

“Sophisticated Smut”:
The Penguin Edition of Lady Chatterley’s Lover
in New Zealand

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Introduction

The trade publication of the unexpurgated text of D.H. Lawrence’s *Lady Chatterley’s Lover* has acquired particular connotations across a number of fields. For the literary historian its eventual appearance has for some time possessed an iconic status as the last of the two ‘banned books’ of the Modernist years between the two World Wars to have achieved general publication in the English-speaking world — the other being Joyce’s *Ulysses*.¹ The dates of the novel’s transition to legal legitimacy — 1959 in the US and 1960 in the UK — have given its publication greater significance in cultural history; it is often portrayed as the starting point of the liberalisation of western societies throughout the 1960s. For the cultural historian, the lifting of the ban on *Lady Chatterley’s Lover* has marked a boundary between the repressive 1950s and the liberated 1960s, an instance of the “immense freeing or unbinding of social energies” that Fredric Jameson argued to be characteristic of the latter decade.² The ‘end of the Chatterley ban,’ in this reading, represents a new zeitgeist in the English-speaking world — with swinging London at its centre. Randall Stevenson notes that “Penguin’s victory had many implications during — and beyond — the decade that followed” and uses it as one of the key starting points of his masterly review of British cultural history of the last half of the twentieth century.³

For the book historian, this is also a key moment in the changing relationship between UK publishers and Dominion markets; a moment when UK publishers realised that the Dominions were no longer to be viewed simply as offshore versions of the Home Country. Trading relationships were governed by the Traditional Markets Agreement (TMA), a non-statutory concordat arrived at in 1947 between UK and US publishers.⁴ The TMA, until its termination after an anti-trust suit brought in the US in 1975, divided the markets for English-language books into those that were exclusive to one or other of the UK or US editions and those that were ‘open’, where both editions competed against one another. UK publishers tended to exercise their monopoly in those territories, with the occasional exception of Canada, which had constituted part of former Empire, new Commonwealth. New Zealand and, to a greater extent, Australia were key pro-

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tected markets. Exports accounted for 40% of the total British books manufactured in 1961; 25% of these were destined for Australia alone.⁵ Even after the demise of the TMA, and a consequent slump in UK exports, Australia represented 11.8% of Penguin's turnover and New Zealand 1.6% (1984 figures).⁶

The further expectation of UK publishers was that a common legal framework would operate across all their markets. It certainly had before World War Two when other jurisdictions had taken their lead from the English courts. For example, after the trial of *The Well of Loneliness* in 1928, the Home Office in London sent out alerts to New Zealand, Australia, South Africa, India, and, as it was then, Ceylon.⁷ In this way, a single market was created with harmonisation of statutory governance and recourse, where necessary, to English case law. However, in the period after World War II, the Dominions began to assert their legal and cultural independence. This essay examines the legal and publishing contexts of the publication of *Lady Chatterley's Lover* in the UK and New Zealand in defining this changing relationship between UK publishers and Dominion markets.

The UK Context

The 1959 Obscene Publications Act grew out of a reaction to the disproportionate propensity to prosecution pompously exhibited by successive Conservative Home Secretaries, particularly Sir David Maxwell-Fyfe. That general reaction was articulated and channelled through the Society of Authors and its President, A.P. Herbert. International PEN in London kept the New Zealand branch of the organisation in touch with the progress of the Bill and the details of the debates on it.⁸ Blackwood Paul monitored the UK book trade's reaction on behalf of the Associated Booksellers of New Zealand.⁹ The Obscene Publications Act altered the framework of obscenity trials so that literary merit, the common good, could be taken into account and attested to by expert witnesses. It contained a new definition of obscenity including a stress upon the work as a whole (rather than selected passages) and a significant qualifier — "having regard to all relevant circumstances" — in terms of the book's availability. However, two negative changes were introduced: the work no longer had to be sold, with most often the police acting as bogus customers or agents provocateurs, but merely likely to be sold; and the right to trial by jury was discretionary.¹⁰

That there was a trial in the UK in 1960 of *Lady Chatterley's Lover* was not a foregone conclusion. Customs officials seized copies of the newly-authorised American edition arriving from the US in late 1959, including twelve sent to Lawrence's step-daughter. Dr. Alan Thompson M.P. stated in the House of Commons at the time: "It is absurd that in 1959 Customs officials should be rummaging through the luggage of British or foreign citizens looking for copies of *Lady*

Chatterley's Lover.¹¹ As C.H. Rolph points out in his introduction to the transcript of the trials: "The decision to prosecute was a great surprise to many in the world of publishing, and of the law." However, a momentum built up and, as Rolph again notes, once the legal procedure had started "there was nothing and no-one in the legal machine able or willing to stop it."¹² On the other hand, the trial of Penguin Books in 1960 helped to clarify the status of the novel, to test the operation of the new Obscene Publications Act, and to settle the question whether the manner of publication — in this case, sold in volume at a relatively low price — in addition to the nature of the book was relevant to its legal status.

The Penguin Publication

Penguin had already issued in 1949 a set of ten of Lawrence's novels and other writings to mark the twentieth anniversary of his death. In addition, *Sons and Lovers* and *The Rainbow* had long been Penguin paperbacks, "both complete and unexpurgated" — as their listing in the Penguin promotional material described them. At the trial, Allen Lane suggested that he had considered publication in 1950 but that the earlier context for such a publication was extremely difficult. The publication of *Lady Chatterley's Lover* in 1960 was therefore a natural, even essential supplement to the Penguin catalogue. Heinemann, through Pollinger, agent for the Lawrence estate, could only give Penguin non-exclusive paperback rights in the unexpurgated version of *Lady Chatterley's Lover* as the New American Library already held those rights for the US and Canada and English-language editions were available in Sweden through Jan Prochazka and in India through the Jaico Publishing House of Bombay. The Agreement with Heinemann, dated 11 March 1960, was approved by Lane himself.¹³ The Memorandum of Agreement has the standard clause indemnifying the publisher, that is Penguin, crossed out, including the otherwise normal section: "The Grantor [William Heinemann Limited] further warrants that the said book contains no defamatory, obscene or improper material."¹⁴

It is not the intention here to offer a detailed account of the trial and Penguin's victory. However, one of the points the Penguin team was most concerned about, in preparing for the trial, was a possible suggestion that the major motive behind the publication of the novel was profit. Two defences were prepared.¹⁵ Firstly, if the motive had been sales, then Penguin could at any point have produced successfully the expurgated version of the novel. New American Library had sold 1,500,000 copies of this in the US; the edition published by Ace Books in April 1958 sold 230,000 copies in the UK during 1959.¹⁶ Secondly, Penguin was publishing *Lady Chatterley's Lover*, as Lane had first intended, as part of a uniform

collected works rather than an exceptional issue undertaken purely to generate profit and, indeed, the novel would appear at the same price as all the others, 3/6d., where extra profit could be easily accrued by charging 5s.¹⁷ In the end, the calculated risk involved in defending the prosecution brought commercial success at 3/6d. anyway.

Publishers' Expectations

Both Penguin and Heinemann, which followed the former's paperback precedent with the hardback publication of the unexpurgated novel, assumed that this level of success could be replicated throughout their traditional markets. Canada, Australia and New Zealand represented three countries that were key territories for Penguin and in which the company might expect to achieve proportionately high sales even without the contemporaneous publicity of a local trial. Although the New Zealand market was much smaller than the Australian, its importance for Penguin and Heinemann lay in its influence on Australia. So that when New Zealand permitted sale of the novel in April 1965, this provided an important precedent for the Federal Government in Australia to lift its customs ban in May 1965.

The import of *Lady Chatterley's Lover* had been banned in New Zealand until the establishment of an Indecent Publications Tribunal (IPT) in 1964 provided the opportunity to appeal against the book's indecent status that both UK publishers were quick to seize upon. The Publishers' Association representative in New Zealand had asked for a copy of the Indecent Publications Act to send to London as members were "extremely interested in the detail on this Act and its implications in so far as the British Publishers are affected."¹⁸ On the other hand, the initiative to press the case of *Lady Chatterley's Lover* came from Hicks, Smith & Sons in Wellington acting for Penguin in conjunction with Heinemann New Zealand. Heinemann possessed a particularly strong distribution network of its own in New Zealand, rivalling those of indigenous suppliers.¹⁹ Three months of representations by Bell Gully, the solicitors acting for Hicks, Smith & Sons, were stonewalled until the information was released that the case had gone to the Cabinet rather than the IPT. "This is most unusual and hasn't happened before, but I presume that they have been expecting that *Lady Chatterley* would be reviewed and feel that this is the important case."²⁰

The New Zealand Minister of Justice decided, with the approval of Cabinet, that the Heinemann hardback edition of the novel selling at 16s. could be sold freely in New Zealand but that the Penguin paperback edition selling at 5s., with expected sales of 10,000 to 15,000 (Blackwell Paul had pre-ordered 450, Whitcombe

& Tombs 2,400), should be referred to the IPT. The three to four-month advantage that this gave the Heinemann edition in the New Zealand marketplace was less a cause of concern to Penguin than the costs of the further appeal to the IPT. Allen Lane attempted to persuade Hicks, Smith & Sons to share the costs on a fifty-fifty basis on the grounds that the anticipated sales, and the distributor's portion of the revenue, would be considerable once the edition was released from its limbo. His characteristic blend of business caution and principled stand came out strongly: "As you know legal costs have a way of getting out of hand and first of all I should like you to ascertain, in the light of the changed circumstances, the cost of the appeal to the Tribunal. An important issue is at stake and once the process is set in motion we would want to see it through."²¹ A successful appeal, now more likely as the members of the IPT might resent the interference of the Cabinet in a process they had been given the responsibility for, would bring the additional benefit to Hicks, Smith & Sons of possibly freeing import into Australia where branches in Melbourne, Sydney, Perth and Brisbane could exploit the larger market. A divided Tribunal found Lawrence's novel 'not indecent' in April 1965 by a majority decision, but a concerned Government exploited that division to appeal the decision in the Supreme Court where it was finally confirmed later that year.

From the perspective of Penguin, and to a lesser degree Heinemann who simply followed in the paperback's wake, their experiences in Canada, Australia and New Zealand were frustrating rather than damaging. Implicit in the correspondence and files dealing with this issue is the view that whatever happened in the UK should as a matter of course happen in the Dominions and any time lag was due to the quaint backwardness of these outer regions. Booksellers and distributors in the Dominions reflected that view, born in their case out of a mixture of commercial hard-headedness and instinctive resentment of book prohibition, back to the UK publishers. In further mitigation, it should also be noted that this view was fed by many writers and artists from the Dominions who decried their homeland's conservatism and migrated to what seemed to be the cultural centre — London. For example, Dan Davin attacked New Zealand culture in a trenchant speech to the Royal Society of Arts in London in 1962. He highlighted aspects of its philistinism, its lack of money for writers, and its censorship — factors that coupled with its insularity led to the exile of its writers (including himself).²² From the perspective of the book historian, however, the situation in New Zealand fits less well into a centre/periphery model of cultural innovation and cultural conservatism than those in Canada and Australia. The New Zealand response appears less a delayed reaction to the UK situation and more an attempt to deal with particular circumstances without recourse to UK precedents.

The New Zealand Context

Kepp Maben of Hicks, Smith & Sons was wrong about what constituted "the important case": in fact, the catalyst to change in New Zealand was *Lolita*, rather than *Lady Chatterley's Lover*. Where the British had decided to ignore Nabokov's novel, in New Zealand it created a need for legal reform. The relevant statute there, enacted in 1954 and based upon that in Victoria, had been passed in a climate of fear of juvenile delinquency and atheistic communism. By the end of the 1950s, its harsh effects had been largely circumvented by use of a Book Advisory Committee to recommend to the Ministers of Justice and Customs the status of particular publications.²³ Thus, in 1959 the Minister of Customs accepted the recommendation of the Book Advisory Committee, then chaired by Professor Ian Gordon, that Brendan Behan's *Borstal Boy* should not be placed on the list of prohibited publications but that it should be available only to specific orders, that is to say, not placed on public display.²⁴ This system provided stability and the possibility of evolutionary change in terms of the availability and acceptability of material. As John Reece Cole, then Librarian of the Andrew Turnbull Library, wrote: the role of the 'Gordon Committee' was "to advise (or more accurately curb) the Minister of Customs. Just so long as a Minister responded to the committee of 'experts' rather than to a customs clerk or the man in the street (more often the woman...) there was a minimum of interference with the right of those who read to choose their own reading and to choose it freely. The sacred (or is it profane?) Customs list was steadily deflated."²⁵

The Book Advisory Committee made a similar recommendation (to the one it had for *Borstal Boy*) as far as *Lolita* was concerned: that importation should be permitted but the novel should be made available to customers only by specific application. However, a zealous official, rumoured to be the Head of Customs at Napier, undermined this cosy system by placing a copy in the hands of the Minister who, on reading it, pronounced it "sophisticated smut" and promptly banned it.²⁶ The consequences of this decision were both public and behind the scenes. In public, there was a storm of protest from writers and others. The New Zealand Council for Civil Liberties challenged the Minister's decision in the Supreme Court in late 1959 and then, after an adverse judgement there in July 1960, in the Court of Appeal — the Court of Appeal upheld the Supreme Court ban in March 1961 by a majority of two to one, the President of the Court dissenting.²⁷ *PEN Gazette*, representing New Zealand writers, later stated: "Court proceedings indicated that the Indecent Publications Act, as amended in 1954, could exclude from this country a large proportion of the world's great literature. This would appear to result from the sweeping terms of the 1954 Amendment, which are considered regrettable, particularly in view of the fact that the United Kingdom has recently

liberalised its laws on censorship.²⁸ Behind the scenes, in terms of senior civil servants and the literary and book trade establishment, there were concerns that the Book Advisory Committee was *de facto* defunct and seen *de iure* never to have been formally part of the legal process. As the customs list of prohibited imports grew, there was a realisation amongst this establishment group, led by Dr J.L. Robson, Secretary for Justice, that legislative reform was the only way forward.²⁹ The Annual Report of the Customs Department recommended, in the light of the *Lolita* judgement, that reappraisal of some of the past recommendations of the Book Advisory Committee might have to be made. Customs officers were prohibiting the import of books merely on the basis of titles found in lists of goods for unloading. Gordon Tait tells the possibly apocryphal story of the recurrent prohibition of *Fun in Bed* despite booksellers' reassurances that this was designed to occupy and entertain convalescent but bed-bound children.³⁰ In early 1963, a New Zealand bookseller was successfully prosecuted for importing five copies of *Cold Wind in August* by Burton Wohl, published by Dell; he had ordered them sight unseen, in good faith and great ignorance of the book's contents.³¹ It was clear that some reform was necessary.

The preferred option for many, such as the academic and writer Eric McCormick, was the wholesale adoption of the UK legislation into New Zealand law.³² However, two specifically New Zealand factors militated against this: firstly, New Zealand imported most books rather than, as in the UK, publishing them and the UK Act was premised on local production given the prior existence of separate customs legislation dealing with imports; and, secondly, empanelment of jurors in New Zealand took place from a narrower base than in the UK, excluding, as it did, for example, teachers, doctors, dentists, and pharmacists. Any New Zealand legislation would have to recognise these factors.³³ Given the Book Advisory Committee had worked well without legal status, the obvious way forward was to formalise its status and role. Politicians were susceptible to the newspaper headline and the lobby group. On the other hand, they were also open to solutions that left them able to wash their hands of responsibility for decisions — Pilate-like, to be able to say 'others did it.'

So the new Indecent Publications Act, coming into force on 1 January 1964, embodied an advisory committee, the more authoritative sounding Indecent Publications Tribunal, as a buffer. Moreover, it introduced two major changes to guide the advisers: a redefinition of 'indecent' as "dealing with matters of sex, horror, crime, cruelty, or violence in a manner that is injurious to the public good"; and, new criteria that should be considered in reaching a judgement on indecency and the public good, for example, taking the work as a whole, its literary merit, likely readership, price, and the purpose of the author. The IPT was to judge indecency

as defined by these criteria and by the 'public good.'³⁴ It was essentially an expanded version of the Book Advisory Committee with five members, of which two were to be experts in literature or education. Indeed, Professor Gordon passed seamlessly from the committee to the tribunal. The role of the IPT was to adjudicate on contested material rather than vet all books. It could use any of five recommendations including the restriction of sales to particular groups or the specification of the manner of sale. This provided greater flexibility, in turn generating greater public and political confidence, as well as trust from the book trade, than the UK jury's stark alternatives of 'guilty' or 'not guilty.' The Tribunal carried out its work in public and published its decisions in the *New Zealand Gazette*.

The new Act, old system, received general but not unanimous support. The Executive Committee of PEN issued a statement in favour: "In our opinion the Indecent Publications Bill takes a long step towards liberalism in censorship. These two things may never be fully compatible; the aim must be to make censorship as light and reasonable as possible."³⁵ The committee took a pragmatic approach calling for openness in the work of the tribunal as progress towards the ideal of no censorship at all. However, several prominent members of the organisation such as Allen Curnow and Maurice Shadbolt resigned in protest. The latter wrote in his letter of resignation: "that a writers' organization should even passively lend support to a positively bad law, in the belief that anything is better than an indifferently bad law, is in itself almost beyond belief."³⁶ The New Zealand Library Association supported the Act with reservations. So did the Associated Booksellers — one of their prominent members, Roy Parsons, had been involved in the development of the legislation — but Whitcombe & Tombs temporarily resigned in protest. It maintained the strong reservation that, under the new Act, the bookseller was still absolutely and criminally liable for the contents of every book ordered.³⁷ A great deal of trust was placed by all parties in the membership of the tribunal. The IPT declared *Lolita* 'not indecent' on 11 August 1964 — essentially reiterating the earlier, but rejected, recommendation of the Book Advisory Committee.

Lady Chatterley's Lover in New Zealand

The case of *Lady Chatterley's Lover* was less straightforward. The ever-ardent members of the customs staff at Napier had begun seizing copies of the Penguin edition soon after its publication in the UK. Two copies were found in May 1961 wrapped inside a cardigan sent to Miss Diana Hylton-Smith of Hastings. No prosecution followed, seemingly because she did not know about her gift and was "a member of a well-known local family, her father the current president of the

Hastings Racing Club." The Napier Collector of Customs also decided not to prosecute Miss Redfern of Havelock North who was "genuinely surprised and distressed" by her birthday present from the UK. He seemed on surer ground when a copy sent to a man in his mid-30s at Ahuriri was accompanied by a letter that read: "Well, shagger, still chasing around the married women and widows?" However, when the case was referred to the Minister, he was concerned about customs officers reading private mail and that such an act would reflect badly on the Department and the Government if revealed in the course of a prosecution.³⁸ In other words, from 1961 onwards New Zealand Customs seized several copies sent to private individuals but no prosecutions of those individuals ensued. From the establishment of the IPT in 1964, as noted above, the pressure was from the UK publishers, Heinemann and Penguin, and from the proposed New Zealand distributors and retailers who wished to sell the novel in volume.

By late 1964 the then Minister, Mr. Hanan, had pronounced on the Heinemann edition but he had deferred to the IPT in the case of the Penguin. It is not clear whether he expected the availability of the hardback to satisfy the demands of the literary and libertarian lobbies while assuming that the lower price and therefore greater accessibility of the paperback would lead to its restriction by the Tribunal. Conversely, if the Tribunal pronounced in favour of the paperback's distribution, then he could effectively distance himself from its decision. The Counsel for the Government urged the Tribunal that, at the very least, circulation of the paperback should be restricted to adults. The Counsel for Hicks, Smith & Sons, as agents for Penguin, put forward three general arguments: that the novel was a serious work that treated sex seriously without causing the depravity of the reader; that its paperback publication marked the completion of Penguin's uniform edition (including price) of Lawrence's collected works; and that the novel in this format had been on sale in the UK since 1960.

The Tribunal itself noted that the Heinemann edition was now "prominently displayed in many book shops." Members were unanimously clear that as the text of the novel was available in hardback, then the issue at stake was not whether the novel was indecent — how could it be if it was now on unrestricted sale at 16s. — but whether its publication as a 5s. paperback warranted some restriction on the sale of the Penguin edition. A note of nationalistic triumphalism entered the Tribunal's consideration: "Such decisions as there have been in other jurisdictions have therefore only a limited application to New Zealand since the Indecent Publications Act of 1963 is a considerable advance on any legislation in this field hitherto enacted here or elsewhere [that is, in the UK]. In particular the New Zealand statute contemplates five types of classification in respect of a publication, namely, whether it is indecent or not indecent, or whether it is indecent in

the hands of persons under a specified age, or indecent unless circulation is restricted to specified persons or classes of persons, or whether used for a particular purpose." The note of triumphalism is justified: this did represent a pioneering and innovative approach to a common issue that the UK legislation took a cruder instrument to. "In other jurisdictions where the book has been considered judicially there has been a great difference of opinion as to whether the book is an undue exploitation of sex or whether it offends against community standards. The dominant consideration under the New Zealand statute is whether the book deals with matters of sex (*inter alia*) in a manner which is 'injurious to the public good.'" The verdict of the Tribunal was that *Lady Chatterley's Lover* was 'not indecent.'³⁹

When the Tribunal came to consider the question of restricting sales to adults, as the counsel for the Government had exhorted, it took both a principled and a pragmatic stand with the latter predominating. While all five members agreed that the novel was unsuitable for the under-eighteens, it was on the grounds not of its language or passages of sexual explicitness but of a minor's inability to understand the theme of the narrative or the purpose of the author to which language and explicitness were integral. On the other hand, it seemed pointless to three members of the Tribunal to restrict access of the paperback edition given that the hardback was currently freely circulating, openly displayed and available without restriction to all regardless of age. The dissenting minority thought otherwise: "The finding of the majority that because the Minister of Justice refused to allow the hard-back edition to be submitted to the tribunal it would therefore be futile to impose a restriction on the Penguin edition they regard as a policy of expediency rather than principle."⁴⁰ The majority view governed the Tribunal's decision; it judged the edition not indecent without restriction on 7 April 1965. A Government appeal to the Supreme Court of New Zealand, empowered by this three to two split, was rejected in a majority decision and the Penguin edition sold freely alongside the Heinemann from the end of 1965.

Conclusion

In terms of the Penguin perspective, and perhaps generally that of UK publishers, there was a marked continuity rather than a dislocation between a trading regime regulated to their benefit by an imperial centre and a globalising commercial imperative in which local jurisdictions had to be brought into harmony one by one. However, any account of the relationship between UK publishers and the Dominions that adopted this perspective without qualification would discount the individuality of the situation within each Dominion. The case of *Lolita* prompted New Zealand to create a more flexible form of governance, suited to

the particular circumstances of the country and sensitive to public opinion as well as to the wishes of writers and the book trade. The handling by the Indecent Publications Tribunal of *Lady Chatterley's Lover* was more measured, thoughtful and less pruriently hysterical than its equivalent in the UK. If the case of *Lady Chatterley's Lover* does lie at the intersection of book history and cultural history, then attention has to be paid to local cultural conditions as much as to central publishing records. There is a lesson here for national histories of the book, particularly those being written in the UK and U.S.; such histories will clearly have to avoid perpetuating book history as seen exclusively from the *soi-disant* centre.

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Endnotes

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¹ See Alistair McCleery, "The Hero's Return: the reception of *Ulysses* in the UK, 1922-36," in *Publishing History* v.46 (Autumn, 1999), 67-93.

² Fredric Jameson, "Periodising the Sixties," in *The Ideologies of Theory: Essays 1971-86*, v.2 *The Syntax of History* (London: Routledge, 1988), 208.

³ Randall Stevenson, *The Last of England? The Oxford English Literary History Volume 12: 1960-2000* (Oxford: Oxford University Press, 2004), 24.

⁴ See Eric de Bellaigue, *British Book Publishing as a Business Since the 1960s* (London: The British Library, 2004), 4.

⁵ See Graeme Johanson, *Colonial Editions in Australia, 1842-1972* (Wellington: Elibank Press, 2000), 254-282.

⁶ See Michele Field, *The Publishing Industry* (London: Comedia, 1986), 32.

⁷ UK National Archives, London, (NA) HO 144/22547.

⁸ Alexander Turnbull Library (AT) PEN 73-161-4/03.

⁹ AT MS-Papers-1502/24.

¹⁰ Obscene Publications Act 1959 [UK], Crown Office.

¹¹ Hansard fifth series [UK] Parliamentary Debates Commons 1959-60, v.614, cs.365-6.

¹² C.H. Rolph (ed.), *The Trial of Lady Chatterley* (Penguin: Harmondsworth, second edition 1990), 2.

¹³ See Alistair McCleery, "The Return of the Publisher to Book History: the Case of Allen Lane," in *Book History* v.5 (2002), 161-185.

¹⁴ Penguin Archive, University of Bristol Library (PA), DM 00.1484 5 Lady Chatterley's Lover Editorial File.

¹⁵ Allen Lane to Michael Rubinstein, 19 October 1960, PA DM 1819 4c.

¹⁶The Ace Books expurgated paperback edition of *Lady Chatterley's Lover* was published for 3/6d. It was reprinted three times in 1958, three times in 1959, and four times in 1960 (up to August). An expurgated paperback version continued in print in the UK until after 1968 when the New English Library published its last reprint.

¹⁷Richard Findlater provides a guide to paperback prices at the time. "In the mid-1962 Paperbacks in Print, many novels were priced at 5s. and even 7s. 6d.; hundreds of non-fiction titles — in history, religion, psychology, the arts and sciences — were listed at prices up to 15s.; and 2s. 6d., instead of being the maximum price, was now the minimum price." Richard Findlater, *The Book Writers: Who Are They?* (London: Society of Authors, 1966), 12.

¹⁸R.J. Hardingham to Pattie Purdie, Secretary New Zealand PEN, 6 November 1963, AT PEN 73-161-2/08.

¹⁹See J.R. Cole to Noel Hilliard, 18 January 1962, AT PEN 73-161-2/09.

²⁰Kep Maben, Hicks, Smith & Sons, to Allen Lane, 20 January 1965, PA DM 1819 3d.

²¹Allen Lane to Kep Maben, 1 February 1965, PA DM 1819 3d. See also McClery (2002) for a fuller assessment of Lane's character and achievement.

²²AT PEN 73-161-1/14; 'The New Zealand Novel' Lecture to the Royal Society of Arts, 22 February 1962, reprinted in *Journal of the Royal Society of Arts*, July 1962: 586-98; see also Keith Ovenden, *A Fighting Withdrawal: The Life of Dan Davin. Writer, Soldier, Publisher* (Oxford: O.U.P., 1996). Davin's own 'anti-Catholic' novel *Roads From Home* (1949) had itself been banned in Ireland.

²³AT MS-Papers-0212-30. The Book Advisory Committee comprised Prof. I.A. Gordon (Chairman), Miss Irene Wilson, and Dr. G.H. Scholefield.

²⁴AT MS-Papers-1502/21.

²⁵AT PEN 73-161-4/01.

²⁶See Stuart Perry, *The Indecent Publications Tribunal: A Social Experiment* (Wellington: Whitcombe & Tombs, 1965) and AT MS-Papers-1502/33.

²⁷AT MS-Papers-1502/24; AT W.J. Scott Papers 87-178-2/12 and 87-178-2/16.

²⁸*PEN Gazette* v.64 (October 1963): 20.

²⁹AT C.S. Perry Papers 85-012-1/7.

³⁰See Gordon Tait, *The Bartlett Syndrome: Censorship in New Zealand* (Christchurch: Freedom to Read, 1979). Even in 1969, Customs alerted Blackwell Paul's shipping agents that they wished to examine a copy of a publication called *Love for Love* in a consignment of six cases of books just arrived on the *Rangitoto*. The whole case was seized until an examination could be carried out. Congreve's *Love for Love* appeared in Arnold's restoration drama series and was a set text at Massey University. AT MS-Papers-1502/21.

³¹AT MS-Papers-1502/22.

³²AT PEN 73-161-2/08.

³³AT PEN 73-161-1/10. Because most books sold in New Zealand were imported, the operative statute was S.46 of the Customs Act 1913 which defined indecent documents as prohibited imports. The Customs Act gave Customs officers the right of search and seizure with subsequent prosecution of anyone in possession of or importing indecent documents, whether or not that person knew or believed the material to be indecent. If the validity of the seizure was challenged, a judicial decision was made as to its legitimacy. The primary declaration of a book as 'indecent' was made in the name of the Minister of Customs. As he could not obviously read every book proposed for import, he depended on the recommendations of the Book Advisory Committee and, on its demise, Customs Officers. The new legislation would not replace the Customs Act 1913 but reintroduce an Advisory Committee with legal standing and authority. For general background, see David McGill, *The Guardians at the Gate: The History of the New Zealand Customs Department* (Wellington: Silver Owl Press, 1991), particularly Chapter Nine, and Anna and Mark Rogers, *Turning the Pages: The Story of Bookselling in New Zealand* (Auckland: Reed, 1993).

³⁴See Perry (1965) *passim*.

³⁵ AT PEN 73-161-2/15.

³⁶ Maurice Shadbolt to John Reece Cole, 11 November 1963, AT PEN 73-161-2/08.

³⁷ AT MS-Papers-1502/22.

³⁸ McGill (1991) 141.

³⁹ *New Zealand Gazette* v.19 (14 April 1965): 534.

⁴⁰ *New Zealand Gazette* v.19 (14 April 1965): 534.