

Opinions and Observations

What the Editor Has Been Thinking About

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THE CHASTE KISS

Young people are probably not interested in being told when, where, and in what degree to make love. They are empirical in their dealing with this branch of knowledge. There is, however, always someone to tell someone else what to do; and now moral guidance is freely offered, ready to be taken by those who think they need it, from that source of meticulous and proper wisdom officially known as the International Youth of Disciples of Christ. Meeting recently in Seattle, Wash., the youthful Disciples cast about them for issues that must be enlightened by the Spirit of the Lord and what so egregiously staring them in the face for decision as the question of "petting"? Whether their consideration of this question began at home or was in the form of a broader and less intimate survey outside the fold is not stated, although it is really of some importance: the more the Disciples know, the better they can judge.

Inferring their experience from their conclusions, one would say that they either know too much or not enough. "Petting," they seem to have concluded, is a perilous strain upon virtue—too attractive by half or more—and is a familiarity that brings, as it were, a content which is open to suspicion. The compromise suggested, however, is rather vague and at best may be regarded by youthful critics as impracticable. For the Disciples, not to be too cold about the matter, express piously their approval of "occasional kissing, embracing and holding of hands among close friends."

This is uncertain advice, to which should be attached a bill of explicitly guiding particulars. How often, for example, is "occasional"? Also, what sort of occasions justify the chaste kiss of Christian "friends"? It would be a little clearer, let us say, if kissing were advised to follow prayer or something of the sort. It is not very helpful, again, to the young Christian who devoutly wants to do right when he is told that "kissing, embracing and holding of hands" is religiously permissible but is not informed as to the style or enthusiasm in which these expressions of affection should be given. There is variety in kissing, infinite and sometimes stale: there is the dutiful kiss, the casual kiss, the solemn kiss, the friendly kiss, the loving kiss, the kiss lightly delivered and the kiss potent and pressing, etc. Probably, as they speak of "friends" in this connection, the Disciples have in mind a friendly sort of kiss, but even so there are degrees of friendship and the exact pressure and emotional force of a kiss is still left undecided. And practically, of course, the Disciples are naive if they confide in the assumption that a kiss can be exactly measured as to its warmth and forcefulness or that a kiss begun with discretion is a kiss conducted with restraint and ended with a steady feeling of unthrilled, un-

tempted rectitude. For that matter, the mischief is probably done before the kissing point is reached.

There is a similar dubiety about the Disciples' approval in the matter of embracing and holding hands. Here, too, there are ways and ways, degrees and degrees. There must be something attractive in the embrace, or it is meaningless, and if, as naturally there is pretty sure to be, there is real emotion in the contact—how, then, are the Disciples to consider themselves safe? Theory before the embrace is at the mercy of unforeseen revision by practice.

Holding hands is, or theoretically seems to be, the mildest and safest of all "friendly" signs of affection: yet it implies something more than shaking hands and therefore something more than friendship as the term is commonly understood. How long and how firmly the hand is to be held—well, that is another point on which the Disciples are not specific.

Perhaps they realize this vagueness and have published their moral counsel in the spirit of diplomacy: in the end, each Disciple will have to settle the definite nature of his kissing and embracing between his conscience and his God: he or she may even drift over the line into "petting," which is presumably (though, modestly enough, particulars are avoided) something more than kissing and embracing and holding hands: or the spirit of "petting" may be indulged within the technical limitations laid down by the Disciples. Even the provision that embraces should be exchanged only between "friends" ("among" is obviously a grammatical error) may be interpreted liberally: for instance—"friends," generally speaking, are those who are close enough together to kiss and embrace. Disciples will learn experimentally, like anybody else, and find an agreeable conscience to guide them where they wish to go.

CRITICISM AND THE LITERARY TEMPER

A good deal has been written about the literary temperament or about temperament (which is not confined to one class) as it shows itself in persons addicted to the trade—some regard it as a foible or even a vice—of literature. There is also a literary temper or a manifestation of moody resentment in connection with literary subjects, and that is oftentimes puzzling. Really I am not quite able to understand why such irritation and anger should be displayed by writers and critics in the discussion of a book or an author or a style or a kind of literature. One may better understand why an author who is the subject of sharp criticism feels a bit resentful and, if his temper is naturally none of the best, exchanges harsh words with his critic.

But why should two critics make a personal quarrel out of their opposite opinions of a third writer? Or why should a discussion about Shakespeare's tendency to be objective or subjective in his art be conducted fiercely? Or why should a comparative analysis of the qualities of French and English fiction end in bitter recriminations? One can reply only that it is the tendency of human nature, which has yet a long way to go before it develops the habit of serene rationalism, to make personal issues out of issues that seem in their kind to be the most impersonal; an opinion which a

man cherishes with such affection that it acquires the tone of a prejudice is taken very personally to his heart and he resents criticism of it perhaps more deeply than he would resent a slighting comment on his character or his appearance; and of course patriotism, moral notions, social principles, religious convictions and the like often exacerbate a literary discussion. Anyway, it is a fact that writers, like other men, quarrel a good deal about their work.

And it seems that we can most reasonably ascribe patriotism as the source of sensitive asperity in the case of Prince D. S. Mirsky, a Russian literary gentleman, who is offended very, very much indeed by a preface which H. G. Wells has written to a recent edition of Tolstoy's novel, *Resurrection*. This was an occasion, thought Wells, to discuss not only Tolstoy but the peculiarities of Russian literature. He speaks plainly and with a note of disparagement; yet surely literary criticism cannot be toned down or suppressed to suit the nice demands of politeness? All praise and no pointing out of weaknesses makes dull criticism and certainly is not consistent with an honest critical attitude. Of Tolstoy and the other great Russians Wells says:

The strength of Tolstoy lies in his stupendous abundance of observed facts. There is the same copious garrulosity with all the magic of a busy market place observed through a window. A "facty" garrulosity, a penetrating sense of detail, is a distinctive quality of all good novels, and I use the word without detraction.

By that test of penetrating an apprehended fact these great Russians especially stand out. There is no depth of humor in any of them, no laughter, no creative fun, and directly the window is perceived not to be a window but a square of incoherently moving shapes, it matters less than nothing and grips not at all.

Books could be, as books have been, written about this subject and it will not be settled to everybody's satisfaction by a few clever or even critically profound paragraphs. No doubt Wells himself could, in other respects, say a great deal in just and appreciative praise of the Russian genius; for if the great Russians—Tolstoy, Chekhov, Dostoevsky, Turgenyev—sometimes confused and often fail to satisfy in some ways they are at any rate immense figures that challenge first-rate attention. However, Wells is here looking at one quality of the Russian mind as reflected in its literature: and the most fitting term to generally define that quality is, I should say, *mysticism*. For example, Wells refers to a personal memory of "a bleak dawn in Petrograd when, after having related anecdotes interminably, talked of sex and love, and God and truth, and sex and cruelty, and politics and science, and cruelty and sex, some one with a good voice takes the New Testament and reads a few irrelevant texts. 'Good,' says a fervent voice. 'A new life has dawned for me. I see the truth, I see everything,' and with a sigh the intellectual and moral satiety rises to disperse."

No one who has read many Russian novels can fail to recognize instantly the vivid truth of that impressionistic picture. If the Russians have a "copious garrulosity" in describing facts and actions, they have equally a bewildering, rushing way of arguing, speculating, and dancing with mystical excitement about these facts. Ideas tumble over one another in a Russian novel, and often one reflects that they are not so much ideas of thought: one might call it whimsicality if the writers were not so serious.

One reads a French or an English novel and one feels at grips with solid, rational humanity; and this is not because in these novels there is merely a commonplace view of human nature; in the first-rate novels there is thoughtful, original study of character and the subtleties, the rebellious, the wonders of life and man are treated with a sensitive artistic appreciation; but there is a fundamental verity and coherence in French and English fiction which assures the reader that he is on more or less familiar ground and that he is really getting somewhere.

In Russian fiction, on the other hand, one wanders at times (in truth a good deal of the time) in a psychological or mystical maze that is rather baffling to the Western mind, even to the mind that is accustomed to deal with the elusive and less obvious aspects of thought and character. This mystification is less true as regards Chekhov and Turgenyev than as regards Tolstoy and Dostoevsky; both the first-mentioned writers are more clear and detached, and they take us along with them more quietly, they are not so breathless—they do not jump about so excitedly and confuse us with intellectual gyrations and obsessions. But often with a Tolstoy or a Dostoevsky novel one feels that the author has been himself swamped with impressions which are but faintly or obscurely apprehended as ideas—that he is enveloped, as it were, in a whirlwind of reaction and speculation—and that he is at the mercy of his own mental excitability.

One thinks of the phrase "grand, gloomy and peculiar" as fairly indicating the tone of the Russian novel. Perhaps it is not true, as one friend of mine says, that "the characters in a Russian novel are all crazy." But it is an exaggeration that suggests a partial and impressive truth. There is a heavy load of obsession, a running after strange gods, an erratic, tense, wild-eyed sort of behavior that leaves one gasping.

Psychology in the Russian novel impresses one as pathological, a queer jumping of the nerves, or the activity of an over-boiling kettle of mentality that emits a steam which is vague and vaporous indeed.

After all, the Russians are most remarkable for their impressionistic style. That is what they are—impressionists, quick, excitable, involved, and always on the go. As Dumas fires the reader with a rapid flow of action, so the Russians tire one with their swift, torrential flow of what one may loosely call ideas: not the pale cast of thought but the fevered flush of thought springing from a high temperature of mental impossibility is what one observes in Tolstoy and Dostoevsky and signs of which one cannot miss in any Russian novelist.

"Good. A new life has dawned for me. I see the truth, I see everything." Very much in that strain, vaguely and with the deceptive imitation of a large, mysterious, suddenly expanding vision of things unutterable, nearly every character of importance in a Russian novel talks at some time or other. And if these characters cannot find some one else to talk to, they rumble

along with a rambling, brooding intensity to themselves. Orthodox religion, a viewpoint of simple piety, is almost entirely absent from these novels; one gathers that it is too hard-and-fast and too definite doctrinally speaking for the writers; they must fly continually here and there on psychological and speculative tangents of their own; and their speculations are the strangest combination of subtlety and simplicity, as illustrated by Wells in recalling the group that ended a bewildering intellectual jam-boree with texts from the New Testament; the Russian novelist sometimes reminds one of a queer, uncontrollable genius who is overwhelmed by thoughts and thoughts and thoughts without really thinking and at other times he reminds one of a child who suddenly discovers the obvious and pauses for a moment to fix upon it his solemn gaze—or merely a good citizen and Christian who, having been drunk on fantastic philosophy, sobers down to a plane of platitudes.

The Russians are intriguing in their very extremes. Superficially, and very skillfully too, they are realists in the sense that they offer, as Wells says, "a stupendous abundance of observed facts." Completely, it seems, the common objects and scenes and actions of real life are assembled on a canvas that, at first glance, seems alive with a literal verisimilitude. These Russians cannot be excelled in their best (and their frequent) moments of sheer description. But along with this realism, and continually throwing it into obscurity, is an irrepressible tendency toward mysticism. No sooner does the Russian novelist achieve a clear picture of reality than he fills the scene with a medley of fantastic, restless images and the reader is carried quickly from waking to dreams and from dreams to waking.

This confusion of realism and mysticism is very aptly symbolized by Wells when he speaks of the one quality (realism) as "the magic of a busy market place observed through a window" and of the other quality (mysticism) as "not a window but a square of incoherently moving shapes." Incoherence—that is what one feels, again and again, to be the typical weakness of this very distinctive and strongly impressive genre of fiction. There is a tremendous outpouring of impressions and meditations and perturbations and hallucinations that deluges one in haste and that one cannot easily comprehend at leisure.

To be sure, these remarks about Russian fiction are also set forth in the mood of impressionism—they express, as best I briefly can, my reactions to these novels—and I do not pretend that they are to be taken as a thorough critical study. It happened that those few words from Wells struck a vein of similar reflection in myself and what I have long felt—the quality of response that I have always felt in reading a Russian novel—suddenly gets itself put into the form of an *obiter dictum* rather than an erudite analysis.

The outcry of Prince D. S. Mirsky—which was what I really intended to discuss in the first place—may be dismissed, after all, with a slight comment. He seems to think that Wells has committed a grave offense in thus applying a critical dissecting knife to the literary habits of his (Mirsky's) fellow countrymen. The Wellsian preface to *Resurrection* is declared by Mirsky to be a "scan-

dal to the whole profession of letters, against which every self-respecting author must protest."

The word "scandal" is indeed employed here in a strange, irrelevant connection. One fails to understand wherein it is a scandal to discuss literary style, ideas, and a conception of life. If Wells has written scandalously in this instance, then all literary criticism is a scandal. It is foolish to make a personal issue—or, as one suspects Mirsky of doing—to make a patriotic issue out of such a discussion which should reasonably be conducted in a spirit of freely, thoughtfully critical give-and-take. After all, Tolstoy is dead (not that that matters in this case) and his books, even as the books of all Russians and Frenchmen and Englishmen living or dead, are simply to be judged—whether rightly or wrongly—in the spirit of honest opinion and a criticism that deals with books and ideas rather than with men.

Mirsky or anyone else may reply to Wells, challenging his verdict if they can with a more convincing verdict, but it is childish to talk of protesting, in a spirit of angry personal offense, because one writer has, not for the first time, expressed frankly and not entirely flatteringly his opinion of another writer or group of writers. Writers are as foolish as other men when they let temper run away with them. If Wells has written a bad piece of criticism, let Mirsky try to correct it with a good piece of criticism.

WHEN GOOD FELLOWS GET TOGETHER

You know the lines of the song—

It's always fair weather
When good fellows get together.

We like to share our fun. We enjoy games, celebrations, recreations in common. We have, too, larger and more serious interests of a co-operative kind, working together, combining for various purposes, exchanging ideas and reciprocating services so that the wheels go round in an organized world, and having a collective interest and activity in our social-political character as friends, citizens, etc. All of which, I know, is very platitudinous. But I mention it only as an introduction to a little surprise. For you will be surprised to learn, on the authority of an obscure writer of church advertising, that religion is the one great binding tie of common interest without which we are lost in solitude or confusion or both or something.

You are of course familiar with the "Why Go to Church?" advertisements that have been of recent years spread in page displays in the newspapers. Those who are obviously interested in keeping up the church business some time ago decided to advertise in the hope that by this method, so successful commercially, the human tide drifting steadily away from the church could be turned back in the old direction. It was shrewdly realized, too, that the appeal of religion *per se* would not do the trick. The church must be made to seem interesting if that were possible, and at any rate the public appeals must insist upon the social attractiveness and importance of the church. Better advertising is wanted, however—the task of winning patrons, more important practically than the task of winning "souls," is not so easy—and so a resident of Brooklyn, N. Y., brought forth a masterpiece which was awarded the

prize in a church advertising contest.

That masterpiece doesn't say a word about religion proper but evades any question of religious belief or viewpoint. Why, then, should one go to church? Because: "Religion is derived from the Latin words 're' and 'ligo,' meaning 'to bind together.' And that is the whole purpose of religion—to bind people together for a common purpose. You want happiness, contentment, prosperity. You can't have these alone; you get them only as you help those around you to win them, too. So why not join with your neighbors in praying as well as in working for them? Get the weight of a common aim, a common purpose, behind your prayers and your work—go to church."

Amazingly, we are told that we can only get together by going to church. We had thought, being mere realists, that we had many common interests and that we were in the habit of getting together variously and interestingly and effectively in our work, in our play, in our circles of friendly intercourse, in our political activities, in a number of groups with aims far removed or even directly opposed to religion. The American Association for the Advancement of Atheism, for example, is a group of men and women united by a similar aim: so are the trade unions and the professional associations and the Chambers of Commerce and the innumerable clubs and lodges and the political parties and the artistic and literary groups—

But enough: we get together so much in organizations that what we really need today is less, not more, of this tendency: we need to cultivate the freedom and variety of personal life. What this advertisement means, if it means anything intelligible, is that a common social life is impossible without religion. That is obviously a piece of bunk which need not be argued about but to which the sufficient reply is that we do have all the necessary and desirable interests of members of a social group—of society at large and very many inner groups—and that we do not walk alone because we walk in a direction away from the church. The fact is that as the majority people stay away from church, we can get together better almost anywhere else—say at the ball game or the dance or the theater.

The value of getting together depends upon what men get together for: they may, for instance, get together for the purpose of robbing a bank or drinking home brew or listening to music or enjoying intelligent discussion—or, if queerly they are built that way, for prayer. Praying—I put it as a personal confession and a statement of personal privilege—is an unfamiliar aberration quite outside the range of my social or personal interests; for one thing, it is not done when good fellows get together. And on this point I share a feeling which is common to millions of my fellow men, so I am not, after all, alone. When we are at work, we are of course too busy to pray; and when we are not at work, it seems that we can always find something else to do that is more sensible and agreeable. Alone or with somebody, we have so many interests, common and peculiar, that we are never drawn by need or inclination to what we regard as the uncommon, unfamiliar, stupendously superfluous interest of church-going.

Why I Don't Believe in Capital Punishment

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Is capital punishment civilized? It is significant that this is a modern question and that a hundred years ago there was scarcely an objection to the taking of human life by the State. Turn back a little farther in history and you will find an attitude of thoughtless cruelty, suggestively both social and individual, that is revolting to the modern conscience. There has been within recent years a growing conviction that capital punishment is unjustifiable, that not simply is it opposed to our most advanced humane feelings but is unnecessary and undesirable on strictly rational grounds.

This is one feature in the general development of the social conscience: with the growth of civilization, the tendency has been to condemn physical violence as a method of social action; thus we have a disposition toward the more peaceable and orderly conduct of life in business, in government, in the exchange of opinions, in the adjustment of personal differences, and in the field of international relations. Violence has

not been outgrown and the greatest barbarism of all—war—is still the practice of nations. But there is a strong, universal ideal of pacifism, a condemnation of war by the enlightened spirit of our age, which is the reflection of our more civilized point of view generally: there has never before in history been anything like the propaganda of peace and international understanding which is so prominent in our day and, although it has yet to make itself finally effective, it shows that civilization tends toward more and more refinement, humanism, the use of reason, and the disapproval of violence. Tolerance, which means that we talk freely about ideas instead of fighting about them and trying forcibly to suppress them, is another expression of the humanitarian and rational attitude that is encouraged by the growth of civilization; here, as in every branch of affairs, we have not of course reached an ideal but we have steadily advanced in peacefulness. We have won freedom from the narrowness and cruelty of religious domination and from the more vicious, barbaric oppressions of government. The race, as it becomes more civilized, becomes also less bloody-minded and more given to mildness in its behavior, both individually and socially.

The modern opposition to capital punishment is simply a phase of this civilized tendency toward a kind of behavior that is humane and merciful and tolerant and that, in the broadest view, signifies a more sensibly controlled and harmonious

social life. It is not that we believe in tolerating murder, but to deal intelligently with murder and other crime is better than the old crude conception of violence and vengeance. We who oppose capital punishment recognize in the humane sentiment one of the most important benefits that have come from the evolution of society from barbarism to civilization; and insofar as this humane sentiment triumphs in the determination of our actions, social and individual, we are all the gainers in the most concrete, practical terms of civilization.

No one would argue against capital punishment if it were clear that its abolition would remove an essential safeguard and make the peril of murder more frequent and general. We say that no one is the gainer, that no one is in a position of greater safety, when the State executioner hangs a man by the neck until he is dead or sends the fatal current through his body. Our objection is made on the ground, not merely of a tender conscience respecting the taking of human life under any circumstances, but of social welfare. In a word, it is true civilized policy to insist upon the abandonment of violence, whether it is the capricious violence of the individual or the deliberate and legally justified violence of the State.

It is, too, precisely the most sensitive and thoughtful and social-minded persons who indict capital punishment as a cruel and senseless policy which we have inherited from barbarous ages; and the truth of

this indictment is in a measure admitted by the fact that the death penalty has been reduced in its application until it is invoked only in punishment of the single crime of murder (and the crime of treason in time of barbarous war, which we may note ironically). Undoubtedly good men, who are not really cruel, defend conscientiously the State's right to demand the murderer's life in payment for his crime; they are, however, appealing to the more crude and impulsive standards of an earlier age in the life of mankind; plausibly as they may argue, they are nevertheless upholding barbaric law, whereas the most modern sentiment, which is a logical blend of humanitarian and scientific principles, challenges not so much the rightfulness as the reasonableness of fatal, bloody vengeance by the State.

Capital punishment is murder by the State. It is not, of course, murder with a direct personal motive. Theoretically at least, the juryman and the judge and the executioner punish not the man but the act; yet the motives can be compared to those which operate similarly in personal murders: namely, fear and revenge. To say that murder is done in the name of justice is not to alter the fact that it is murder. Individually, men have killed and excused their act by saying that the victim deserved to die; that he was being justly punished for a prior crime. But we cannot admit that the motive justifies the act, even though we may admit it as an extenuation and distinguish

reasonably among the various motives that animate deeds which in themselves are objectionable. We do not place in the same category the man who kills for money and the man who kills from a motive of conscientious revenge or, let us say, to punish a man who has undoubtedly behaved vilely. We recognize the distinction between a murder of sudden, thoughtless passion and a murder of premeditated coldness and cunning. We say, however—the law says—that individuals shall not on their own initiative visit judgment upon their fellows and decide upon their right to life. Not with apparently the best motives, not with the most impersonal aim of effecting justice as he sees it, is the individual approved by society in claiming another's life.

Yet twelve men, chosen by the State, are empowered to do what one man on his own initiative is forbidden to do. As an individual often justifies himself for murder, so does the State justify itself by alleging the demands of justice and the needs of social protection. Not even motive makes the difference in every case between murder by the individual and murder by the State; for individual murderers often allege, truthfully enough too, the identical motives—punishment and the protection of society—which are claimed by the State; the essential difference is that the State murders legally while the individual murders in violation of the law. State murder, let us agree, is more apt to be discriminating and to represent

what we regard roughly as justice than is individual murder. We assume that twelve men, carefully reviewing the evidence and guided by the law, will be less liable to error. It is an assumption that does not always prove true; in very many instances circumstantial evidence, a confusion about points of fact and law, is responsible for the death of innocent persons; motives of prejudice sometimes weigh unintelligently and unfairly in the decisions of jury-men, just as they would if those men were to carry out a fatal judgment in their private capacity.

But even as it is agreed that a man's life shall not be taken by an individual, no matter with what appearance of justice, so we say that murder should not be committed by the State though it alleges the most impressive aim of social control and justice. This view is not dictated by tenderness for any individual murderer; it is not that the murderer's life is valuable, even as it is not recognized as the concern of the law whether the murderer's victim was good or bad, important or worthless; our contention is that the principle of violence is socially an evil principle. Murder by the State is the expression of barbaric policy of revenge which the enlightened conscience of man is outgrowing.

Justice and vengeance are confused. What end of justice is served by capital punishment? It does not bring the murderer's victim back to life. It does not help the family and friends of the murderer's victim,

though it satisfies their desire for revenge. It does not help society, for in the case of a really dangerous offender who may be expected to kill again the restraint of imprisonment is sufficient for social protection; while in many if not most cases it is practically certain that the murderer would never repeat his offense, which had an isolated personal motive. The most intimate crimes of personal passion are not, for example, a menace to society as a whole; that is to say, the man who kills with a solitary object of jealousy or revenge respecting one man cannot be regarded as the potential murderer of anyone else; in fact, many have escaped the consequences of murder and have for the remainder of a long life conducted themselves as exemplary citizens. No: capital punishment is well defined by the second word of the phrase: it is punishment, when all is said, that is effected and nothing more. Single murder is turned by the State into double murder.

And ominously in the background of the deliberating machinery of the law there is, as we see revoltingly in every major case, the howl of the emotionally frenzied crowd for the satisfaction of blood. The attitude of the law, from the indictment to the sentence and the execution, is in effect a justification and realization of the most profoundly ugly and anti-social passions of the crowd. Public opinion may be said to follow the criminal with mob rage and tenacity of violent purpose from

the moment of his apprehension. We observe in very notorious cases a city or a State inflamed for weeks and months with the sinister spirit of vengeance; and this social psychology is created significantly in those States where capital punishment is the law; where it is certain to be only a question of imprisonment, the public attitude is far milder—there is not the same ugly excitement. It is, we contend, socially evil that the law should, as it were, dignify and even celebrate with its approval this mob passion of vengeance. It is harmful to the public mind, it is exciting in the most barbaric way, it is revolting to the best feelings that have been developed by our civilization—and, after all the terrible show is over, no compensating gain has been secured for the social welfare.

One thinks in this connection of the charge that is often made that the opposition to capital punishment is merely sentimental and is therefore not deserving of a serious hearing. It is clear, on the contrary, that the support of the policy of capital punishment is to a great extent inspired by the crowd's passionate thirst for vengeance. It is defended, to be sure, by its more reasoning supporters on the dispassionate ground of social necessity;

but nevertheless, whatever the tone of the defense or the reasons set forth, the policy which is defended is a violent one and unavoidably encourages the passionate attitude which is in disharmony with the large interests of civilization.

These are considerations which should be carefully weighed, even if it could be shown that capital punishment had a real measure of effectiveness in diminishing crimes of violence. But casting aside all sentiment and all considerations of social psychology, we say that on the ground of its supposed practical value capital punishment is unjustifiable. It does not prevent murder nor could we reasonably expect it to do so. In fact, with the humanization of the law and the social conscience we can fairly claim that there has been an improvement in the general level of social life, with respect to crime as with respect to manners and morals.

One does not need to be an exceptional student of history to know that not so far in the past the attitude of the law was amazingly and indiscriminately violent. Not alone murder but many other crimes were punishable by death. And in those days it was an open question whether the individual criminals or the State as the legal wrecker of

violence had the greater record. Certainly, people were brutally punished with violence by the constant severe punishment of the State as much as by the activities of criminals. Not only trials but executions were gala affairs and a hanging was a notorious occasion for celebration. Like a flock of buzzards, the crowd would gather to see an execution; and the hangman's game was a popular sport. Highwaymen and other offenders were exposed indignantly on gallows at the crossroads and such gruesome sights were common.

Yet this bloody policy of the law did not succeed in putting an end to crime nor, what is more to the point, was it ever shown that it diminished crime. Its chief significance was that it expressed the general cruelty of the age. Then as now the law was defended in the dignified name of justice and it was claimed that society required the protection of such severe measures; albeit the motive of punishment, pure and simple, was more openly asserted as a good and sufficient motive. Society was so much the closer to barbarism, from which the code of fatal vengeance was derived. Civilization had not refined the law nor the public sentiment of the age. But whatever claims were made in behalf of the stark brutality of the law, it was in the last analysis a reflection of an ignorant and coarse and cruel age, far more accustomed to violence than we are today. Society was suffering (as it suffers to a degree even yet) from the barbarous heritage of the Middle Ages, when, we know, people lived vilely and violently on the whole. There had not yet developed even the beginning of a scientific conception of social welfare nor the sentiment of humanity which is the mark of a higher, civilized plane of policy and behavior. In every aspect of life there was a great deal of cruelty. Government was oppressive in the extreme. Religion was harsh and bigoted and superstitious. Law was starkly primitive. There was in the common life a degree of coarseness and injustice which is shocking to the modern conscience—or, shocking, let us say, to the modern sense of refinement and the modern conception of an orderly, rational life. Out of such social conditions we should expect a great deal of violence and we should also expect the law to reflect the callousness of the age.

The influence of advancing civilization—freedom, education, prosperity, more efficient social order—gave men at once a more humane and a more practical viewpoint. Fear and cruelty, so general in medieval times and so familiar to the people even a century ago, diminished their evil sway as material and cultural standards rose to a more agreeable, more secure level. More enlightened social conceptions gradually displaced (the process, by the way, is not yet complete) the old, thoughtless, individualistic attitude. And the law naturally grew more humane, more discriminating, and amenable to principles of humanity that modified the crude, unreflecting impulses of barbaric "justice." Punishment as an "end in itself" came to be less openly avowed, so that today the defenders of murder by the State say that its object is not so much to punish the criminal as to protect society.

And this humanization of the law—or, more broadly, of the social conscience—has been accompanied by a decrease of violent and predatory crimes; it has resulted in or rather has been synchronous with an increasing security and orderliness of social life. We have our newspapers nowadays to bring us sensational reports of crime happening in all parts of the world, and we sometimes conclude hastily that, paradoxically, as the world grows better in every other respect it grows worse in respect to crime; but ordinarily the citizen of today lives a far more safe and peaceful and agreeable life than the average man lived even a century ago; we still have a serious crime problem—and we will have so long as there are social maladjustments and inequalities and evil-breeding slums in our larger cities—but life is decidedly less fearful and cruel, we have sounder and more humane principles of behavior that are generally observed, and all this has resulted not from the threatening attitude of the law but from the wide improvement of the basic conditions of life. The law itself has been humanized and has lost a good deal of its ancient harshness, yet the social menace of crime is less rather than greater.

Under special conditions where crime flourishes it is not demonstrable that severe measures of law are very effective, nor is it shown that different kinds of crime are scarce or numerous in ratio to the mildness or severity of the law. Certainly, too, in States which have capital punishment murder is not less frequent than in States which have only the penalty of imprisonment. Both Illinois and New York, for example, flourish the threat of the death penalty over the heads of potential murderers; but it would be impossible to prove that murders have been reduced in number by this threat. It may be objected that murderers—or men who premeditate violent deeds in pursuance of a regular trade of crime—gamble on the uncertainty of punishment; but that, again, is only an argument against the effectiveness of capital punishment, which, like all punishment, is remote and uncertain before the deed. But as a rule a man does not commit a crime merely because he thinks that he can escape the consequences; there must be a sufficiently powerful motive, especially for major crimes, and when the motive exists the crime will follow with an inexorable logic which disregards both ethical and legal prohibitions. "Thou shalt not" is an admonition which, however justly it is spoken, is not by the mere utterance even with the addition of a solemn threat made effective in a world of uncertainty, swift, clashing motives that are not as a rule logically weighed.

One class of murders obviously cannot be prevented by the thought of the gallows or the electric chair: i. e., murders of passion, committed suddenly in the stress of strong emotion and bringing to a tragic climax various personal entanglements. Nine times out of ten, a murderer of this kind is not dangerous to society at large, is not of a homicidal tendency, and will be found to be as sane as a rule logically weighed. One of the most common of these is the homicidal maniac—or the insane whose insanity may or may not break out in the form of murder. Loeb and Leopold, who were so ably defended by Clarence Darrow more in the capacity of a philosopher than a lawyer, were murderers of this type. (I say "defended," but it is needless to stress the point that Darrow did not defend their crime, but simply argued that they should be imprisoned for life—that they were not responsible—and that for the State to kill them would be only an act of deliberate, unjustifiable savagery.) It is clear enough that in such instances, which fortunately are rare, capital punishment can only succeed in killing—it cannot protect society nor prevent further instances of such insanity.

Obviously with respect to all three classes—the accidental criminal (who cannot really be called a criminal in the strict sense of the word), the professional criminal, and the insane whose behavior is unpredictable and may or may not be criminal—capital punishment is as useless as would be a bloody ceremony of magic and sacrifice in a savage tribe. Not only is it offensive to the humane feelings of civilization but it is also contrary to our scientific understanding of social causes and effects and a rational analysis of the probable, average working of motives in human nature. It is impossible to show that it has been or could be at all effective in decreasing crimes of murder; whereas, on the other hand, we know that the refining and prospering influences of civilization have tended toward the greater safety of social life and that the humanization of the law has been coincidental with a general improvement of behavior; and that naturally as man develops in social life he develops in social orderliness and responsibility.

It is really a truism that harsh laws have no good social effect, that they are not effectively restraining nor (what is more important) educational, but that on the contrary they are the reflection of a violent and unthinking social attitude: such laws embody the principle that to punish blindly is better than to undertake a scientific correction of conditions: it is the barbaric principle of vengeful "justice" rather than an intelligent principle of social control. Capital punishment is useless, and to argue narrowly that it is a just punishment is beside the point. Individual murder may sometimes be equally just in that narrow sense. It is not that kind of savage "justice" that we should desire but a humane and rational dealing with our problems. Mere retaliation is senseless. The tendency of civilization is to understand, to control, and to humanize; not to make the punishment fit the crime but to make the solution fit the problem.

We do not punish individuals because they are sick or ignorant or insane. Insanity is a special problem; in the case of sickness or ignorance, however, we do not simply wait to treat results in a narrow way; we do not expose the individual to disease and we do not let the individual grow up in ignorance. That was virtually the attitude of medieval Europe. There were no social measures for the prevention of disease nor for education; men lived in dirt, danger, and ignorance, socially unheeded. Does anyone think that punishment of individuals would have effected an improvement in those conditions? It was necessary to take a social view of those conditions; and we now recognize as a vital rule of civilization that sanitation, instruction in hygiene, and the like are necessary social measures to prevent disease; and we also provide social facilities of education, equally in the interest of a more safe and civilized life. There is also a social concern for recreation, and increasingly a social demand for conditions of economic welfare, which tend toward making a better life for all. More and more the social viewpoint is emphasized in matters of large general concern, and it is understood that many problems cannot be left to the responsibility of the individual.

Now, these social measures are, after all, the only effective kind of crime prevention that we know; it is because of education, healthful surroundings, decent opportunities, prosperity and security that a general higher level of behavior, a more civilized viewpoint, has been achieved; we know, in a word, that good social conditions produce good social action. But as regards crime, the law does not take this intelligent attitude. Or rather I should say more particularly that when it de-

termines its attitude—for it is passion in its essential motivation and nature, even though it may be rationalized—is the worst of all blows at the feeling of humanity. It is not so easy to have sympathy (which does not of course mean approval in any case) for the man who kills as an incident of a regular trade of crime—for the real criminal, let us say, as distinguished from the ordinary citizen who exceptionally commits a single crime. And obviously it is these criminals who are the greatest problem and who are most dangerous to any members of society who come within the range of their predatory operations. Yet if we have scientific understanding and imagination we can, even while abhorring such criminals, forbear to condemn them absolutely and unreasonably in the superficial sense; we condemn their actions unreservedly but we know that they are the products of environmental forces or the victims of defective and ill-balanced character; we know that many such criminals—or all of them, indeed, who are simply the victims of bad environment and not congenitally defective—would have been normally good citizens if they had been raised amid decent surroundings. These criminals do not represent an evil that is causeless or personal and for which they alone can be held as blamable but they may be regarded as at once the victims and the revengers of a social evil.

We shall return to the social question—it is the one that really concerns us above all in respect of a solution of the problem of crime—but here it is pertinent to emphasize the fact that these criminals are not restrained from murder by the thought of capital punishment. They are almost certain to be defective in conscience and reasoning, not having the attitude of normal responsibility which is supposed to make the average citizen thoughtful of the demands and penalties of the law. They are caloused by criminal associations and—so unreasonably is the gambling spirit implanted in human nature—they never perceive as a real, immediate certainty

the death penalty for their actions. They, too, may commit murder suddenly as an unforeseen incident of other crimes; but this point is not so important, since men of this type are always instantly willing to kill even though they do not prefer or plan murder; undoubtedly they are set to be safely left at large and social policy demands, not that they be killed, but that they be restrained. Social interests should logically be our only concern, not the punishment of individual offenders. And we are letting fear run away with reason when we insist that only by killing can we prevent further killing; we but imprison ourselves in a vicious, insidious circle, in which we turn about futilely.

There are, again, the small class of murderers who are mentally diseased—the homicidal maniacs—or the insane whose insanity may or may not break out in the form of murder. Loeb and Leopold, who were so ably defended by Clarence Darrow more in the capacity of a philosopher than a lawyer, were murderers of this type. (I say "defended," but it is needless to stress the point that Darrow did not defend their crime, but simply argued that they should be imprisoned for life—that they were not responsible—and that for the State to kill them would be only an act of deliberate, unjustifiable savagery.) It is clear enough that in such instances, which fortunately are rare, capital punishment can only succeed in killing—it cannot protect society nor prevent further instances of such insanity.

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to do murder were amenable to such considerations. But of course the kind of murder that is committed without reflection cannot possibly be prevented by the law—only education can reduce the possibility of murder in civilization; and the man who plans a murder always persuades himself that he is clever enough to escape, unless it be a plan born of desperation in which the consequences are unimportant.

It ought to be instructive to the average man if he would reflect upon his own attitude toward murder. It is certainly not the fear of capital punishment that prevents him from taking human life. Very probably he does not feel a perfect good will toward all men; there are many whom he dislikes, some whom he hates, a number whose death he would learn without regret. Again, the average man would benefit by the death of someone; he may inherit property; he may repay a deep grievance; or he may get rid of a rival in business or in love. What is it, then, that restrains the average man from committing murder? It is, first and last, the training of civilization and social custom and a more refined human nature which makes murder unthinkable in his case; he is a product of education and of an environment from which the treacherous influences of fear and violence have been removed. Give him the absolute assurance that he would not be punished, and still the average man would not think of taking another's life—his training profoundly restrains him from the mere conception, let alone the execution, of such an uncivilized deed. Yet this is not to say that it is impossible for the normal man to commit murder; theoretically, any of us might under sufficiently exciting circumstances—in anger, in fear, in a storm of jealousy—kill another; it has been said that every man's life is, theoretically, in the hands of any other man who wants to kill him. In the event of such an unpredictable strain, however, nothing is more certain than that the average man would not be in a mood to enter into a long and serious argument with himself on the restraining effect of capital punishment; he would act first and think afterward.

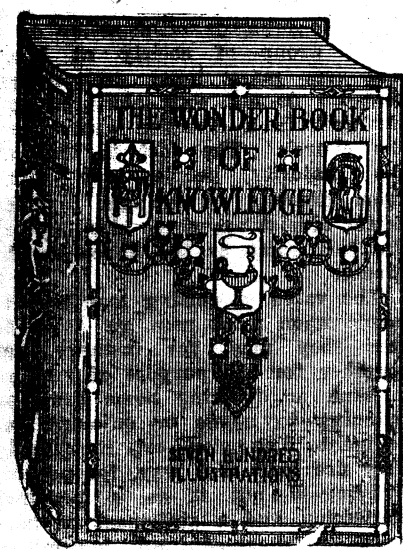
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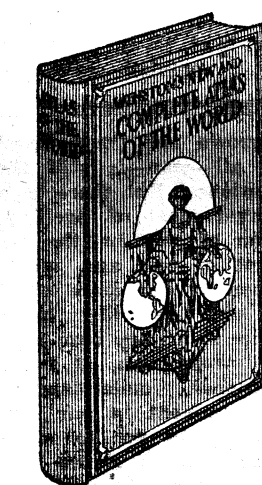
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reared and has not been accustomed to normal, decent restraints is more likely to commit violence than the average man who has been properly educated. And especially those who make up what we call the criminal class are for the most part the products of a low, brutalizing, insidiously uncivilized environment. A member of this class has probably been familiar with crime, with theft and vice and violence, from childhood; he has dwelt amid ugliness instead of beauty, wretchedness instead of comfort, coarseness instead of refinement, ignorance instead of intelligence. It is true that, in theory, he can rise above his environment and some individuals do; he cannot in this age be unaware of the superior levels of life nor of the social ethics that are respected by the majority; but it must be plain that the odds are against the individual who is raised in such an environment, that the stronger pull of his immediate and most familiar surroundings is toward a life of sordidness if not toward a life of crime. It is a mockery for society to place such heavy handicaps upon the individual and then say that it is his duty to make a respectable showing in the struggle of life. "As the twig is bent, so the tree inclines"—training in his earlier years determines largely the path a man will follow when he is a mature member of society.

Crime is not, strictly speaking, a matter of chance. It is not something which individuals decide of their own free will, arbitrarily, without regard to the influences that bear upon them. Could the good citizen who demands the death penalty for a murderer and the man who sits in the electric chair have been exchanged in their cradles, who can certainly say what would have been the life story of each? It is probable that their situations at maturity would have been similarly reversed.

This much is scientifically certain: absolutely the only way to obtain good social behavior is to provide good social training—a good environment, education, normal life and opportunity. There is no such thing as an hereditary criminal type, aside from insanity, which may or may not be criminal; in all ranks of life people have varying capacities, some are strong and others are weak, some are volatile and some are stolid in temperament, some are careful and others are venturesome, some are irresponsible and some are precise and methodical; but the ordinary variations of character do not, under the right kind of training, express themselves in criminal or murderous ways. The individual of weak or ill-balanced character—whose hereditary nervous structure or temperament is, let us say, shaky—may turn to crime if his environment offers that as the easiest path of activity. We are all imitative, for that matter, and very readily educable if the process of culture is begun soon enough. And most of us, I daresay, would not be strong enough (assuming, which is an uncertain assumption, that we had the desire) to struggle very successfully against a sordid, violent environment—to struggle, that is, in our formative years when precisely our environment had most to do with making our characters and careers. The world does not owe anyone a living, but society does owe everyone a decent training and an opportunity to live peaceably and regularly by useful industry.

Crimes of poverty, as the term is usually employed, do not as a rule involve the question of capital punishment: although they afford another illustration of the social cause of crime. However, many

have drifted into a trade of crime and eventually gone the length of murder because, in the first place, they were in economic distress; and others because they were unwilling to be poor, because they rebelled against a hard and thankless economic position, and deliberately chose what they thought (whether wisely or not) to be the more profitable paths of crime. Understand that I am not justifying such courses of action but explaining them, as they throw light upon the basic social responsibility for crime and expose the fallacy and frivolity of treating it as a question of individual blame and punishment. More significantly, we perceive that the only useful method of dealing with crime is that of social education and sanitation, of environmental planning and culture. Where murder is an incident in a trade of crime, it springs from bad training and poverty and an early familiarity with violence; and, in certain instances, from the extreme temptations of cupidity and intrigue which are flaunted by the commercialized crime and vice—the banditry on a professional scale—in our larger cities; and that, obviously, is social in its nature and is due to the striking contrasts of wealth and poverty as well as the gambling and strongarm "ethics" that are still prevalent to a great extent in our economic life.

Clearly, these evil social conditions will not be corrected in a day nor a year. There is no simple, swift-working solution that will abolish crime and that will immediately remove all the dangers and difficulties of society. After all, our civilization is still in the making. We have advanced wonderfully within a short century, and we have the sound foundation and facilities of further progress, a progress which we cannot conceivably limit by any prophetic description which would no doubt fall far short of the reality. But we may be reasonably sure that, say in the year 2000, society will have a far more intelligent grasp of the problem of crime than it has today; and the application of the scientific outlook which we are now just beginning seriously to appreciate will have been made more thoroughly. In the future when science has been accepted fully as the guide to social life, capital punishment will no longer be an arguable question but will be recognized, with a tolerant historical perspective, as a blunder of the imperfectly civilized past. As the development of intellectual and material culture has given us a refinement, a peacefulness, and an orderliness strikingly in contrast with the sordid and violent Middle Ages, so will the same measures of advancement more widely and scientifically carried forward place future centuries on a higher ground of civilization than we now occupy. Those citizens of the future will have better education, better opportunities, more rational ideas of behavior, more certainly wholesome and efficient social conditions—in short, human culture will be marvellously improved, not simply in the sense of knowledge, but in the application to more carefully planned and tended social environment and better training for the useful, pleasurable, and dependable activities of life.

Murder will not be the great problem of the future nor is it our great problem today. But what has proved true in the past—that proper education and the improvement of material conditions and the cultivation of a sane social psychology are the real guarantees of a safe, peaceful life—will be increasingly recognized as true and applicable in the future. Compare our age with pre-

vious ages in respect of violence, and you see what really has happened. It is not that laws have been passed—laws reflect and do not make the social viewpoint. It is not that men have been compelled to peaceful behavior by the threat of hanging or even more terrible punishments which were uselessly in vogue in more violent ages. It is simply that education and the material change to a more steady and careful life—the general rise in culture, both intellectual and material—has evolved different standards of conduct.

It is not so long ago that duelling was a common practice and duels were regarded as affairs of honor. It was, in a way, a logical application of the idea of warfare between nations to the settlement of individual differences. In the old South of our own country until the middle of the nineteenth century duelling had the approval of the best people, although it was condemned by sentiment in the North; it was plainly a matter of difference in social psychology—in the economic and cultural basis of life—rather than a difference in laws. And duelling ceased because men outgrew the fashion, because more orderly institutions of society threw old, disorderly customs into the discard, and because refinement and education worked in behalf of new ideals.

To go farther into the past, we know how common violence was in the Middle Ages. It might be said that men lived in a state of perpetual warfare of varying kinds and degrees. The masses of the people were enslaved and brutalized and had no rights nor self-respect nor education, and they were treated by the nobles as beasts rather than as human beings. The nobles made independent war upon each other, and those gallant barbarians were always meeting in personal combat. Life was cheap. Death was familiar, not as the natural end of a full life but as an event of sudden, daily, murderous happening—only it was not called murder then, just as we do not (excepting those of us who are pacifists) call war by the name of murder today.

Did laws put a stop to this medieval custom of violence? On the contrary, the custom slowly but certainly gave way before the increasing prosperity, regularity, and culture of civilization and the laws did but verify the changed attitude. One hesitates to speak of "social life" in the Middle Ages—the times were so chaotic and barbaric and men were so little bound together by social communications and interests. As social life did develop, as men lived more closely together and came to have more regular, common interests the fashion of violence had to be gradually abandoned. It was not a sudden change; from generation to generation the materials and correspondingly the habits of life grew better; men had always had an excess of religion, but it was when secular education really began to make headway that more civilized ideals were reflected in the social life—that law and justice and, more profoundly, a spirit of humane peacefulness and agreeableness became more respected—that men ceased to think of fighting and turned to milder pursuits because those pursuits were better understood and safer and more profitable.

We who live in the midst of a civilization that for the most part or for the most of us presents reassuring and orderly features would be horrified were we to be transported to the rough, perilous atmosphere of the Middle Ages. Between us and that medieval time lie some centuries of progress, generations of education and refinement

and training to more gentle views and peaceful activities, and it is this influence of culture and progress, passed on and added to from one generation to the next, which determines our character as law-abiding persons. "Law-abiding" is a misleading term, even so: it is not so much that we abide by the law as that we naturally respond to the higher social ideals, the better education, and the more pacific and assured paths of labor and association in our time. So profound and almost so automatic is this response to social training that even men who have a malicious and passionate disposition rarely go to the extreme of violence. Violence is not so much outlawed as outgrown.

This tendency of education will progressively continue. Civilization encourages more and more a peaceful attitude and makes the thought of violence abhorrent; it ceases to be a personal matter, pure and simple—a fear that we shall be murdered—and becomes a matter of principle and part of what is called our second nature. Here we see, as a matter of fact, the strongest assertion of the social sense—the assertion of the sanctity or in principle the practical safety of human life. Murder was recognized as a crime in the savage world and in every period of civilization—plainly it is one of the first acts that social man would condemn and punish in the general self-defense—but, of course, the notions of murder have been flexible and have been confused by a variety of customs in different ages: for example, our prohibition of murder is more extensive than the prohibition of murder in the Middle Ages, and we make no exceptions of fashionable or class-privileged violence; and, again, in the more civilized times of Greece and Rome personal violence was far less known than in the Middle Ages—the Greeks and Romans had a civilized point of view very similar to our own. Ages of evolution have bred in the race an antipathy to murder and civilization has given us a firmer and clearer objection to murder, as a matter of principle. The horror and self-accusation of murder would seem to most of us a worse penalty than any which the law could inflict. And it is the confirmation and strengthening of that attitude by education and by a decent social environment which is the scientific safeguard of society against crimes of violence.

Threats of the law will accomplish nothing; at its best, the law ratifies and organizes some of the sentiments of social progress, putting them in specific form and seeing to it (rather clumsily, if the truth be told, and often in an archaic spirit) that they are carried out. Capital punishment is one of the archaic features of the law, the heritage of an earlier barbaric code, the assertion of the unreflecting, starkly retaliatory, savage principle of "an eye for an eye." There is a growing popular sentiment against murder by the State, and certainly the most enlightened, liberal sentiment condemns this cruel, useless practice; condemns it on the score of humanity and also on the solid ground of scientific understanding.

Our first question may fittingly indicate our last word. Capital punishment is uncivilized. It is an ignorant, cruel, futile, antiquated method of dealing with the crime of murder. It is directly contrary to the significant principle of advancing civilization, which encourages peaceful views and ways and condemns the cruel, fatal, irrevocable deed of violence whether for individual ends or under the deceiving names of justice and war.

Joseph McCabe's Indictment of the Roman Catholic Church

[From Joseph McCabe's Introduction to *The True Story of the Roman Catholic Church*.]

This work which I here commence is the history of the most successful imposture of the whole period of civilization. It is the story of a Church which pretends to have enkindled in the heart of the race new sentiments of tenderness, brotherly love, and humanity, yet imposed itself upon a reluctant world by violence and has in the maintenance of its power slain more millions of men and women than all the other religions of the civilized era put together. It is the story of a Church that still tells the world that it brought with it a revelation of purity and holiness, yet its authorities have supinely surveyed, and have shared during long periods, a sexual and sensual license in their holiest institutions to which you will find not even a remote parallel in the history of any other civilized religion. It is the story of a Church that professes to have been founded by the Jesus of the Gospels, who scorned ritual religion, yet it became and remains the most weirdly ceremonious religion the world has ever seen. It is the story of a Church that claims to have been instructed from the first to take the side of the poor and the weak, yet it has until our democratic age allied itself unflinchingly with those who despoiled the poor and laid their feudal tyranny upon the weak. It is the story of a Church that is supremely arrogant in its claim to have the exclusive possession of truth, yet it has attained power by an unparalleled series of forgeries, kept ninety percent of the people of the world illiterate for more than a thousand years that they might not discover its fraud, smote with its blood-stained croziers the mouths of millions who sought to utter the truth, impeded for ages the progress of science and culture, and is today of a cultural poverty out of all proportion to its mighty wealth and jealously confines its members to a literature which is saturated with untruth.

Every phrase of this indictment has been deeply and coldly considered and will be fully vindicated in the twelve parts of this work. For the men and women of the Catholic Church, who have from infancy been educated in its mendacious literature, I have entirely friendly and sympathetic feelings. It is one of the most welcome symptoms of our time that they at last perceive or suspect the real purpose of the priest-made law that they shall not read criticisms of their Church. But they must not expect me to write with courtesy of that system. It will be a sufficient justification of my irony and disdain if I prove to the letter the justice of this indictment of it; and at every critical or contested point I shall appeal to the original as well as the best modern authorities and give thousands of explicit references to these. The non-Catholic reader will find here the complete answer to every untruth and an exposure of every fallacy in the great controversy of our time. And I repeat that this grave charge will be substantiated, not by a pretense of making discoveries or by strained personal interpretation of evidence, but by a properly balanced and complete presentation of historical facts which you can verify in the expert authorities on each of the periods I successively review.

Joseph McCabe shows that the Roman Catholic Church fears history as much as Fundamentalism fears science.

Joseph McCabe has been in the Catholic Church. He was for twelve years a monk in a monastery (read his "My Twelve Years in a Monastery," Little Blue Book No. 439). Since leaving the church, he has spent years in investigation and research. McCabe KNOWS the inside facts about the Roman Catholic Church. He does not have to imagine data; he does not need to fabricate; there is no necessity to hurl philosophical innuendos or metaphysical arguments at Roman Catholicism. Joseph McCabe simply takes the historical record, down to and including the present day, and gives you the FACTS. You can draw your own conclusions. You cannot blink your eyes to TRUTH—supported by Catholic authorities. These articles are truly devastating in their exposure of this astounding religious machine. Send your subscription today—be sure to start with the first of these dozen sensational articles.

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In the World of Books

Weekly Reviews and Other Literary Ruminations
Isaac Goldberg

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FLASHES

I find waiting for me the latest novel by Fulton Oursler, entitled "The World's Delight" (Harper's; \$2.50). It is by the gentleman who wrote "Stepchildren of the Moon," which I still remember for strange characters and stranger circumstances. Oursler, together with friend Lowell Brentano, wrote that all-around thriller, "The Spider," in which the audience was arrested by the police. In "The World's Delight"—a glorious title, by the way—he has a rare opportunity, and I hope, when I pounce upon it shortly, to find that he hasn't muffed it. For the story deals with the career of that flower of early American life, Adah Isaacs Menken, poet of daring free verse, actress, charmer of Swinburne and Dumas. There should be in it all the glamor of the circus tent and the stage, of divine madness. . . .

I've been glancing through some advance sheets of Fannie Hurst's new novel, "Five and Ten" (published also by Harper's). This time she has really tried hard, and I shouldn't be surprised if she had succeeded in giving a picture of the futility of mere possession. Not only

the madcaps of the younger generation, but the generators themselves, have claimed her attention. It is possible to be poor with millions . . . and most of us would like the chance to see how poor we could be on a paltry few million per year.

The Stratford Company of Boston, publishers of "The Outline of Bunk" by Haldeman-Julius, "The Story of Religious Controversy" by Joseph McCabe, and of a new book by myself, as yet unnamed, dealing with life and the arts for the purposes of joy, seems to have a penchant for Haldeman-Julius authors. For here comes old man Charlie Finger with a life of Bobby Burns, at \$3, under the ringing title, "A Man for A' That." That Finger should do a good life of Burns is as natural as plaid and kilts to a Scot. The Stratford people, too, are to be congratulated upon the new blood that seems to be flowing in their technical department. The jackets of their books are beginning to take on a most attractive appearance, and the bindings of their new books are correspondingly good to look at. Finger's life of Burns is bound in the new imported cloth, gold on heliotrope; the effect is uncommonly good.

From the same firm come several intriguing titles: "Money: How to Make It, Use It, Invest It," by Samuel Crowther (\$2; bound appropriately in green); "The Poison of Prudery," an historical survey by Walter M. Gallichan, at \$2.50; "The Impotence of Man," by Charles Richet, who won the Nobel Prize for Physiology in 1913. In due time I shall have something to say about each of these books. I doubt, however, that even Crowther's persuasive instruction will ever teach a

fellow like myself to make money, or, if I managed by accident to make it, how to invest it. When it comes to using it, that's another question entirely. I have a gift for that sort of thing. I'm like the fellow with the appetite for the rabbit dish. "First catch your rabbit," you know. . . .

Mencken is hard at work completing his "Treatise on the Gods." It'll win him at least a Harvard LL. D., he assures me. Well, he has my vote without so much as a glance from me at his theological opus. I warn him, however, that my word doesn't carry much weight with Prexy Lowell. . . .

As for Nathan, his new baby, "Monks Are Monks" (Knopf, of course, at \$2.50) is naughty and nice. Also clever. In fact, exceedingly clever from the standpoint of a neatly tessellated job. As usual, he employs not a little of the material that appears in his "Clinical Notes" of *The American Mercury*; but this time he has so employed them (with much new material) as to cast over his book the air of a mystery-sexy-biographic-fictional-epigrammatic-confessional tale. Sometimes it is quite amazing how he manages to make his excerpts seem as if they had been written especially for the story in hand. Dear Lorinda, who makes up her mind at twenty-five that she has too long remained biologically incomplete! And doubly poor because, in her quest for not-too-innocent adventure, she gets a crush on literary men. For her white hopes are far more interested in guzzling and in hearing themselves talk than in coming to the aid of female in distress. More chasing than chaste, was this lass.

To do this book in this way was more than a trifle "nervy." To whom but to George Jean would it have occurred to imbue criticism with sex interest? The book, in part, is a key novel, as the French call it. The various writers that parade before Lorinda's appraising eye are delightfully caricatured, down to their very style of writing; and yet in every one of them is one of Nathan's smiling selves. Now and then we catch him fingering his nose, not to say his fibula. What is a fibula? And why did Mr. Hemingham talk so proudly of the length of his fibula? But then, why is it that "Monks Are Monks?" . . .

MARGINALIA

David Pinski writes to me from Booth Bay Harbor, Maine, saying that he has completed another novel, as yet unnamed. What a worker the man is, in the face of every kind of discouragement. Two plays preceded the novel; they are not yet in print. The first is "Alexander and Diogenes," a study in two types of power; the second is built around the story of the famous Rabbi Akiba. Speaking of Pinski, it is to him that one of my new books, "The Spirit of Yiddish Literature," is dedicated. "To David Pinski, undaunted spirit, exemplary friend." That's just what he is. He has not always achieved his aim, but his aim has always been high. I know no finer artistic conscience alive today. "The Spirit of Yiddish Literature"—not a history, but an informative, personal document—will be published by Knopf early in 1930. The manuscript, *Gott sei Dank!* is already out of my hands.

How People Lived in the Middle Ages

Joseph McCabe

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In the series of books that I am at present writing on the Roman Church I am frankly criticizing a good deal of historical literature that has appeared in America in the last ten years. There is a certain small amount of corresponding historical literature in England, but it is neither important enough to notice nor likely to fall into the hands of my American readers. I refer chiefly to historical works which the authors clearly hope to have adopted in schools and colleges. When I was last in America I was told that the leading eastern publishers will no longer accept such works, of a scientific character, if they contain the word evolution. Acceptance of the books for school and college use would, they say, be barred in several states, and business is business. I do not know whether this is or is not true, but unquestionably historical manuals have for some years been affected by this kind of censorship. The bunk form of the principle is that we must not offend our Roman Catholic fellow citizens; and it appears that in many cities they have a good deal to say about what is taught in schools and colleges.

However that may be, there is a remarkable amount of untruth finding its way into American (and to some extent other) educational books. Let me leave the religious question aside and take the matter as purely educational. My complaint is that the character of medieval life and especially of the medieval Church is being gradually falsified. It is a welcome improvement in history-writing that we hear less about monarchs and their marriages and wars and more about the people who so kindly fed them. It is proper that we should remember that folk in those old days had not a thousandth part of the knowledge that we have and judge them sympathetically in the slender light of their knowledge and ideals, not ours. All this is to the good. From the way that history used to be written one would imagine that the millions of Egyptians, Babylonians, Greeks, etc., dropped out of existence or suffered some extraordinary degeneration when, as we say, Egypt, Babylon, etc., perished. The people never changed. All the great revolutions of which the historian is apt to speak were like the winds blowing over the corn-fields. The masses stalked bowed their heads when the wind passed and then raised them again, unchanged.

But this humanist note in our new history can be abused, and it is being greatly abused in the accounts of medieval life. One notable example is the attempt of quite a number of recent historical writers to say that Europe never passed through a phase which can justly be called the Dark Ages. I have quoted quite a number of them in my books and need not do so here. The object is, of course, to relieve the Church from censure and represent it as quite an important factor in the restoration of European civilization. I pointed out in my *Key to Culture* several fallacies in connection with this (the exaggeration of the effect of the barbaric invasions, the reluctance to admit the brilliance and influence of the Mohammedan civilization, and so on), and I propose here to give my readers a real page of history that will be much more instructive than anything I could say about medieval Europe. I am going to translate a series of little contemporary pictures of life in England about the year 1500.

American historians now take that year as about the end of the Middle Ages, so we ought to have medieval life at its very best. There really were no Dark Ages at all, we are told. These European historians of the nineteenth century misunderstood the human development or were prejudiced or ignorant of modern psychology and sociology. We may be a bit surprised that these old historians, who used to take from five to fifteen years to write a book, in about ten volumes, and who read nearly every European language, ancient and modern, and devoured medieval chronicles by the hundred, were so far astray in comparison with men who cover the whole period of history in a year and never open an original authority. However, there it is. We must no longer talk about "the Renaissance." Europe was renaissanceing, if I may coin a word, ever since 800 A. D. It was quite bright in what these stuffy old historians like Hallam and Buckle and Milman called the Dark Ages (say 850 to 1050). It was wonderful by the thirteenth century. And on top of all that came the classical Renaissance, the extension of travel, the invention of printing, and heaven knows how many elevating influences.

So you must suppose that by 1500, when the discovery of America was added to all these civilizing agencies, life must have been pretty good in the cities of Europe. I

propose to let you see for yourself what it was like in London, which was quite as respectable as any other European city, at that time. Pray do not think that I have a fit of laziness and am going to let others write my article for me. It is much more laborious to translate the kind of Latin, or even English, that people wrote in London in 1500 than to describe these events myself. But you would find a good deal of it incredible, so I will give you, in literal translation (with some of the old English, when it is not too obscure, which you may enjoy), the very words which sleepy clerks of the court wrote down with their quill pens in London courts about the year 1500.

The book from which I am translating is rare or I would simply refer readers to it. There may not be half a dozen copies in America, and in any case these things are chronicled in a jargon of bad Latin, worse English, and still worse bastardy that not many can read. It is entitled "A Series of Precedents and Proceedings in Criminal Causes," compiled by Archdeacon Hale in the year 1847. He explains that he has taken the material from the Act-Books (or registers) of the Ecclesiastical Courts of London between 1475 and 1540. When the Bolshevik revolution takes place in England I intend, if I still happen to be on the planet, to apply for the job of sorting out and publishing the records of these medieval ecclesiastical courts, large numbers of which are still preserved in our bishops' palaces and chapter houses. There are delicious pictures of contemporary life in them. My friend Dr. Furnivall (a discreetly disguised heretic) once got permission to delve in the archives of the bishopric of Chester, and the records of child-marriages, in the sixteenth century, which he published were amazing. Since it is no use my attempting to disguise myself—I am told that the delicate clerical nose senses me at a distance of ten yards—I have no hope of culling these flowers of life in the ages of faith, so I turn to the archdeacon.

There is a disadvantage in leaving the selection to an archdeacon. They are terrible people. One of our English archdeacons once, in Germany, had to sustain my company and conversation during a thirty-mile drive in an automobile. Next night he got into the same street-car in Cologne with me and, as soon as he saw me, which happened to be in Comodien-Strasse, he bolted; and if you know anything about Comodien-Strasse by night, and understand that it was the last car, you will chuckle with me at the recollection. . . . Where was I? Oh, yes, Archdeacon Hale, who selected these cases, was a very delicate and proper man, so I fear he left the most picturesque cases unpublished. He apologizes for giving so many cases that are sexual, and his excuse is that they form the far greater proportion of the cases and he has reduced the proportion enormously. However, he has given us a very fragrant little anthology, as you will smell.

Just one other word of introduction. In the Middle Ages "the benefit of clergy" meant that these inferior secular courts must not presume to try the sacred persons of clerics, so there were special ecclesiastical courts. They tried also the laity for certain grave offenses, such as not paying their dues to the church or for fighting in church; but you will realize this. What it is material to understand is that these ecclesiastical courts had no police out in the community, watching for criminals. They waited until a man or woman was denounced to them, so that the number of cases gives us no idea of the actual number of delinquencies; and, as I said, the archdeacon does not say what the total number of cases is for each year out of which he selects twenty or thirty. The court received a complaint and dispatched an "apparitor" to the accused with a summons. If the apparitor was thrown out of the house, as we shall find priests throwing them, spiritual censures were threatened. If the delinquent refused to attend court, as very frequently happened, the court could do no more than declare him suspended: which meant almost nothing to a layman.

You will read in many historical manuals that in view of the harshness or corruption of the civil courts these clerical courts, where justice was dispensed by its most austere representatives in the community, were a great boon to the people. This is another point on which you can now form your own opinion; and there is not much doubt what it will be. Froude says in his History of England that under shelter of his benefit of clergy a priest could "commit murder with impunity," for the secular court dare not touch him until he was degraded, and the procedure of degradation was made so cumbersome, for a priest or deacon, that it was hardly ever resorted to. The clerical courts themselves were, he says, so lax that "the grossest moral profligacy in a priest was passed over with indifference." Froude, as we shall see, exaggerates a little; but when we find the courts at the most imposing fines of one dollar or two dollars for "the grossest moral profligacy" we are inclined to forgive him. As a rule nothing was done with the accused. The procedure was a sheer parody of justice. The charge was brought,

witnesses were rarely examined, and the accused, especially if a priest, was allowed to clear himself by purgation; which means that he just swore an oath that the charge was false, and oaths were very cheap in those days. The proper legal form was that the accused must bring four supporters who will take the oath that he is not guilty—not, remember, that they were eye-witnesses but that they are convinced he is not guilty—and who so poor as not to have four obliging friends or be unable to pay for a gallon of ale? What kind of life this sort of thing encouraged under the shadow of the cathedral I will now tell. In my book I have had to condense a few details into a page, and I feel sure that my readers will like to have a literal and full translation of many of these "slices of life" in the finest period of the Middle Ages.

The earliest batch of cases are for the year 1476 and out of the twenty-five given by the archdeacon, which include such trifles as not going to church and not paying the fees, one-half are, in spite of the archdeacon's wish to spare us cases of "lust," sexual offenses. The more notable are:

Rev. John . . . morning chaplain, said in a loud voice in the place of blessing, before the sixth lesson, "Lick my . . . with your tongue." He was summoned for August 16th, and, as he did not appear, he was suspended. He attended on August 19th and he swore to perform the penance enjoined and was dismissed.

The archdeacon politely calls this, in a marginal note, "irregularity in performing service." The next case shows a humorous sense of moral proportion in the equal stress it places on the priest's various delinquencies:

Master William Spyan preached in the church of St. Andrew without the permission of the rector of the said church or his substitute, and he did this solemnly; also he baptized a boy who had already been baptized by the midwife; and he keeps a woman whose name is Isabella Dunwyche; and a woman sleeps in his house every night. And the said Master Spyan walked about naked on the Feast of St. Peter, at Oxford, showing his secret parts to everybody he met. Mr. William was summoned for September 4th and, as he did not appear, was suspended. He attended on the 4th [so the text says] and the 11th of September and denied all the said charges. Master William Spyan attended on September 15th and purged himself [swore it was false] and was dismissed.

[In the same week] The Rector of the church of St. Mary's Muntaur habitually swears by the body and members of Christ, gambles with dice at forbidden times, against the prohibition of the law, and besides he has a bad name in the whole of his parish, and for exhibiting plurality [which must mean frequent exhibitionism]. The rector was summoned on September 4th and was dismissed.

Thomas Underwode, a common carter, draws with his neighbors, and also he called a priest of the said church a heretic, and he also said that all priests from our Savior were heretics, which opinion a heretic burnt after Christmas held. The man was summoned for October 16th, and, as he did not appear, was suspended. Thomas attended on October 22nd and said he would purge himself on the following Friday. On that day he came with four neighbors and was dismissed.

In the same parish Mr. Thomas Ysakyry shows his secret parts to a number of women [same date].

Robert Coke commits incest with his own daughter. He attended on January 30th and said he would purge himself by his own oath on Thursday. On that day he purged himself and was dismissed, and he was dismissed on the oath of one man.

A few cases also are given for the years 1480-2. The first is a man who gets the heavy fine of twelve pounds of wax candles because he has "despised God" and accused him of partiality and has called "the Blessed Mary, Catherine, and Margaret whores." Richard Mower gets worse: he has to walk before the cross on three Sundays, a candle in hand, feet bare, and only his shirt and a robe on, and he must pay expenses. This man has not only committed adultery, which is usually "dismissed," but has "laid violent hands on a priest." A few weeks later John Pynner appears for violently assaulting a priest in church, breaking his arm, and emptying his pockets; but the case ends in a compromise. John Bengt has to do the penance in bare feet and smock and burning candle because he has had the temerity to do some favor (perhaps give a crust of bread) to an excommunicated woman, but various adulterers simply decline to attend and nothing is done. William Gyppe and his wife are charged, on equal terms, with not going to church on Sundays and keeping a brothel; their word, on oath, is courteously accepted in denial of the latter charge and they "modify the other." John Dunkyne and his wife also are summoned for keeping a brothel and are dismissed. The next case is so confused that I just translated it and leave it to the reader:

Joan Beverley, at Lessell at Cowcross, is a witch, and she begged two witches of her acquaintance to bring about that Robert Stanton and another gentleman of Gray's Inn shall love her and no other, and they committed adultery with her and, it is said, one nearly killed the

other, and her husband dare not live with her on account of these men; and she is a common whore, and a procuress, and she tries to intoxicate men only her skill is defective. And Agnes who lives with her is a procuress.

No sequel to this is given. Probably, like so many, they told the clerical judges, in medieval language, to mind their own business. John West has sung the Litany "derisively" on a festival, and Thomas Wassingham has said that the Eucharist is merely common bread, but they got out of it. (The Inquisition was never admitted into England.) Thomas turns up again a few weeks later for saying that "Christ was false to his father," and Mary was "a false queen," and the priest taking the sacrament to the sick was "a costardmonger," and other things I cannot understand; and he was allowed to abjure and was dismissed. There are thirty-eight cases of heresy, eight of sacrilege, twenty-four of witchcraft, seventeen of reviling the priests (which may not be strange seeing that there are one hundred and forty cases of "clerical misconduct"), and fifty-three of misbehavior in church in this small volume covering a few years of "the ages of faith" in one diocese. In 1482 is a case of what the archdeacon calls (in Latin) on the margin "horrible procurers":

Thomas Cowper and his wife Margaret, horrible procurers, and they incite women to fornicate with certain laymen, monks, and friars, and if they will not come into the house and do what they want they call them [the monks] ugly names [on the street, apparently accusing them of pederasty] and the husband is a procurer to his wife, and he hands her over to friars for the purpose of sin. The parties attended on December 16th and denied the charge. Next Friday they brought four neighbors and purged themselves and were dismissed.

The facts must have been notorious, and, if we remember that London was then a small and very congested town of fifty thousand people, where everybody saw everybody, the picture of friars in their robes and shaven polls entering brothels or being accused of worse if they passed the door is piquant. However, the record then leaps to 1490 and is confined to the city of London:

Peter Manyfeld, common procurer, and in particular attends to the wicked trade of Jane Grenebarrow Sterling and other suspicious women, and the said Peter violently and furtively abstracted a certain Alice Burle against her will from the home of her father and mother, and he kept her in his bedroom for a long time committing the crime of fornication with her, and when he was tired of her, he sold her to one Stirling in the Stillard [Steel-yard]. Summoned for January 12th, he attended and confessed the crime and would come again: did not come, so suspended.

Jane Benet, alias Warde, is a witch and uses witchcraft: summoned for June 10th; and the said Jane wants to get the length of a man [I give this up] and make into a wax candle and offer it before a picture, and as the candle is consumed so will the man be consumed. Did not appear, so suspended [in other words, moved her shop to another part of London].

Henry Whitechairs, procures, and solicits girls and the servants of various men to commit the crime of fornication; and he also took a certain Margaret to the Stewside [recognized brothel quarter] and sold her there to a procurer [no sequel].

Jane Foster suffocated her two children in bed, at least one was John Paris and the other her own son. Case postponed till the said Jane bore another son. Attended [no sentence].

William Stamford, alias Paynter, apparitor of the archdeacon of London, fornicated with a certain girl named . . . in her house on the last day of December, on which occasion Mr. Richard Spencer, his wife, and others heard the said girl cry out in a loud voice, etc. The said William is notorious as a procurer between Margaret Tanfield and Rev. Mr. Gotcham and other priests and divers men suspected from day to day, by day and night [no sequel].

[Next case] Margaret Heywood, common whore, also does business daily with priests and laymen of wicked opinions and bad name. February 10th the said Margaret attended [she must have been a notorious hussy] and denied the charge and purged herself with her neighbors [of the same profession probably], viz., Catherine Russell, Elizabeth Hunte, and Emily Brewer, and she paid the court-fee and was dismissed.

[Next case] Rev. Patrick, parish priest, committed incest with one Rose Williamson, his spiritual daughter, and every day he is in suspicious intimacy with her in his room. The man was summoned for February 10th; he attended and denied the charge, and he purged himself with his own hand and is dismissed.

[Next case] Rev. John, saying mass in the said church for the soul of Mr. Snoring, adulterated with the same Rose Williamson [during mass]. Summoned for February 10th, attended on that day and denied the charge, and with his own hand, and is dismissed.

[Next case] Rev. Thomas Goose adulterated with the same Rose Williamson, and also a certain Rev. Thomas Deye keeps her. Thomas Goose summoned for February 21st.

[Next case] Rev. Henry Stocton adulterated with the said Rose, and he was caught with her; and the said Rose was the keeper of his dog for him for a long time.

[To be concluded next week]

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This great opportunity will not be before you much longer, so now is the time to look into it.

Let Us Arrange For You to Come Out and Investigate in Person

Just drop us a line and find out the facts—or better yet, just come out and make a thorough investigation in person. If you find out the facts, you will be surprised and delighted. Then, why not get the facts now?

We want you to INVESTIGATE, and then investigate some more. Investigate before you "invest," instead of investigating after you "invest." We want you to know exactly where you are going and how you are going to get there, before you start out with us. We want you to know exactly what you are looking for before you start out with us to find it.

The Mayflower Mines Corporation,

246 Main Street

Park City, Utah.

MR. CHAS. MOORE, President,
Mayflower Mines Corporation,
246 Main St.,
Park City, Utah.

Dear Sir—

I have just read your advertisement in *The American Freeman*, and I am curious to know what you have to say. I have some money to invest or speculate with, occasionally, in a real A-number-one proposition. Of course, I want to "be shown," but I have an open mind and I think I am fair-minded. It is understood that you have no mailing lists, and that you are only to write to me or send me your booklets, at any time, upon request from me.

Name Address
City State