



## Annexe : *"Fiction and Censorship in the U.S.: A Chronology and a Bibliography"*

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Chronology and a Bibliography"

Maurice Couturier

## A chronology

1821 John Cleland's *Memoirs of a Woman of Pleasure* is declared by a Massachusetts court to be "wicked and obscene".

1865 Congress passes the Postal Act, making it a crime to deposit an "obscene book or other publication of a vulgar and indecent character" in the U.S. mail.

1868 Lord Chief Justice Cockburn, in *Regina v. Hicklin*, lays down what becomes known as the Hicklin rule as a test for obscenity. A publication is obscene if isolated passages, not the work taken as a whole, could deprave and corrupt those whose minds are open to such immoral influences.

1873 Anthony Comstock founds and becomes secretary of the New York Society for the Suppression of Vice. Congress passes the so-called Comstock Act, making it a crime to deposit any "obscene, lewd, lascivious book or other publication of an indecent character" in the U.S. mails; the words "vile" and "filthy" are added in 1909.

1894 Anthony Comstock attempts to have several books (including *Tom Jones* and Ovid's *The Art of Love*) declared obscene but is rejected by a New York court.

1913 Michael Kennerley is convicted of mailing an obscene book (*Hagar Revelly*), but Judge Hand remarks that the Hicklin Rule no longer reflects contemporary society and ought to be revised.

1922 A New York court rejects the claim of the New York Society for the Suppression of Vice that Théophile Gautier's *Mademoiselle de Maupin* is obscene; in so ruling the court discards the Hicklin Rule and announces that "no work may be judged from a selection of such [obscene] paragraphs alone."

1929 A New York court rules the novel *The Well of Loneliness* to be obscene.

1933 Judge Woolsey rejects the Hicklin Rule as a test for obscenity regarding *Ulysses* and announces a *Ulysses* standard: Obscenity is to be determined by the effect of a book, read in its entirety, on a "homme moyen sensuel".

1934 *Tropic of Cancer* is ruled obscene and its entry into the U.S. is prohibited.

1944 *Lady Chatterley's Lover* is judged obscene by a New York court.

1948 The Supreme Court lets stand a 1947 New York decision that E. Wilson's *Memoirs of Hecate County* (especially the short story "The Princess with the Golden Hair") is obscene.

1950 A Massachusetts court declares *God's Little Acre* to be obscene and prohibits its sales in the state.

1957 In *Butler v. Michigan* the Supreme Court rules that the Michigan statute prohibiting the sale of any book "tending to the corruption of the morals of youth" is unconstitutional because "the incidence of this enactment is to reduce the adult population to reading what is only fit for children."

In *Roth v. United States*, the Supreme Court rules that obscenity is not protected speech or press and lays down a new standard, the Roth Standard, of obscenity: "whether to the average person, applying contemporary standards, the dominant theme of the material appeals to prurient interest."

1960 *Lady Chatterley's Lover* is judged not to be obscene.

1964 *Tropics of Cancer* is judged not obscene by the Supreme Court (5 to 4).

1966 *Fanny Hill* is judged not obscene by the Supreme Court which lays down the Memoirs Standard as a test for obscenity. "Three elements must coalesce: it must be established that a) the dominant theme of the material taken as a whole appeals to prurient interest in sex; b) the

material is patently offensive because it affronts contemporary community standards relating to the description of sexual matters; and c) the material is utterly without redeeming social value.”

*Naked Lunch* declared not obscene by the Massachusetts Supreme Judicial Court.

1970 The President’s Commission on Obscenity and Pornography issues its report recommending that all federal, state and local ordinances restricting the availability of explicit sexual material to consenting adults be repealed.

1973 In *Miller v. California*, the Supreme Court lays down the Miller Standard as a test of obscenity: “The basic guidelines must be: a) whether the average person, **applying contemporary standards**, would find that the work taken as a whole, appeals to the prurient interest; b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically **defined by the applicable state law**; and c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.”

1982 In *Board of Education v. Pico*, the Supreme Court rules that the Board of Education of the Island Trees Union Free School District in New York cannot remove summarily from the school libraries a number of books thought to be anti-American, anti-Christian, anti-Semitic, and just plainly filthy”; among them *Slaughterhouse Five* and *The Fixer*.

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