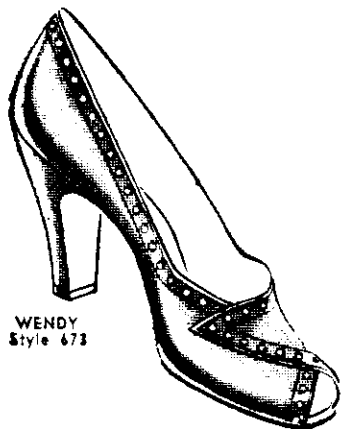**4**

Novelists in Court

LITERARY circles in England have lately been disturbed by a wave of police prosecutions of authors and publishers. In a letter to *The Times* Sir Compton Mackenzie and six other well-known writers, protesting against the prosecutions, pointed out that "it would be disastrous if writers feared legal action every time they produced a book that was not suitable for teenagers." As far as can be judged from cases reported in *The Times*, some of the books before the Courts were of the lowest kind; but others—including an old friend, *The Decameron* — were either classics or novels brought out by reputable publishers.

It is generally assumed that justice is served while a writer is free to defend himself. If his book is not indecent, he has nothing to fear from a prosecution; and if he has stretched the limits of taste in the interests of art his counsel can quote illustrious precedents in literature. But writers, like most other people, have no wish to appear in Court. If they come to believe that freedom in writing may depend on legal argument, and ultimately on the opinions of 12 jurors, they will be tempted to play safe, to keep away from dangerous or doubtful themes. Further, booksellers will be increasingly cautious, so that the market for any sort of "advanced" writing will be small and precarious. According to some views, these would be desirable results. The enforcement of the law would act as a deterrent, and letters would be purged of coarseness. But what would happen to literature?
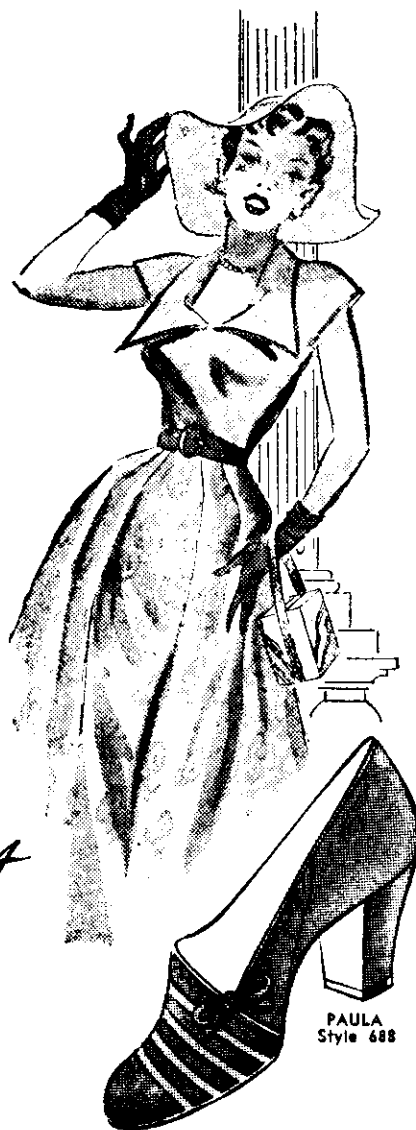
Vitality in letters demands the widest possible freedom of expression. Every library has books with passages which, removed from their context, would seem inde-cent. There is, however, no separation of these passages in the reader's mind: they are drawn into a general impression, and should not be judged apart from it. A book handed to a jury will be read under the wrong conditions. No matter how conscientious a juror may be, he will find himself looking for offensive passages; and he sees them, not within the author's scheme, but in harmful isolation. Tastes in reading are various. Judges, lawyers and jurors may be united in condemning a book which is quite outside their usual range of interest. Literary standards are the subject of endless argument among critics: it seems unlikely that their disagreements can be resolved suddenly in a court of law. And yet, unless literary values are kept firmly in the argument, a novelist accused of obscenity cannot receive just treatment.

The legal test of indecency in letters is its corrupting influence. But how can this be proved, or even estimated? It would be very hard to show that any person had been corrupted by the free treatment of sexual experience in a novel. The young, with whose interests the courts are surely most concerned, are unlikely to want to read it; and if they did they would pass unharmed among references outside their knowledge. Older people who could be corrupted by a novel are obviously in a state of mind so unhealthy that no censorship could save them. Children cannot be corrupted by what they do not understand; and adult readers, if they do not approve an author's work, are not harmed, but are merely disgusted. The laws relating to indecent publications are governed by psychological notions as crude as the ideas about insanity embodied in the M'Naghten Rules, and are in the same need of revision.