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**Robert Spoo, *Modernism and the Law*.
London: Bloomsbury Academic, 2018.
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Reviewed by Andrew Cooper

Books about the interaction between the law and literature tend to focus on the role of the one in suppressing the other, frequently on grounds of obscenity or political dissidence. In the particular case of D. H. Lawrence, the law was used in his lifetime by a number of authorities in a direct assault on what was perceived by many to be his dangerously transgressive writing; while in more recent decades we have become familiar with somewhat trite accounts of the “Lady Chatterley trial” as a vehicle for providing a satirical commentary on antediluvian establishment social mores in the early 1960s, which still sought to protect wives and servants from offence.

In general, more traditional approaches to the subject of literature and the law have posited writers and publishers as primarily the “victims” of the inappropriate intrusion of legal tools into the freedom of their expression. Robert Spoo’s short but extremely detailed book paints a much more complex picture, highlighting a wide-ranging and multi-faceted relationship between writers and the law in the specific context of modernism.

In his Introduction, Spoo promises that his book “offers a concise account of law as it shaped transatlantic literary modernism” (3) and identifies two main parallel approaches to the project. “First and foremost”, he says, the book “examine[s] the ways in which law regulated modern literature, or, more precisely, how legal and extra-legal mechanisms – statutes, courts, prosecutors, purity groups – intervened in ... the communications circuit” (3). Secondly, it provides an

analytical approach that examines the ways in which literary texts register and represent the forces of law. This approach

focuses on the mutually constitutive relationship between law and literature, the ability of creative texts to respond to their jailers, as it were, by reimagining the effects and affects of regulation. (4)

What Spoo treats as “modernism” in this context is book-ended by the careers of Oscar Wilde and Ezra Pound, whose uses of – as well as abuse by – the law are detailed in the opening and closing chapters. Spoo demonstrates in great detail how both writers, and others in between such as Joyce, actively employed legal devices against others in pursuit of their own literary and financial interests.

In the opening chapter – pointedly entitled ‘Oscar Wilde, Man of Law’ (contrasted with the final chapter, ‘Ezra Pound, Man of War’) – Spoo shows convincingly that Wilde took a pro-active and often skilful approach to the law, even if not always (as in his most notorious scrape with the law, his libel action against the Marquess of Queensbury) to his own benefit.

There follows a lengthy and detailed analysis of the ongoing struggle in the modernist era between what was perceived at the time as “obscenity” and the mechanisms of censorship employed to control it – with some emphasis on the mistreatment of *The Rainbow* and *Women in Love* – but he also discusses more disparate relationships between legal concepts in a highly illuminating way. For instance, in his Introduction Spoo notes that “Sometimes, only obscenity laws stood in the way of lawful piracy. The functional antagonisms and surprising affinities between copyright and obscenity laws are recurrent themes in the chapters that follow” (4).

Copyright was a particularly complex issue, especially in the transatlantic marketplace which modernist European-based writers were increasingly keen to penetrate. While the Copyright Act 1911 offered authors in Britain protection during their lifetime and for 50 years after death, there was no equivalent statutory protection in the USA until much later. To achieve protection in the USA authors had to jump through numerous hoops including, for many years, the requirement for a book to have been manufactured in the country.

This led to authors fighting rear-guard actions against perfectly “lawful”, often mass-circulation, pirated editions of their works in the US market.

Some authors utilised private patronage and the issuing of small, exclusive and high value releases of their books in Europe as ways of achieving revenues which they might have struggled to secure by more conventional means. But this could still leave them exposed to much bigger print-runs being lawfully issued in the USA by pirate publishers, such as Samuel Roth’s serialised, expurgated version of Joyce’s *Ulysses*: the novel had been published in Paris by Joyce’s patron Sylvia Beach, who had not secured US copyright protection. Copyright law in the USA also required authors to be able to satisfy questionable “morality” tests, so controversial novels like *Ulysses* and *Lady Chatterley’s Lover* were particularly vulnerable to pirating – on some occasions even in unexpurgated versions – because their authors or original publishers would have struggled to convince the US courts of their right to protect such “immoral” texts. The practice of trade courtesy, whereby publishers in different jurisdictions permitted each other to publish works, was developed partly as a “privatised” attempt by “good” publishers to distinguish themselves – in the absence of clear-cut copyright protection – from the “pirates”. The book also analyses other areas of law, such as defamation, blackmail and privacy, which are discussed in clear and informative detail.

While he acknowledges that comparable legal issues affected writers in both earlier and later periods, Spoo makes a strong case for the modernist era being a particularly fertile time in the development of the tricky interaction between law and literature. The broadening – even breakdown – of social attitudes to moral issues which had previously been much more hazardous to write about, coupled with some writers’ increased willingness to address those issues, gave rise to a much more complex landscape in which the law was called into play – by writers and publishers seeking to protect the value and integrity of their output and by others seeking to suppress or exploit it – to an extent not seen before. The

internationalisation of publishing and, in particular, the growth of a transatlantic cultural marketplace intensified the need, and the opportunities, for the law to impact on writing as never before.

Lawrence features less directly in the book than certain other writers – particularly Wilde, Joyce and Pound – but the travails he suffered in the publication of *The Rainbow*, *Women in Love* and *Lady Chatterley's Lover* are documented in some detail as totemic examples of the suppression of what were seen as transgressive texts, and the machinations which writers were forced to employ to get their works out into the public domain. Spoo's book is valuable for scholars of Lawrence in placing his struggles in a wider European and transatlantic context than is often acknowledged.

Robert Spoo is uniquely qualified to write this book. He is currently Chapman Distinguished Professor of Law at the University of Tulsa, but earlier in his career obtained his Ph.D. and taught for 10 years in the school of English at the same University. He edited the *James Joyce Quarterly* and has written extensively on Joyce and edited texts by Hilda Doolittle ('H. D.') and other modernist writers. He writes with great erudition and knowledge, but in a highly accessible way.

The book is as much a serious literary essay on modernism as it is a study of the law as a tool working with and against it. It offers profound insights into modernism's aspirations and achievements. Spoo observes in his Conclusion:

the argument over censorship of serious literature was never really resolved; it was simply cut short with the establishment of a constitutional test of obscenity in the United States and its statutory counterpart in Britain. We live with the salutary wound that obscene modernism never had its full day in court but rather was rescued, decades after its dominance, by a higher law that admits almost all speech to its protection. (151)

This is a very fine piece of popular scholarship which will satisfy the enquiries of literary and legal readers in equal measure.