BOOK REVIEW

GIRLS LEAN BACK EVERYWHERE: THE LAW OF OBSCENITY AND THE ASSAULT ON GENIUS
By Edward de Grazia. New York: Random House, 1992.

REVIEW BY LINDA KAUFFMAN*

> A Chancery Judge once had the kindness to inform me, as one of a company of some hundred and fifty men and women not labouring under any suspicions of lunacy, that the Court of Chancery, though the shining subject of much popular prejudice (at which point I thought the Judge's eye had a cast in my direction), was almost immaculate. There had been, he admitted, a trivial blemish or so in its rate of progress, but this was exaggerated, and had been entirely owing to the 'parsimony of the public' . . . .[1]

There is fog everywhere; fog in the eyes and throats of members of the New York Society for the Suppression of Vice, chartered in 1873.

Fog swirling through Congress the same year, as they make it a crime to send "obscene" publications through the mails—including information about contraception or abortion.[2]

Fog in the pipestem of Anthony Comstock, secretary of the Society for the Suppression of Vice and special agent to the U.S. Post Office, who within six months after the law's passage "seize[s] 194,000 obscene pictures and photographs, 134,000 pounds of books, 14,200 stereopticon plates, 60,300 'rubber articles,' 5,500 sets of playing cards, and 31,150 boxes of pills and powders, mostly 'aphrodisiacs.' "[3]

Fog in the jails; Comstock bragged that he had convicted enough people to fill sixty-one train coaches. Among those he persecuted, at least fifteen women committed suicide, including

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[1] CHARLES DICKENS, BLEAK HOUSE xiii (PREFACE) (Oxford University Press ed. 1991) (1853).

[2] EDWARD DE GRAZIA, GIRLS LEAN BACK EVERYWHERE, THE LAW OF OBSCENITY AND THE ASSAULT ON GENIUS 4 (1992).

[3] *Id.*

Ida Craddock, imprisoned in 1902 for writing advice manuals on conjugal relations.

Fog densest in the courts, where "objectionable materials" are banned because they might tend to deprave and corrupt those whose minds are "open to immoral influences" (i.e., ladies, children, the feebleminded, immigrants, and minorities—as if those listed were all equivalent!). *Regina v. Hicklin*[4] tests this hypothesis by imagining the impact of isolated passages on some ideally innocent reader. The *Hicklin* doctrine secures a victory for the prosecution of men like Henry Vizetelly, who published English translations of Emile Zola. Vizetelly's trials mark the first time the government of an English-speaking country used obscenity law to suppress works that clearly had serious literary merit. Other banned authors include: Flaubert, Bourget, de Maupassant, Balzac, Tolstoy, and D'Annunzio. Vizetelly died in prison on January 1, 1894 at the age of seventy. His fate, argues de Grazia, is death by "judicial murder."[5]

Professor de Grazia's book is a litany of tragedies like Vizetelly's. As in Dickens's *Bleak House*, the cast of characters who body forth are transformed from musty case studies into flesh and blood. de Grazia situates them in historical context, describing their circle of friends and foes, the temper of the times, and the economic pressures plaguing booksellers and authors.

One of the many strengths of de Grazia's method is that both prosecutors and defendants speak in their own voices in excerpts from court testimony, correspondence, and interviews with witnesses and legal scholars. His subtitle, *The Law of Obscenity and the Assault on Genius*, accurately describes the gamut of creative works that have been subject to censorship. Among de Grazia's strokes of genius is the inclusion of actual passages that incited prosecution, in works ranging from Ida Craddock's marriage manuals to Holly Hughes's *The Well of Horniness* to 2 Live Crew's rap lyrics. This device gives the book an astonishing immediacy; rarely are such books so gripping. This method of inclusion, however, creates an unwieldy apparatus of footnotes, chapter endnotes, and eighty pages of endnotes before the index, which makes tracking down citations unnecessarily cumbersome.

Edward de Grazia nevertheless is well suited for the massive undertaking that the book represents. He is the author of *Censor-*

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[4] 37 L.J.Q.B. 89 (1868) (declaring the test of obscenity to be whether a publication had any tendency to morally corrupt the young or otherwise "susceptible").

[5] DE GRAZIA, *supra* note 2, at 40 (referring to the title of chapter three).

ship Landmarks[6] and, with Roger K. Newman, *Banned Films: Movies, Censors and the First Amendment*.[7] In addition, he freed from censorship an illustrated manuscript of Aristophanes' *Lysistrata*, as well as Henry Miller's *Tropic of Cancer*, William Burroughs's *Naked Lunch*, and the Swedish film *I am Curious—Yellow*. He also filed briefs with the Supreme Court on Lenny Bruce's behalf. de Grazia is clearly as passionate about the arts as he is about law.

His title comes from Jane Heap's testimony in the 1920 trial of Margaret Anderson and Jane Heap[8] for publishing an excerpt of James Joyce's *Ulysses* in their *avant garde* literary magazine *The Little Review*:

> Girls lean back everywhere, showing lace and silk stockings; wear low-cut sleeveless blouses, breathless bathing suits; men think thoughts and have emotions about these things everywhere—seldom as delicately and imaginatively as Mr. Bloom—and no one is corrupted.[9]

We learn the whole incredible saga of *Ulysses*'s fate at home and abroad: the heroism of publisher Sylvia Beach at Shakespeare and Co.; the audacity of Jane Heap and Margaret Anderson at *The Little Review* for serializing excerpts; the seizure of 500 copies (the entire printing of the Paris edition) by customs at Folkestone, England; and Judge Woolsey's standard of what "*l'homme moyen sensuel*" ("person with average sex instincts")[10] feels upon reading it. Significantly, *Ulysses* was not subjected to a jury trial, which, de Grazia speculates, would have proved fatal.

Despite the censors' pious appeal to "outraged public morals," de Grazia illustrates in case after case the extent to which censorship is politically motivated: he links D. H. Lawrence's censorship troubles to the the author's pacifism and the wartime atmosphere in England; Winston Churchill resigned on the day *The Rainbow* was ordered burned; and the Chief Secretary of Ireland proposed that poetry be forbidden during war. Lawrence was attacked for being "pro-German"; with his wife Freida he was expelled from Cornwall as a suspected German spy, and reviewers of *The Rainbow* accused him of being "under the spell of German psychologists" (presumably Freud and/or Jung!). Unfortunately, the publishers, Methuen, apologized for bringing

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6 EDWARD DE GRAZIA, CENSORSHIP LANDMARKS (1969).

7 EDWARD DE GRAZIA & ROGER K. NEWMAN, BANNED FILMS: MOVIES, CENSORS, AND THE FIRST AMENDMENT (1962).

8 Anderson v. Patten, 247 F. 382 (S.D.N.Y. 1917).

9 DE GRAZIA, *supra* note 2, at 10.

10 United States v. One Book Called "Ulysses," 5 F. Supp. 182, 184 (S.D.N.Y. 1933).

out the book and passed the legal buck to Lawrence himself. Methuen escaped with a small fine, but one of Lawrence's finest novels was destroyed.

The case was neither the first nor the last for Lawrence. A jury exonerated him in a 1913 case involving *Sons and Lovers*. *Lady Chatterley's Lover*, published by Lawrence himself in 1928, was condemned by reviewers as " 'A Landmark in Evil,' . . . [t]he sewers of French pornography would be dragged in vain to find a parallel in beastliness."[11] Lawrence was striving in this novel for "an *adjustment in consciousness* to the basic physical realities,"[12] but the courts were not ready for such an adjustment until 1959, after the celebrated battle in *Grove Press v. Christenberry*.[13] It was not until 1959 that courts in England permitted testimony regarding literary merit, which resulted in freeing *Lady Chatterley*.

Like Lawrence, Theodore Dreiser's censorship troubles were also related to wartime politics. *The Nation's* reviewer implied that Dreiser's *The Genius* dealt only with the lower instincts of sex because his "mixed ethnic background" prevented him from dealing with higher values.[14] Supreme Court Justice Holmes established the "clear and present danger" doctrine in 1919 to justify, retroactively, the actions of numerous prosecutors who imprisoned thousands of people for "sedition," because they expressed ideas critical of the draft, the government, or the war.[15] As a result, Dreiser was unable to publish an anti-war essay called *American Idealism and German Frightfulness* when three magazines turned it down in fear of being accused of "giving aid and comfort to the enemy." The essay was written in 1917—the same year that *The Masses* was seized by the Post Office Department because of its anti-war stand (denied access to the mails, the magazine folded).[16] The arbitrariness of the law is consistently high-

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[11] DE GRAZIA, *supra* note 2, at 90.

[12] *Id.* at 92.

[13] 276 F.2d 433 (2d Cir. 1960) (proclaiming that obscene material is material which deals with sex in a manner appealing to prurient interest; but sex and obscenity are not synonymous and *Lady Chatterley's Lover* is not obscene).

[14] DE GRAZIA, *supra* note 2, at 115.

[15] Schenck v. United States, 249 U.S. 47, 52 (1919) (deciding that an utterance is not protected by the First Amendment when the "words used . . . are of such a nature as to create a clear and present danger that . . . will bring about . . . substantive evils"); Debs v. United States, 249 U.S. 211, 216 (1919) (finding well known socialist and presidential candidate Eugene Debs guilty of sedition for speaking out against U.S. involvement in World War I); Abrams v. United States, 250 U.S. 616, 623-24 (1919) (holding that words that have as their natural tendency, and reasonably probable effect, the obstruction of recruitment are not protected by the First Amendment).

[16] Masses Publishing Co. v. Patten, 244 F. 535, 541 (S.D.N.Y. 1917) (prohibiting "any one from willfully obstructing the recruiting or enlistment service of the United States" under federal law).

lighted: while the Massachusetts Supreme Court upheld the conviction, in Boston, of the publishers of Dreiser's most popular work, *An American Tragedy*, the book was not bothered in New York by Dreiser's nemesis, John Sumner of the Society for the Prevention of Vice.

One seldom discussed aspect of censorship involves projects that never get off the drawing board because of the (dis)temper of the times: Imagine Sergei Eisenstein directing Theodore Dreiser's *An American Tragedy*! But such a brilliant collaboration was not to be; Eisenstein was hounded out of Hollywood by the House Un-American Activities Committee.

Professor de Grazia devotes several chapters to Edmund Wilson's literary journals as well as his second (and favorite) novel, *Memoirs of Hectate County* and to Vladimir Nabokov's *Lolita*. de Grazia has a keen eye for the incongruous and the absurd; did Edmund Wilson ever make love to any of his wives without proceeding meticulously to record the event in his journal? Wilson describes one wife looking at him "a little wolfishly" during intercourse, "as if she too had a strain of the German police dog." Wilson is prosecuted by John Sumner, who replaced Comstock at the Society for the Suppression of Vice, and became the closest thing to a literary czar the nation ever had (although myriad minions are clamoring for the post at present). Sumner's enemies were "all the so-called high-brows" (sound familiar?).

Thirty years after *The Little Review*'s publication of excerpts from *Ulysses*, there was still no authoritative judicial definition of "obscene," nor any judicial understanding of literary value. Judge Curtis Bok wrote the first really thoughtful opinion in 1948 when he freed William Faulkner's *Sanctuary and The Wild Palms*, James T. Farrell's *Studs Lonigan*, and Erskine Caldwell's *God's Little Acre*.[17] Wilson, however, was not so lucky. Doubleday was convicted of obscenity for publishing *Hectate County*, but because the Supreme Court's vote to reverse the publisher's conviction was evenly split, the lower court decision stood. The book was unavailable in the United States for the next ten years.[18]

Although Graham Greene called Vladimir Nabokov's *Lolita* one of the three best books of 1955, and although there was no criminal prosecution in the United States, Maurice Girodias was

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[17] Commonwealth v. Gordon, 66 Pa. D. & C. 101 (1949) (holding these books were not obscene and that obscenity is found when a book takes the form of sexual impurity, (i.e., "dirt for dirt's sake") and can be traced to criminal activity, either actual or demonstrably imminent).

[18] Doubleday & Co. v. New York, 335 U.S. 848 (1948) (per curiam), *aff'g* 297 N.Y. 687 (1947).

tried in France for *outrage aux bonnes moeurs par la voie du livre* (an attack on the mores of society through the book)—the same charge that had been levelled against *Madame Bovary* and Baudelaire's *Les Fleurs du mal.* Girodias's Olympia press was banned from publishing activities in France for eighty years; $80,000 in fines were levied, as were prison sentences of four to six years. In the end, Girodias spent only a few days in jail.

The publication of Henry Miller's *Tropic of Cancer* in 1961 inaugurated one of the greatest nationwide censorship assaults ever mounted, with high court cases in Maryland—where de Grazia served as an ACLU defense lawyer—California, Massachusetts, Wisconsin, New York, and Illinois.[19] The book was released in California and Massachusetts but banned in New York and Illinois. Judge Samuel Epstein in Chicago ruled that the public had a constitutional right to read Miller's book. The case marked the first time the rights of *readers* were taken into consideration.[20] On June 18, 1964, the Illinois Supreme Court overturned Epstein's decision, but a few weeks later reversed itself because on June 22, 1964, the Supreme Court ruled that *Tropic of Cancer* constitutionally could not be held obscene anywhere in the country. That ruling was made on review of the book's ban in Florida, in a case that de Grazia successfully appealed on behalf of Grove Press.[21] This case marked the "nationalization of obscenity law," a victory that was subsequently curtailed with the adoption of a "local community standard" rule by the Burger Court.[22]

Professor de Grazia discusses scores of other writers whose censorship was politically motivated. Six tons of Wilhelm Reich's literature including *The Sexual Revolution* and *The Mass Psychology of Fascism* were burned in New York in 1956; Reich died in prison in October, 1957. Allen Ginsberg, son of a socialist father and a communist mother, had been in Reichian analysis. In March of 1957, San Francisco customs seized 520 copies of *Howl* coming from England. One winces at the consistent ignorance and provincialism of those ordained to decide a work's literary merit.

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[19] Zeitlin v. Arnebergh, 31 Cal. Rptr. 800 (1963); Attorney General v. Book Named Tropic of Cancer, 184 N.E.2d 328 (Mass. 1962); McCauley v. Tropic of Cancer, 121 N.W.2d 545 (Wisc. 1963); People v. Fritch, 192 N.E.2d 713 (N.Y. 1963); Haiman v. Morris, No. 61 S 19718 (Super. Ct. of Cook County Ill. 1962), *aff'd*, 32 U.S.L.W. 2686 (Sup. Ct. Ill. 1964).

[20] Haiman v. Morris, No. 61 S 19718 (Super. Ct. of Cook County Ill. 1962), *aff'd*, 32 U.S.L.W. 2686 (Sup. Ct. Ill. 1964).

[21] Grove Press v. Gerstein, 378 U.S. 577 (1964) (citing Jacobellis v. Ohio, 378 U.S. 184 (1964)). *See* DE GRAZIA, *supra* note 2, at 382.

[22] Miller v. California, 413 U.S. 15 (1973).

Among the censors, for instance, were any familiar with Dadaism, much less aware of *Howl's* debt to Dadaism?

Although one naturally learns more about law than about literature in de Grazia's study, some court testimony is a revelation. Called upon to explain such knotty issues as authorial intentionality, ambiguity, the indeterminacy of interpretation, and the intractability of language, literary critics rise to the occasion on the stand, offering spirited defenses of banned books, while explaining the complex conventions of literature. At a festival of the arts in Edinburg, before the book was published in the United States, Mary McCarthy described William Burroughs' *Naked Lunch* as " 'speeded-up like jet travel, having the same somewhat supersonic quality.' "[23] It has " 'some of the qualities of Action Painting, was a kind of Action Novel' ";[24] readers " 'can drop in[] whenever [they] please.' "[25] Such insights help contemporary audiences understand why Burroughs is the grand-daddy of an entire generation of post-modern writers, artists, performers, and filmmakers, ranging from Kathy Acker and Laurie Anderson to Gus van Zant and David Cronenberg.

The trials of Lenny Bruce are among the saddest in the book. His shows had been stopped by police in San Francisco, Beverly Hills, Chicago, and New York, where the judge sentenced him to four months in the workhouse. Hearing excerpts from his act, some juries laughed out loud, but between 1961 and 1965, it became impossible for Bruce to earn his livelihood and pay his legal fees because clubs were afraid to book him. A three-member panel of judges in New York convicted him for performing comedy shows containing obscene material. One of those judges has since confessed that he wanted to cast the swing vote in Bruce's favor, but that the Chief Judge threatened to assign him to traffic court for the rest of his days if he did so. de Grazia reports that Bruce had the naive faith to believe that if he could just "play the Supreme Court" he would be vindicated.[26] Bruce subsequently jumped bail and later died of a morphine overdose in 1966.

Professor de Grazia regales the reader with a myriad of behind-the-scenes maneuvers: Francis Cardinal Spellman pressured President Eisenhower to appoint a Catholic to the

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[23] DE GRAZIA, *supra* note 2, at 393 (McCarthy's statements were subsequently introduced in the Boston trial of the novel. *See* Attorney General v. A Book Named "Naked Lunch," 218 N.E.2d 571 (Mass. 1966)).

[24] DE GRAZIA, *supra* note 2, at 393.

[25] *Id.* at 394.

[26] *Id.* at 452.

Supreme Court; Eisenhower obliged by appointing William Brennan—hardly the candidate the Cardinal had in mind. How many remember that when *Evergreen Review* published a chapter from William O. Douglas's *Points of Rebellion*, Douglas was threatened with impeachment from then-Congressman Gerald Ford? How many recall the smear campaign Strom Thurmond organized with Charles Keating and the Citizens for Decent Literature to thwart Abe Fortas's bid to become Chief Justice of the Supreme Court? Keating, who has the dubious distinction of serving on both the 1970 and 1986 commissions on pornography, later became the linchpin who bankrupted the nation in the Savings and Loan Crisis.

The behind-the-bench maneuvers of the Supreme Court are equally compelling. William Brennan wrote the majority opinion in *Roth v. United States*,[27] which resulted in Roth's conviction, but allowed Brennan to broaden the definition of protected speech. It is the *Roth* decision, indeed, that constitutionalizes certain types of obscenity, putting them on the same plane as libel in *New York Times Co. v. Sullivan*[28]—another landmark opinion written by Justice Brennan. de Grazia demonstrates that most of the Supreme Court's work is invisible; it took neo-conservatives until the mid-1980s to realize what Brennan had been up to. Once they got the drift, the Reagan Administration launched the strongest attack ever directed at any individual member of the Court. Assistant Attorney General William Bradford accused Brennan of creating "new rights where none existed in the Constitution."[29]

William Brennan is indeed the hero of *Girls Lean Back Everywhere*, which is dedicated to him. The Brennan doctrine ended censorship of the literary obscene by pressure groups, police, prosecutors, and judges. The arts, Brennan argued, were understood by our nation's founders to be protected by "freedom of the press."[30] de Grazia consistently reminds readers that as early

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[27] 354 U.S. 476, 484 (1957) ("[a]ll ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests").

[28] 376 U.S. 254, 279-80 (1964) (holding that a public official could recover damages for a defamatory statement about his official conduct only if he can prove that the "statement was made with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not").

[29] Assistant Attorney General William Bradford Reynolds, Address at the University of Missouri School of Law (Sept. 12, 1986).

[30] Herbert v. Lando, 441 U.S. 153, 186 (1979) (Brennan, J., dissenting); Time, Inc. v. Hill, 385 U.S. 374, 388-89 (1967); Roth v. United States, 354 U.S. 476, 484 (1957).

as 1774, the Continental Congress ruled that freedom of speech includes " 'the advancement of truth, science, morality and *arts* in general.' "[31] Thus, those who deny that freedom of speech covers much more than political ideas, like Judge Robert Bork, do so at their own peril, for that stance contributed to Bork's defeat as a Supreme Court nominee. Many judges who invoke judicial restraint similarly err when they argue that the founding fathers meant to exclude literature and art. The Brennan doctrine provides an unparalleled standard of freedom in this country that is currently imperiled.

Despite the disclaimers of conservatives, de Grazia demonstrates that contemporary artists are under siege precisely because of their ideas—not merely for expression of those ideas. Robert Mapplethorpe's homosexuality, Andres Serrano's anti-Catholicism, Karen Finley's feminism, and Holly Hughes's lesbianism have made them all vulnerable and easy targets. The 1989 Jesse Helms Amendment ordered the National Endowment for the Arts to exclude from funding "materials which may be considered obscene, . . . including but not limited to, depictions of sadomasochism, homo-eroticism, the sexual exploitation of children, or individuals engaged in sex acts."[32] Like the hoary *Regina v. Hicklin* equation of those "open to immoral influences"—*i.e.*, "ladies, children, the feebleminded, immigrants, minorities"—Helms assumes equivalence among the items in this series. One of the many invaluable services de Grazia performs is to reveal how homosexual authors and their texts have been consistently persecuted through the ages: Jeremy Bentham omits a section on repealing sodomy laws in his argument on utilitarianism for fear of undermining his whole program; E.M. Forster could not publish *Maurice* in his lifetime in the U.S. or England; Radclyffe Hall's *The Well of Loneliness* was prosecuted in England and the United States.

Professor de Grazia also writes intelligently about the schisms between anti-pornography feminists like Andrea Dworkin, Catharine MacKinnon, and other feminists who oppose censorship. Like others before him, de Grazia points out that Dworkin's own books would be censored if the standards she proposes to be enacted into laws were adopted. He might have explained in more detail that the ordinances drafted by MacKinnon and Dwor-

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[31] DE GRAZIA, *supra* note 2, at 216 (quoting 1 JOURNAL OF THE CONTINENTAL CONGRESS 57 (1800)).

[32] Act of Oct. 23, 1989, Pub. L. 101-121, 103 Stat. 701, 741 (1989) (Interim Dep't Appropriation Act).

kin shift the paradigm away from criminality and toward the viewpoint of harm. Senate Bill 1521,[33] which was before the Senate Judiciary Committee, was based on the notion of harm: an individual can sue to have banned any image that violates his or her "civil rights," meaning any image that "subordinates" women to men sexually. For the first time in history then, censorship would have become a means of furthering the civil right of "equality" in this recondite sense. The passage of S. 1521 would have resulted in "book banning by bankruptcy" because those "harmed" could bring unlimited lawsuits against everyone involved in the production, distribution, and consumption of pornography.[34] "The Accused" is a film that might well have been banned because it depicts a gang-rape. However, organizations such as FACT (Feminists Against Censorship Taskforce) have successfully mobilized to prevent S. 1521 from passing. Furthermore, many feminists argue that harsher crackdowns on the sex industry would result in heightened surveillance and persecution of poor women, immigrants, and sex workers. de Grazia draws attention to the National Obscenity Enforcement Unit (NOEU) in the Justice Department, which now coordinates state and federal crackdowns on sexual expression, including non-obscene magazines that presumptively are protected by the First Amendment. He also points out the bias against film and photography in particular. Examples include the 1990 raid on fine art photographer Jock Stuges's home-studio in San Francisco, the Corcoran Gallery's cancellation of the Robert Mapplethorpe exhibition in 1989, and the subsequent prosecution of the curator who mounted a show of the artist's photographs at the Cincinnati Contemporary Arts Center. That was the first time in history that a museum director was indicted (under two Ohio laws)[35] for "pandering" obscenity and displaying child pornography. Even two former Meese commissioners found the Cincinnati action untenable under the 1973 *Miller v. California* guidelines.[36]

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[33] S. 1521, 102d Cong., 1st Sess. (1991) (Introduced by Senator McConnell (R-KY) July 22, 1991).

[34] S. REP. No. 372, 102nd Cong., 2d Sess. (1992) (advocating liability of producers, distributors, and sellers of obscene material for damages resulting from sex offenses in which the offender's exposure to obscene material is a substantial cause of the offense).

[35] OHIO REV. CODE ANN. §§ 2907.323(A)(2), 2907.323(A)(3) (Anderson Supp. 1991).

[36] Miller set forth a standard for determining whether material is obscene and thus regulatable without violating the First Amendment. It is a three-pronged test: a) whether the average person, applying community 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

Girls Lean Back Everywhere is thus a comprehensive map of the cultural psyche. de Grazia demonstrates how many definitions of pornography have proliferated in recent times. Is it expression or conduct?[37] Hard-core or soft core?[38] "[P]ermissiveness . . . regarding pornography . . . contribute[s] to . . . anarchy," former President Nixon warned.[39] Pornography poses a "clear and present danger of *what*," de Grazia asks?[40] Pornography is blasphemous as well as obscene (a charge variously applied to Zola, *Madame Bovary*, Dreiser, Lenny Bruce, Andres Serrano). In my view, with the end of the Cold War, conservatives have turned their attention to creating internal enemies at home: liberals, leftist professors, feminists, writers, artists, "pornographers." Although the blacklist of artists persecuted by anti-porn crusaders by now is familiar, de Grazia sheds new light on many of their cases: David Wojnarowicz (now dead from AIDS), the NEA Four (Holly Hughes, Tim Miller, Karen Finley, and John Fleck), and 2 Live Crew. The contest between "high" culture and "low" culture is one of many things at stake. Ironically, *Miller v. California* reinscribes modernist values of high seriousness precisely at the moment when post-modern artists are working to debunk seriousness as a criteria of value—a fact few censors understand. Post-modern experimental art (including performance art and rap music, as well as literature) seeks to turn the human body inside out, to show how gender and sexuality are subjected to institutional control and surveillance. Like D.H. Lawrence before them, post-modernists are trying to find ways to effect an "adjustment in consciousness."

Girls Lean Back Everywhere is a work of monumental scholarship, as entertaining as it is informative. The law, de Grazia demonstrates, doesn't inevitably go forward; sometimes it goes sideways, and sometimes it even goes backward. To prevent backwardness from triumphing, read this book.

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state law; and c) whether the work taken as a whole, lacks serious literary, artistic, political, or scientific value. 413 U.S. 15, 24 (1972) (citations omitted).

37 R.A.V. v. City of St. Paul, 112 S. Ct. 2538 (1992) (invalidating, under the First Amendment, a Minnesota bias motivated crime ordinance that banned the display of symbols which would arouse anger in others on the basis of race, color, creed, religion, or gender); Texas v. Johnson, 491 U.S. 397 (1989) (holding that the burning of an American flag is expressive conduct protected by the First Amendment); United States v. Eichman, 496 U.S. 310 (1990) (invalidating the Flag Protection Act of 1989 under the First Amendment).

38 Miller v. California, 413 U.S. 15 (1973); Jacobellis v. Ohio, 378 U.S. 15 (1973).

39 DE GRAZIA, *supra* note 2, at 560.

40 *Id.* at 295.