own explanation, and justification, of this decision. He claimed a parallel with selling English-language territorial rights in the novel to a US publisher, that licensing the Pegasus “was in order to supply a demand for the book which was certain to arise from outside this country.” “By arranging for the printing and publication of the book abroad [Cape’s] aim was the supply of overseas markets. That the Pegasus Press sought to import copies into this country is incidental” (JC A19). This was disingenuous. In the calm after the storm of anger, Cape had sought some means of perpetuating the income from the rights he held in the novel and had decided, perhaps with the precedent of *Ulysses* in mind, to use an obscure fine-art publisher in Paris as a front for continuing publication and control of that publication.<sup>4</sup> The scale of unfulfilled orders in the UK led Pegasus, in turn, to appoint Leopold Hill, a Charing Cross bookseller, as its agent and distributor in London; a package of 250 copies of *The Well of Loneliness* sent to Hill on *SS Minister* was seized by Customs & Excise at Dover on 11 October 1928.

### **London (Whitehall)**

The irony in Cape’s ireful request for clarification, and the explicit offer to withdraw the book from sale, was that the Home Secretary had decided to prosecute the novel anyway. On 9 October 1928, John Anderson wrote to Francis Floud at Customs & Excise that the Home Secretary had “decided to avail himself of the offer of the publishers to withdraw the book. Had they not done so, it was his intention to direct proceedings under the Obscene Publications Act, and you should know that before coming to this decision he consulted the Lord Chancellor, who read the book at his request and expressed the opinion quite definitely that the book is obscene and that the proceedings then contemplated would be fully justified” (CUST49/1057). Joynson-Hicks had also consulted the Director of Public Prosecutions and had before him as he read Cape’s letter a minute, dated 21 August 1928, from Sir Guy Stevenson, the

Assistant DPP, determining “whether if the authoress of this novel were prosecuted for an ‘obscene libel’ a Jury would convict her” (CUST49/1057). Stevenson’s opinion was clear: “this book would tend to corrupt the minds of young persons if it fell into their hands and its sale is undesirable”. He appended a helpful list of pages in the novel that he had marked out as obscene. What is more, Stevenson had informally consulted the Chief Magistrate, Sir Chartres Biron, on the matter: “he has read the book and tells me that he would have no hesitation in granting process”. On the other hand, Stevenson expressed an awareness of the additional publicity such a trial would bring and recommended that the Home Secretary accept Cape’s offer to withdraw the novel from circulation without recourse to a trial.

On 3 October, a reporter from the *Daily Sketch* asked the Home Office for a reaction to the circular advertising the Pegasus edition of *The Well of Loneliness*. The Home Office stalled but a Warrant was issued in the Home Secretary’s name to the Postmaster-General authorizing seizure of any copies. On 4 October, Douglas proclaimed in the *Daily Express* that copies were flooding into the UK from abroad. The Customs & Excise Board telephoned the Home Office for advice on how they should treat the novel. The latter’s response was to issue a circular on 5 October confirming the Home Secretary’s view that *The Well of Loneliness* was definitely an indecent work, alerting all authorities to the Pegasus reprint, informing Customs officers that “attempts are being made to introduce copies into this country on a large scale”, and illustrating the action needed against such an import by noting that Joynson-Hicks had signed the Warrant to prevent the novel’s circulation through the post (CUST49/1057). All Customs & Excise officials at UK ports were then notified on 6 October 1928 that “any copies ... coming to the notice of Officers in their examination of Goods or of passengers’ Baggage are to be detained” (CUST49/1057). By 17 November 1928, some 60 single copies had been seized from passengers arriving at Dover. More importantly, the consignment of 250 copies, on its way to Leopold Hill, the Pegasus agent in London, had been discovered at Dover on 11 October. On notification of the seizure on 18 October 1928, Rubinstein Nash, solicitors for Pegasus, as they were later for Penguin in the 1960 *Lady Chatterley’s Lover* case,

wrote immediately dissociating Hill from the publication and accepting full responsibility on the part of Pegasus (CUST49/1057).

The government had now to decide whether simply to destroy the consignment under existing draconian Customs legislation (as had happened to the 499 copies of *Ulysses* impounded at Felixstowe in 1923) or to allow importation and bring it to trial under the Obscene Publications Act. The matter had initially to be referred to the Chancellor of the Exchequer as the Cabinet member with responsibility for the Customs & Excise service. The civil servants of the latter actually expressed doubts about the obscene nature of *The Well of Loneliness*. “The subject is treated seriously and sincerely, with restraint in expression and with great literary skill and delicacy. In effect, it is an appeal for compassion and understanding and the pitiful tragedy of the story does not seem calculated to arouse sexual emotion or to corrupt morals by encouraging the practice of sexual inversion. If the subject is one that can permissibly be treated at all in a novel, it is difficult to see how it could be treated with more restraint” (CUST49/1057). The difficulty created by the absolute view that the subject of lesbianism *per se* was obscene was that other books dealing with it were freely available, including, most recently, Compton Mackenzie’s *Extraordinary Women* (1928) – though the latter was, in Diana Souhami’s view, “humorously malicious and designed to entrench prejudice, not dispel it” (Souhami 233). *Extraordinary Women* had also been issued as a limited edition before it went into a trade edition. This annoyed Radclyffe Hall. She wrote to Audrey Heath on 4 April 1929: “Nothing that has gone before has hurt me like the publication of *Extraordinary Women* in an ordinary edition” (Dickson 180). The Customs and Excise officials went further in writing to the Chancellor: “If we were left to ourselves we should have come to the conclusion that, quite apart from the question of policy whether action on our part would not give the book undesirable publicity and gratuitous advertisement, the book is not one that should be stopped on the ground of indecency and obscenity” (CUST49/1057). However, the Customs & Excise service could not be left to itself to contradict the publicly stated opinion of the Home Secretary. The matter came to Cabinet on 17 October 1928 and the decision was taken that the Home Office should be the lead department in this matter and

that the Attorney General should bring the novel to trial – partly because evidence had also been obtained that Cape was supplying paper to Paris for the Pegasus edition, that “publication of the book in Paris was undertaken with Mr Cape’s connivance and assistance, in spite of his promise to the Home Secretary” (CUST49/1057). So, rather than giving notice of pending destruction under the Customs Consolidation Act of 1876, the Home Office decided to bring the case under the Obscene Publications Act of 1857, partly, it seems obvious, to give Cape a more public admonition (and humiliation) for his hypocritical behaviour. Accordingly, the consignment was forwarded to its addressee (together with a package of four copies addressed to Cape to allow his concurrent prosecution) so that subsequently the police could lead the investigation, the Director of Public Prosecutions the legal case, and the Attorney General the trial.

That trial was conducted before Sir Chartres Biron, Chief Magistrate at Bow Street Police Court on Friday, 14 November 1928 – as noted above, he had already been consulted about the book’s status in August and now he decided he needed to hear no more than counsels’ arguments, allowing none of the 40 witnesses the defense had marshalled to testify to the novel’s literary and scientific merits (bar Desmond MacCarthy who was asked the question, “In your opinion, is this book obscene?”, but then stopped from answering). The *Daily News* published on 16 November 1928 a partial list of these defense witnesses that Biron had elected not to hear. The roll-call of the literary great and good included Hugh Walpole, Laurence Housman, E.M. Forster, Rose Macauley, John Middleton Murry, Julian Huxley, Leonard and Virginia Woolf, Storm Jameson, A.P. Herbert, Vera Brittain, Eden Phillpotts, Edward Garnett, and Victor Gollancz. The use of such testimony to the literary merit of a banned book became, like the parade of reviews, a familiar but ineffective ploy at trial in the UK. The Obscene Publications Act 1959 finally allowed literary merit, as a sub-category of the concept of the ‘public good’, to be taken into account and attested to by expert witnesses: this was central to the successful defence of *Lady Chatterley’s Lover* in 1960; yet it proved ineffective again in 1964 at the trial of Alexander Trocchi’s *Cain’s Book* and at the appeal in 1965 when the Lord Chief Justice and two fellow judges ruled that that evidence of ‘public good’ presented by expert witnesses could be taken into consideration when making a judicial decision

but did not pre-empt it. This conclusion clearly preserved the role of judges, including magistrates, in making that decision and their right to come to a conclusion contrary to the expert opinion presented. Biron came (inevitably) to the judgement that *The Well of Loneliness* was obscene and Cape and Hill entered an appeal.

The Appeal was heard on 14 December 1928. The Attorney General, Sir Thomas Inskip, argued that however much fine writing the book might contain, that was irrelevant to the issue of obscenity that was at the heart of the trial. (A full account appeared in *The Times* of 15 December 1928.) The defense claimed to the contrary that “the book was a true work of literature and not a pornographic production” and sought to demonstrate that by appealing to the various reviews it had already received. On this occasion, no witnesses to the book’s literary merit were called. When J.B. Melville K.C., acting for the defence, intimated this, the Attorney General spoke to Rudyard Kipling who then left the court. Kipling had been prepared to appear for the prosecution to balance any witnesses called by the defense to attest to the novel’s literary merits. (Similarly, Sir William Willcox, the Home Office pathologist, was in attendance to counteract any scientific testimony for the defense.) The Bench retired and, after an absence of less than ten minutes, the Chairman, Sir Robert Wallace, delivered its unanimous opinion that the appeal would be dismissed with costs. “Put in a word, the view of this Court is that this is a disgusting book when properly read. It is an obscene book, and a book prejudicial to the morals of the community.” Leopold Hill and Jonathan Cape were both found guilty of the possession of obscene material with intent to sell and distribute it to others. *The Well of Loneliness* now found itself in the select company of other banned books. In 1928, the complete list of books that the Customs & Excise, acting upon the request of the Home Office, had orders to seize at UK ports were, in addition to Hall’s novel:

Maurice Dekobra, *La Madone des Sleepings* (Baudinière 1925)

Frank Harris, *My Life and Loves* Vols. 1, 2, 3, and 4 (Privately Printed 1922-27)

James Joyce, *Ulysses* (Shakespeare and Company 1922)

Victor Margueritte, *La Garçonne* (Flammarion 1922)<sup>5</sup>

All were published in Paris.

## Paris

Janet Flanner describes above the open sale of *The Well of Loneliness* from the newspaper cart at the Gare du Nord and the active market in highly prized second-hand copies. ‘Published in Paris’ would have aroused for her contemporaries in the UK (and the USA) an expectation of something saucy, something naughty, something titillating, and something illegal. For example, those first volumes of Frank Harris’s *My Life and Loves*, the complete autobiography, where ‘complete’ signaled unexpurgated, were self-published in Paris between 1922 and 1927 (and by the Obelisk Press there in 1931). The thrill of smuggling the book on the liner from Le Havre to New York or the ferry from Dover to Calais matched any anticipated titillation from the reading of it (Rose 453). It comes as no surprise, therefore, to find a hostile critic like Edmund Gosse, writing to Louis Gillet, using place of publication (as well as price) as an index of bad taste in the case of *Ulysses*: “Mr Joyce is unable to publish or sell his books in England, on account of their obscenity. He therefore issues a ‘private’ edition in Paris, and charges a huge price for each copy. He is a sort of Marquis de Sade, but does not write so well” (Ellmann 528). D.H. Lawrence had justified himself, shortly after publication of the 1928 Florentine edition of *Lady Chatterley’s Lover*, in writing to Edward Dahlberg: “As for writing pariah literature, a man has to write what is in him and what he can write and better by far have genuine pariah literature than sentimentalities on a ‘higher’ level” (Lawrence 1962, 1138). He went on to produce his own edition in Paris in 1930. The irony in this situation lies in Lawrence’s undertaking of that Paris edition as a response to pirates who had realized the commercial value of the novel within the pornographic market and, standing outside the law anyway, did not need to justify it in terms of its aesthetic value as “genuine pariah literature” rather than the somehow sentimental and inauthentic. By having Paris as its place of publication, Lawrence positioned his novel at the *fons et origo* of that English-language pornographic market.

Why had Paris become the source of both pornography and those works that in challenging the social norms of the time, much as others challenged nineteenth-century aesthetic conventions, were considered obscene in the UK? One explanation might be a more liberal or laissez-faire legal attitude to the whole practice of censorship. Certainly, the French law of 29 July 1881 had incorporated at its heart the principle of freedom to publish books that had then to be deliberately revoked either in the case of particular instances or more generally, for example, during the two World Wars. Like the First Amendment to the US Constitution, preventing legislation “abridging the freedom of speech, or of the press,” this law guaranteed a freedom for publishers in France from the intervention of any Government agency (but not from any tendency towards self-censorship). However, the public prosecutor could still bring published works to court for offences against public morality, as had happened in the earlier (pre-1881) cases of *Madame Bovary* (in 1857) and *Les Fleurs du mal* (also in 1857, a busy year), and this provided a large loophole in the otherwise flawless façade of liberality. Indeed, at the instigation of the police, a further statute of 2 August 1882 had been promulgated to reinforce the defense of public morality against an increase in the publication, distribution and sale of pornography. A further law of 16 March 1898 sought to strengthen the struggle against ‘commercial’ pornography (and birth control and abortion). Between 1910 and 1914 alone, some 175 cases were brought by the French authorities on the grounds of offence to public morality (*outrage aux bonnes mœurs*) (Mollier 83). The lobbying and ‘exposures’ undertaken by ‘ligues de vertu’, supported by the Roman Catholic Church, and dominant crusaders against vice such as l’abbé Bethleem, applied constant pressure on the authorities to act, not only against specific works, but also to subscribe to the *International Convention for the suppression of the circulation of and traffic in obscene publications* agreed at Geneva in 1923 under the auspices of the League of Nations.

There were two novels in French on the 1928 UK list of the banned: *La Garçonne* by Victor Margueritte (1922) and *La Madone des Sleepings* by Maurice Dekobra (1925). The former, with a heroine who ran her own company and was bisexual and promiscuous, attracted condemnation from all sides. The

Catholic-dominated ‘Ligue des pères de familles nombreuses’ demanded that the novel be seized as an offence to public morality but the prosecuting authorities declined to act fearing the ridicule they might be subject to as the result of any trial (Bard 66). Primarily that was because of the public’s embrace of the book as reflected in its enormous sales: 20,000 copies sold on the first day, 300,000 within six months, 500,000 by 1924, and a million by 1929 – despite the refusal of Hachette to distribute the novel. “Très mal écrit, vulgaire, démagogique, mais répertoire scabreux de tous les ‘vices’ du temps et manifeste de l’émancipation féminine, *La Garçonne* (droguée, lesbienne, échangiste) de Victor Margueritte est le best-seller absolu” (Fernandez 333). Fathers of very large families, and others, seemed to be in a minority in their hostility. Yet they made sufficient populist noise, much as Douglas was to do, to lead the Council of the Order of the Légion d’Honneur, of which Margueritte had been made a *commandant* in 1914, to summon him before it to answer a charge of bringing the honor into disrepute. He refused to attend and was expelled from the Order. Few other writers supported him, with exceptions such as Anatole France, whose letter of support was included in later editions of *La Garçonne*. Some practices and ploys transcended nation. The novel was, in turn, rapidly translated into some twelve other languages, including an English version, *The Bachelor Girl*, published by Knopf in 1923. *La Madone des Sleepings* also sold spectacularly well: 300,000 copies by the end of 1925. Its author, Maurice Dekobra (Ernest-Maurice Tessier), became a *chevalier* of the Légion d’Honneur in 1925 (promoted to *officier* in 1935) with no hint of the opprobrium that Margueritte had received. Nor did the novel attract anything more than literary disdain, a certain snobbery that for the first time in France all the elements of commercial marketing, such as news vendors’ placards with large type, were applied to a novel. Yet there was sufficient in its contents to offend for a few years the UK authorities – perhaps the portrait of the eponymous Lady Diana Wyndham, an uninhibited member of the Scottish aristocracy. Be that as it may, both *La Garçonne* and *La Madone des Sleepings* were free in France, banned in Britain.

*The Well of Loneliness* joined that category when the Pegasus Press began publishing from October 1928 an edition in Paris, with its French printers using the molds sent from London to produce fresh plates.



Both Hall and Cape trusted the owner of the Pegasus, John Holroyd Reece, to act as their front in ensuring the continuing availability of (and revenue from) the novel. Hall and Holroyd Reece had friends in common in the UK. Holroyd Reece had earlier undertaken a series of translations from German into English of books such as Count Keyserling's *The Travel Diary of a Philosopher*, published in two volumes by Jonathan Cape in 1925, and *The Spanish Journey* by Julius Meier-Graefe, published by Cape in 1926. He had joined the publishing firm of Benn Brothers as their European representative. Victor Gollancz had also been taken on by Benn in 1921; his projects there included one that must have fired the interests of Holroyd Reece: a series of luxuriously produced art books. When Holroyd Reece left Benn, he channeled his enthusiasm for art through the establishment of Les Editions du Pégase/ the Pegasus Press in Paris in 1927. With the support of the American typographer Frederick Warde, he published expensively produced fine art books and material on typography and graphic design in small print runs. He now undertook from his Paris base *The Well of Loneliness* on Cape's behalf: with limited autonomy and with a new reputation as a publisher of 'difficult' books. For the former, Wren Howard acted as the go-between, effectively issuing orders to Holroyd Reece on the part of Cape. For the latter, D.H. Lawrence approached Pegasus in early 1929 to publish *Lady Chatterley's Lover* (Lawrence 1993, lv). On that occasion, Holroyd Reece declined but, under the aegis of the Odyssey Press, he was to publish *Ulysses* in 1932 and *Lady Chatterley's Lover* in 1933.

### **The World (Concludes)**

The UK authorities noted, in the course of a meeting on 25 June 1929 to discuss the provision to the French Government of a definitive list of works banned in the UK as obscene, that the initial US verdict of obscenity had been quashed on appeal. The first US publisher to opt for the novel, negotiated by Cape and confirmed by Audrey Heath, Hall's literary agent, was Alfred A. Knopf. Knopf had actually typeset the novel before withdrawing from the contract on legal advice. A new agreement was hastily drawn up with the Covici-Friede Publishing Company and the book began to return the sort of sales figures it had enjoyed in the UK. However, in January 1929, the New York Police, acting on a complaint from John S.

Sumner, and with a warrant from the Chief Magistrate in the city, seized the entire sixth impression of *The Well of Loneliness* (868 copies) from the offices of Covici-Friede and summoned Donald Friede to appear in court on 22 January to answer the charge of publishing an obscene book.<sup>6</sup> In delivering his judgement that there was indeed a prima facie case for prosecution for obscenity, before passing the substantive case to the Court of Special Sessions, Judge Bushel stressed that literary merit was in itself no defense against such a charge and that, moreover, a novel with literary value “might in fact be more dangerous because it was well-written” (Lewis 109). Morris Ernst acted as the lawyer for the defense. He employed two familiar ploys and one unique to the USA (but adopted in part in France in 1881): he quoted the price of \$5 as an inhibition upon the mass circulation of the book; he brought forward not only statements from the great and good of literature (such as Sinclair Lewis and Edna Ferber), religion and medicine but a list of 74 supporters of the publication, including Sherwood Anderson, William Rose Benet, John Dos Passos, Theodore Dreiser, Ernest Hemingway, Robert Northan, Upton Sinclair, Lincoln Steffens, Carl Van Doren, Mark Van Doren, and James Branch Cabell (Brittain 109); and he drew on the First Amendment in a defense of free speech and freedom to publish. He won the case. *The Well of Loneliness* was unshackled in the USA, banned in Britain.

The obvious next step for Covici-Friede was to eliminate the price barrier to wider circulation or, more bluntly, to expand sales by introducing a cheap edition. Radclyffe Hall, through Audrey Heath, accepted an offer of a 15% royalty, insisting only that the price should be fixed at \$2, no less. The unrestricted distribution of *The Well of Loneliness* in the USA threw the UK ban into relief. Vera Brittain discovered from A.M. Heath & Co. that the total of foreign sales in 14 languages by 1967 had been 551,910 (Brittain 154). By 1933 Radclyffe Hall was becoming very impatient. She complained to Cape on 8 April 1933:

“I was going to write to you in any case to enquire what progress you have made anent the possibility of re-publishing *The Well of Loneliness* in England. The position is becoming more and more illogical; the Swedish translation (the ninth

language) has had a splendid reception, and the vitality of the book is shown by the fact that the initial sales of the [two] dollars edition in America have been upwards of 16,000, and this during the most unprecedented slump in history. For the rest – I still get frequent enquiries from people in England who want the book, and I am beginning to find it quite intolerable to have to refer them to Paris. Surely something can and should be done after nearly five years.”

This was not an unreasonable expectation: acceptance in the USA seemed to prefigure acquiescence in the UK. As Anthony Burgess wrote, in his novel *Earthly Powers*: “There was never much point in moral activism in Great Britain: it was always a matter of waiting for the Americans to move. The colonies still worked for the old mother bitch” (Burgess 326). UK publishers could wait for the more tolerant American courts to free a novel there before pressing the DPP to take no action against their subsequent publication of the title. This pattern appears in the Bodley Head’s publishing of *Ulysses* after the Woolsey judgement and the Random House edition; it recurs in the Grove Press publication of *Lady Chatterley’s Lover* in 1959, before Penguin in 1960, and of *Cain’s Book* in 1960, before John Calder in 1963; but it failed as a ploy in the case of *The Well of Loneliness*. This must surely have been due to the hyper-caution of Jonathan Cape (seen also in his rejection of *Ulysses*), itself the result of the humiliation of the trial and its exposure of his double-dealing.

Before Cape had taken on *The Well of Loneliness* in 1928, it had been rejected by Cassell, Heinemann, and Secker; before Covici-Friede took on the novel, it had been rejected by Doubleday, Houghton Mifflin, and Harpers – and aborted by Knopf. Both Cape and Covici-Friede were young companies seeking financial security, a characteristic confirmed not contradicted by the publication of *Ulysses* by the Bodley Head, a well-established company on the brink of financial collapse. The need for that financial security created a willingness to accept a higher level of risk and a concomitant compulsion to adopt whatever ploys were available to mitigate that risk. That pattern recurs in the case of the Grove Press and

Calder and Boyars in the 1960s. (Just as recurrent is the desire of writers for a more secure, in status and finances, publisher than these more fragile firms, but a realization that if the work is to be published at all, then compromises are necessary including the acceptance of the publisher's ploys.) The opportunism of small independent publishers, such as Cape, lay in seeking to make a lot of money while not compromising the integrity of their literary brand. Their size, and the sense of less to lose if taken to court, and much to gain in terms of publicity both for their edition of the novel and for their own role as champions of artistic freedom, underpinned their decision to run the risk of defeat and banning. Their actions in publishing *The Well of Loneliness* (and other works) also challenged government, legislature and judiciary, to define the 'public good' in terms of literary works. Holroyd Reece was to write to Allen Lane in 1960: "The whole problem of censorship is again at issue and to this question I attach the greatest political importance. It is vital that we fight to preserve and if possible enhance the constantly diminishing liberties which are left to us" (PA DM1819). The relationship between authors, publishers and state was [is] an ongoing process of redefinition with no absolute right of literature to protection from the law (or journalists or vigilantes).

### Works Cited

- 1936 contract between James Joyce and the Bodley Head, The Bodley Head Papers, uncatalogued, University of Reading Special Collections.
- Anderson, Sir John. Letter to Sir Francis Floud, 8 October 1928, CUST 49/1057, National Archives.
- Bard, Christine. *Les Garçonnes: modes et fantasmes des années folles* Paris: Flammarion, 1996.
- Bell, Anne Olivier ed. *The Diary of Virginia Woolf*, Volume 3. London: Hogarth Press, 1980.
- Bishop, Edward. "The 'Garbled History' of the First-edition *Ulysses*." *Joyce Studies Annual* 9 (Summer 1998): 3-36.
- Bodkin, Sir Archibald. Letter to Sir William Joynson-Hicks, 14 December 1928, CUST 49/1057, National Archives.
- Brittain, Vera. *Radclyffe Hall, A Case of Obscenity*. New York: A.S. Barnes & Co, 1969.
- Burgess, Anthony. *Earthly Powers*. Harmondsworth: Penguin, 1981.
- Cape, Jonathan. Letter to Radclyffe Hall, 3 February 1930, JC A19, Jonathan Cape Papers, University of Reading Special Collections.

*Daily Express*, 14 January 1929.

*Daily Telegraph*, 7 August 1928

Dickson, Lovat. *Radclyffe Hall at The Well of Loneliness: A Sapphic Chronicle*. London: Collins, 1975.

Doan, Laura. "Sappho's Apotheosis? Radclyffe Hall's Queer Kinship with the Watchdogs of the Lord." *Sexuality & Culture* 8.2 (2004): 80-106.

Ellis, Havelock. 'Commentary', in Hall 7.

Ellmann, Richard. *James Joyce*. Oxford: OUP, 1982.

Fernandez, Dominique. *L'Art de Raconter*. Paris: Grasset, 2007.

Flanner, Janet. *Paris Was Yesterday, 1925-1939*. London: Michael Joseph, 1975.

Floud, Sir Francis. Memo to the Chancellor of the Exchequer, 9 October 1928, CUST 49/1057, National Archives.

Gilbert, Stuart. *Letters of James Joyce*. London: Faber and Faber, 1957.

*Glasgow Herald*, 24 August 1928

Hall, Radclyffe. *The Well of Loneliness*. London: Jonathan Cape, 1928.

---. Letter to Jonathan Cape, 12 April 1930, JC A19, Jonathan Cape Papers, University of Reading Special Collections.

---. Letter to Jonathan Cape, 8 April 1933, JC A19, Jonathan Cape Papers, University of Reading Special Collections.

Haynes, Christine. "The Politics of Publishing during the Second Empire: The Trial of *Madame Bovary* Revisited", *French Politics, Culture & Society* 23.2 (2005): 1-27.

Howard, Wren. Letter to Radclyffe Hall, 4 September 1930, JC A19, Jonathan Cape Papers, University of Reading Special Collections.

---. Letter to Radclyffe Hall, 10 September 1930, JC A19, Jonathan Cape Papers, University of Reading Special Collections.

*International Convention*, <https://catalog.hathitrust.org/Record/001138316> (accessed 14 November 2017)

Lawrence, D.H. *Lady Chatterley's Lover: A Propos of Lady Chatterley's Lover*. Michael Squires ed. Cambridge: CUP, 1993.

---. *The Collected Letters of DH Lawrence*. Harry T. Moore ed. London: Heinemann, 1962.

Léon, Paul. Letter to T.S. Eliot, 9 February 1932. Joyce-Léon Papers, National Library of Ireland.

- . Letter to Ralph Pinker, 7 May 1932. Joyce-Léon Papers, National Library of Ireland.
- . Letter to Monro Saw & Co, 21 May 1934. Joyce-Léon Papers, National Library of Ireland.
- Lewis, Felice Flanery. *Literature, Obscenity, & Law*. Carbondale, Ill: Southern Illinois University Press, 1976.
- McCleery, Alistair. "A Hero's Homecoming: *Ulysses* in Britain, 1922-37." *Publishing History*. 46 (1999): 67-93.
- . *In Search of a Hero: Looking for Allen Lane*. London: PCS, 2006.
- . "The 1932 Odyssey Press Edition of *Ulysses*." *PBSA* 100.1 (2006): 79-93.
- . "Changing Audiences: The Case of the Penguin *Ulysses*." in *Readings on Audience and Textual Materiality*. G. Allen *et al* eds. London: Pickering & Chatto, 2011: 131-142.
- . "Late News from the Provinces: the trial of *Cain's Book*." in *Re-reading the Scottish Sixties*. E. Bell & L. Gunn eds. Amsterdam: Rodopi, 2013: 135-142.
- . "The Travels and Trials of Lady Chatterley." in *Reading Penguin: A Critical Anthology*. G. Donaldson & W. Wooton eds. Cambridge: Cambridge Scholars Publishing, 2013: 27-48.
- Mollier, Jean-Yves. "La survie de la censure d'Etat (1881-1949)", in *Ory* 77-87.
- Moore, Harry T. *The Intelligent Heart*. London: Heinemann, 1955.
- National Archives, UK. HO/144/20071/186.428/1
- . HO/144/20071/186.428/2
- New York Sun*, 1 September 1928.
- Ory, Pascal ed. *La Censure en France à l'ère démocratique*. Brussels: Editions Complexe, 1997.
- Production Ledgers 1920s-1970s, JC PL, Jonathan Cape Papers, University of Reading Special Collections.
- Publishers' Weekly*, 10 November 1928.
- Reece, John Holroyd. Letter to Allen Lane, 14 September 1960, DM1819, Penguin Archive, Bristol University.
- Rolph, C.H. *Books in the Dock*. London: André Deutsch, 1969.
- . *The Trial of Lady Chatterley: Regina V. Penguin Books Limited: The Transcript of the Trial*. 30th anniversary ed. London: Penguin Books, 1990.
- Rose, Jonathan. *The Intellectual Life of the British Working Classes*. New Haven, CT: Yale University Press, 2001.
- Rubinstein Nash, Solicitors. Letter to the Solicitors Department, Customs & Excise, 18 October 1928, National Archives CUST 49/1057.
- Souhami, Diana. *The Trials of Radclyffe Hall*. London: Weidenfeld and Nicolson, 1998.

Steele, Alan. Letter to Allen Lane, 22 August 1960, DM1819/4c, Penguin Archive, Bristol University.

Stephensen, P.R. *The Sink of Solitude*. ill. Beresford Egan. London: Hermes Press, 1928.

Stevenson, Sir Guy. Minute, 21 August 1928, CUST 49/1057, National Archives.

Taylor, Leslie A. "I Made up My Mind to Get It; The American Trial of *The Well of Loneliness*, New York City, 1928-1929." *Journal of the History of Sexuality* 10.2 (2001): 250-286

*The Times*, 15 December 1928.

*TLS*, 28 July 1928.

Woolf, Virginia. *A Writer's Diary*. Leonard Woolf ed. London: Triad, 1978.

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<sup>1</sup> The following discussion of *The Well of Loneliness* case (and others) is largely based on archival sources: the Home Office and Customs & Excise papers now available in the UK National Archives (NA) and the publishers archives, and others, accessible at the University of Reading (UR). I would like to express my thanks to Penguin Random House UK, for permission to consult and quote from the Jonathan Cape Archive, and to the patient, attentive and generous archivists and librarians at the National Archives and the University of Reading. The Penguin Archive at Bristol University (PA) and the Joyce-Léon Papers at the National Library of Ireland (NLI) have also been used and I must acknowledge also the continuing welcome and support of librarians at these two institutions.

<sup>2</sup> And, despite on occasion public statements of support, such as the willingness to appear as a defence witness at the trial of *The Well of Loneliness*, there seems to have been little private solidarity amongst other Modernist writers as well. Virginia Woolf, when the Hogarth Press was offered *Ulysses*, wrote in her diary: "Would we devote our lives to printing it? ... the pages reeled with indecency" (Woolf 433). She described Hall's novel as "a meritorious dull book" (Bell 206).

<sup>3</sup> These quotations are from a draft of Birkett, the defense lawyer's closing address, probably co-written, and certainly copiously amended by Cape. The document is to be found in 'Correspondence with and regarding Radclyffe Hall', JC A19, UR. The amendments to the draft in Cape's handwriting have been incorporated within these quotations.

<sup>4</sup> Correspondence between Wren Howard and Radclyffe Hall in 1930 indicates who really was in charge of the Paris publication. He wrote to her on 4 September: "There is as you will remember a considerable stock of the cheap edition of the book still on hand so much so that I don't see how the question of a reprint can arise again for a considerable time. Before however we do reprint in any form we shall have to have a very careful report on the condition of the plates. The French printers seem to be intolerable people because the plates used for the last printings belonged to the second set which we had made, the first having been pronounced completely worn out long before they should have been." JC A19, UR.

<sup>5</sup> By 1934, Dekobra was off the list (perhaps someone had finally read the book) but the following had been added:

Cecil Barr [Jack Kahane], *Amour, French for Love* (Obelisk Press 1932)

Cecil Barr, *Daffodil, or Accidents Will Happen* (Obelisk Press 1931)

Marjorie Firminger, *Jam Today* (Vendome Press 1930)

James Hanley, *A Passion Before Death* (Privately Printed 1930)

D.H. Lawrence, *Lady Chatterley's Lover* "Italian, French and German editions in the English text"

D.H. Lawrence, *L'Amant de Lady Chatterley*

David Ouston, *Chronicle* – I cannot find any bibliographical trace of this book.

N.R. Packard, *Mad About Women* (Obelisk Press 1933)

<sup>6</sup> The seizure was reported (where else?) in the *Daily Express*, 14 January 1929.