Better Half-Dead than Read? The *Mezzomorto* Cases and their Implications for Literary Culture in the 1930s[1]

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This article focusses on the two libel cases arising from Brian Penton's review of Vivian Crockett's novel *Mezzomorto* for the *Bulletin* in 1934, viewing them as points of entry into Australian literary politics in the 1930s, and as windows on to one of the most enduring and interesting feuds in Australian literary culture, that between P.R. 'Inky' Stephensen, self-styled 'Bunyip Critic,' and Brian Penton, arch exponent of 'destructive criticism' and scourge of parochial pretension. The cases are particularly interesting for what they reveal about the evolving positions of two influential figures in Australian writing of the 1930s and 1940s. They also play in to contemporary debates about the state and status of 'literature' in Australia. And while Penton's biographer Patrick Buckridge avers that the cases did not impact on any of the larger contemporary literary issues (meaning censorship and free speech), a case may be made for the significance of the libel actions in the context of attempts to establish an industrial and cultural presence for a diverse range of Australian writing.

Stephensen had gambled a great deal on the success of *Mezzomorto*, published by the press that bore his name in September 1934 with an eye on the crucial Christmas market. P.R. Stephensen and Co. had been troubled both financially and legally since its inception at the beginning of that year, and none of its makeshift list was yet to reach the magical sales figure of 2000 copies which Stephensen had calculated was necessary to turn a profit (Stephensen Papers, Fryer Library MSS 55/1). In a report to shareholders the previous May, Stephensen conceded that only £735 of the £2000 sought had been subscribed after the company's prospectus was issued at the end of January 1934. The majority of investors were practising or aspiring authors and their families, among them Ruth and Victor White who invested £300 in the company to secure publication of their son Patrick's book of poems, *The Ploughman* (Marr 128). An additional £900 was raised between June and October 1934 (Stephensen v. Bulletin 253). The capital shortfall was compounded by mounting legal bills; between September 1934 and January 1935, a month before the company went into voluntary liquidation, at least ten draft summons, one garnishee summons and one bailiff's notice were issued on Stephensen by unpaid creditors (Stephensen Papers, Mitchell Library MS 1284/31 box Y2125).

The Company desperately needed a bestseller to pacify creditors; to pay long overdue royalties; and, most importantly, to bolster the confidence of prospective investors in this and others of Stephensen's myriad literary schemes which included plans to establish a national publishing house, a literary guild and a critical periodical (Stephensen Papers, Mitchell Library MSS 1284 Box Y2124; Munro 153 ff).

Despite Stephensen's claim in his testimony during his libel action that 'I considered that it was one of the very best books ever written by an Australian author' (Stephensen v. Bulletin 259–60), *Mezzomorto* rarely rates a mention in critical studies of the Australian novel or of Australian writing in the period between the wars. In essence, the novel is a meditation on the sense of placelessness felt by the offspring of immigrants to Australia. Its central character, Brett Lesslie, is a third generation Australian and descendant of wealthy squatters who is having difficulty coming to terms with 'the new nation which was forming itself in an environment wholly exotic to the racial elements composing it' (Crockett 13). He feels keenly 'that frustration of spirit which is the mark of the exile', and his sense of alienation from the land places him (and the novel) at odds with the contemporary nationalist literary project which sought to write white settlers and their descendants into the Australian landscape by highlighting their historical, emotional and physical connection to the land (13). But despite this feeling of alienation, Lesslie is sensitive to what he calls the 'place-spirit' which may be 'hostile, perhaps, to the intrusion on its domain of such human spirits as his' (16). He marries an Englishwoman and they move to Europe, but their relationship becomes strained. They drift apart, and Lesslie's sex-drive suffers; he develops a fascination for Vienna (home of both Freud and Franz Anton Mesmer, the father of hypnotism) 'whose people, he considered, had achieved the most attractive synthesis of all the arts of life, its culture and its pleasures' (18). Seeking relief from 'the maladjustment of his life [which] reflected itself in a developing physical debility and disorder of his nerves', Lesslie seeks out Dr Ladislas Baroczi , an astro-physicist, amateur psychologist, and narrator of the novel (19). Baroczi persuades Lesslie to become the subject of an experiment to test his hypothesis that romantic fantasies gratify because their outcomes are known and fixed, whereas their pleasures may not be so apparent to those actually experiencing them. Baroczi's therapy is a form of hypnotic hypermnesia (in which hypnosis is used to enhance recall of past events) with the key difference being that Lesslie does not recall the events. Rather – they are suggested to him by Baroczi who invents entire adventures for his subject. Lesslie is hypnotised six times during the novel: imagining himself (or imagined by Baroczi) as Marshal Hippolyte Lothaire Achille Celadon du Castel-Dandeloup des Tourterelles in the army of Louis XV; twice as Lieutenant Lucien d'Amar, an officer in Louis XV's navy who has pledged to rescue his betrothed, kidnapped by the Barbary pirate Mezzomorto and taken to Istanbul; as Mezzomorto himself when Lesslie decides he prefers the pirate fantasy; as Napoleon Bonaparte campaigning in Egypt; and as religious dissenter Fabio Orsini in Renaissance Rome. After the first hypnosis, Lesslie is revivified, but finds it increasingly difficult to separate the fantasy world Baroczi has created for him from reality. He meets a

young actress, Nadejda, in a bar, and begins an affair, but, captivated by the story of Mezzomorto, Lesslie desires a Caucasian mistress. He is introduced to Tamara, an Ossete tribeswoman, by her brother Rozanov, and is attracted to what he sees as her barbarity and submissive nature. As Lesslie contemplates marriage, Tamara demands to be whipped because '[a]mong the Ossetes ... every husband demands utter submission of his bride [and as] she is an Ossete, it is her duty to submit, once at least, to marital chastisement' (205–06). Despite initial qualms, Lesslie desires nothing more than to have the whip hand he believes has so long been denied him in his relationships with women. Ultimately however Tamara and Nadejda are revealed to be the same woman, a young Georgian member of a Russian acting troupe. Convinced Rozanov has manufactured the entire scenario to embarrass him, Lesslie engages an Egyptian astrologer to bring the wrath of the Egyptian god Thoth upon the Russian, and Rozanov is accidentally killed during a production by the troupe of the play *The Sign of Thoth* in the presence of both Baroczi and Lesslie. Baroczi tries to rouse Lesslie, but cannot: he too is dead. Somewhat dispassionately Baroczi reflects at the close of the novel upon Lesslie's placelessness:

> Though I could not contemplate without some emotion the conclusion of our experiment, I remembered that Lesslie had desired it and accepted its dangers. As to Lesslie's hopes of it: in his deeper soul, he was a man without a country. He had not, essentially, given himself to the new land of his birth; and, being subtly modified by his transplanting, he could not easily take root again in the parent earth of Europe. (382)

Initial reviews for this florid and rather curious tale were promising. S.E. Napier in the *Sydney Mail* praised the novel as the work of 'an artist with the pen' (Napier 16). 'In the telling of this tale,' Napier wrote, 'Crockett has excelled himself. Not only is it a fine piece of descriptive work, but the settings are so fascinatingly conceived and the characters so well drawn that it is little wonder that Lesslie's individuality became merged in Mezzomorto's so deeply that he underwent all the sufferings and exultations of this brutal Barbary pirate' (16). Alice Jackson tempted the readers of the *Australian Women's Weekly* with a description of the novel's 'fascinations' that were 'more powerful than the call to contract bridge or the urge to do a "Stitch in time"' (Jackson 16). '[H]ow often,' she asked breathlessly, 'do you get a book which takes you to the threshold of a Great Adventure, much less pushes you clean off the deep end? No wonder it's midnight before you come up for air, and how relieved you are that the electric light is still burning, though, heaven knows, the silence of the house is eerie enough. Yes, that was a priceless plot!' (16). Howard Ashton of the *Sunday Sun and Guardian* prefaced his review by making a distinction between the literary 'artist', whose work displays 'knowledge, application of faculties, [is] well expressed, [and] craftsmanlike', and that of the entertainer, who is motivated by the 'pursuit of public and profits' (Ashton 20). For Ashton, the 'long ... accepted canon' that Australian writers 'had no business in

telling their story, to leave Australia' had produced a vision of the novel as 'an entertainment [rather] than a piece of creative art' (20). Crockett's novel proved the exception to this rule: 'It is a pleasure, therefore, in spite of shortcomings which no doubt other critics will point out, to read a book like this one of Mr Vivian Crockett's into which artistic sensibility and craftsmanlike care have gone' (20). All reviews praised the novel's binding and appearance – attributes which Stephensen prided in his publications – and the cover illustration by Adrian Feint depicting a corsair in full sail stitched in red and gold is striking indeed.

Mezzomorto was published on 15 September 1934, and in its first month of release sold approximately 500 copies. But sales for the last three months of the year numbered barely 100 as a result, so Stephensen alleged, of an extremely critical review published in the *Bulletin* on October 10. P.R. Stephensen and Co. went into voluntary liquidation on 4 February 1935. The *Bulletin*'s review, 'Through Muddle to Half-Death' was signed 'Conn Bennett'; the author was Brian Penton ('Bennett' 2, 5). Given the historical antipathy between the two men, the acrimony which marked the end of Stephensen's tenure as manager of the Bulletin Company's Endeavour Press in September 1933, and the fact that Penton's own novel *Landtakers* had been published just a couple of months before Crockett's, was also seeking prominence on newspaper book pages to boost Christmas sales, and was prominently advertised in the same issue of the *Bulletin* in which the 'Bennett' review appeared, it is difficult to draw any other conclusion than that the *Bulletin* editorial team had determined to make life difficult for Stephensen by asking his long term foe to review *Mezzomorto*.

Both Stephensen and Penton in particular had well-founded reputations for rubbishing friends and enemies alike behind their backs. Jack Lindsay, a colleague of both men at the Fanfrolico Press in London, wrote of Penton: 'He disliked PRS and used all his considerable powers of biting sarcasm to belittle him. Not that I consciously took much notice of what Brian said; for I had the feeling that he'd be as biting about myself to PRS or anyone else behind my back' (Jack Lindsay 148). And Norman Lindsay, who had done so much to convince Stephensen to return to Australia to take up the managerial role at the Endeavour Press in 1932 but who was later much closer to Penton, wrote in a letter to Philip Lindsay some time before 1938: 'I don't see much of Brian. The fact is he wrote an article on me that made me abhor myself ... The simple truth is that Brian could not write about anybody without degrading them. The virus is in his own mechanism' (Norman Lindsay 328).

The review, the first of Penton's periodic public potshots at Stephensen and his ventures, represented the renewal in the Australian press of hostilities first enjoined in London in the late 1920s when, by Stephensen's account, he had thrown Penton bodily out of the office of the Fan Frolico Press for abusing the office staff (Stephensen v. Bulletin *5)*. There was a later spat over Penton's desire to write a preface for an edition of Propertius's writings to which Stephensen objected on the grounds that Penton revelled in the ribaldries of the text in a manner unbefitting a real classical scholar. The *Mezzomorto* review and its aftermath set the tone for

years of public sniping. In the first and only issue of his magazine the *Australian Mercury* published in July 1936, a month after the issuing of the writ and four months before the libel case reached court, Stephensen slammed the contemporary preoccupation with the convict era in Australian long fiction. Penton's first novel *Landtakers* was singled out for special criticism, accused of 'wallowing in the sensationalism of convictism and flogging' (Stephensen, *Foundations* 65). This article would become the first part of one of the key critical documents of the 1930s, the cultural polemic *The Foundations of Culture in Australia,* which appeared in book form later in 1936. The first part had however been written in June 1935 at the same time that Crockett's action against Penton was being decided. In subsequent years Penton widened the chasm between himself and Stephensen (both politically and in terms of literary taste) by using his columns in the *Daily Telegraph,* 'For Your Dustbin' and 'Mr Montaigne's Bookshelf' to demolish Frank Clune's true blue travelogues *Sky High to Shanghai* and *Isles of Spice,* which were both heavily edited by Stephensen (Buckridge 183). Penton also attacked Xavier Herbert's monumental *Capricornia,* whose publication Stephensen had done much to secure. Stephensen for his part observed caustically in *The Publicist* in late 1936 that Penton's 'psychological specialty is ... dramatic hate ... self-destruction by hatred .... It is psychopathological rather than a 'national' characteristic' (Stephensen qtd in Hergenhan 87).

In his review, Penton's criticism of *Mezzomorto* is couched in terms of distaste for its literary style, but might be seen to have been motivated in part at least by a suspicion of the use of psychiatric therapy as a 'frame' for the narrative. This suspicion was in keeping with contemporary resistance to the psychoanalytically influenced modernist artistic movement to which the realism that was gaining ground as the preferred literary mode of nationalist expression was at this time juxtaposed. And despite the popularity of therapy as a theme in more recent fiction (Thompson 79–86), David Tacey argues that a suspicion of psychology and its application to literature ran through Australian literary culture at least until the late 1980s. In his 1990 article 'The Politics of Analysis: Psychology, Literary Culture and Australian Innocence', Tacey ascribes the suspicion he detected in response to his psychological study of Patrick White to two related perceptions of psychology (Tacey, 'The Politics'; Tacey, *Patrick White*). First, the insularity of literary critics and practitioners who fear that the hand outstretched by psychology 'in an honest, open attempt at friendship' might 'seduce them, drag them across the divide and make them subordinates in another discipline'. And second, a sense of the perverse, European 'otherness' of psychology's extended hand which 'wants to molest literature, to get inside its pants and check out its genitalia, to test its functions and monitor its complexes' (Tacey, 'The Politics' 123). In support of his contentions, Tacey cites Manning Clark's admonition to Xavier Pons in a review of Pons's psychoanalytic study of Henry Lawson, *Out of Eden,* that 'We should leave Lawson's drains alone' (126). Similar attitudes and postures inform Penton's review, which aligns the reviewer with D.H. Lawrence's suspicions of Freudian psychoanalysis (See Lawrence, *Fantasia;* and Garton). Crockett is accused of making 'no effort to construct characters' ('Bennett' 2). In the place of these rounded

individuals – by implication, the heart of a 'proper' novel – Crockett 'has substituted a stagy [sic] device of psychological mumbo-jumbo' (2). *Mezzomorto* quite clearly does not fit Penton's notion of 'literature'; rather it is merely 'writing', and quite poor writing at that. The 'counterblast' for Penton to Crockett's 'weakly, self-indulgent kind of writing so well analysed in Lawrence's pamphlet "Obscenity and Pornography"' is the 'carefully realistic work of Henry Handel Richardson, Katharine Prichard, Louis Stone, Norman Lindsay in *Redheap* and Desmond Tate in parts of *The Doughman*' (5). Not insignificantly perhaps, Tate's novel had been published by the *Bulletin*'s Endeavour Press at the same time as *Mezzomorto*.

Patrick Buckridge generously downplays the personal motivation of the criticism in Penton's review which decried Crockett's 'muddled state of mind', disparaged the novel as 'poorly written' and 'unconstructed', and declared that '*Mezzomorto* could have been a serious work only if he had made it a frank, ruthless study of himself as the type of intellectual frustrate inevitably common enough in a country where books, music, pictures and poetry matter far less than commercial proficiency' (Buckridge 154–60; 'Bennett' 2). Crockett disagreed, and sued for libel, with the case heard in front of Justice Jordan and a jury of four in June 1935. Crockett's counsel, former New South Wales Industrial Commissioner A.B. Piddington (who, along with Stephensen, was a vice president of the Federation of Australian Writers) called four witnesses: Sydney Elliott Napier, a former solicitor of the New South Wales Supreme Court, former leader writer for the *Sydney Morning Herald*, and literary editor and assistant editor of the *Sydney Mail;* Julian Howard Ashton, associate editor of the *Sun;* Alfred Horatio Martin, lecturer in psychology at the University of Sydney; and Alan Ronald Chisholm, associate professor and head of French at the University of Melbourne. Significantly, both Napier and Ashton had reviewed *Mezzomorto* the previous year. All four were asked to define certain of the contentious terms including 'intellectual frustrate', but only the psychologist Martin was allowed to answer in any detail. In the absence of a defence of fair comment (possibly because the Bulletin Newspaper Company's counsel believed this would amount to an admission of the libel) the jury was simply required to consider whether the article was likely to 'injure the reputation of the Plaintiff as an author or as a man or both' (Crockett v. Bulletin 2). After a hearing lasting four days, on 18 June 1935 the jury took just one hour to find for Crockett, and awarded him £1000, a substantial sum but considerably less than the £10,000 Crockett had sought.

Crockett's success would have been welcomed by Stephensen; a successful suit for libel potentially represented a not insignificant source of income, as this prodigious litigant would have well been aware. When Crockett's suit was decided in mid 1935, P.R. Stephensen and Co. had been in liquidation for almost six months with debts (substantially to printers and compositors) amounting to over £1300. The company also owed £200 in unpaid authors' royalties. Less than a month after the end of Crockett's case, Stephensen issued through his solicitors Windeyer, Fawl and Windeyer, a writ for libel against the *Bulletin* claiming £20,000 in damages. Word had come to Stephensen that Penton was about to go abroad, and he

needed to act quickly. In this initial writ, Stephensen alleged that his return to Australia late in 1932 had represented a 'direct challenge to the Old Gang in the publishing world of Sydney', and that '[t]he *Bulletin*'s object in taking Mr Stephensen under its wing was, from the very beginning, to side-track him and prevent him from diverting Australian literature into new channels' (Stephensen Papers, Mitchell LibraryMS1284/34 boxY2138). Stephensen further alleged that the *Bulletin* had, through 'an open campaign of misrepresentation ... and by a subterranean campaign of slander', forced his business into liquidation. In a second writ issued on 31 July 1935, Stephensen dropped his claim for damages to £5000, and more eloquently laid out his reasons for pursuing the case:

> The Defendants wrongfully and unlawfully conspired together and with each other to publish of the Plaintiff certain false libels in order to insult and injure the Plaintiff personally and prejudice the Plaintiff in his business of Book Publisher whereby the said company was forced in to liquidation and the Plaintiff lost his position as such Managing Director as aforesaid and has lost the value of his said shares and has been and will continue to be injured in his credit and reputation personally and as a Book Publisher and has and will continue to suffer pain of body and mind. (ML MSS 12 84/3 4 box Y2138)

Stephensen had no doubt the review had been maliciously inspired. He took particular offence at Penton's imputation that he published and promoted, in Penton's words, 'the weakly self-indulgent kind of writing so well analysed in Lawrence's pamphlet "Obscenity and Pornography"' ('Bennett' 5). Penton's implication was that *Mezzomorto* was pornographic because it displayed what Lawrence referred to as 'a disgusting attitude toward sex, a disgusting contempt of it, a disgusting desire to insult it' (Lawrence, 'Pornography' 75). The imputation that the depiction of sex in the novel was simply an aid to what Lawrence described as 'the deepest and most dangerous cancer of our civilisation', masturbation, through an isolated and rather pedestrian description of flagellation as foreplay, became a key issue in the action (79). Stephensen was particularly keen to dispute the imputation that he published obscene or pornographic works because, as he noted in a draft affidavit, 'there are approximately 6000 Lending Libraries, Schools of Arts and Mechanics' Institutes throughout Australia and New Zealand which would exclude from their shelves any book against which there was a suggestion of indecency' (ML MSS 1284/31 box Y2125).

The decision of the *Bulletin*'s counsel, Curtis, again not to set up the normal defence of fair comment in order to attack Stephensen as a pedlar of pornography was in retrospect a fatal miscalculation. As Mr Justice Owen observed during the second libel action, 'If [the defendant] does raise the defence of fair comment, then all that is necessary to show the jury is that the comment is bona fide and is a justifiable expression of the writer's views of the work which he has criticised' (Stephensen v. Bulletin 3). Without such a defence, the alleged aspersions cast on

Stephensen's and Crockett's characters were much more likely to be judged libellous. In attempting to outline Stephensen's poor character, Curtis made much of a collection of ribald early modern poetry published by Stephensen during his time at the Fanfrolico Press which included a poem retelling 'certain carnal passages betwixt a Quaker and a colt'. The trial transcripts contain excerpts deemed too progressive to be read aloud in court, but the jury appears to have been satisfied by Stephensen's counter argument that the book was an important work of scholarship whose publication in a limited edition actually enhanced his reputation. Ironically, Penton would himself be accused of being 'Australia's number one pornographer' by Arthur Calwell in federal parliament in 1942.

After a hearing lasting a week, the jury took just over one hour to accept Stephensen's argument that as managing director of the limited liability company P.R. Stephensen and Co. he had been personally defamed because he was responsible for the selection and publication of the manuscript, and that the review implied he published obscene and pornographic works. Stephensen's claim for special damages was dismissed because the jury found difficulty in accepting the argument that the failure of *Mezzomorto* alone had brought the company down. They did however award him £750 in general damages. The award was far below the £5000 Stephensen had asked for, and well below his opening claim of £20,000, but was both welcome and timely. During the case a writ had been served on Stephensen by a disgruntled investor in his failed scheme to start a literary periodical, the *Australian Mercury,* and another action against him by another former business partner, A.S. Boynton, had recently concluded, with Boynton awarded £500. And at this time Stephensen was being pursued by an ever growing band of disgruntled creditors who had been attracted to his abortive schemes and speculative ventures which by 1936 included a plan to fly fish from the coast to the interior, and a proposal for a film distribution company specialising in Australian and Pacific cinema.

Stephensen's was more a moral than a financial victory; much of the damages award was mopped up in legal fees, and Stephensen from this time on would rely increasingly on the generosity of individual wealthy patrons like W.J. Miles to remain a critical force. The case firmed Stephensen's nationalist and nascent fascist literary and political outlook which was articulated in *Foundations* as 'the spirit of a Race and of a Place' (14). Penton of course in his wartime capacity as editor of the *Daily Telegraph* was one of the most vocal opponents of fascism and of the blinkered and insular nationalism expounded by men like Stephensen and Calwell.

The case also made visible the division within writers' ranks, with prominent figures lining up on both sides: Miles Franklin, Bartlett Adamson and A.B. Piddington, (both Crockett's and Stephensen's legal counsel) on Stephensen's side; the Lindsays and Hartley Grattan supporting Penton. Both Penton and Stephensen were somewhat ambivalent figures in their relation to the causes taken up by writers as part of their attempts to establish a place from which to speak in the culture and to generate public desire for Australian literature as cultural product. Hostility to both Penton's and Stephensen's positions may be detected by some of the self-

styled 'serious' Australian writers' and critics' attacks on journalism and on the travel and descriptive writing of Clune, Ion L. Idriess and F.W. Thwaites, in the attempt to build an industrial, institutional, critical place for Australian literature in the 1930s (see Bonnin; and Goldsmith 98–113).

The *Mezzomorto* cases are peripheral but informative (even perhaps transformative) 'moments' which crystalised and made visible some of the ongoing struggles within the writing community as the agitation for particular kinds of 'Australian literature' began to produce a range of published results. And not insignificantly, the playing out in this particular public sphere of this feud, which was at heart a feud between two divergent visions of and for Australian writing, also reveals something of the changing role of the *Bulletin* as a literary arbiter. The cases may in fact have marked its swansong as a critical force, soon to be overtaken by the specialist literary magazines and journals as the main public sites through which the literary battles of the 1940s were fought.

Stephensen's case in particular might justifiably be seen to have been motivated by a desire for financial gain, but the cases did also raise important questions over the extent to which reviews should support the fragile project of building a distinctively Australian literature. The appearance of a number of critical appraisals of Australian literature from the mid-1920s on is evidence of ongoing attempts to build a literary community, to develop bonds between writers and critics, and to encourage recognition of their shared occupational interests which were not being served by the dominant state of affairs in the Australian fiction industry. For the most part tensions within the literary community could be held in check by the critical emphasis on the construction of a national literature as a collective endeavour which required positive responses to those books that managed to obtain publication, but occasionally, as in the *Mezzomorto* cases, these tensions spilled out into the public domain. The cases themselves and the ripples emanating from them do then not only offer an insight into the protagonists' current and future roles in the emerging critical culture, but reveal some of the usually hidden workings of the literary community in a crucial period in the development of a national literature.

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