
D.H. Lawrence's *Lady Chatterley's Lover* and Salman Rushdie's *The Satanic Verses*: A Comparative Study of the Legal Overreach in their Ban: The Implications for Law and Literature in both Secular and Islamic Nations

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Abstract

On the one hand, the Age of Enlightenment in Europe triggered off scientific discoveries and technological innovations. Science and Technology became yardsticks for progress in the world. This led to industrialization and the subsequent commodification and annihilation of emotion, spiritual and even sexual life of humankind; on the other hand, in the far East, Iran for example, there is radicalization of religious life and preference of religious life over emotional and sensual life. In Europe, the intellectual life became privileged over the emotional and intuitive life, human relations degenerated so much so that even families grew apart from themselves. Writers as D.H. Lawrence felt the need to draw our attention to the havoc being wreaked on human relations; while Rushdie felt outraged by deification of a man he considered sexually perverse. D.H. Lawrence achieves his aim through the text, *Lady Chatterley's Lover*, which was adjudged by the law as pornographic and was, therefore, banned; while Salman Rushdie also achieves his through his *The Satanic Verses*, which was rather adjudged blasphemous and was also banned with Fatwa placed on the head of the writer. The objective of this paper was to

examine aspects of the narrative as lawyers or judges would examine cases to see how *Lady Chatterley's Lover* yielded to obscenity to warrant it being banned as well as to understand why the prosecutors failed and why the work was later unbanned. It examined also *The Satanic Verses* to also see how it yielded to blasphemy and to understand why it was not banned in Western Countries. It is hoped that this study would help in further understanding of the relationship between Law and literature. The methodology deployed was textual data analysis; and it was concluded that the determining of justice in law involves interpretation just as interpretation is needed in the pursuit of meaning in the text; and that legal briefs as well as judgments are in themselves narratives just as literature is. Finally it was concluded that law would eternally be deconstructive in the pursuit of truth or fact just as literature would in the pursuit of meaning as both will depend on the eternal deconstructive process.

Keywords: The Age of Enlightenment, The Intellectual Life, Emotional and Intuitive life, Commodification, Law and Literature

Literature Review

Robertson (2006) describes Law as “a set of rules that are created and are enforceable by social or governmental institutions to regulate behavior”. Núñez Vaquero, for his part, asserts that law has been variously described as a science of justice, while Cohen sees it (1992) as an art of justice. Obviously it is the science and art of justice. Indeed, law covers two domains: the domain of public law and the domain of private law. The domain of public comprises constitutional law, administrative law, and criminal law, while Private law, as Horowitz (1982: 1423–1428) puts it, “deals with legal disputes between individuals and/or organisations in areas such as contracts, property, torts/delicts and commercial law”. There is also Islamic law which deals with matters relating to Islam.

Law, as Gordley (2006: 752-774) believes, allows not only for scholarly enquiry into legal history; but it also provides scholarly enquiry into philosophy, according to Bor (1974: p. 539-543). Rubin (2019) thinks that law also provides scholarly enquiry into matters of economics, just as it raises important, critical and complex issues regarding equality, fairness, equity and justice (Pound, 1914: p. 195-234).

If any collection of written works involves law books, then law is also literature. According to Škop (2015: p. 7) “law belongs to the sphere of norms – rules of human behaviour. Another marked dimension, which ultimately forms the design of law, is the dimension of ethics. Legal rules include moral contents, values or ideas which society considers correct. Law would make no sense without values. However, law is also affected by aesthetics.” This is true because law or

legal writing is possible because of language. Therefore, both law and literature are determined by language, especially literary language. Fitzpatrick (1992: p.42) believes that literary language in narratives helps to establish a certain order that follows in a sequence from some starting point. Right from the time a lawyer debriefs his client to the time he prepares his case as well as the time the judge prepares their judgment, law shows itself to embody narratives just as literature itself is narrative. Even in courtrooms law as literature persists because the examination and cross-examination of plaintiffs by the defendant's lawyer or vice versa as well as the interrogation of witnesses elicits stories, which are subsequently analyzed and evaluated by judges as a literary critic would analyze and evaluate literary texts (Allison and Norris, 2011: p. 11).

According to Nietzsche, law resulted from the will to power and as such is neither moral nor immoral (p. 11). Pound (1914, pp. 195-234) and Sarat (1996, p. 18-19), agree that Law also raises important and complex issues concerning equality, fairness, justice and other socio-cultural and economic issues. This is actually where law and literature meet, because literature portrays life as lived by human beings. Sometimes, it engages ethical and moral issues with regard to law. It sensitizes us too on issues of justice and injustice, equality and equity, etc. While literature does not pronounce judgment as law would, it allows us to be the judges ourselves. Furthermore, while law aims at delivering justice, literature aims at helping us pursue the ideal, which is also a kind of justice. For Weisberg (1986), "works of literary art and criticism again may structure discussions of fundamental legal issues" (pp473- 486), and this is exactly what D.H. Lawrence's text, *Lady Chatterley's Lover* has done. Rushdie's *The Satanic*

Verse does same too. And from the perspective of Weisberg, literary works or as he terms it, "narrative acts lead to passivity in the face of clear injustice or, worse still, to the creation of injustice itself" (p. 178).

One may then ask: how did the narrative act of Lawrence lead to passivity in the case of clear injustice? And how did it create injustice with regard to the text, *Lady Chatterley's Lover*? It definitely created injustice in the hurting of sensibilities of some people and may be in the writer and publisher, as well, taking it for granted that good texts or literature, for the formalists, defamiliarizes experience by deliberately disfiguring language in order to renew and rekindle awareness in experience, hence the view of the text in some quarters as pornographic or blasphemous, and in other quarters as artistic. In other words, as Saussure argues that while speech is a way of representing inner meaning, writing is a way of representing speech (Saussure in Powel (2000:p.40). However, the inability for words to trap fixed meanings in their being gives credence to Derrida's (1967) idea of deconstruction, which was an effort by him to debunk the idea that words and language express fundamental realities of being, a privileging of a kind in Western scientific and philosophical tradition, identified as logocentrism by the German Philosopher, Ludwig Klages (Joseph-Storm, 2017: p221). As Bourdieu (1991: p. 42) puts it, law is nothing but an act of social magic. Škop (2015: pp. 7-8) himself thinks that "Magic means magic words. Words that go along with magic. Law is mostly expressed in words. The most common task in law is playing with words."

It is in being deconstructive that law and literature have a meeting point in the pursuit of the ideal or justice; for while it was law, in the obscenity act, that determined why the text, *Lady Chatterley's Lover* or *The Satanic Verses* should be banned, it was still law, at the court, that argued for the

acquittal of the text and its publisher by using arguments that were deconstructive to fault the positions of the government prosecuting team; it is also the belief in the fundamental right of man to free speech in a democracy that Western countries didn't see anything blasphemous in *The Satanic Verses* by Rushdie to warrant its banning or even to consider the text as treasonable felony.

There is no doubt that literature's aim is to lead to new insights; therefore, countless texts have enabled such insights in legal studies and practice; for example, Shakespeare's *Merchant of Venice*: it is always believed that the law insists on reason or logic or even empirical evidence, which makes it even almost a science in its approach to matters. This is evident in the Venetian court in a case involving Shylock, the Jewish money lender and Antonio, the guarantor to Bassanio, who borrows money from Shylock in order to be able to court Portia. Bassanio is unable to pay back the loan at the appointed time and Antonio's goods are wrecked on the high sea so that as guarantor he is also unable to pay on behalf of Bassanio. The matter goes to court and Shylock, who bears grudges against Antonio for seeing Jews as usurers and for undermining them by lending without interest, demands a pound of Antonio's flesh as agreed at the time he was taking the loan. The logic of the law is demonstrated when Portia, who is disguised as a lawyer, requests that Shylock take his pound of flesh as the law guarantees, but that in taking the pound of flesh, no drop of blood should escape from the flesh as that is not part of the pound of flesh. As Portia puts it:

This bond doth give thee here no jot of blood. The words expressly are "a pound of flesh." Take then thy bond, take thou

thy pound of flesh, But in the cutting of it if thou dost shed One drop of Christian blood, thy lands and goods Are, by the laws of Venice, confiscate. (Shakespeare, 4.1.306-11)

Although the law thrives on logic and seeks evidence or fact through a process of deconstructive questioning, yet it also seeks equity and justice, hence the demand by Portia that Shylock take his pound of flesh –and it seems the law is aware that his seeking Antonio’s pound of flesh is owing to the grudge he bears against him –but that in cutting the pound of flesh, no drop of Antonio’s blood be spilled. It could be argued that Portia obtained justice fraudulently, yet as Posner (2009: pp. 107-110) argues, Shakespeare had to introduce a situation that brings Portia to act as an imposter Judge or Lawyer so that law could be applied with tact and sensitivity and so the spirit of the law is not sacrificed to the letter of the law. Furthermore, it is still because of literature’s aim to enable insights and perspective that *The Satanic Verses* seems to subvert the Quran so that, peradventure, men and women of Islamic faith could stop taking “ordinary” words on paper as word of Allah.

Discussion

The text *Lady Chatterley’s Lover* begins thus: “Ours is a tragic age, so we refuse to take it tragically. The cataclysm has happened, we are among the ruins, we start to build up new little habitats, to have new little hopes. It is rather hard work: there is now no smooth road into the future: but we go round, or scramble over the obstacles. We’ve got to live, no matter how many skies have fallen (Lawrence, 2003, p. 5).”

The cataclysm that happened refers, obviously, to the First World War; but before then, there had been defining political, cultural and economic

moments in European history, one of which is the modern era, which dates as far back as the Renaissance period. It is an era of constant evolution in terms of human, industrial and economic relations. The fact that the Age of Enlightenment was preceded by the Scientific Age means that developments in mathematics, physics, astronomy, biology, human anatomy and chemistry changed the views of society about nature (Clagett, 1961, pp.218–19, 252–55). The Age of Enlightenment focused on the value of human happiness, the pursuit of knowledge obtained by means of reason which is the evidence of the capacity of the human mind as well as ideals as liberty, progress, tolerance, fellow-feelings, law, constitutional government and the divorce of the church from the state (Outram, 2006, p. 29 and Zafirovski, 2010, p.144).

From the Age of Enlightenment onward, the English Legal System became even more established so much so that it even looked at things that were considered obscene; but because it is a liberal democracy, the legal system cannot consider matters that are thought of to be blasphemous as many Muslims considered Rushdie's *The Satanic Verses* to be. However, it is expected that the fundamental right to free speech would protect the rights of the writer, publisher and even translator of *The Satanic Verses*. According to Drake (2003, p.470), the modern English law of obscenity began with the Obscene Publications Act of 1857. This is also known as Lord Campbell's Act. Lord Campbell was the Chief Justice of the Queen's Bench and it was he who introduced the bill, which ensured that obscene and pornographic materials were prohibited from being circulated (Bartee, 1992, pp.64-65). The law also authorized the destruction of obscene books (Robert, 1971, p. 231). In fact, in the case between Regina and Hicklin in

1868, the court ruled that all material with the inclination “to deprave and corrupt those whose minds are open to such immoral influences was obscene, regardless of its artistic or literary merit (Craig, 2008, p 540).

A world dedicated to the service of the machine, a world bereft of intuitive and emotional lives would be condemned to inhumanity; therefore, D.H. Lawrence tries in *Lady Chatterley's Lover* to show that reclaiming life from its enslavement to the intellect and by extension to the machine is necessary. He uses physicality of sex as a focal point for his argument, shocking as it may seem. But again, in societies where couples are working class, one sees always the corrosive effect of overindulging the intellect or the exploitation of labour force and the rendering of men impotent as well as making conversations that make reference to the sexual act, according to Lawrence, impossible.

This also is the case with Rushdie, who tries in *The Satanic Verses* to force men and women to question their beliefs and reclaim their lives from being enslaved to religion and by extension, its doctrines; however, just as law depends on interpretation, literature and, indeed, religious texts also depend on interpretation. It is this tool, which is same for law, literature and religious texts, which are also literature that will enable religious fundamentalists to read blasphemy in *The Satanic Verses*. As Krönagel (1991: p. 69) puts it, “A literary interpretation is therefore indispensable in an attempt to assess *The Satanic Verses*. One would be mistaken, however, in downplaying the religious component in a novel that not only carries a religious reference in its title but abounds with Islamic references and connotations.” So, it is understandable that in countries as Iran as well as other Islamic countries, where sharia law holds sway, and where that

law does not guarantee free speech, *The Satanic Verses* will be considered blasphemous and a *fatwa* will be placed on the head of the writer.

In *Lady Chatterley's Lover*, the narrator uses the character, Lady Chatterley, to argue that the future will not be defined by science or industrialization, but in the restoration of humanity, in placing value on passion and compassion, intuition and emotional life, in the awakening of the sexual life in order to regain all that was lost to industrial capitalism. Observe what the Game-Keeper, Mellors, Lady Chatterley's lover, says:

The world is all alike: kill off the human reality, a quid for every foreskin, two quid for each pair of balls. What is cunt but machine-fucking! –it's all alike. Pay 'em money to cut off the world's cock. Pay money, money, money to them that will take spunk out of mankind, and leave 'em all little twiddling machines (Lawrence, p.226).

Here Mellors bemoans the slave man has become to capitalism; however, the narrator uses metaphors to paint a graphic image of the world, which has become a female genitalia consistently “fucked” by capitalism, the world's “cock” or penis. The vulgarity of the language here is palpable even though it is rendered in such a way that it cannot be said to be pornographic; however, Rooke-Ley (2020) argues that the “cunt” as used in the text, *Lady Chatterley's Lover*, does not directly refer to the female genitalia but instead is concerned with the concealment of it. However, according to Mellors, in answering Connie's question on what “cunt” is, “cunt” is “what he gets when he i'side of her” (Lawrence, p. 178). In other

words, it is the pleasure both enjoy in the act of sex. If that is so, why then was it considered obscene in the first place? Rooke-Ley (2020) again tries to examine the etymology of the word in order to find out why it became obscene; according to her, “the word ‘obscenity’ is etymologically connected to the Latin term ‘obscēnus’, which means filthy, disgusting and indecent” ... “that which is culturally deemed to be filthy, disgusting, improper or shameful, and so has to be concealed. The word ‘cunt’ was considered in the twentieth-century, the context in which Lawrence produced *Fig* and *Lady Chatterley*, to be an obscene term for the female genitalia”. For Nead (1992: p.90) “the etymological roots of “obscene”” also convey the sense of matter that is [off-“scene”][,] [...] [and] that cannot be shown; obscenity, therefore, signifies that which [...] is beyond the accepted codes of public visibility.” For Wolf (2012: pp 247-295), the etymology of ‘cunt’ is linked to the prehistoric Indo-European root word ‘cu’, which refers to the feminine and inhears with later terms which refers to the female genitalia, and incidentally, ‘cunt’ was only thought of as obscene by the end of the seventeenth-century and then it became the most censored word in English language. This is exactly what happens with words: there is no end to the meaning they are capable of yielding –what Derrida (1997) occupied himself with in his famous work *Of Grammatology*, which inaugurated what is today known as Deconstruction. It is in the realm of Post-structuralism that Law and literature share similarities; for sometimes an accused might be guilty of the offense for which they are charged but they might be acquitted based on the technicalities of the law: the meaning or justice sought for in prosecuting the accused is never arrived at even when everyone knows they are guilty. Here the sign, signifier and signified concept of Saussure (1997) with regard to language

make sense: the accused being a legal sign whose signified is arbitrarily arrived at; for there is no logical connection between being accused and being guilty: the accused might be guilty in the eyes of the people but not in the eyes of the law. Yet again, it is in that arbitrariness that literature finds a moral subject of discourse, which in turn helps law to better readjust itself in order to attain justice, which is the ideal, and the ideal is the target of literature. However, Derrida's concept of deconstruction would, definitely, question law's capacity to prescribe justice since the idea of justice may never fully be embodied in law, just as the idea of the ideal may never fully be attained in literature, which justifies Hegel's dialectics, which explains dialectic process towards the ideal as infinite. In banning *The Satanic Verses* and prescribing *fatwa* for the writer, sharia law limits the application of deconstruction and presents law and literature in their own context as dissimilar; however, what has happened here is a kind of privileging of a center—in this case, Islam, and this is problematic because what will be left in society is fear, intimidation and lack of freedom, where everything is expected to be taken hook, line and sinker by Muslim faithful. Moreover, Mahoud's struggle against Jahila (Rushdie, 104), is a struggle against ignorance: how then are Muslim faithful unwilling to be open-minded about *The Satanic Verses*? Quran as religious text has never been closed from interpretation? Most of the issues raised by the text, *The Satanic Verses*, have been issues debated by scholars and thinkers over many centuries ago. For example, as Bouhdiba (1985: p. 9), puts it, "some women in the first Islamic community, such as the ancient warrior, Nusaybah, were ardent feminists. She asked Mohammed why, in the Qu'ran God always addressed himself to men and never to women.

The legend has it that God recognized the validity of her question, for thereafter, Revelation referred to 'believers' in both genders." Furthermore, the debate whether Mohammed physically went to heaven on the night of Isra was a dream or fact is another issue debated by scholars and thinkers over the centuries (Simawe, 1990: p. 185). How then was it that a "heretical text" as The Satanic Verses could not be rationally debated by Muslims as other heretic texts of the past were debated? The various views about incidents in the Qu'ran, by scholars and thinkers in the past, show that the Qu'ran, as literature, is open for interpretation. If this is the case, why then could the rightness or wrongness of *The Satanic Verses* and its ban not be debated? Because in free societies law ought enable justice through its interrogation of facts and evidences which are all enabled by interpretation; the same interpretation that also enabled the verdict of ban and *fatwa* in the first place.

In *Lady Chatterley's Lover*, there are other scenes that may yield to verdicts of obscenity when examined on face value through sheer legality typical of the law; for example, Mellors describes Bertha's genitalia to Connie as "soft down there, like a fig, a beak that rubbed and tore" at him (Lawrence, p. 201). Furthermore, he tells Connie that it is "as if she had no sensation in her except in the very outside top tip of her beak" (Lawrence, 201). Mellors again would want to eliminate the genitalia of the 'Lesbian' women who "go on writhing their loins till they bring themselves off against your thighs" (Lawrence, p.203). In fact, as the prosecutor in the trial of *Lady Chatterley's Lover* puts it in his opening address at the court: "Let me emphasize it on behalf of the prosecution: Do not approach this matter in any priggish, high-minded, super-correct, mid-Victorian manner. Look at it as we all of us, I hope, look at things

today, and then, to go back and re-quote the words of Mr. Justice Devlin. You will have to say, is this book to be tolerated or not?" (Temple, 2017) He further argues that the novel is capable of inducing lustful thoughts in the minds of those who read it "sets upon a pedestal promiscuous and adulterous intercourse. It commends, and indeed it sets out to commend, sensuality almost as a virtue. It encourages, and indeed even advocates, coarseness and vulgarity of thought and language."

According to Temple (2017), Griffith-Jones asked the court: "would you approve of your young sons, young daughters—because girls can read as well as boys—reading this book? Is it a book that you would have lying around in your own house? Is it a book that you would even wish your wife or your servants to read?"

Griffith-Jones drew attention to the thirteen "episodes of sexual intercourse" in the book, twelve of these "described in the greatest detail . . . leaving nothing to the imagination." He said that the word 'fuck' or 'fucking' appears no less than 30 times . . . 'cunt' 14 times; 'balls' 13 times; 'shit' and 'arse' six times apiece; 'cock' four times; 'piss' three times, and so on." He submitted that it was not the nature of great writing, nor the habit of a great writer to be that vulgar.

Being that the law results from the will to power as Nietzsche had posited, agents of the law, looking for a long time how to crack down on D.H. Lawrence, may have had alibi here. Indeed, the text may have yielded to obscenity in all the imageries evoked to achieve beauty as art, but are they really pornographic? As the judgment of the verdict reads:

Just as the content of a positive law can be evil, it is possible to find an obscene element in a work of art which we generally accept as valid art. Because pornographic writings usually lack artistic quality. This writing which is truly a valid piece of art is not a pornographic writing, as already established by the decisions since the trial in the first instance (Case number 1953 (A)1713

Furthermore, it is the desire to achieve art, first of all, that the narrator in *Lady Chatterley's Lover* also wills to power; for metaphors are especially used in order to achieve effect both in law and literature, and sometimes the pronouncements of the law are vague as if it desires not to be trapped so that we have to depend on interpretation to make progress, which also may become no progress at all depending on the interpreting court and judges. It is here again that law and literature meet; for the business of literature is largely that of interpretation.

Obviously, it is the literariness of the texts, *Lady Chatterley's Love* that made the prosecution team to lose the case against it, because many of the words and expressions in the text are used metaphorically or symbolically. The prosecution relied on the possible impressions such imageries would create in the minds of readers, taking for granted the fact that the writer never used language denotatively but instead connotatively so much so that neither the writer nor the book, nor even the publisher could be held responsible for the way readers interpreted the work or the impressions made in the minds of readers. This is not the case with *The Satanic Verses*, which used satire and also made references to concrete Qu'ranic verses. Satire mocks and ridicules, hence the feeling of rage among Muslims

against the book, the writer, the publisher and the translators. However, this is not enough to make anyone, even Muslims feel averse to interpretation, which fair hearing in court would enable so that justice may be guaranteed in the event of the ban of the book and the *fatwa* on the writer being challenged in court. However, as Ayer (1987: p. 896) puts it, “Studies in this field recognize that there are fundamental similarities between the problem of interpretation in literature and the problem of interpretation in law”. For Škop (2015: p. 9) puts it, “Law is characterized by battles for influence. Various actors try to obtain monopoly over the definition of individual notions and these battles have the nature of battles over language and interpretation.” These notions by individual lawyers in court are further studied by a judge or the jury in order to make informed judgments. These debates by lawyers in court are also similar to knotty issues a text debates with itself in the characters that populate it. Knotty issues as adultery, which some laws may frown at, are thrown open for critical analysis. For example, must a Connie forgo sexual needs, which is natural, and which her husband cannot satisfy owing to medical conditions as paralysis because civil or religious laws prohibit adultery? Or should Rushdie not obey his muse by not writing *The Satanic Verses* because of it being considered blasphemous? Is Connie not allowed to seek divorce if she desires to do so? Here literature provides space for law to improve itself by raising questions on issues law would, ordinarily, determine based on pure legality, that is, what the law insists on and what is morally justifiable or unjustifiable. It seems, therefore, that the text, *Lady Chatterley’s Lover*, makes us understand that, as Ayer (1987: P. 911) puts it, “life is a work of art”, and as Wittgenstein in Holtzman & c. Leich eds.

(1981: pp 139-242) puts it, it not only about "knowing how to follow the rule," but "knowing how to go on". Therefore, as Self (2020) puts is,

In a broader sense, too, the Chatterley trial expanded Britain's vision of the future, right at the beginning of the liberalising decade of the 1960s. The verdict was almost certainly a factor in the abolition of the Lord Chamberlain's role as theatre censor in 1968 and the rise of gritty, explicit working-class drama on television. Whether it is directly linked to the liberalisation of laws on divorce, homosexuality and abortion in the same decade is doubtful, but they are all part of the same change in the social contract.

It is not only Self (2020) that thinks that the trial and eventual acquittal of the text, *Lady Chatterley's Lover* and its publisher, Penguin, led to a new insight into a lot of things as homosexuality, adultery and abortion, but also Baski (2019), who believes that the trial and eventual acquittal "is credited as being a crucial step in liberalising the country's cultural landscape, encouraging frank public discussion of sexual behaviour that meant sex was no longer a taboo in art and entertainment. It also shifted views on major human rights issues including the legalisation of homosexuality and abortion, the abolition of the death penalty and divorce reform." Perhaps, if sharia law or its implementers were not too rigid, suing the writer of *The Satanic Verses* and its publishers might have paved way for liberalization in many Islamic nations and possibly a review of sharia laws

Conclusion

D.H. Lawrence is classified as a modernist writer, and the modern period was a period of industrial and technological progress. It was also the period of the great revolutions. The great progress made in science, technology and industry had great impact in human relations. The prevalent scientific culture robbed humankind of their sexual, emotional and intuitive life. It was as a result of this that romanticism as a movement evolved, and placed emphasis on the intuitive and emotional life. Romanticism was characterized by its emphasis on emotion and individualism, idealization of nature, suspicion of science and industrialization, and glorification of the past with a strong preference for the medieval rather than the classical (Damrosch, 195: pp. 405-424). In fact, it was a reaction to the social and political standards of the age of enlightenment and scientific rationalization of nature (Casey, 2008).

On the one hand, using his novel, *Lady Chatterley's Lover*, Lawrence intervened for the age and shone the light on the neglected part of humankind and thereby, according to Hoggart (1961: p. viii), achieved cohesion between the mind and the body, "for body without mind is brutish; mind without body ... is a running away from our double being"; furthermore, the novel also exposed the issue of class relations in Lawrence's time, for, on the one hand, "Clifford Chatterley was more upper class than Connie. Connie was well-to-do intelligentsia, but he was an aristocrat. Not the big sort, but still it. His father was a baronet,

and his mother had been a viscount's daughter” (Lawrence, 1993: p. 5); on the other hand, Connie and Mellors belong to different classes –the one aristocratic, the other the lower working class: Connie could either resist his overtures or yield to it, according to Schorer (1993: p 17).

On the other hand, Rushdie’s *The Satanic Verses* failed to intervene for the age, because instead of critically interrogating his work, fatwa was placed on his head and the work was banned thereby foreclosing any possibility of legal reforms and any protection of the fundamental right to free speech in Islamic countries.

While Lawrence’s art was adjudged pornographic and subsequently banned, Rushdie’s was adjudged blasphemous and also banned subsequently; but while the publishers of *Lady Chatterley’s Lover* were subjected to prosecution in line with the obscenity act of the law of England, both the writer, publisher and translators of *The Satanic Verses* became targets of assassination. In England, the state failed to prove beyond reasonable doubt that the publisher did wrong in publishing a book with supposedly many pornographic contents, while in Iran and other Muslim countries, the state proved beyond reasonable doubt even without prosecution that *The Satanic Verses* deserved to be banned and the writer deserved to die.

Upon winning the case against the state, *Lady Chatterley’s Lover* sold about three million copies on the day the judgment was delivered (Robertson, 2022). Although *The Satanic Verses* continued to sell in the free world,

yet it lost market in almost all Islamic countries including Nigeria that is classified as a secular state. It is, therefore, not only necessary to use the texts to understand the relationship between law and literature, but it is also important to use them to understand the relationship between literature and law in Islamic countries of the world.

It is a fact that both law and literature derive their being through language; therefore, the relationship between both can be better appreciated through the tool of literary/critical theory. Both strive for the ideal, which could be arrived at through a deconstructive process. Law wills to power; but it also subverts its power in the quest for justice. The subversion is enabled at the courts through debates rife with interpretations by lawyers. The debates are articulated as narratives by judges, who in turn study the narratives as a critic studies texts and passes judgments as critics. However, all these were deprived *The Satanic Verses*.

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References

- Ayer, D. J. (1987). "The Very Idea of "Law and Literature"". *Michigan Law Review*. Vol. 85., Issue 5&6
- Baski, C. (2019). <https://www.theguardian.com/law/2019/aug/01/lady-chatterleys-legal-case-how-the-book-changed-the-meaning-of-obscene>. viewed on the 10/03/2022
- Bor, Fredric L. (1974). "The nexus between philosophy and law". *Journal of Legal Education*. 26 (4): 539–543. ISSN 0022-2208
- Bouhdiba, A. (1985). *Sexuality in Islam*. Trans. Alan Sheridan. London: Routledge & Kegan Paul.
- Bourdieu, P. (1991). *Language and Symbolic Power*. Translated by Gino, Raymond and Adamson, M. Cambridge: Polity Press
- Casey, C. (2008). "'Grecian Grandeurs and the Rude Wasting of Old Time": Britain, the Elgin Marbles, and Post-Revolutionary Hellenism". *Foundations*. Volume III, Number 1. Archived from the original on May 13, 2009. Retrieved 2014-05-14, viewed on 10/25/2022.
- Clagett, M. (1961) *The Science of Mechanics in the Middle Ages*. Madison, Univ. of Wisconsin Pr.

Craig R. D. (2008). [*Constitutional Interpretation: Rights of the individual*](#). Cengage Learning. ISBN 978-0-495-50324-8. Retrieved 30 September 2011. Viewed on 10/03/2022.

Cohen, Morris L. (1992). *Law : the art of justice*. Beaux Arts Editions. ISBN 9780883633120.

De Saussure, F. [1916] (1959). *Course in General Linguistics*, translated by W. Baskin. New York: Philosophical Library.

Damrosch, L. (1985). *Adventures in English Literature*. Orlando, Florida: Holt McDougal.

Derrida, J. (1997)(1967). *Of Grammatology*, translated by Spivak, G. Baltimore: John Hopkins University press

Drake, M. A. (2003). [*Encyclopedia of Library and Information Science*](#). Vol. Abs–Dec. CRC Press. ISBN 978-0-8247-2077-3. Retrieved 30 September 2011. Viewed on 10/03/2022.

Gordley, James (16 November 2006). Reimann, Mathias; Zimmermann, Reinhard (eds.). "Comparative Law and Legal History". *The Oxford Handbook of Comparative Law*: 752–774.

Fitzpatrick, Peter. (1992). *The Mythology of Modern Law*. London: Routledge.

Hegel, G. W. F. (2018). Terry Pinkard (ed.). *The Phenomenology of Spirit*. Translated by Pinkard, Terry. Cambridge University Press.

Hoggart, R. (1973). "Introduction". *Lady Chatterley's Lover* (2nd ed.). Harmondsworth: Penguin.

Holtzman, S. and Leich, C. (2006). *Wittgenstein: To Follow A Rule*. Oxon: Routledge

Horwitz, Morton J. (1 June 1982). "The History of the Public/Private Distinction". *University of Pennsylvania Law Review*. **130** (6): 1423–1428.

Josephson-Storm, J. (2017). *The Myth of Disenchantment: Magic, Modernity, and the Birth of the Human Sciences*. University of Chicago Press. ISBN 9780226403533

Judgment upon case of translation and publication of LADY CHATTERLEY'S LOVER and Article 175 of the PENAL CODE.
https://www.courts.go.jp/app/hanrei_en/detail?id=11

Krönagel, A. (1991). *International Fiction Review*, Vol. Issue.2

Lawrence, D.H. (2003). *Lady Chatterley's Lover*. London: Penguin Books

Nead, L. (1992). *The Female Nude*. London: Routledge

Núñez Vaquero, Álvaro (10 June 2013). "Five Models of Legal Science". *Revus. Journal for Constitutional Theory and Philosophy of Law / Revija za ustavno teorijo in filozofijo prava* (19): 53–81.
doi:10.4000/revus.2449. ISSN 1581-7652

Outram, D. (2006). [*Panorama of the Enlightenment*](#). Getty Publications

Posner A., (2009), *Law and Literature*, p. 592, ISBN-13: 978-0674032460.

Pound, R. (1914). "The End of Law as Developed in Legal Rules and Doctrines". *Harvard Law Review*. **27** (3): 195–234

Powell, J. (2000). *Derrida for Beginners*. New Delhi: Orient Longman

Robertson, G. (2010). "The trial of Lady Chatterley's Lover". *The Guardian*. ISSN 0261-3077. Retrieved 6 September 2016

Robertson, Geoffrey (2006). *Crimes Against Humanity*. Penguin. ISBN 978-0-14-102463-9

Rooke-Ley, I. (2020). "What is 'Cunt?' she said': Obscenity, Concealment and Representations of the Vulva in D.H Lawrence". *Polyphony*, Volume 2, Issue
<https://www.polyphonyjournal.com/post/what-is-cunt-she-said-obscenity-concealment-and-representations-of-the-vulva-in-d-h-lawrence>
viewed on 10/06/2022

Rubin, Paul H. "Law and Economics". *The Library of Economics and Liberty*. Liberty Fund, Inc. Archived from the original on 2 July 2019.

Rushdie, S. (1988). *The Satanic Verses*. New York: Viking Penguin

Sarat, A; Kearns, T, eds. (1996). *Justice and Injustice in Law and Legal Theory*. Michigan: University of Michigan Press

Schorer, M. (1993). "Introduction", *Lady Chatterley's Lover*. New York: Grover Press.

Self, J. (2020). <https://www.penguin.co.uk/articles/2020/10/d-h-lawrence-lady-chatterleys-lover-trial> viewed on the 3rd of October, 2022

Simawe, A. S. (1990). "Rushdie's *The Satanic Verses* and Heretical in Islam". *The Iowa Review* Vol. 20, Issue 1 *Winter*.

Škop, M. (2015). "Law and Literature – a Meaningful Connection". Number 1 • s . 6-20 • DOI: 10.14746/fped.2015.4.1.1
www.filozofiapubliczna.amu.edu.pl • ISSN 229 9-1875

Tait, Allison and Norris, Luke (2011) "Narrative and the Origins of Law", *Law and Humanities*, Vol. 5, No. 1, (11-22).

Temple, E. (2017). <https://lithub.com/why-exactly-is-this-book-obscene-skip-to-the-dirty-bits/> viewed on 10/06/2022

Wolf, N. (2012). *Vagina*. London: Virago Press.

Weisberg. (1986). *More Words on The Failure of the Word: A Response to Heintzman and Levi11- son*, 7 CARDOZO L. REV.

Zafirovski, M. (2010), *The Enlightenment and Its Effects on Modern Society*. North Texas: Springer