

THE BANNED BOOKS OF ENGLAND AND OTHER COUNTRIES. By Alec Craig.
[London: Allen & Unwin. 1962. 243 pp. 30s.]

Towards the end of his book, Mr. Craig states that "however well laws against pornography may be framed, they will always be open to abuse by reactionary authoritarianism, fanatical puritanism, official stupidity and the sensationalism of the Press", and his account of the way in which the law against obscene literature has developed in the English-speaking world certainly bears this out. How many people remember, for instance, that shortly before the notorious prosecution of Penguin Books in the *Lady Chatterley* case the Director of Public Prosecutions had sought the condemnation of the expurgated version which had been freely available for years?

The test of obscenity as a ground for the suppression of literature arrived on the legal scene fairly late. Early suppressors were more concerned with preventing the masses from reading works that the "establishment" regarded as "unhealthy" from the political or religious point of view. "Books have been subject to control of some sort wherever they have been an important medium of communication." Thus, the Emperor Chi Huang Ti ordered the destruction of the *Analects* of Confucius, while Gibbon's *Decline and Fall* is on the Papal Index, and at the end of 1962 the Special Branch at Johore Bahru seized copies of Dostoyevsky's *Poor Folk* and *The Gambler* as prejudicial to public order, morality or security.

Much has been made in 'progressive' circles of the impact of the *Lady Chatterley* decision, but, as is pointed out in *The Banned Books of England*, the effect of the protection of public morality concept laid down in the *Ladies' Directory* case — in direct contrast to the view of Powell J. in *R. v. Read* (1708) 11 Mod. Rep. 142 — is to open the door for a further prosecution of Penguin Books on the conspiracy to corrupt public morals charge.

Mr. Craig believes that the public must be protected from sheer pornography, and thinks that the public itself wishes to be so protected. But, as he points out, there is a difference between obscenity in literature and 'smut for smut's sake' pornography. He would like to see introduced generally the test that is currently applied in the United States, the effect of which is to protect works which contain "ideas having the slightest redeeming social importance." This leads him to suggest that the offence should be "the publication of sexual literature in circumstances likely to overthrow intellectual judgment and by inflaming passion to limit the range of moral choice which should be the pride of the human condition. . . . [This] would only be an effort on the part of the law (perhaps unnecessary) to attempt to ensure that individual actions and community judgments were calmly and responsibly made". All prosecutions should be heard by a jury, and works of a recognised literary nature, like the classics, as well as those devoted to sex education should be protected.

From the international point of view, Mr. Craig makes the suggestion that "no country whose traditions are liberal should subscribe to international postal or customs conventions in so far as they assist other countries to operate illiberal obscenity laws", and he maintains, rightly it is submitted, that there is no justification for customs or postal officials to open, on the ground of obscenity, a package that is not obscene on the face of it. For the State to be interested in obscenity, the offence must be public.